

**Minutes of the Planning Board
Regular Meeting
February 10, 2020**

Members Present: Steve Orr (Chair), John Coker, Neil Brown, Jon Blatt, Peter Hanley, Jim Robertson, (Vice-Chair), Hunter Jones, Ben Pace, Robert Hogan

Members Absent:

Staff Present: Daniel Heyman, Planner, Tyler Morrow, Planner, Susan Frady, Development Assistance Director and Terri Swann, Administrative Aide

- I Call to Order. *The Chair called the meeting to order at 4:04 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Robertson moved for the agenda to be approved. The motion was seconded by Mr. Hogan and passed unanimously.***
- III Approval of Minutes for the meeting of January 13, 2020. *Mr. Robertson moved to approve the Planning Board minutes of the meeting of January 13, 2020. The motion was seconded by Mr. Brown and passed unanimously.***
- IV Conditional Zoning District - Application from Windsor Built Homes, Inc., for a rezoning to a Conditional Zoning District. The applicant is requesting to rezone subject property from R-15, Medium Density Residential to PRDCZD, Planned Residential Development Conditional Zoning District for the purpose of developing 74 single family homes on 15.88 acres with entrances and exits on 5th Avenue West and Westbrook Road. The property is located at 550 Westbrook Road. (File #P20-2-CZD). Mr. Heyman gave the following background:**

Mr. Heyman explained the process for a conditional rezoning. The Planning Board will make a recommendation to City Council and City Council will have the final approval. Conditions related to the project can be added to the application and must be mutually agreed upon by the developer and staff.

The City is in receipt of a Conditional Rezoning application from Windsor Built Homes, LLC for the development of 74 single-family residential units on approximately 15.591 acres. The project is located on Parcel(s) #9568-18-5388, 9568-17-5727, 9568-18-8043, 9568-18-8429, and 9568-18-9677. The proposed project will have frontage on 5th Avenue and will access the site through 5th Avenue and Westbrook Road. The applicant is requesting to rezone the subject property from R-15 Medium Density Residential to PRD Planned Residential Development Conditional Zoning District.

This application is a conditional rezoning review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council.

The subject property is currently zoned R-15 Medium Density Residential and contains 3 residential structures and several outbuildings.

Parcels to the north, east and south east are zoned R-15 and include residential dwellings and some commercial. Parcels located to the south are zoned C-4 Neighborhood Commercial and PRD, Planned Residential Development and include Appalachian Coffee Company and residential uses. Parcels located to the west are zoned R-20 Low Density Residential and

residential uses. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Zoning Map” on page 15 and 16 respectively.

The subject property is classified as Medium Intensity Neighborhood on the 2030 Comprehensive Plan’s Future Land Use Map. 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 and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.”

The 2030 Comprehensive Plan’s Future Land Use Map designates parcels located to the north and east as Medium Intensity Neighborhood. The parcels located to the south of the project are classified as High Intensity Neighborhood. The parcels west of the project are classified as low intensity neighborhood/agricultural. Sections of parcels to the west and south west are also classified as natural resource/ agricultural, these sections are within the floodway.

The 2030 Comprehensive Plan’s Future Land Use Map is located on page 17.

Buildings

The site plan shows 74 single-family lots, with a lot area ranging from 3,049 Square Feet to 9,583 Square feet. Proposed single-family elevations are attached to this memo.

Parking

Provided elevations show proposed attached garages.

Landscaping

Landscaping is provided for vehicular use areas, as well as additional trees along the internal streets and around the common amenities.

Stormwater/Flood Hazard Area

The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements.

Sidewalks

Sidewalks are provided along one side of all internal streets and along the property line of Westbrook Road, in accordance with the Zoning Ordinance.

Density

The proposed density is approximately 4.66 units per acre.

Traffic Impact Analysis

The applicant provided a voluntary Traffic Impact Analysis conducted by J.M. Teague Engineering that studied the proposed development’s impact on the roadway and nearby intersections. The study considered a proposed development of 86 single-family homes, which is greater than shown on the site plan.

Ivy Crossing did not meet the threshold that would require a TIA to be completed. As you can see in the table prepared by J.M. Teague Engineering below, they do not exceed 100 peak hour trips or 1,000 daily trips.

