

AGENDA

**CITY OF HENDERSONVILLE
PLANNING BOARD
MEETING
City Operations Center
305 Williams Street
Monday November 14, 2016
4:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Approval of Minutes for the meeting of October 10, 2016**
- IV. Zoning Map Amendment** – Application from William A. Pace, Jr., for a rezoning of parcel # 9578-24-7373 located between Central Street and Edney Street from R-15, Medium Density Residential to C-3, Highway Business. (File #P16-9-Z).
- V. Site Plan Approval** – Application from Cooper Construction, Inc. to construct a new facility for Hendersonville Family Dental that is 6,353 sq. ft. and located at 1141 Greenville Highway. This property is zoned GHMU, Greenville Highway Mixed Use. (File #P16-30-SPR).
- VI. Special Use Amendment** – Application from Housing Assistance Corporation for the Oklawaha Village located on North Main Street. The applicant has requested to donate 5.67 acres of land adjacent to Mud Creek to the City which will technically reduce the size of the previously approved open space and therefore must go through the Special Use approval process. (File #P15-58-SUR).
- VII. Zoning Text Amendment** - Section 6-5-2.5 of the zoning ordinance currently exempts off-street parking in the Seventh Avenue Depot Historic District. In order to encourage the redevelopment and revitalization of the Seventh Avenue Historic District we would like to expand the area that is exempt from the off-street parking requirement, staff is suggesting to expand the area that is exempt from off-street parking from the Seventh Avenue Depot Historic District to the 7th Avenue Municipal Service District.
- VIII. Staff Comments**
- IX. Adjournment**

MEMORANDUM

TO: Planning Board

FROM: Susan Frady, Development Assistance Director

RE: Pace Bothers Construction Co., Inc.

FILE #: P16-19-Z

DATE: October 31, 2016

PROJECT HISTORY

The City is in receipt of an application, dated June 28, 2016, for a zoning map amendment. The applicant is William A. Pace, Jr. and the property owner is Pace Brother's Construction Co., Inc. The application is for parcel 9578-24-7373 which consists of 0.985 acres. This parcel is located between E. Central Street and Edney Street.

COMPREHENSIVE PLAN CONSISTENCY

According to N.C.G.S.160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. As shown on the map located on page 8, the 2030 Comprehensive Plan's Future Land Use Map designates these parcels as High Intensity Neighborhood. The High Intensity Neighborhood future land use category is to encourage low maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. The primary and secondary recommended land uses for the High Intensity Neighborhood land use category are as follows:

Primary

- Single-family attached and detached residential
- Planned Residential Developments
- Open space

Secondary

- Public and institutional
- Offices and retail along thoroughfares
- Recreational amenities

PROPOSED ZONING CLASSIFICATION

This parcel is proposed to be rezoned to C-3, Highway Business Zoning District which is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents.

SURROUNDING LAND USE & ZONING CLASSIFICATION

The parcel in the proposed rezoning request is currently vacant. The parcels to the east and west are zoned R-15, Medium Density Residential and have residential dwellings on them. The property to the north is zoned R-15, Medium Density Residential and is vacant. The property to the south is zoned C-3, Highway Business and is occupied by a commercial building. Please note an existing land use map is located on page 7 and an existing zoning map is located on page 9.

ANALYSIS

Listed in Table A is an outline of the dimensional requirements for the two zoning district classifications.

Table A

| Dimensional Req. | R-15 | C-3 |
|------------------------------------|----------------|---|
| Minimum Lot Area | 15,000 Sq. Ft. | 6,000 Sq. Ft.(residential) 10,000 (commercial) |
| Minimum Lot Width at Building Line | 85 Feet | 80 Feet |
| Minimum Front Yard | 30 Feet | 35 Feet |
| Minimum Side Yard | 10 Feet | 15 Feet |
| Minimum Rear Yard | 15 Feet | 20 Feet |
| Maximum Building Height | 35 Feet | 48 Feet |

The C-3, Highway Business zoning district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. The permitted and conditional uses for the C-3, Highway Business District are listed below.

C-3, Highway Business District

Permitted Uses:

Accessory dwelling units
Accessory uses & structures
Animal hospitals & clinics
Automobile car washes
Automobile sales and service
Automotive paint & body work
Banks
Bed & breakfast facilities
Business services
Congregate care facilities
Construction trades facilities
Convenience stores
Cultural arts buildings
Dance & fitness facilities
Dry cleaning & Laundry
Farm equipment sales & service
Food pantries
Food processing
Funeral homes
Golf driving ranges & par three
Greenhouses & commercial nurseries
Home occupations
Hotels and motels
Laundries, coin-operated
Microbreweries
Mobile home sales
Music and art studios
Newspaper offices & printing
Parking lots & parking garages
Parks
Personal services

Planned residential developments
Progressive care facilities
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors
Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single
Residential dwellings, two
Rest homes
Restaurants
Restaurants, drive-in
Retail stores
Schools, business
Schools, primary
Service stations
Signs
Telecommunication antennas
Telecommunications towers
Theaters, indoors
Wholesale businesses

Conditional Uses:

Animal boarding facilities
Bus stations
Child care centers
Civic clubs
Mini-warehouses
Private clubs
Public utility facilities

As is shown on the enclosed map, this parcel are currently zoned R-15, Medium Density Residential. This zoning classification is for areas in which the principal use of land is for medium-density single-family residences. It is expected that all dwellings in such district will have access to public water supplies or public sewage disposal facilities or a reasonable expectation of such service in the future. The permitted and conditional uses for the R-15, Medium-Density Residential District are listed below:

R-15, Medium Density Residential

Permitted Uses:

Accessory dwelling units
Accessory structures
Adult care homes
Camps
Child care homes
Home occupations
Parks
Personal services
Planned residential developments
Religious institutions

Residential care facilities
Residential dwellings, single-family
Residential dwellings, two-family
Signs
Telecommunications antennas

Conditional Uses:

Bed & breakfast facilities
Cemeteries
Public utility facilities
Schools, primary and secondary

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City's Zoning Ordinance, the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map:

1. Comprehensive Plan consistency. Consistency with the Comprehensive Plan and amendments thereto.
2. Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. Public interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
5. Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

SUGGESTED MOTIONS

For Recommending Approval:

I move the Planning Board to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9568-24-7373 from R-15, Medium Density Residential to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the Planning Board to recommend the City Council not adopt an ordinance rezoning parcel numbers 9568-24-7373.

[PLEASE STATE YOUR REASONS]

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
HENDERSONVILLE**

IN RE: FILE NO. P16-7-Z

Be it ordained by the City Council of the City of Hendersonville:

1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel numbers 9568-24-7373 from City of Hendersonville R-15, Medium Density Residential to City of Hendersonville C-3, Highway Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 5th day of May 2016.

Barbara Volk, Mayor

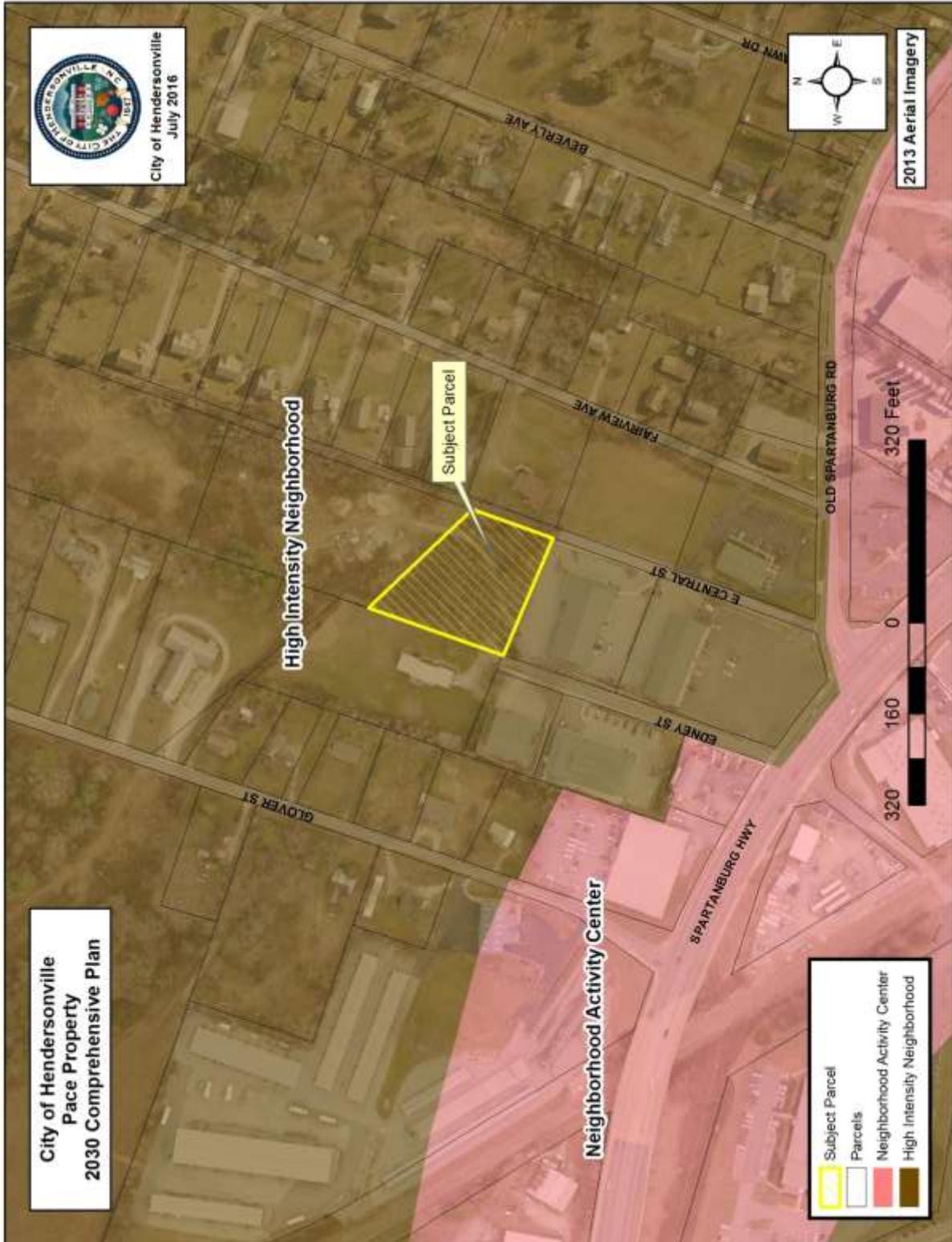
ATTEST:

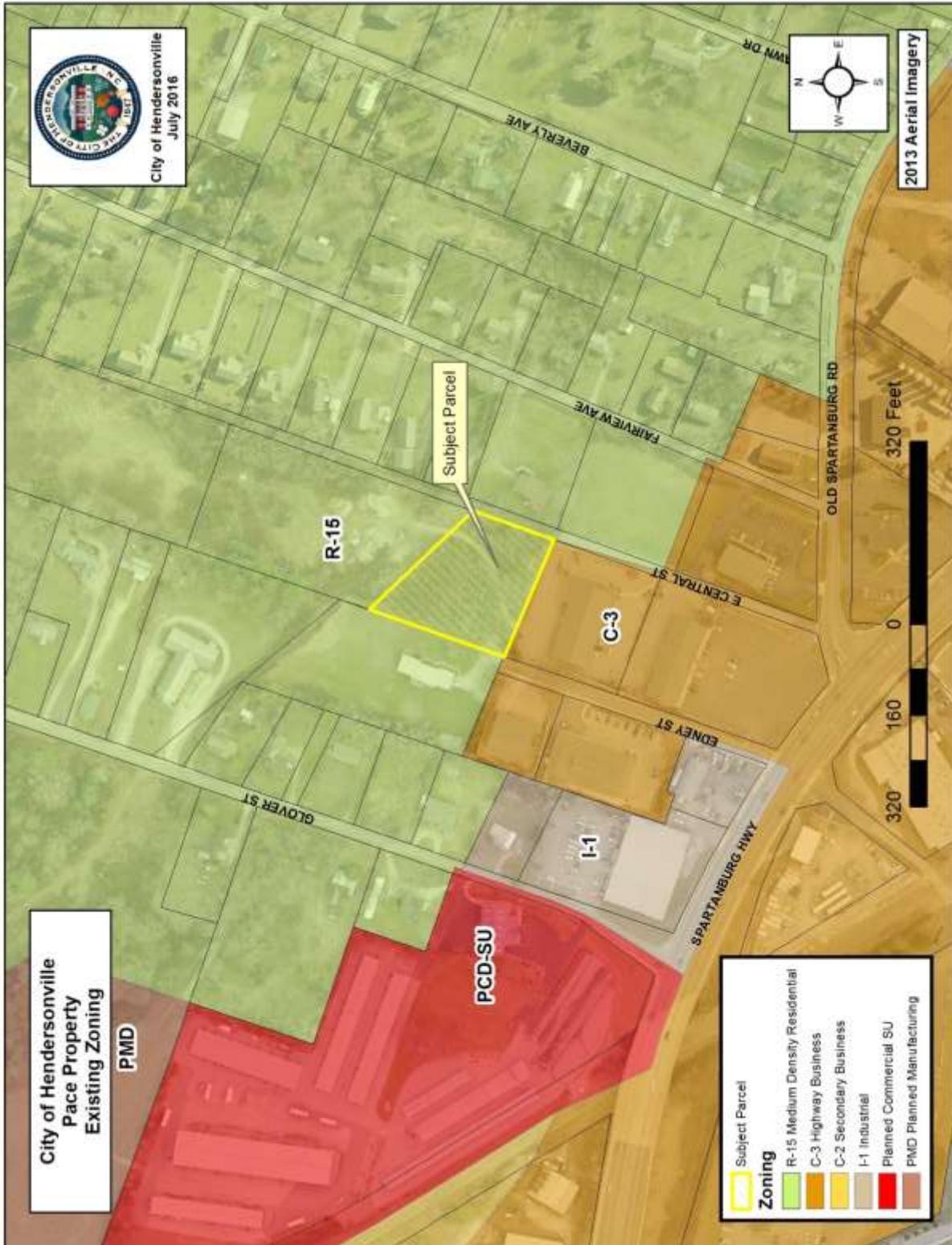
Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney







MEMORANDUM

TO: Planning Board

FROM: David T. Hazzard

RE: Hendersonville Family Dental

FILE #: P16-30-SPR

DATE: October 26, 2016

PROJECT DESCRIPTION

The City is in receipt of a Site Plan Approval application from Cooper Construction Company, Inc. to construct a new facility for Hendersonville Family Dental that is 6,353 sf. The site is located at 1141 Greenville Highway and is approximately 0.86 acre (PIN 9568-91-8294).

Normally as per Section 7-3-3 a project under 20,000 sf would not come before Planning Board and would be staff review and approval only. However this project is located in the GHMU Greenville Highway Mixed Use Zoning District. This district has design standards as set in Section 5-22-5 of Hendersonville's Zoning Ordinance. As per this Section *Applicants for authorization to undertake development or redevelopment within such zoning district must demonstrate compliance with these standards or must undergo alternative design review.* City staff has determined that the building does not meet this section and thus the project must go through the alternative design process as set in Section 18. As part of that process the plans shall be reviewed by the Alternative Design Committee and the Planning Board to determine if the alternative design will result in a project design which is as good as, or better than, that resulting from the design standards. The Planning Board will then ultimately deny or approve the proposed alternative design.

EXISTING LAND USES

There is an existing building on this site that contains the existing Hendersonville Family Dental facility along with other businesses. The applicant is proposing to leave the existing building in place until the new building is built and then remove the existing building.

PLAN REVIEW

Site Plan

City staff has reviewed the site plans and find it meets all applicable sections of the City of Hendersonville Zoning Ordinance. The site plan and landscape plan can be found on pages 6 and 7.

Building / Architecture

City staff has reviewed the proposed building and has determined that the building does not meet the design standards as set in Section 5-22-5. Architecture plans can be found on pages 8 thru 10. Below are the two sections that staff has identified the building architecture does not meet:

- **5-22-5.1.7 Windows.** *Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.*
- **5-22-5.1.8 Building Scale.** *The scale of a building is a function of the size of the individual pieces of a building and their relationship to each other. The scale of a building is important in order to contribute to the overall diversity of building types, to give visual interest, and to maintain compatibility between buildings. These design standards regulate scale by means of offsets that is protrusions or breaks in the plane of façades.*
 - a) **Scale, Buildings Containing Nonresidential Uses.** *The following requirements apply to any building containing nonresidential uses, regardless whether the building also contains residential uses:*
 - 1) *The distance between required offsets is related to the height of the building wall on a one-to-one basis. A building façade which is less than or equal to the height of the building shall not require an offset.*
 - 2) *The depth or projection of the offset shall be 1/10th the length of the longest adjacent wall panel; provided, however, the minimum offset depth shall be one foot. By means of illustration, a building with a 20-foot wall panel shall have a two-foot offset adjacent to such wall panel.*
 - 3) *Each façade of a building shall comply with the offset requirements contained herein.*

Note the proposed building height is approximately 20' thus to meet Section 5-22-5.1.8 above the maximum distance between offsets shall be 20'.

Alternative Design

The building does not meet the two Sections above thus the project must go through the alternative design process as set in Section 18. As part of that process the plans shall

be reviewed by the Alternative Design Committee and the Planning Board to determine if the alternative design will result in a project design which is as good as, or better than, that resulting from the design standards.

An Alternative Design Committee meeting concerning the application was held on October 17, 2016.

The Alternative Design Committee recommended Planning Board approve the architecture plans as submitted.

A copy of the alternative design committee meeting report accompanies this memorandum on page 4.

SUGGESTED MOTIONS

I move the Planning Board (*approve / deny*) the application of Cooper Construction Company, Inc. for the Hendersonville Family Dental facility based on the plans submitted by the applicant.

[PLEASE STATE YOUR REASONS]

MEETING REPORT 1141 Greenville Highway DEVELOPMENT ASSISTANCE DEPARTMENT

DATE: October 17, 2016

BOARD: Alternate Design Committee

ATTENDEES: Steve Orr – Committee member
Stacey Blatt – Committee member
Phillip Ellis – Committee member
Susan Frady – Development Assistance Director
Dave Hazzard – Senior Planner
Zach Cooper – Applicant
Wayland Shamburger – Architect for Project

The meeting began at 9:00am.

This project is a proposed new building for a dental office located at 1141 Greenville Highway. There is an existing building on the site that contains the existing Hendersonville Family Dental facility along with other businesses. The applicant is proposing to leave the existing building in place until the new building is constructed and then remove the existing building. The project is located in the Greenville Highway Mixed Use zoning district.

Mr. Hazzard opened the meeting by going through the process. The Alternate Design Committee will give their recommendations and then the Planning Board will review it. Any project under 20,000 square feet, staff can approve but this has design standards and therefore must be reviewed by this Committee. The City has reviewed the site plan and has determined they did not meet some the design standards. The first requirement is the requirement for the offsets on the building. The height of the building is from the average grade to the middle of the roof and the distance between offsets can't exceed that height, this requirement was not meet. The second requirement is the trim on the windows and some of the windows meet the requirements and some don't.

Mr. Shamburger stated 20' is the mid-point to the ground and there are two elevations that don't meet that requirement. This design is appealing and to add the offsets is just adding more cost to the owner. Adding the offsets does not add that much to the building. They have created enough rhythm to keep the appearance from being flat in his opinion. The back elevation can hardly be viewed and to ask the owner to create offsets would be more cost to the owner. They would like to ask for a variance because this is a greater impact to the owner when they are actually encouraging transition into the designs offsets and not causing much of a change at all.

Mr. Hazzard stated the intent of this Committee is to determine if the project meets the ordinances intent for the design standards of the GHMU zoning district.

Mr. Shamburger did not design the building to get around the guidelines and increase the pitch of the roof. The building scale is designed to the feel and fit of this district. The goal is to create architecturally something that has rhythm and brings a quality to the neighborhood of a higher standard.

Mr. Hazzard asked how the Committee feels about the offsets. Mr. Orr stated he doesn't have an issue with it. He plans to recommend the project to the Planning Board but does not want to create a problem down the road for other projects. His concern is how to validate not requiring the offsets. Ms. Blatt stated every project is different and this is a project by project basis.

Mr. Cooper stated there is not a lot being built in this area and this location could use a pick-me-up. This project is an improvement to the area and the town. The property doesn't allow much variation because it is an odd shaped property.

Mr. Orr asked if Jackson's Funeral Home had any issues with the project. Mr. Cooper stated no, they are excited about the project and the owner has worked out a parking arrangement with them. Mr. Hazzard stated the City has not heard from any adjacent property owners.

Mr. Shamburger stated when guidelines are written they are usually for the beautification of what is there and to encourage variation of what is there. They have added interest with materials and the transition of materials. He believes this justifies the variance in this case. They do meet a certain level of the criteria.

Mr. Hazzard stated each project is an individual project and the Committee needs to state how the project meets the intent of the ordinance.

Mr. Shamburger showed the plan to the Committee and explained the variation of materials and the ones that he is using.

Mr. Ellis asked how this project is avoiding the stormwater requirements. Mr. Copper stated because this project is less than an acre. It is .86 and therefore does not require stormwater.