According to NCDOT, mitigation improvements to the studied roadway network are required if at least one of the following conditions exists when comparing base network conditions to project build-out conditions:

- Average intersection or approach delay increases by 25% or greater while maintaining the same LOS
- LOS degrades by at least one level
- LOS is F

US 64 (Brevard Road) @ Westbrook Road

- “Delay from the proposed development traffic impact are relatively low and the operating conditions (LOS C) remain acceptable.”

5th Avenue @ Westbrook Road

- “The intersection of 5th Avenue and Westbrook Road which will have stop sign-controlled northbound and southbound approaches is anticipated to operate with acceptable levels of service with LOS ‘B’ in the AM peak hour, and LOS ‘B’ for the PM peak hour.”

The City’s traffic consultant Kimley-Horn reviewed the TIA performed by J.M. Teague and concurred with the recommendations. Kimley-Horn did comment that they had a few discrepancies in the analysis methodology, traffic figures, and results tables. However, none of the results from the submitted traffic study are anticipated to change if the discrepancies were addressed by J.M. Teague. Kimley-Horn’s memo is attached on page 21.

A neighborhood compatibility meeting concerning this application was held on January 23rd, 2020. 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 the Zoning Ordinance.

Approximately 76 people representing the public attended the meeting. Attendees asked questions regarding traffic, density, stormwater and lot size. A copy of the neighborhood compatibility report accompanies this memorandum on page 8.

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.

Mr. Heyman stated the suggested motions are on page 5. Will Buie with WGLA Engineering is here to answer any questions.

Chair asked if there were any questions for staff. There were no questions for staff.

Will Buie, WGLA Engineering spoke to the Board. He stated the subject property is located to the north of 5th Avenue and is in the City's ETJ. They are annexing this property into the city. The property is currently zoned R-15 which allows for 15,000 square feet per lot size for single family. In order to have a second unit an extra 7,500 is needed for the lot size. To have a duplex you need 22,500 square feet for the lot size. That gross density would allow for 60 units. The developer wanted to keep with the single-family dwellings and they looked at the Comp Plan and felt like this project is keeping in line with the Comp Plan. This is a vacant infill parcel and is considered medium intensity neighborhood. The goals for this area are single family walkable communities. This property has been for sale for two years. It is owned by the Campbell family and they have been trying to sell it for some time. A number of proposals have been made for the property which include some kind of attached multi-family such as condos, townhomes and apartments.

The plan submitted to the city shows 75 lots. The lot at the corner of Westbrook and 5th Avenue will not be considered part of Ivy Crossing. This lot will remain and there will not be a new home constructed on this lot. There are 74 new lots all with single family residential proposed.

Mr. Buie showed the Board photos of some of Windsor Built homes that were built in the area. These proposed homes will be 1,600 to 2,200 square foot energy efficient homes. The starting price will be \$300,000. Windsor has developed properties in Buncombe and Henderson County, and they will establish a Homeowner's Association. The lots will be 5,000 to 5,500 square feet and will be 50 feet in width.

Mr. Buie stated they will connect to city water and sewer and that connection will extend from 5th Avenue. They will meet all city requirements and be built to city standards. The roads will also be built to city standards and the city will take over the roads after the project is complete. New sidewalks will be built along Westbrook Road, along the frontage on 5th Avenue and internally. They are still studying the stormwater and looking at the city requirements to see what will work the best. They are looking to see if they can accomplish the requirements with the city on above and below ground systems.

Mr. Buie stated they have received a request from the Tree Board to try and preserve as many trees as possible and Scott Street the developer has agreed to try and preserve the trees and replace as many as they can. There are stream areas and linear wetlands on the site. They will preserve the eastern side of the site, but they will have to work around the wetland areas.

Traffic is important and that is why they had a traffic study done even though they were not required to have one. The report shows 86 units with no mitigation requested for the project. They did look at acceptable background growth for this project and the number of units they plan to have does not show any impact on the area concerning traffic.

The neighbors across Westbrook Road were concerned about a club house being built and noise from it. They have decided to not build the club house. Windsor Built will fence along Westbrook Road and they will provide a plan showing this to the city. They are creating additional open space on the lots backing up to Midway Street.

Some of the neighbors had concerns about rentals for long or short term. They will limit the number of rentals to no more than 10% of the total units so there could only be a maximum of 7 units used for rentals. That will be included in the HOA agreement.

Mr. Buie explained they had looked at similar developments in the area. He showed a map of the adjoining neighborhoods. The ones with blue around them were similar or higher in density, the ones with orange around them were similar in lot width so there is some precedent with density in this area.

Covenants and restrictions will be adopted. They feel there is a need for this type of housing in the community. This type of housing is in high demand.

Mr. Robertson asked if the two houses and the barn on the property will be demolished. Mr. Buie stated they will be demolished. Mr. Robertson asked why they did an impact study on the traffic when they were not required to do one. Mr. Buie stated he is not qualified as a traffic engineer and they wanted to address all the concerns about traffic in the area. That is why they had a study done. Traffic counts were done on existing projects and background traffic and the intersection of 5th Avenue and Westbrook was studied as well as the intersection of Westbrook and 64. The longest delay was determined to be seven seconds.

Mr. Robertson asked about the white ribbons on the trees and if they were flagged because they were over a certain size. Mr. Buie stated those trees were on the tree survey and they were identified and cataloged on the site. Mr. Robertson asked about the pink tape on the site. Mr. Buie stated this identified the wetlands. They had Clearwater Environmental come out and flag where the streams and wetlands are located on site. If they plan to drain any of the streams they will have to go through the Army Corp of Engineers and obtain proper permits for this.

Mr. Hanley asked if they have considered any impact fees in the area. Mr. Buie stated they have made a request for annexation to the city but they have not determined the impact fees for water and sewer.

Mr. Brown stated they have proposed saving 30% of the existing trees. What measures will they take in preserving the trees? Mr. Buie stated they will use tree fencing during construction. He will also confer with Mr. Street and work on an answer to this question.

There were some questions about stormwater systems. Chair stated the applicants will have to work with the city to get an approved stormwater plan.

Mr. Jones asked about the R-15 zoning and the 60 units that were mentioned previously. Did Mr. Buie consider the 60 units as 30 duplex buildings with two units in each? Mr. Buie stated yes in theory.

Chair asked if there were any further questions for the applicant. There were no further questions.

Chair stated he will call each person that signed up to speak to come forward and they will have three minutes to give their comments.

Sara Huggins, 504 Broadway Street stated she appreciates the Board allowing her to speak. Her biggest concern is the high density and the properties that are existing in the area are not that dense. Another big concern for her was stormwater. She explained how the water in the area runs off and onto 6th Avenue to a culvert and all this water gathers in an aged culvert. There is a great deal of erosion on Broadway Street and this development is only going to make things worse. Her yard floods and there have been no good answers on how the stormwater will be managed. There is barely enough room to pull out at Westbrook and there is a curve that is a common point of collisions. They need to somehow direct the water out onto 5th Avenue so it will avoid further damage to properties in the area.

Babs Newton, 1109 5th Avenue West stated she has lived in the westside historic district for a long time and her main concerns with this are compatibility, traffic and the impact this development will have on surrounding properties. There are historic homes in the area, some that are over 100 years old. The neighbors are very concerned about the density. Also, 5th Avenue already experiences heavy traffic and the 25-mph speed limit is not adhered to. There are safety issues concerning the speeding and traffic already. The quality of Windsor homes is also an issue. She has toured their homes in the area, and she has concerns about that as well. This project will cause a negative environmental impact concerning the wildlife. Large green spaces are needed. This will cause a negative impact on the residents living between Hendersonville and Laurel Park. She doesn't want to be asking what could have been done for the community once this gets built.

Alice Peschl, 533 Blythe Street stated she does appreciate the developer adding the extra green space, but she is worried about the 74 homes and roughly 150 people that may have nowhere for them to walk except across private property. She owns five acres herself and if this gets approved, she is worried people will be crossing over into her field. She will also have to see about putting up a fence to keep her boundary protected. This development lays the groundwork for what future development could look like, so it needs to be planned well and accordingly and keep it compatible with the neighborhood. She would like to see small town Hendersonville keep its charm.