Mr. Hazzard stated this Committee looks at the architectural requirements and will make any recommendations they have. Then it will move on to the Planning Board and they will review this at their November meeting. Once approved by the Planning Board then staff can sign off on the site plan.

Ms. Blatt stated there were no recommendations for the windows and the Committee was in favor of the windows that were shown on the plan.

Mr. Orr stated that Mr. Shamburger's explanation is compatible and not an issue concerning the offsets with the introduction of new materials on the building. Ms. Blatt stated this is not just a flat façade. Mr. Orr stated compared to what is there now, it is a vast improvement. This should set the tone for improvement in the area.

The Committee recommended moving forward with the project as it was submitted.

The meeting ended at 9:25 am.



DEVELOPMENT TITLE BLOCK

PROPERTY OWNER(S): STOHL PROPERTIES L.L.C.
 76 E HIAWASSEE ROAD
 FLETCHER, NC, 28732

CONTRACT PERSON: COOPER CONSTRUCTION COMPANY, INC
 ZACH COOPER - 761 SOUTH ALLEN ROAD, FLAT ROCK, NC, 28793
 PHONE: 828-692-7238

NAME OF PROJECT: HENDERSONVILLE DENTAL OFFICE

PROJECT ADDRESS: 1141 GREENVILLE HIGHWAY, HENDERSONVILLE, NC

PROJECT PIN NUMBER: 9568918294 DEED BK:1654/609 RECORDED: 3/15/2016

PROJECT LOCATION: HENDERSONVILLE TOWNSHIP

PROPERTY ZONING DISTRICT - GHMU - GREENVILLE HIGHWAY MIXED USE

EXISTING PROPERTY USE - DENTAL OFFICE AND HAIR SALON

PROPOSED PROPERTY USE - DENTAL OFFICE AND HAIR SALON

THERE ARE NO FLOOD ZONES ON THE PROPERTY.

SETBACKS - 10' FRONT AND 15' SIDE AND 15' REAR WITH 20' FRONT PARKING SETBACK

PROJECT DATA BLOCK

TOTAL PROPERTY SIZE - .86 ACRES

REQUIRED OPEN SPACE - 40% = .344 ACRES

PROPOSED OPEN SPACE - 16,138 S.F. = .370 ACRES

PROPOSED NUMBER OF PARKING SPACES - 35 TOTAL

MINIMUM NUMBER OF PARKING SPACES ALLOWED - 1 PER 250S.F. = 28

PROPOSED NUMBER OF ACCESSIBLE PARKING SPACES - 3 TOTAL (2 REQD)

COMMON OPEN SPACE

TOTAL PROPERTY SIZE - .86 ACRES

REQUIRED COMMON SPACE - 10% OF .86 ACRES = 3,746 S.F.

PROVIDED COMMON SPACE - 10% OF .86 ACRES = 3,746 + S.F.

Exceptions

Two of the three existing access/curb cuts to Greenville Highway are being used with a closure of the existing middle access. A NCDOT access approval will be applied for before construction begins.

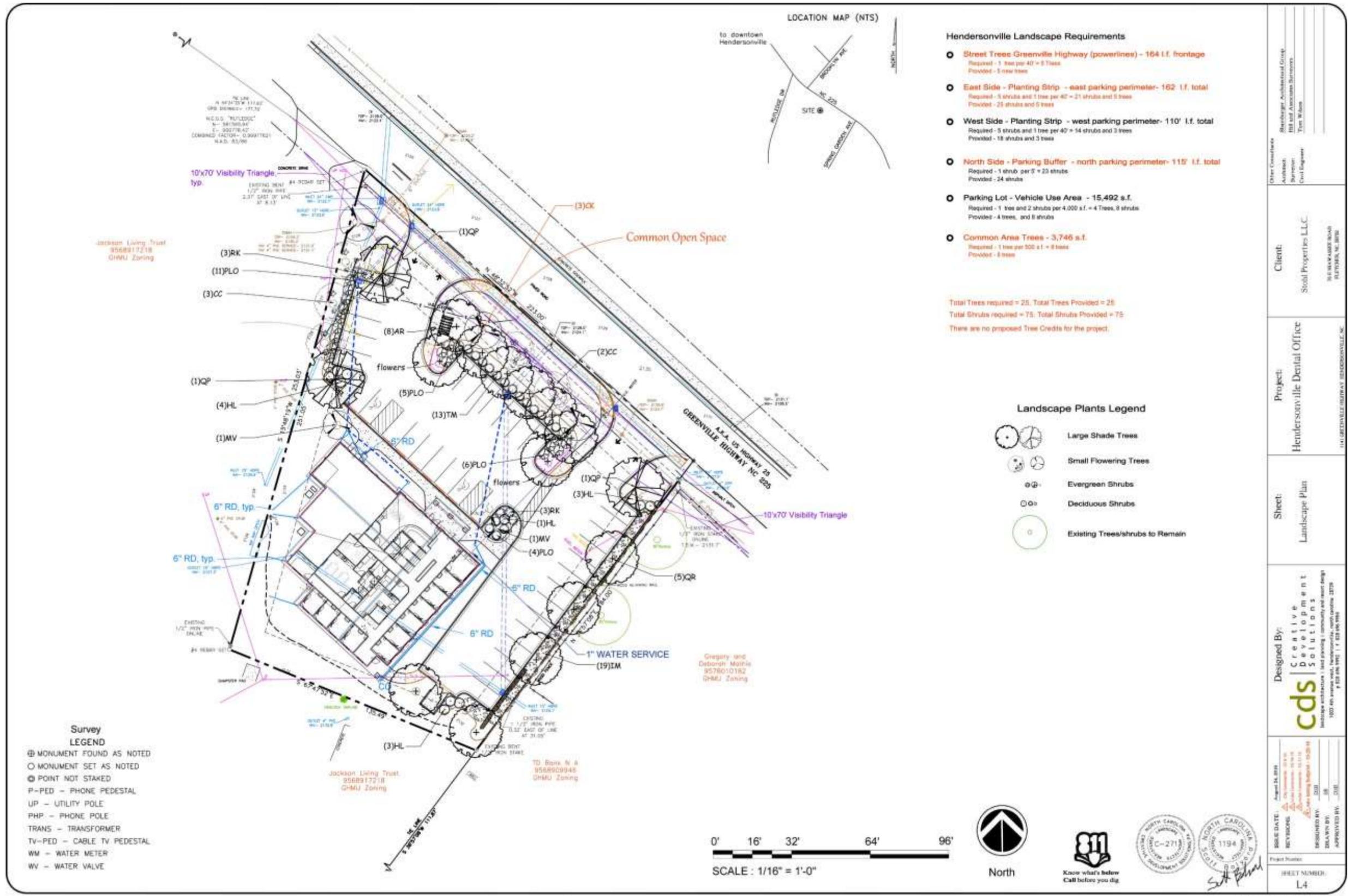
The identification sign will be designed by owner and sign permits applied for at a later date.

There is no proposed site lighting for the project. All lighting (if used) shall be aimed, directed, shielded, or arranged so the light source for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-ways.

- Survey LEGEND**
- ⊙ MONUMENT FOUND AS NOTED
 - MONUMENT SET AS NOTED
 - POINT NOT STAKED
 - P-PED - PHONE PEDESTAL
 - UP - UTILITY POLE
 - PHP - PHONE POLE
 - TRANS - TRANSFORMER
 - TV-PED - CABLE TV PEDESTAL
 - WM - WATER METER
 - WV - WATER VALVE



| | |
|--|---|
| Other Consultants Architectural Group Address: City: State: Zip: | Client: Stohl Properties LLC 315 HIAWASSEE ROAD FLETCHER, NC 28732 |
| Project: Hendersonville Dental Office 1141 GREENVILLE HIGHWAY, HENDERSONVILLE, NC | Sheet: Site Plan |
| Designed By: Creative Development Solutions Landscape Architecture - Land Planning - Community and Master Design 100 W. Hargett Street, Hendersonville, North Carolina 27033 P: 828.696.1982 F: 828.696.1989 | Project Number: SHEET NUMBER: L2 |



- ### Hendersonville Landscape Requirements
- **Street Trees Greenville Highway (powerlines) - 164 l.f. frontage**
 Required - 1 tree per 40' = 4 trees
 Provided - 5 new trees
 - **East Side - Planting Strip - east parking perimeter- 162 l.f. total**
 Required - 5 shrubs and 1 tree per 40' = 21 shrubs and 5 trees
 Provided - 25 shrubs and 5 trees
 - **West Side - Planting Strip - west parking perimeter- 110' l.f. total**
 Required - 5 shrubs and 1 tree per 40' = 14 shrubs and 3 trees
 Provided - 18 shrubs and 3 trees
 - **North Side - Parking Buffer - north parking perimeter- 115' l.f. total**
 Required - 1 shrub per 5' = 23 shrubs
 Provided - 24 shrubs
 - **Parking Lot - Vehicle Use Area - 15,492 s.f.**
 Required - 1 tree and 2 shrubs per 4,000 s.f. = 4 Trees, 8 shrubs
 Provided - 4 trees, and 8 shrubs
 - **Common Area Trees - 3,746 s.f.**
 Required - 1 tree per 500 s.f. = 8 trees
 Provided - 8 trees

Total Trees required = 25. Total Trees Provided = 25
 Total Shrubs required = 75. Total Shrubs Provided = 75
 There are no proposed Tree Credits for the project.