Charles Reed, 541 Blythe Street stated other developments in this area have lots of greenery and that does not present itself with this project. He feels this property cannot be developed like presented because they cannot use the open space. There are similar lots in the area that are built closely but this project has the homes stacked on top of each other and he feels this is too dense for the community.

Tina Bennett, 555 Westbrook Road stated she does appreciate the developer removing the club house. When she saw the proposed development, she was excited about sewer getting closer to them but then she saw there were 74 units and the traffic cannot handle this. This will increase the traffic on Westbrook, and it will be used as a cut-through. She can't imagine more density on this property and if she had known this, she would not have purchased her property five months ago. Her main concerns are traffic, density and water runoff.

Charles Parsons, 1416 Pinecrest Drive stated when he moved to the county, he had deer and bear on the property. He had no idea the city would take over and allow something like this to be built and ruin the wildlife in the area. This is no more than a high dollar mobile home park. The traffic will increase when you add 175 to 200 more cars. There is no red light or stop signs and this will raise crime. When new people move into the area, crime rises 100%. Concerning the stormwater that's not a matter of if flooding will happen but when. This will also increase the mosquitoes. The possibility of rentals will bring in new people every week and this is just a terrible idea. He thinks the property should be made into a park.

Melanie Gambill, 1516 5th Avenue West stated she is not sure when the traffic study was done but there is a huge traffic problem in this area. She cannot even pull out of her driveway without concerns about the heavy traffic. When the coffee shop was proposed she knew that traffic was only going to get worse and it has. The speed limit is not adhered to and she is concerned that the next step will be the widening of 5th Avenue and the taking of her property. She feels that this project needs to be thought through with more concerns for the wildlife and traffic. Traffic is very important to her.

Gary Galliher, 535 Midway Street stated he thought behind those homes it was considered wet area. When it rains there is a problem with water as it is. He also thought the dotted line on the site plan was a buffer that was to be planted. Chair stated they can talk with the developer

concerning a buffer being planted back there. Chair explained the 30-foot setback requirement on the site plan and how they cannot build within the setback.

Ken Fitch, 1046 Patton Street stated this project generates issues with traffic, density and the environmental impact. The TIA is based on existing conditions and traffic will intensify. Westbrook has been cited as a cut-through and this will increase traffic. The Planning Board had raised issues concerning infill lots and the development impact it has and what they can do about it. The question is, is this the kind of infill development that the Board wants to promote. Is this compatible infill development and is this project compatible with this goal?

Chair asked if anyone had any questions for staff.

Mr. Jones asked what was in each of the developments in the area that Mr. Buie had pointed out. Mr. Buie stated it is a combination of single family, duplexes and townhomes.

Chair asked if there were any further questions for the applicant or staff. There were no further questions.

Mr. Robertson stated he has concerns about the wetlands and doesn't feel like this is medium intensity but high intensity neighborhood. He realizes that a traffic study was done but future traffic could be a problem, he doesn't see conformity here and the density is about half of what it should be. He is ready to make a motion not to approve this project.

Mr. Robertson moved the Planning Board recommend City Council not adopt an ordinance rezoning the subject property for the following reason: nonconformity, the potential of wetland drainage and this is high intensity and not medium intensity. Mr. Brown seconded the motion which passed with a vote of 7 in favor of the motion and 2 opposed to the motion.

V Conditional Zoning District – Application from Riddle Development, LLC for a rezoning to a Conditional Zoning District. The applicant is requesting to rezone subject property PIN 9568-77-1057 from R-6, High Density Residential to CMUCZD, Central Mixed Use Conditional Zoning District to construct a 12-unit apartment building on 0.57 acres located on 1st Avenue West. (File #P20-1-CZD). Mr. Morrow gave the following background:

The City is in receipt of a Conditional Rezoning application from Stephen Drake of Broadcast Construction & Development, Inc for the development of 12 multi-family residential units on approximately 0.57 acres. The project is located on Parcel #9568-77-1057. The applicant is requesting to rezone the subject property from R-6 High Density Residential to CMUCZD, Central Mixed-Use Conditional Zoning District.

This application is a conditional rezoning review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council.

The subject property is zoned R-6 high density residential is vacant.