Survey LEGEND

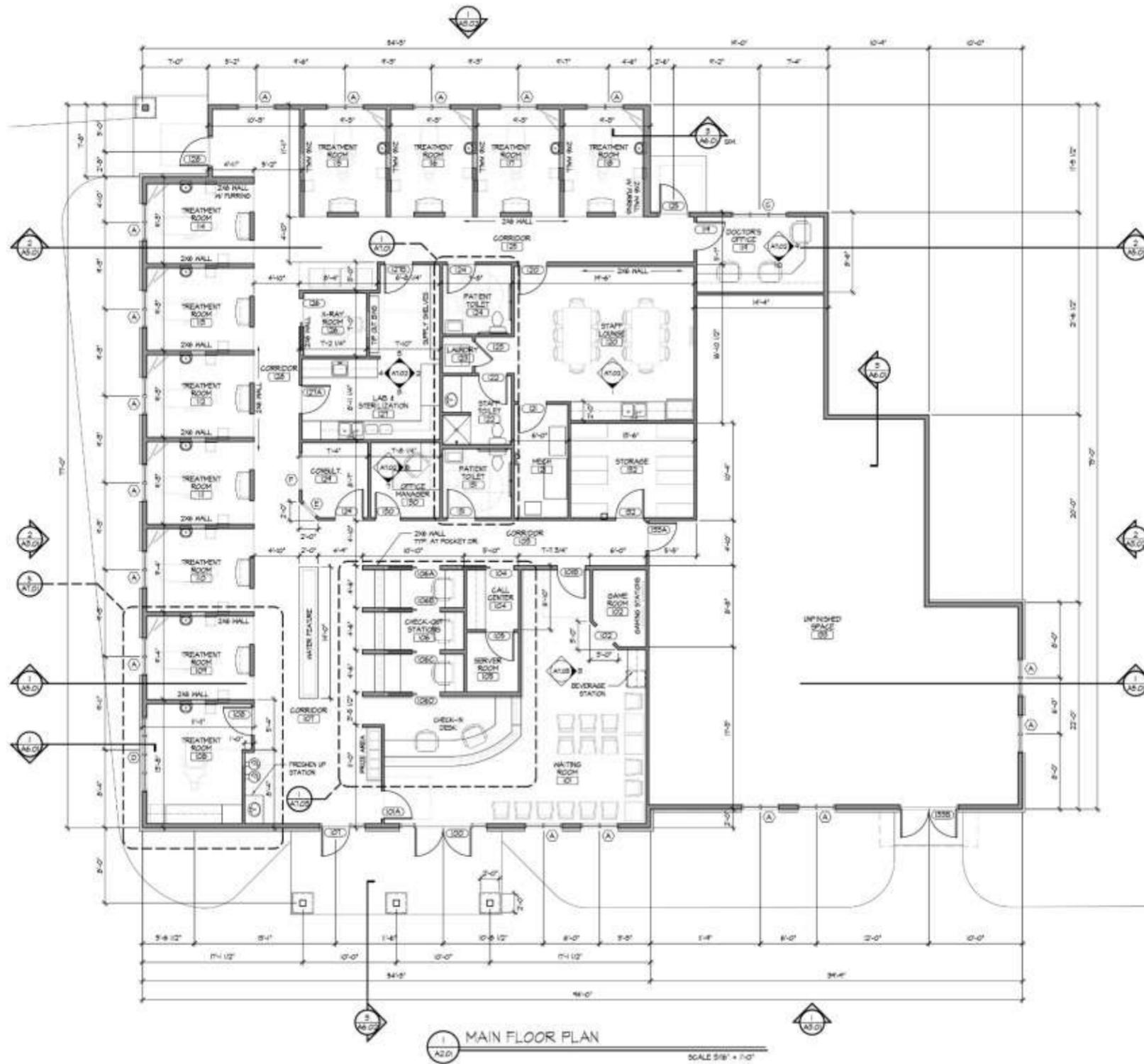
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- UP - UTILITY POLE
- PHP - PHONE POLE
- TRANS - TRANSFORMER
- TV-PED - CABLE TV PEDESTAL
- WM - WATER METER
- WV - WATER VALVE



| | |
|---|--|
| Other Credits: Architect: Designer: Civil Engineer: | Hendersonville Landscaping Group BB and Associates Tom Wilson Chris Engler |
| Client: | Stool Properties LLC 81 GREENVILLE ROAD HENDERSONVILLE, NC 28840 |
| Project: | Hendersonville Dental Office 114 GREENVILLE HIGHWAY, HENDERSONVILLE, NC |
| Sheet: | Landscape Plan |
| Designed By: | Creative Development Solutions cds 1007 4th Avenue West, Hendersonville, North Carolina 28759 P: 828.685.1912 F: 828.685.1915 |
| ISSUE DATE: August 24, 2016 REVISIONS: REVISION NO. 1: 08/24/16 REVISION NO. 2: 09/01/16 REVISION NO. 3: 09/01/16 REVISION NO. 4: 09/01/16 REVISION NO. 5: 09/01/16 DRAWN BY: JDB CHECKED BY: JDB APPROVED BY: JDB | Project Number: SHEET NUMBER: L4 |

FLOOR PLAN NOTES:

1. 2x6 TRIMMED GILLS AT ALL POCKET DOOR LOCATIONS BETWEEN CHECK OFF STATIONS OR AT CALL CENTER IN 4 1/2 HALL ROOM 26.
2. 2x6 TRIMMED GILLS BETWEEN TREATMENT ROOMS TYPICAL. PROVIDE BACKING IN WALL FILLING ONE STEP CAVITY CENTRALLY LOCATED IN WALL AIR BAGS ON PLANS FOR FUTURE DENTAL LIGHTS ON LEFT SIDE OF EACH ROOM.
3. GATE ROOM TO HAVE TWO GATING STATIONS WITH MONITORS AND GATING EQUIPMENT.
4. GATE ROOM TO ACCOMMODATE (2) HANDBOOK CHAIRS TO BE SPECIFIED BY OWNER. ADD ADDITIONAL BRACING IN CEILING AS REQUIRED.
5. SOUND PARTITION WALLS TO SURROUND ALL TOILET ROOMS. (SEE DETAIL 5-4442)
6. SOUND PARTITION WALLS BETWEEN EACH TREATMENT ROOM. (SEE DETAIL 5-4442)
7. SOUND PARTITION WALLS AROUND MECHANICAL ROOM. (SEE DETAIL 5-4442)
8. SEE ROOM FINISH SCHEDULE ON SHEET 5-4447 FOR FLOOR FINISHES.
9. SHOW IN LAB 4 STERILIZATION DT TO HAVE TIE CONTROLS.
10. PROVIDE WALL MOUNTS FOR (2) TV MONITORS IN CORNER OF EVERY TREATMENT ROOM AND ONE CEILING MOUNT ABOVE DENTAL CHAIR. COORDINATE WITH IT SERVICES.
11. PROVIDE REQUIRED BLOODS AT ALL HALL WALLS IN TREATMENT ROOMS TO ACCOMMODATE COMPUTER CABINET ON WALL AND WORKSTATION BELOW. (SEE FINISHING DETAILS ON SHEET 5-418)
12. HUNG OUT EXTERIOR WALLS WITH 2x4 WRAPING IN TREATMENT ROOMS IN 4 1/2 TO ACCOMMODATE IN-WALL SINK STATION AND IN-WALL STORAGE AND STILL ALLOW FOR REQUIRED ISOLATION IN EXTERIOR WALL.
13. IN-WALL SINK STATION, IN-WALL STORAGE UNITS AND COMPUTER STATION TO BE PROVIDED BY OWNER. METALLED BY CONTRACTOR. (SEE MANUFACTURER DETAILS FOR PROPER ROUGH OPENING TRIMMING AT IN WALL UNIT LOCATIONS)
14. PROVIDE CORNER GUARD PROTECTION AT ALL OPENINGS INTO TREATMENT ROOMS.
15. PROVIDE BACKING FOR PANORAMIC X-RAY IN X-RAY ROOM DT. (SEE PATTERNING DENTAL EQUIPMENT DRAWINGS FOR BACKING LOCATION AND DETAILS)
16. FLOOR BOXES REQUIRED AT EACH DENTAL CHAIR. (SEE PATTERNING DENTAL DRAWINGS FOR DETAILS AND EXACT LOCATIONS)
17. SEE PATTERNING DENTAL DRAWINGS FOR DENTAL EQUIPMENT LAYOUTS IN TREATMENT ROOMS, SURGICAL SUITE, X-RAY ROOM, LAB 4 STERILIZATION AND MECHANICAL ROOM.



1 MAIN FLOOR PLAN
 SCALE 1/8" = 1'-0"

PHONE 828-692-7228
 FAX 828-696-9978

COOPER
 CONSTRUCTION COMPANY, INC.
 701 S. ALLEN ROAD
 2ND FLOOR, SUITE 201
 FIDELITY 600 HENDERSONVILLE, NC 28733

SHAMBURGER
 ARCHITECTURAL
 GROUP

Wayland Shamburger, AIA
 Architect
 421 Fifth Avenue West
 Hendersonville, NC, 28739
 (P) 828-692-2737
 (F) 828-694-0737
 wayland@sdcsaia.com

A new office building for
**Hendersonville
 Family Dental**
 Hendersonville, NC

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 ARCHITECTURAL GROUP PLLC
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Contractor is to comply with all
 codes and regulations. Any discrepancies
 in plans shall be discussed with
 Shamburger Architectural Group prior to
 assembly, ordering, and construction.

DO NOT SCALE DIMENSIONS FROM
 BLUEPRINT

FLOOR PLAN

Revisions:

Scale:
 AS NOTED

Date:
 August 24, 2016

Drawn By:

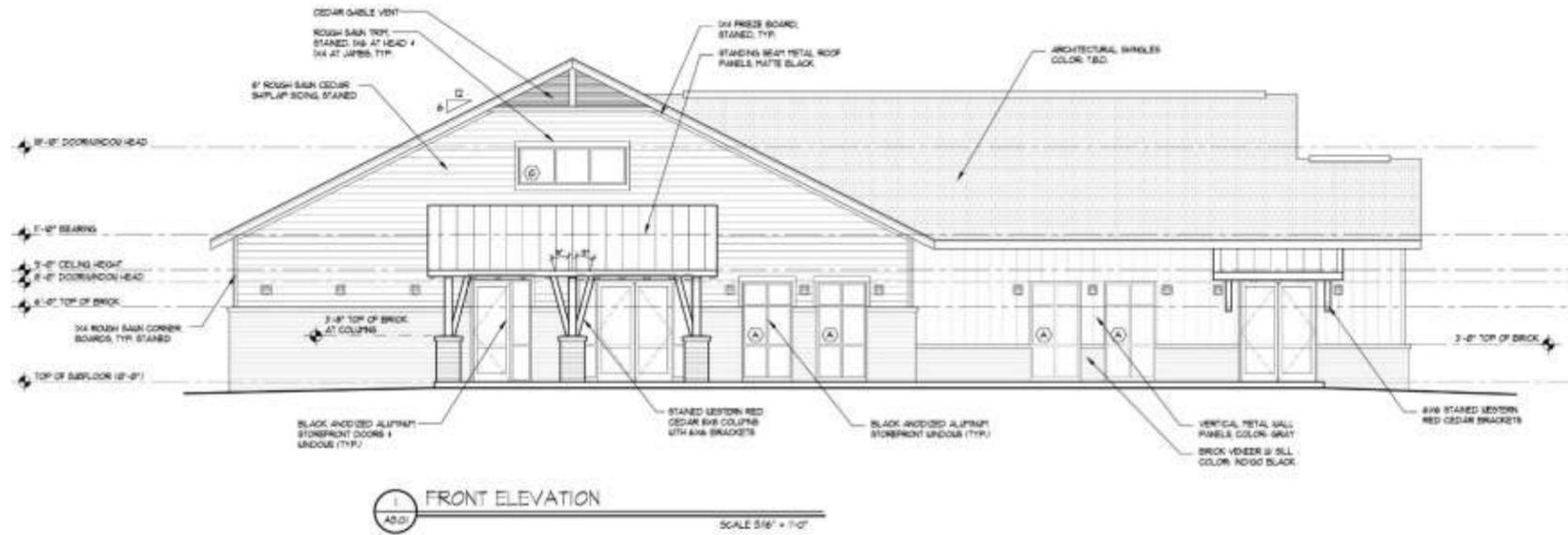
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Project no.

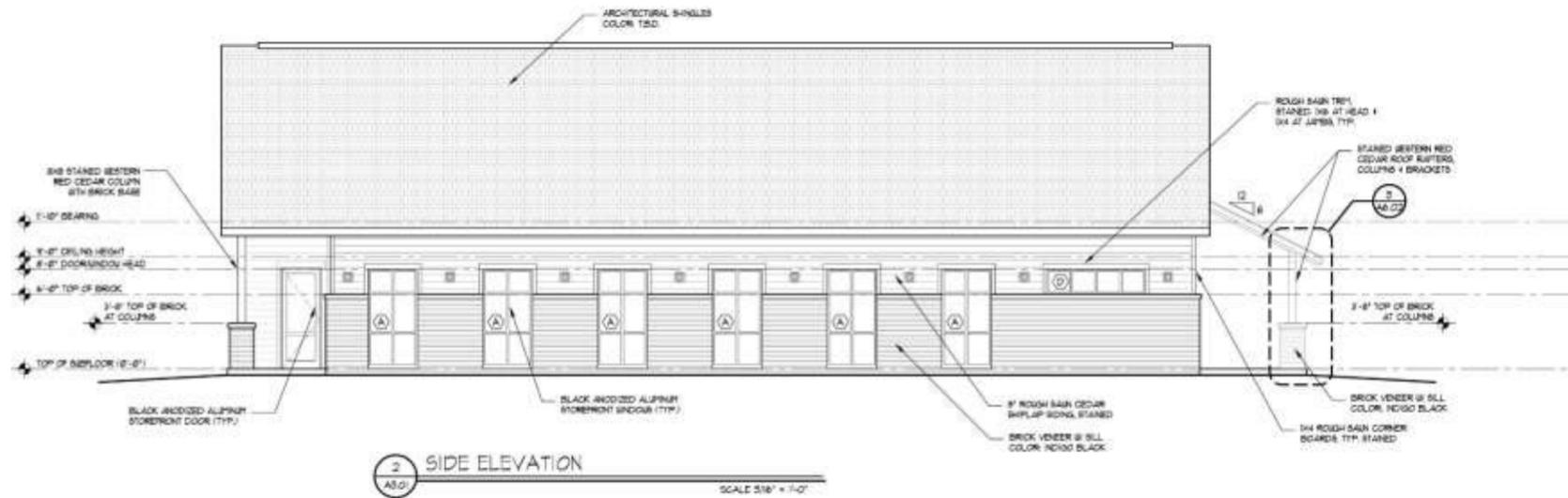
Sheet no.

A2.01

BID SET



1 FRONT ELEVATION
 AS.G. SCALE 3/16" = 1'-0"



2 SIDE ELEVATION
 AS.G. SCALE 3/16" = 1'-0"

PHONE 828-692-7228
 FAX 828-696-9978

COOPER
 CONSTRUCTION COMPANY, INC.
 781 S. ALLEN ROAD
 FLAT ROCK, NC 28731
 PO BOX 805 HENDERSONVILLE, NC 28793

SHAMBURGER
 ARCHITECTURAL
 GROUP

Wayland Shamburger, AIA
 Architect

421 Fifth Avenue West
 Hendersonville, NC, 28739
 (P) 828-692-2737
 (F) 828-694-0737
 wayland@sdsais.com

A new office building for
**Hendersonville
 Family Dental**
 Hendersonville, NC

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3/16" SCALE UNLESS NOTED
 OTHERWISE

EXTERIOR ELEVATIONS

Revisions:

Scale:
 AS NOTED

Date:
 August 24, 2016

Drawn By:

Checked By:

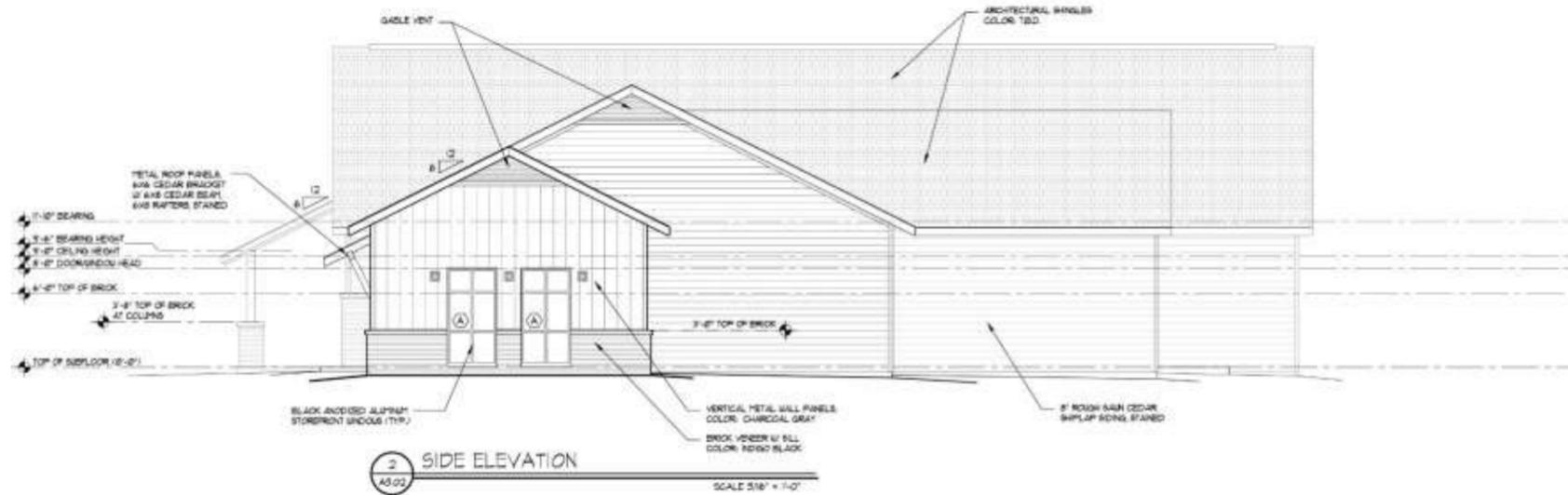
Project no.

Sheet no.
A3.01

BID SET



1 BACK ELEVATION
 AS.02 SCALE 3/16" = 1'-0"



2 SIDE ELEVATION
 AS.02 SCALE 3/16" = 1'-0"

PHONE 828-692-7228
 FAX 828-696-9978

COOPER
 CONSTRUCTION COMPANY, INC.
 781 S. ALLEN ROAD
 FLAT ROCK, NC 28731
 P.O. BOX 805 HENDERSONVILLE, NC 28793

SHAMBURGER
 ARCHITECTURAL
 GROUP

Wayland Shamburger, AIA
 Architect

421 Fifth Avenue West
 Hendersonville, NC 28739
 (P) 828-692-2737
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 wayland@sdsais.com

A new office building for
**Hendersonville
 Family Dental**
 Hendersonville, NC

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3/16" SCALE DIMENSIONS FROM
 0.000000

EXTERIOR ELEVATIONS

Revisions:

Scale:
 AS NOTED

Date:
 August 24, 2016

Drawn By:

Checked By:

Project no.

Sheet no.
A3.02

BID SET

APPEAL OF DEVELOPMENT DECISIONS

18-4 Appeals. Decisions rendered hereunder may be appealed to City Council in accordance with the provisions of Section 7-3-4.4.

7-3-4.4 Review by City Council. Within 15 days of the rendition of a decision denying an application for final site plan approval, the applicant may file a notice with the city clerk requesting City Council to review such decision. Upon receipt of a notice of review, the city clerk shall schedule a public hearing for the next available meeting of City Council, which shall render a decision based upon the standards for review contained in Subsection 7-3-4.2.

MEMORANDUM

TO: Planning Board
FROM: Development Assistance Department
RE: Oklawaha Village
FILE #: P15-58-SUR
DATE: October 31, 2016

PROJECT DESCRIPTION

The City is in receipt of an application to amend a Special Use Permit from Housing Assistance Corporation for the Oklawaha Village development located on North Main Street. This project was previously approved by City Council at their regular meeting on March 5, 2015 and an amended Special Use permit was approved by City Council at their regular meeting on March 3, 2016. The applicant has proposed to donate lot number 23 to the City. Lot 23 is approximately 5.67 acres and is located in the flood plain adjacent to Mud Creek as shown on the site plan located on page 15 of this memorandum. This area is currently part of Oklawaha Villages required open space thus the applicant is requesting a variance to reduce the required open space. There are no proposed changes to the buildings, unit count, roads, and parking from the previously approved site plans.

Generally, minor modifications to approved Preliminary Site Plans are only subject to staff review and approval. Section 7-6 of the Zoning Ordinance does not allow staff to approve modifications that are a substantial change in the property boundary or amount of open space. Additional a variance is now necessary for the open space. Therefore, an amended Special Use Permit approved by City Council is required.

This parcel is now approximately 12.65 acres and will have a total of 78 multi-family units, 17 single family lots, a 2,214 ft² Office/Community Building and a 4,200 ft² Office/Support Building. The Preliminary Subdivision Plat for the single family lots has been approved by the Planning Board and the applicant is currently seeking Final Subdivision Plat approval.

The following parcels are part of this application.

| | | | |
|--------------|--------------|--------------|--------------|
| 9569-84-2437 | 9569-84-5809 | 9569-84-4409 | 9569-85-0280 |
| 9569-85-1371 | 9569-84-5729 | 9569-84-4610 | 9569-75-9397 |
| 9569-85-2234 | 9569-84-5649 | 9569-84-4701 | 9469-85-1339 |
| 9569-85-3107 | 9569-84-5650 | 9569-84-2985 | |
| 9569-85-3170 | 9569-84-5469 | 9569-85-2013 | |
| 9569-85-4043 | 9569-84-5337 | 9569-85-1151 | |

EXISTING LAND USE & ZONING

The project is currently under construction. The parcels included in this application are largely vacant. A vacant single family residence did front on North Main Street and there were a couple of vacant accessory structures also located on the site. Surrounding zoning districts are shown on the “Zoning Map” on page 14.

The project site is currently zoned Planned Residential Development. The applicant is not seeking any changes to the existing zoning.