Parcels to the north are zoned CMU, Central Mixed Use and contain Hendersonville First Church of the Nazarene and residential uses. Parcels located to the east are zoned CMU and include residential and commercial uses. Parcels located to the south are zoned R-6 and CMU and include commercial and residential uses. Parcels located to the West are R-6 and include Vision Jesus and residential uses. Surrounding land uses and zoning districts are shown on the "Existing Land Use Map" and "Zoning Map" on page 11 and 12 respectively.

The subject property is classified as Medium Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. 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 and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods."

The 2030 Comprehensive Plan's Future Land Use Map designates Parcels located to the North and East of the subject property as Downtown Support. The parcels located to the south and west of the project are classified as Medium Intensity Neighborhood and Natural Resource and Agricultural.

The 2030 Comprehensive Plan's Future Land Use Map is located on page 13.

Buildings

The site plan shows a two-story multi-family development totaling approximately 14,799 square feet. Proposed building elevations are attached on pages

Parking

12 parking spaces are required per the Zoning Ordinance. 13 parking spaces are provided at the rear of the property. Street parking will also be available.

Landscaping

Landscaping is provided for vehicular use areas, as well as additional trees along the internal streets and around the common amenities.

1 tree is provided for every 25 linear feet of property line that abuts a public street.

Sidewalks

Sidewalks will be provided along the 1st Avenue frontage of the project.

A neighborhood compatibility meeting concerning the application was held on January 30th, 2020. 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 the Zoning Ordinance.

12 people representing the public attended the meeting. Attendees asked questions regarding traffic on First Ave., parking, density, and lot size. A copy of the neighborhood compatibility report accompanies this memorandum on page 7.

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.
7. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
8. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
9. **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.

10. **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.
11. **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.

Mr. Morrow stated the suggested motions are on page 4 and the property owner and developer are in attendance.

Chair asked if there were any questions for staff. There were no questions for staff.

Stephen Drake stated he was the developer and his company, Broadcast Construction will be developing the property for Mr. Riddle. This is a vacant parcel located off of 1st Avenue West and several adjoining properties are zoned CMU in the area. This project will provide a great opportunity for people wanting to live in the downtown area. They will primarily cater to the snowbirds, empty nesters and single professionals. These are 12-unit 2-bedroom condo or apartment units. There is a strong demand for close to town residential development. The idea is that it will be a walkable community for people living and working in downtown. The building itself will be nice and resemble the older homes in the area. The primary parking will be behind the building. There will be buffers on each side of the property. There could be a mix of rentals and they will have a professional management company that will oversee rentals.

Mr. Drake stated at the Neighborhood Compatibility Meeting they presented a vision to the neighbors for the development. They heard concerns from the neighbors and understand their concerns. Parking seemed to be the biggest issue with 13 spaces and the units having two bedrooms. Most thought there would not be enough parking since most people have two cars now. They thought a great deal about this and decided to observe the street parking for a few days and take photos. They determined that in a period of nine days and at different times during those nine days most of the time there were no cars parked on 1st Avenue and not much traffic. Mr. Drake contacted Tom Wooten, Director of Public Works for the City of Hendersonville and talked with him about having street parking on the 1st Avenue West side of the street. He did not see any problems with having additional parking there. Mr. Wooten stated that streets having on-street parking spaces usually were safer streets as people tend to drive more slowly. Mr. Drake felt like the parking issues have been taken care of with the additional parking being allowed. He understands that some people have two cars, but he believes the parking on the street alleviates this issue.

Mr. Drake stated there were concerns about the architectural details and they plan to give this building a great looking streetscape. The units will be around \$240,000 to \$250,000. The proposed development provides walkable areas to downtown.

Chair asked if there were any questions for the developer.

Mr. Blatt agreed that parking is a big issue. Mr. Drake stated the street is 30-foot-wide, there are 11 existing parking spaces and room for more spaces on the other side.

Mr. Hanley asked about the rent cost. Mr. Drake said he was unsure on what the rental cost would be for the units.

Mr. Drake stated this is a smaller parcel, but the development will provide a great housing opportunity for downtown. They put the parking in the rear to bring more curb appeal to the building. They plan to add shutters and have a nice building.

Mr. Brown asked about the impact the lighting would have on the surrounding properties. Mr. Drake stated they are using Duke Energy and they have hooded lamps and they plan to have sufficient lighting but not disrupt the neighbors.

Mr. Drake stated they are taking into consideration the garbage collection and decided not to go with a dumpster on the property due to noise and other concerns. They plan to have shared containers and have the city pick up the garbage. Mr. Blatt stated this does not sound practical and he feels a dumpster would be more logical.

Mr. Jones asked if the developer was stuck on having 12 units or if they would be willing to decrease the number of units since parking was a major concern for 12 units. Mr. Drake stated there is always consideration but the threshold of 12 units was important to them.

Chair asked if there were any further questions for the developer. There were no further questions. Chair asked if anyone would like to speak concerning this application.

Helen Youngblood, 103 S. Washington Street stated the property she owns has been in her family for over 125 years and is a national registry property. She has concerns about parking and buffers. She was concerned about there being more parking on the street in front of her house and there is a fire hydrant that cannot be blocked. During special events there is more beer cans and trash left out on the street. This property has been vacant for some time and she is concerned about the compatibility of this project in the neighborhood. There will be a lot of families moving in and they need to consider how this transition will look. It would be better if the number of units could drop down. She also has two areas of concern with the Comp Plan. One is the neighborhood compatibility that is suggested in section 8.9 and 8.3. She feels it is important how the transition to multi-family will look and does not believe this is suitable for this location.

Edward King, 105 Fleming Street stated he does not understand why they cannot have ample parking on their own lot. His brother's car has been hit about three times in the street. He cannot understand why the city would benefit Mr. Drake and allow more parking in an already problematic area. There is not enough detail on this plan. The building looks like a low-end hotel and they need to require more detail for this project. This is a residential area and he does not understand why they would be allowed to cheapen the neighborhood.

Katy Gash, 400 1st Avenue West stated her church is Speak Life Community Church located on 1st Avenue. She was at the Neighborhood Compatibility Meeting and felt like the residents at the meeting expressed this project was not compatible for this area. It is not compatible with the neighborhood and with the high price for the apartments it will cause their taxes to go up. This could cause a hardship to property owners in the neighborhood. She felt like the property was zoned R-6 for a good reason and that a change to CMU zoning would allow commercial uses and this was not the desire of the residents on 1st Avenue. She wants her voice to be heard and the concerns of the residents to be heard. She would like to keep this a small town and not rush to develop it.

AJ King, 109 Fleming Street stated the biggest issue is the parking and traffic. He feels this development will need at least two spaces for each unit. Hendersonville is growing but this piece of property is too small for this kind of development. He does not believe sharing the garbage containers will work either and that will become an issue.

Penny Pearson, 404 3rd Avenue West stated she has lived around the corner at this location since 1994 or 1995. She has deep roots here. She wants the historical value of the community to be considered. Parking is a big issue in downtown and she feels there is not enough parking as it is. She was also concerned about the units becoming rentals. She is a property manager and she knows what that entails. You don't always know who you are renting to. Just because their name is on the rental agreement does not mean that other people won't be living there. This is a quiet neighborhood and it was zoned R-6 for a reason. She doesn't think the apartments fit this area.

Andrew Riddle, owner of the property stated he wants to be a good neighbor and work with the residents. He hired Stephen Drake with Broadcast Construction to make the best use of the property. He does care about the neighbors and he is willing to work with them. As for the parking and street situation, that is handled by Public Works and can be addressed with them. It is a pleasure to be able to give someone a home and he would like to see a solution for this project.

Chair stated there are two applicants yet to be heard and he discussed tabling this item with staff. He would like to continue the application to the March 9th Planning Board meeting and be able to discuss some conditions with the applicant and the neighbors. The Board members, staff and Mr. Riddle agreed to table the item to the March meeting.

The West Avenue Villas (File #P20-1-CZD) was continued to the March 9th, 2020 Planning Board meeting.

Chair left at 6:30 pm. Vice-Chair called for a five-minute recess.

Vice-Chair called the meeting to order at 6:35 pm.