COMPREHENSIVE PLAN CONSISTENCY

The parcels included in this application are classified as Medium Intensity Neighborhood and Natural Resource/Agricultural on the 2030 Comprehensive Plan’s Future Land Use Map. Surrounding parcels are classified as Medium Intensity Neighborhood and Natural Resource/Agricultural.

The goal of the Medium Intensity Neighborhood classification is to “provide a transition between High and Low-Intensity Neighborhood areas, while providing a wide range of housing formats and price points. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.”

The goal of the Natural Resource/Agricultural classification is to “create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.”

PLAN REVIEW

Buildings

The site plans include the following:

- Six multi-family buildings with a total of 78 units and 90,654 ft².
 - Building “A” has a total area of 13,782 ft² and is three stories
 - Building “B” (x2) has a total area of 15,108 ft² for each building and is three stories
 - Building “C” has a total area of 21,948 ft² and is three stories
 - Building “D” (x2) has a total area of 12,354 ft² for each building and is three stories
- 17 individual single-family lots.

- 2,214 ft² Office/Community Building including an office, community room, craft area, laundry and mail area.
- 4,200 ft² “Future” Office/Support Building located along N. Main Street at the entrance to the site.
- Park and Playground area.

The amended Preliminary Site plan and an elevation drawing are included with this memorandum. The elevation drawing shows proposed façades.

Variance Requests

Open Space

5-14-7.1 Open Space and Footprint Requirements. Planned residential developments shall have a maximum footprint of 20% of the site and shall have, as a minimum, 60% of the site as open space. In addition, planned residential developments shall meet the common open space requirements of Section 6-16.

Due to the proposed donation of approximately 5.67 acres of land to the City the proposed open space is now approximately 52.3% (6.62 acres) and does not meet the minimum required 60%.

The applicant is requesting a variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%. The application for this variance request is on pages 10 thru 12.

ANALYSIS

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made.”

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

Staff has not identified any issues relating to public health, safety or general welfare.

- (B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

Water and sewer service is intended to be extended to the site.

- (C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

The applicant is requesting the following variance:

A variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%.

Variance request applications and justifications begin on page 10.

- (D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

A neighborhood compatibility meeting concerning the application was held on October 26, 2016. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance.

Four people representing the general public attended the meeting. The following concerns were raised. A copy of the neighborhood compatibility report accompanies this memorandum.

- **Traffic**
- **Donation of property**

- (E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the *Comprehensive Plan* and the *Comprehensive Transportation Plan*.

The 2030 Comprehensive Plan's Medium Intensity Neighborhood classification is intended to "provide a transition between High and Low-Intensity Neighborhood areas, while providing a wide range of housing formats and price points. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

The 2030 Comprehensive Plan's Natural Resource/Agricultural classification is intended to "create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources."

No development is intended for the locations that are classified as Natural Resource/Agricultural. The applicant has mentioned that a trail may be

added to these locations in the future.

The Comprehensive Transportation Plan does not indicate any improvements to N. Main Street at this time.

SUGGESTED MOTIONS

Variance Request

I move the Planning Board to recommend City Council (approve / deny) a variance from Section 5-14-7.1 to reduce the required open space from 60% to 52.3%.

[PLEASE STATE YOUR REASONS]

Amended Special Use Permit

I move the Planning Board to recommend City Council (approve / deny) the application of Housing Assistance Corporation for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

[PLEASE STATE YOUR REASONS AND ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITIONS"]

IN RE: Oklawaha Village (File #P15-58-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Residential Dwellings Single- Family
Residential Dwellings Multi-family
Office
Child Care Center
Child Care Home
Customary Accessory Uses
Accessory Structures
Park

II. Conditions:

- (1) Shall Be Attached to the Special Use Permit and Satisfied Prior to Issuance of Final Site Plan Approval:**

Not applicable.

- (2) Shall Be Attached to the Special Use Permit:**

A building height limitation exemption has been granted increasing the maximum building height for the apartment buildings from 35 feet to 37 feet.

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance.

Oklawaha Village

By: _____

Date: _____

Neighborhood Compatibility Meeting
 Application for a Special Use Permit
 Oklawaha Village amendment File #P15-58-SUR
 Wednesday, October 26, 2016 2:00 p.m.

Dave Hazzard, Senior Planner, convened the compatibility meeting at 2:06 pm in the Assembly Room of the City Operations Center. The following were in attendance:

| Name | Address | Name | Address |
|-----------------------------|---------------------|-------------|----------------|
| Don Daines (applicant) | 602 Kanuga Road | | |
| Sarah Grymes (applicant) | 602 Kanuga Road | | |
| Keith Jones | 1831 Granite Street | | |
| Billy & Janice Williams | 216 Yon Hill Road | | |
| Jere Hyder | 1500 N. Main Street | | |
| Dave Hazzard, Staff | 100 N. King Street | | |
| Susan Frady, Staff | 100 N. King Street | | |
| Terri Swann, Staff | 100 N. King Street | | |
| | | | |
| | | | |
| | | | |

Mr. Hazzard opened the meeting explaining this is the first step in a three step process. The first step is Neighborhood Compatibility Meeting, next is the Planning Board and last it goes to City Council. This is an informal meeting to ask questions and get answers. Minutes of this meeting will be forwarded to Planning Board and City Council. The next Planning Board meeting will be November 14, 2016. If you received notice of this meeting you will also receive notice of the Planning Board and City Council meetings.

Mr. Hazzard stated this is previously approved project and nothing has changed as far as the development goes. The lower portion of the property is being donated to the City and this changes their open space requirement numbers because of the acreage changes and therefore it has to get approval.

Don Daines, Director of Residential Development for Housing Assistance Corporation stated the site development has gone through the Special Use process and has received approval for the 78 unit apartments and the 17 single family lots with a two-story office building located in the front of the property. They would like to give the City this part of the property to compliment the greenway and use it for public open space. They are taking 5.5 acres out of the development and giving it to the City which will cause them to have to recalculate the open space area by not including this portion.

Keith Jones, 1831 Granite Street stated he was not notified of the previous meetings concerning this project and he is concerned as to why they want to split this portion off now. Mr. Daines stated they wanted to own enough property to include a route for the sewer system and they felt better by acquiring all of this property but once they started working on the financing for the multi-

family the financing company didn't want this included in the multi-family part. Mr. Jones stated this part should not have been included the first time. Mr. Daines stated they felt this portion would be better used for public space rather than private space. This would be better suited to be used with the greenway for public use.

Mr. Hazzard stated the City determines who to notify by a state statute that says properties within 400 feet of the project get notified. The City determines the properties within 400 feet by the GIS mapping.

Mr. Jones has concerns about the traffic on North Main due to this project and stated that he did not live within the 400 feet but did live off of North Main Street. Mr. Hazzard stated a Traffic Impact Analysis (TIA) was done for this project. NCDOT looked at and approved a driveway entrance permit for the project. This was discussed at the previous approvals for the project. Mr. Hazzard stated he will include Mr. Jones on the mailing list for the Planning Board and City Council meetings.

Mr. Jones was concerned that a secondary outlet was needed for the project because of the traffic on North Main Street. Mr. Hazzard stated if he has concerns he can attend the Planning Board and City Council meetings and voice those concerns. He can also contact NCDOT because they are looking at North Main Street.

Jere Hyder, 1500 North Main Street stated he heard NCDOT was looking at widening North Main Street. He asked why the City would want that amount of open space or green space. He felt like the City could have approved a variance for the open space during the first approval. The City will not be building on this property and it will just remain the same. Mr. Hazzard stated yes it will remain open space as this property is almost impossible to develop. This property is located in the floodplain. The applicant had enough open space to meet the requirement and did not need a variance during the previous approval. Staff will take a look at how much open space they will have after they donate this portion to the City and at that time it will be determined if a variance will be needed or not. This property is zoned PRD, Planned Residential Development.

Mr. Daines stated the only thing that is changing is the open space. All of the uses are staying the same.

Mr. Hazzard stated staff can approve projects when the change is de minimis. The zoning ordinance does not allow staff approval when the City Council was originally the body that approved the Special Use Permit. Therefore this amendment has to go through the process again per the zoning ordinance.

Mr. Hyder stated he sees no problem with it.

Mr. Jones stated he feels like this is a waste of money. Why would they give this to the City? Mr. Daines stated they acquired the property without a cost to the original purchase price. This land has no value at all. When dealing with the financing, they did not want to have this unnecessary property and therefore they decided to donate it to the City.

Sarah Grymes with the Housing Assistance Corporation stated they did not pay for this land. No

matter who owns this property it will benefit the greenway and will not be developed.

Mr. Jones stated when you look at the payoff it does not look good. Mr. Hazzard stated this project has already been approved and donating this property to the City did not influence the approval in any way. The City has already approved the project.

Mr. Hazzard stated the City did post the site and notified the property owners within 400 feet of the project as the state statute requires.

Mr. Daines stated they knew that traffic was a concern and went ahead and had the traffic impact study done. They also added the right turn lane even though the count was not high enough that it was needed.

Mr. Jones stated with the other projects in the area it will affect the traffic on North Main. Mr. Hazzard stated at the time other projects were just vacant land and there is no way to forecast development in the area.

Mr. Daines stated they knew traffic would be an issue so he went ahead and had the TIA done. Mr. Hyder stated the total amount of green space will not change. Mr. Hazzard stated no, it will remain in its natural state.

Mr. Jones asked about parking spaces in the development for use of the public greenway. Mr. Daines stated the public open space will be for pedestrian access. He stated this access is within one mile of Patton Park. Mr. Jones asked where the parking would be for public street access. Mr. Daines stated this access is not designed for people driving to and parking at, it is designed for pedestrian access. Mr. Daines stated the only change is to the ownership.

Mr. Hazzard stated staff reviewed the open space requirements and parking requirements and the approved project exceed the minimum amount required in the zoning ordinance. Mr. Hazzard stated if anyone has any questions or would like to see the approved site plan, the Development Assistance Department is located at 100 N. King Street.

With no further comments or questions, Mr. Hazzard closed the meeting at 2:30 p.m.

Print Form



CITY OF HENDERSONVILLE
DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King St. ~ Hendersonville, NC ~ 28792
Phone (828) 697-3010 ~ Fax (828) 697-6185
www.cityofhendersonville.org

APPLICATION FOR A VARIANCE WITH SPECIAL USE PERMIT
Section 7-4-14 City Zoning Ordinance

The following are required to constitute a complete application for a variance:

- ~ This form including the property owner(s) signature(s).
- ~ Special Use Permit Application
- ~ Supporting documents, if applicable.
- ~ Photographs, optional.

Date 11 NOV 2016 Project Name OKLAWAHA VILLAGE

Applicant HOUSING ASSISTANCE CORP

Address 602 KANUGA ROAD, HENDERSONVILLE, NC 28793

Phone 828-692-4744 Fax Email

EXT. 101

if different from above:

Property Owner: Name

Address

TO THE CITY COUNCIL:

I, DONALD DAINES (OWNER/AGENT), hereby petition the City Council for a variance from the literal provisions of the Zoning Ordinance of the City of Hendersonville.

I request a variance from the following provisions of the ordinance (cite section numbers).

SECTION 5-14-7.1 REDUCE REQUIRED OPEN SPACE FROM 60% TO 52.3%
SECTION 6-16-3 ALLOW 52.3% COMMON OPEN SPACE TO OFFSET
REDUCTION OF GENERAL OPEN SPACE.

Official Use:
DATE RECEIVED: _____ BY _____

Application for a Variance with Special Use Permit

Section 7-4-14 City Zoning Ordinance. The following are required to constitute a complete application for a variance: This form including the property owner(s) signature(s). Special Use Permit Application. Supporting documents, if applicable. Photographs, optional.

1 Page 1 2 Page 2

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14): For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvement standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

FINDINGS OF FACT (Section 7-4-10.1) No special use permit shall be approved by City Council unless each of the following findings is made:

The burden of establishing these findings of fact shall lie upon the applicant. In addressing the issuance of compatibility, as required, the applicant must demonstrate compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification shall not give rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

(A) The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare.

The variances requested pertain to Open Space standards and requirements. The variances are necessitated because the "Site" will be reduced by the change in ownership of Lot 23, being 5.677 acres of flood plain open space. The remaining Site does not meet the standards for 'open space' and 'common open space' because the change in ownership. HAC believes that the change of ownership directly promotes the public health, safety and welfare by enhancing and adding to the Public Greenway

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

Granting the variances requested will have no effect upon the adequacy of public facilities because there will be no change in any of the uses previously approved and found by the City to be adequate as required by Section 7-11. The ownership of the Open Space is the only change which will in fact, better fulfill the goals of open space by vesting ownership and control in the City for the general public, including the residents of Oklawaha Village.

(C) The use of development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

Since there will be no change in the uses previously approved by the City, all uses remain in compliance. The variances are necessitated because the "Site" will be reduced by Lot 23, leaving Lots 21 & 22 as a noncompliant. The ownership of the very same Open Space is the only change which HAC believes better serves and fulfills the intent, goals and purposes of open space by vesting ownership and control of Lot 23 in the City for the general public, including the residents of Oklawaha Village.

(D) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

Since there are no changes in the uses previously approved and found by the City to be compatible with the neighborhood, they remain compatible with the neighborhood as previously determined by the City

(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the 2030 Hendersonville Comprehensive Plan.

HAC is offering to dedicate and give this 5.677 acres of open space to the City so that it becomes Public Open space. The conveyance of Lot 23 to the City as open space created the need of the variances requested for the remaining site. HAC believes that the change of ownership of this Open Space from private to Public directly promotes the physical development of the city as embodied in the Ordinance and the 2030 Hendersonville Comprehensive Plan