VI Conditional Zoning District – Application from William A. Pace, Jr., for a rezoning to a Conditional Zoning District. The applicant is requesting to rezone a parcel located at 137 E. Central Street to C-2 CZD, Secondary Business Conditional Zoning District to allow light manufacturing. (File #P20-4-CZD). Mr. Morrow gave the following background:

The City is in receipt of a Conditional Rezoning application from William Pace of Pace Brothers Construction. The subject project is located on parcel number 9578-24-8681 and contains 1 commercial structure. The property was rezoned in 2018 from R-15 Medium Density Residential to C-3 CZD. City Council approved the rezoning with the following as permitted uses:

- Business services
- Construction trades facilities
- Food processing
- Personal services
- Public and semi-public buildings
- Recreational facilities, indoor
- Religious institutions
- Repair services, miscellaneous
- Residential dwellings, single-family
- Residential dwellings, two-family
- Wholesale businesses

The applicant is requesting to rezone the subject property to C-2 CZD, Secondary Business Conditional Zoning District in order to have light manufacturing as a conditional use. The applicant wants to maintain all permitted uses from the 2018 approved rezoning with the addition of light manufacturing. No changes to the site are proposed, the applicant built the site in accordance with the site plan approved by City Council in 2018.

The subject property is currently zoned C-3 CZD, Highway Business Conditional Zoning District and contains 1 commercial structure.

Parcels to the north, east and west are zoned R-15 and include residential dwellings and a religious institution. Parcels to the south are zoned C-3 Highway Business and include commercial uses as well as the Henderson County Board of Elections. Parcels to the south west are zoned PCD-SU, Planned Commercial Development Special Use and I-1 Industrial and include mini-warehouses. Surrounding land uses and zoning districts are shown on the "Existing Land Use Map" and "Zoning Map" on page 14 and 15 respectively.

The subject property is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the High Intensity Neighborhood classification 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. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

The recommended primary and secondary land uses in High intensity Neighborhood are as follows:

Recommended Primary Land Uses:

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

Recommended Secondary Land Uses:

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

The 2030 Comprehensive Plan's Future Land Use Map designates all adjacent parcels as High Intensity Neighborhood. Some parcels located to the south west of the project are classified as Neighborhood activity center.

The 2030 Comprehensive Plan's Future Land Use Map is located on page 16.

Buildings

The site contains a 10,000 square foot commercial structure.

Landscaping

A buffer as well as a grass berm were installed as a condition of the 2018 rezoning.

This application for rezoning is for adding light manufacturing to the permitted use, no changes to the structure have been submitted. The site was developed in accordance to the site plan and landscaping plan approved by City Council.

A neighborhood compatibility meeting concerning the application was held on February 3rd, 2020. 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 the Zoning Ordinance.

No one representing the public attended the meeting. A copy of the neighborhood compatibility report accompanies this memorandum on page 7.

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.

Mr. Morrow stated the suggested motions are on page 4. Mr. Pace is here to answer any questions.

Mr. Blatt asked if light manufacturing was permitted in C-2. Mr. Morrow stated yes.

Vice-Chair asked if there were any further questions for staff. There were no further questions.

William Pace stated he had talked with his neighbors and they were not interested in this rezoning. His neighbors know that he has their best interest in mind.

Mr. Ben Pace stated light manufacturing is a bit vague. Mr. Morrow read the definition into the record: *Manufacturing, Light is the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25% of the floor area of all buildings on the property.*

Vice-Chair asked if there were any further questions. There were no further questions. Vice-Chair asked if anyone would like to speak concerning the application. No one spoke concerning the application.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-3CZD, Highway Business Conditional Zoning District to C-2CZD, Secondary Business Conditional Zoning District, 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, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: it increases the utilization of the property. Mr. Coker seconded the motion which passed unanimously.

VII Conditional Zoning District – Application from Grace Blue Ridge Church for a rezoning to a Conditional Zoning District. The application is requesting to rezone the subject properties PIN #9578-21-4699, #9578-21-5614 and #9578-21-4924 from R-15, Medium Density Residential to C-2CZD, Secondary Business Conditional Zoning District for the purpose of developing parking for existing church and offices located in the existing building located at 109 Florence Street. (File #P19-38-CZD). Mr. Heyman gave the following background:

The City is in receipt of an application for a conditional rezoning from Michael Bowen of Riseroot Architecture & Design. The applicant is requesting to rezone a 2.46-acre lot that contains Grace Blue Ridge Church and their parking facilities, parcel numbers 9578-21-4699, 9578-21-4924, 9578-21-4699, and 9578-21-5614. The subject property is currently zoned C-2, Secondary Business and R-15 Medium Density Residential. The applicant is requesting to be zoned C-2 CZD, Secondary Business Conditional Zoning District. The applicant is requesting that the following uses be permitted:

- Religious institutions
- Offices, business, professional and public
- Parking lots and parking garages

The majority of Grace Blue Ridge Church's parking is situated on land that is currently zone R-15 Medium Intensity Residential. Since parking lots are not a permitted use in R-15, this zoning change will bring these parcels into zoning compliance. The applicant is also requesting to allow offices as a permitted use. The office function will take place in the rear of the church where light manufacturing once took place.

If approved, the permitted uses would be limited to those indicated on the approved list of uses and conditions.

The subject parcel is currently zoned C-2, Secondary Business and R-15 Medium Density Neighborhood and contains Grace Blue Ridge Church and parking lots.

The parcels to the north west, west and south west are zoned R-15 Medium Density Residential and contain residential uses. The parcels to the north east, east and south east are zoned C-3 Highway Business include the Little Red School Hendersonville and the Dixie Trails Mobile Home Park. Surrounding land uses and zoning districts are shown on the "Existing Land Use" and "Existing Zoning" maps located on pages 9 and 10 respectively.

According to N.C.G.S.160A-383, zoning map amendments shall be made in accordance with a comprehensive plan. The 2030 Comprehensive Plan's Future Land Use Map designates the subject area as High intensity Neighborhood and Medium Intensity Neighborhood.

The goal of 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. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

The goal of the Medium Intensity Neighborhood future land use category 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 and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods."

All adjacent properties are designated as either Medium Intensity Neighborhood or High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map.

The 2030 Comprehensive Plan's Future Land Use Map is located on page 11.

Buildings

The site plan shows an existing structure which houses Grace Blue Ridge Church. The site plan is located on page 8 of this memo.

Streets

The site plan shows two entrances and exits from the property.

Parking

The site plan shows 102 existing parking spaces to remain.

Buffers/Landscaping

The landscaping plan shows a 10 ft. type-B buffer along the south side of parcel number ending in 5614 and the north side of parcel number ending in 4924. The site plan shows an existing privacy fence buffering existing residential uses in between their vehicular use areas.

The landscaping plan further provides for parking lot landscaping including one tree and two shrubs per 4,000 sq. ft. of vehicular use area.

A neighborhood compatibility meeting concerning the application was held on December 18th, 2019. 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 the Zoning Ordinance.

One person representing the public attended the meeting. The attendee asked questions regarding whether the rezoning is tied to a project and whether the lots would be resurfaced. A copy of the neighborhood compatibility minutes are attached to this memo on page 5.

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.

Mr. Heyman stated the suggested motions are on page 4. Michael Bowen the architect for the project is here to answer any questions.

Mr. Blatt asked if churches were permitted in any zone. Mr. Heyman stated they are permitted in most of them. Mr. Blatt asked why this rezoning was necessary. Mr. Heyman stated these are individual lots and they are zoned R-15. Parking lots are not permitted in residential zoning districts. There has been no zoning enforcement action taken for this property.

Mr. Brown asked if they would need to come back to the Board for the paving of the lot. Mr. Heyman stated no, they would only need approval by staff.

There were no further questions for staff.

Michael Bowen, applicant stated the church bought the property three to four years ago when they needed the parking. They should have rezoned the property then. They are trying to get this cleaned up and make sure all uses are compliant.

Vice-Chair asked if anyone had any questions for the applicant. There were no questions. Vice-Chair asked if anyone would like to speak concerning the application. No one spoke concerning the application.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation from R-15, Medium Density Residential to C-2CZD, Secondary Business Conditional Zoning District, 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, finding that the rezoning is reasonable and in the public interest for the following reasons: it will improve the functionality of the existing property. Mr. Hogan seconded the motion which passed unanimously.

VIII Staff Comments – Ms. Frady stated staff would notify the adjacent properties again for the West Avenue Villas project.

IX Adjournment - *The meeting was adjourned at 6:49 pm.*