Signature *

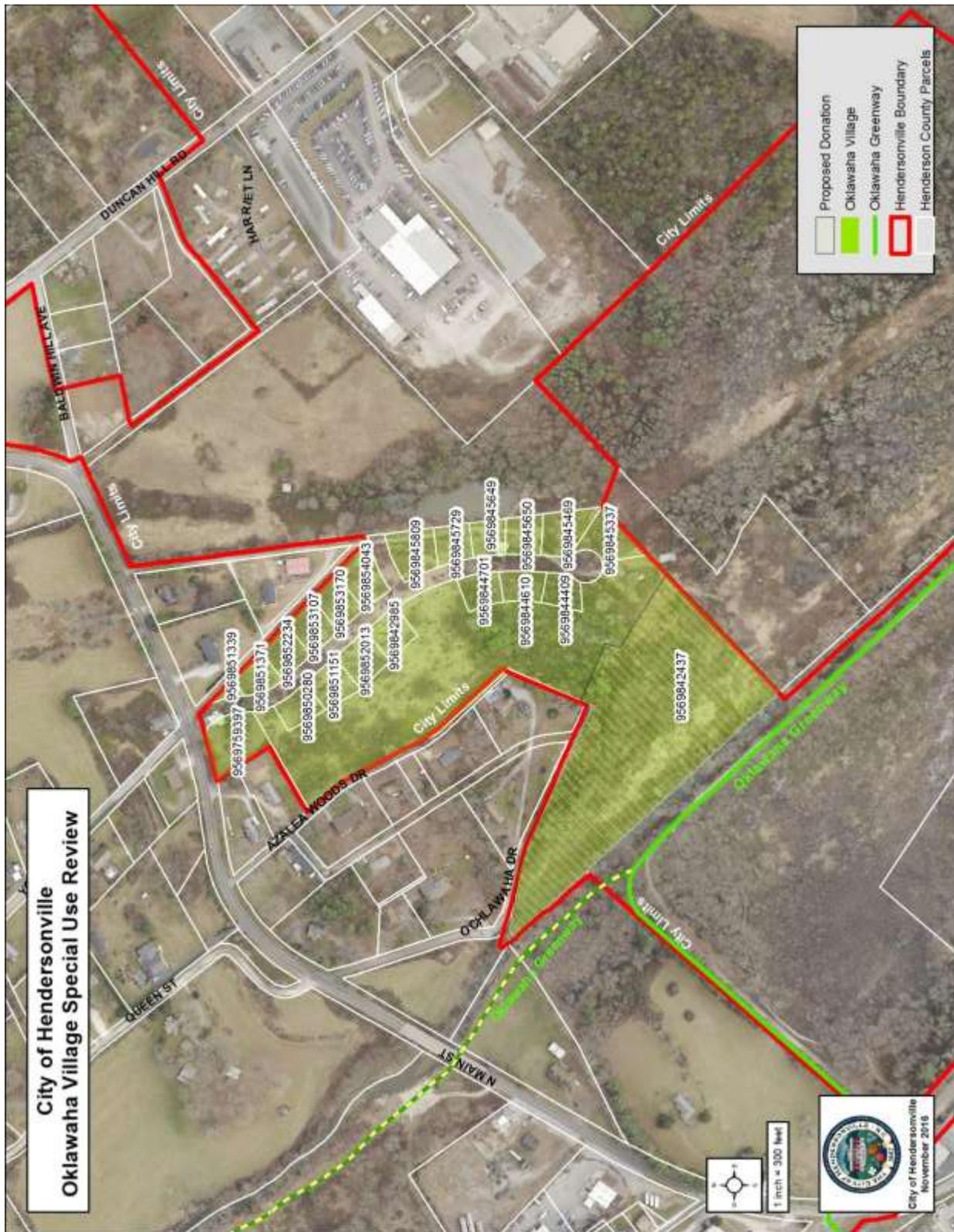


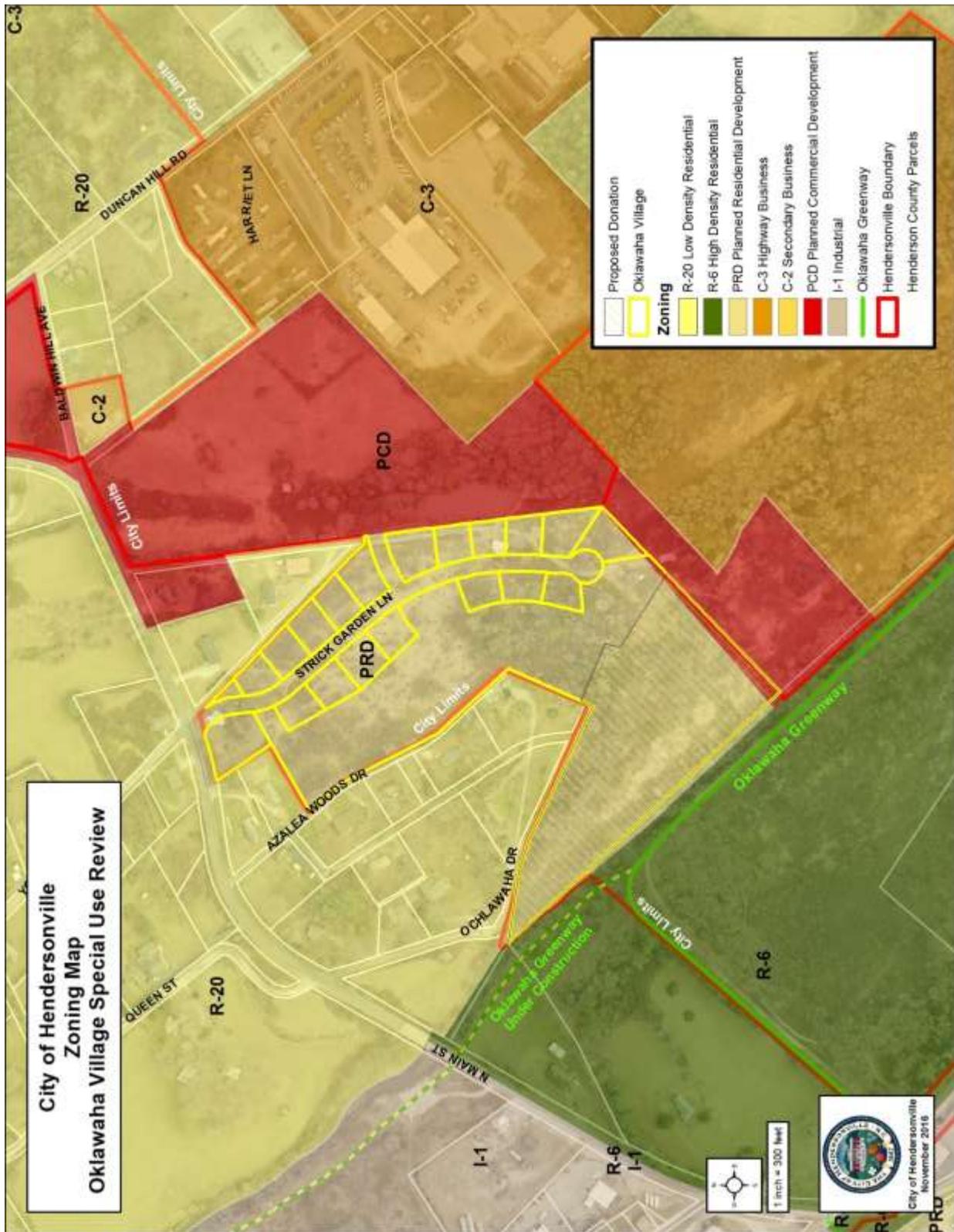
Printed Name: *

Donald R Daines

Back

Submit

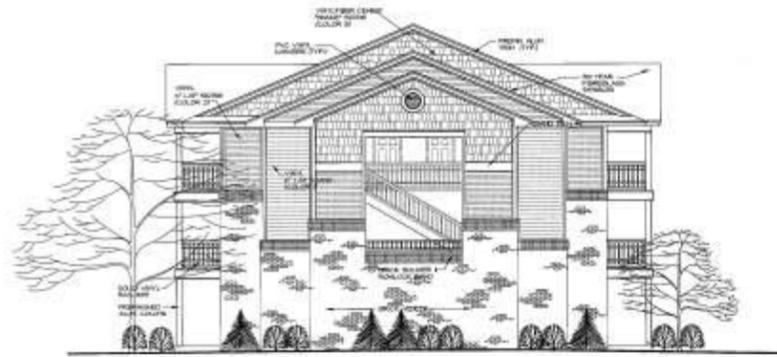




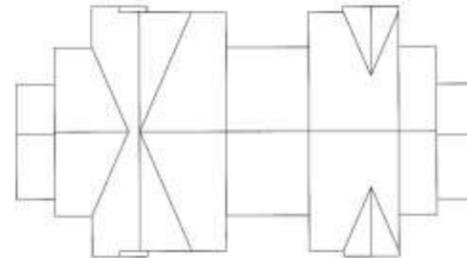


BUILDING "A" REAR ELEVATION

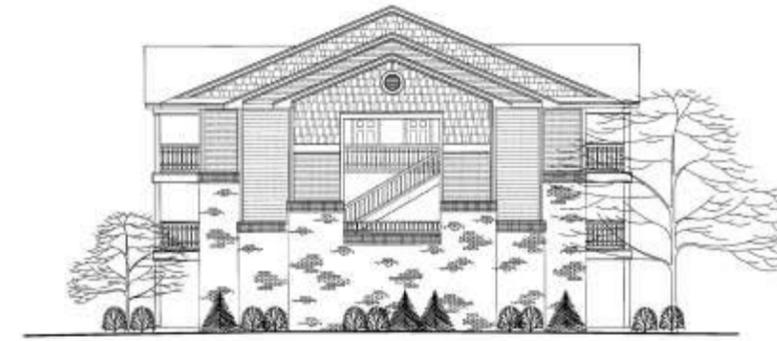
BUILDING "B" REAR ELEVATION



BUILDING "A+B" LEFT SIDE ELEVATION



TYPICAL BUILDING ROOF PLAN



BUILDING "A+B" RIGHT SIDE ELEVATION

TYPICAL BUILDING COLORS:
 BRICK - DARK CHERRY RED
 VINYL - SHINY SMOOTH - DARK GREEN
 VINYL - VERTICAL SIDING - MEDIUM GREEN
 VINYL - LAP SIDING #1 - LIGHT CREAM
 VINYL - LAP SIDING #2 - DARK CREAM
 SAIL ROOF # 1001 - MEDIUM BROWN
 GREENS FRAMES - MEDIUM BROWN
 ROOF SHINGLES - DARK GREENISH BROWN



BUILDING "A" FRONT ELEVATION

BUILDING "B" FRONT ELEVATION

moore riley architects, p.a.
 oklawaha village apts., hendersonville, nc

comm. no.
2714
 date
1-7-15
 revision
1-16-15

sheet no.
plm4.1

of :

APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months

MEMORANDUM

TO: Planning Board
FROM: Development Assistance Department
RE: Text Amendment of Section 6-5-2.5 Exemption to Off-Street Parking
FILE #: P16-35-T
DATE: November 3, 2016

PROJECT HISTORY

Section 6-5-2.5 of the zoning ordinance currently exempts off-street parking in the Seventh Avenue Depot Historic District. In order to encourage the redevelopment and revitalization of the Seventh Avenue Historic District we would like to expand the area that is exempt from the off-street parking requirement to include the boundary of the Seventh Avenue Municipal Service District.

On December 30, 1975, the City of Hendersonville adopted a resolution that established the Municipal Service District. On April 9, 1998, the City of Hendersonville adopted a resolution to establish a second municipal service district in the Seventh Avenue area of downtown. On June 4, 2015, the city expanded the 7th Avenue Municipal Service District to include the properties as shown on the attached map. The tax rate in the 7th Avenue Municipal District is .0012 per \$100 valuation. Services that may be provided in this district include but are not limited to: improvements to utilities, decorative street lighting, improvements to sidewalks, tree planting, additional law enforcement, promotional activities and parking facilities both on-street and off-street.

To clarify, staff is suggesting to expand the area that is exempt from off-street parking from the Seventh Avenue Depot Historic District to include the boundary of the 7th Avenue Municipal Service District.

Listed below are proposed changes to the Zoning Ordinance. Additions are underlined and deletions are ~~struck-through~~.

Article VI General Provisions Section 6-5-2.5 Exemption to Off-Street Parking. Off-street parking is not required in the ~~Seventh Avenue Depot Historic District~~ 7th Avenue Municipal Service District.

TEXT & POLICY COMMITTEE

The Text and Policy Committee reviewed the proposed text amendment on Thursday, November 3, 2016. The Committee unanimously agreed with the text amendment.

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City's Zoning Ordinance, the following factors shall be considered by City Council prior to adopting or disapproving an amendment to the text of the City's Zoning Ordinance:

1. Comprehensive Plan consistency. Consistency with the Comprehensive Plan and amendments thereto.
2. Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. Public interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
5. Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
6. Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife.

SUGGESTED MOTIONS

For Recommending Approval:

I move the Planning Board to recommend that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking.

[PLEASE STATE YOUR REASONS]

For Recommending Approval With Modifications:

I move the Planning Board to recommend that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking with the following modifications.

[PLEASE STATE THE MODIFICATIONS AND YOUR REASONS]

For Recommending Denial:

I move the Planning Board not recommend that City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 6-5-2.5 Exemption to Off-Street Parking

[PLEASE STATE YOUR REASONS]

AN ORDINANCE AMENDING ARTICLE VI GENERAL PROVISIONS SECTION 6-5-2.5 EXEMPTION TO OFF-STREET PARKING.

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures, and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances, and

WHEREAS, the City of Hendersonville understands the need to encourage redevelopment and revitalization of the community, and

WHEREAS, the City of Hendersonville supports the 7th Avenue Municipal Service District, and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to off-street parking requirements.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. Article VI General Provisions Section 6-5-2.5 exemption to off-street parking is hereby amended to include the following:

Add: Off-street parking is not required in the ~~Seventh Avenue Depot Historic District~~ 7th Avenue Municipal Service District.

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.
6. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this _____ day of _____, 2016

Barbara Volk, Mayor

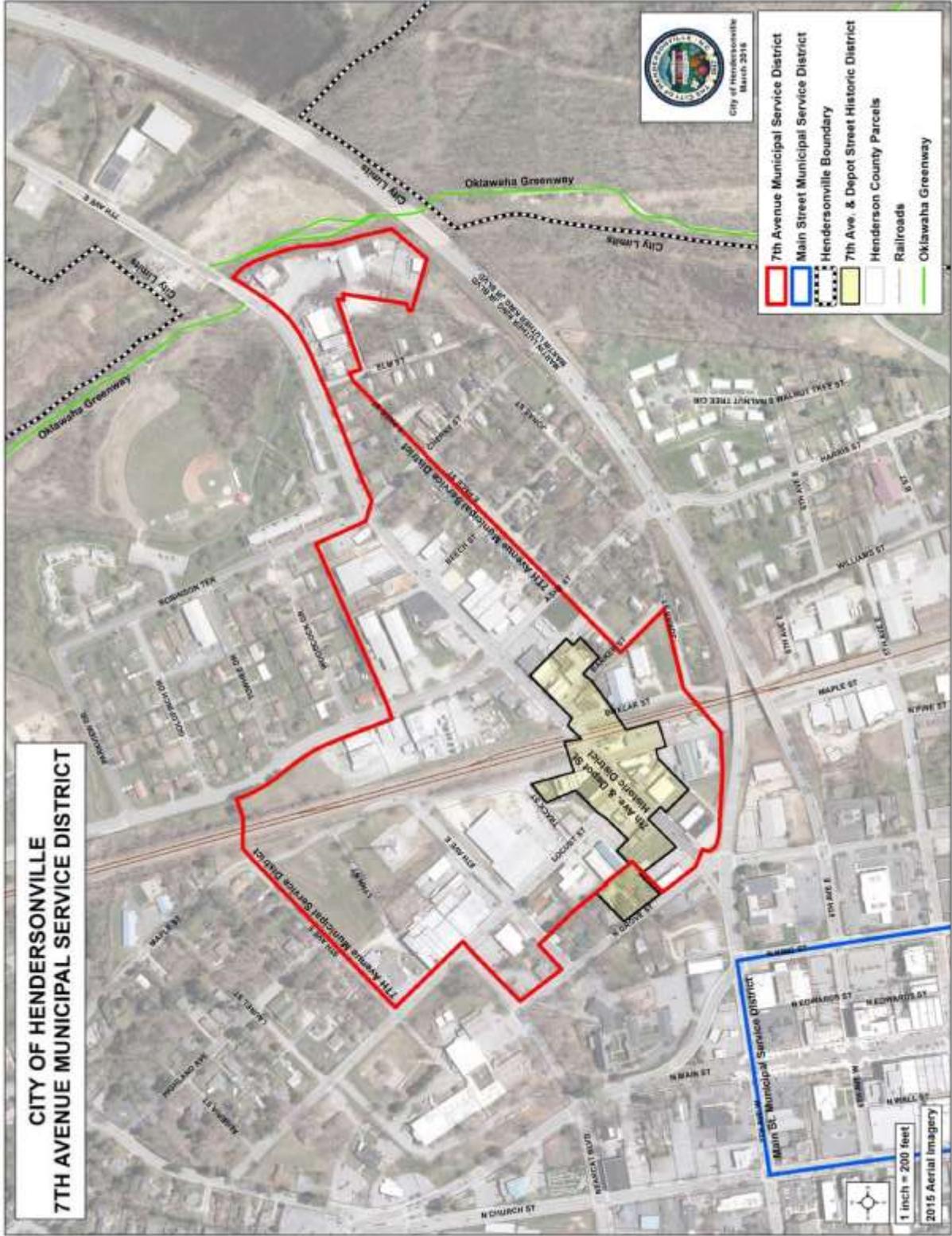
Attest:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

**CITY OF HENDERSONVILLE
7TH AVENUE MUNICIPAL SERVICE DISTRICT**



- 7th Avenue Municipal Service District
- Main Street Municipal Service District
- Hendersonville Boundary
- 7th Ave. & Depot Street Historic District
- Henderson County Parcels
- Railroads
- Oklawaha Greenway

1 inch = 200 feet
2015 Aerial Imagery