

**Minutes of the Planning Board  
Regular Meeting  
January 13, 2020**

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

**Members Absent:** Ben Pace, Robert Hogan

**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 4:00 pm. A quorum was established.*

**II Approval of Agenda.** *Mr. Hanley moved for the agenda to be approved. The motion was seconded by Mr. Coker and passed unanimously.*

**III Approval of Minutes for the meeting of December 9, 2019.** *Mr. Robertson moved to approve the Planning Board minutes of the meeting of December 9, 2019. The motion was seconded by Mr. Jones and passed unanimously.*

**IV Election of Chair and Vice-Chair.** Mr. Hanley nominated Mr. Robertson to serve as Vice-Chair for one year. Mr. Jones seconded the nomination which passed unanimously.

Mr. Robertson nominated Mr. Orr to serve as Chair for another year. The nomination was seconded by Mr. Hanley and passed unanimously.

**V Zoning Map Amendment – Rezoning for parcel numbers 9577-89-1783, 9577-89-3603, 9577-89-3576, 9577-89-4851 and 9577-89-6845, to CHMU Commercial Highway Mixed Use. The property is currently zoned by Henderson County and is approximately 2.61 acres located along Upward Road. (File #P19-41-Z).** Mr. Heyman gave the following background:

This proposed rezoning was initiated by the Development Assistance Department. The proposal is to rezone the subject property, parcel numbers 9577-89-1783, 9577-89-3603, 9577-89-3576, 9577-89-4851, and 9577-89-6845, to CHMU Commercial Highway Mixed Use.

The total area is approximately 2.61 acres and is located along Upward Road. The subject property is located approximately 1,656 feet from the primary corporate limits and was annexed by the City of Hendersonville at City Council's December meeting. The parcel is currently zoned Community Commercial by Henderson County. According to G.S. 160A-360(f), if property not zoned by a municipality is annexed, the county regulations shall remain in effect for 60 days, during such time the city may hold hearings and conduct other business to apply their own regulations. City Staff recommends that the subject property be zoned Commercial Highway Mixed Use.

This subject property is currently zoned Community Commercial by Henderson County and are vacant.

Parcels to the north are zoned Office Institutional by Henderson County and contain East Henderson High School. The parcel to the northeast is zoned CHMU Commercial Highway Mixed

Use. Parcels to the east are zoned Community Commercial, Residential 1 and Regional Commercial by Henderson County. Parcels to the south are zoned Community Commercial and Residential 1. Parcels to the southwest are zoned CHMU Commercial Highway Mixed Use, C-2 Secondary Business, C-3 Highway Business and PCD Planned Commercial Development and contain various commercial uses. Parcels to the west are zoned Community Commercial and Residential 1 by Henderson County.

Surrounding land uses and zoning districts are shown on the “Existing Land Use” and “Existing Zoning” maps located on pages 10 and 11. A map containing existing county zoning can be found on page 12.

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 13, the 2030 Comprehensive Plan's Future Land Use Map designates the subject area as High Intensity Neighborhood.

The purpose 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.”

Parcels to the north are classified as High Intensity Neighborhood and Medium Intensity Neighborhood. Parcels to the east are classified as High Intensity Neighborhood. Parcels to the south are classified as High Intensity Neighborhood and Neighborhood Activity Center. Parcels to the west are classified as High Intensity Neighborhood and Neighborhood Activity Center.

The subject area is proposed to be rezoned to CHMU, Commercial Highway Mixed Use zoning district which is intended to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses.

Listed in Table A is an outline of the dimensional requirements for the CHMU zoning district classification. Table B is an outline of the dimensional requirements for the Henderson County Community Commercial zoning district classification.

Commercial Highway Mixed Use has design and architectural standards for new developments. These requirements include but are not limited to front façade design, window design, common open space, building orientation, building scale, utilities, and parking areas. The following uses are permitted by right in the CHMU, Commercial Highway Mixed Use Zoning District Classification, provided that they meet all requirements of the ordinance.

The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan.

The district will allow for and provide commercial development that:

1. Includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level;
2. is directed largely to Community Service Centers as defined in the Comprehensive Plan;
3. is compatible with adjacent development and the surrounding community; and
4. will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Transitional (RTA) or Urban (USA) in the Comprehensive Plan.

The permitted uses for the CHMU, Commercial Highway Mixed Use zoning are listed on page 4. The permitted uses for the current Henderson County zoning are listed 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.

The suggested motions are on page 8.

Chair asked about sidewalks and pedestrian crossings as this property is located close to a school and this will be an issue with development at this location. Mr. Heyman stated sidewalks will be required on all street frontage. He is not sure about the development of this property yet because nothing has been submitted. City Council chose to annex the property and therefore the city must rezone it.

Ms. Frady stated staff will work with NCDOT on pedestrian crossings once a plan is submitted.

Mr. Robertson asked if the proposed zoning by the city mirrors the current county zoning. Mr. Heyman stated yes, it is as compatible as it gets. Mr. Robertson asked how Dairi-O feels about this rezoning. Mr. Heyman stated they are aware of this process.

Chair asked if anyone has any further questions. There were no further questions.

Chair asked if anyone would like to speak to the Board. No one came forward to speak.

***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 parcel numbers 9577-89-1783, 9577-89-3603, 9577-89-3576, 9577-89-4851 and 9577-89-6845 from Henderson County Community Commercial to CHMU, Commercial Highway Mixed Use, 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: this is the highest and best use of the property. Mr. Jones seconded the motion which passed unanimously.***

- VI Subdivision Ordinance Review** – Chad Meadows presented the Subdivision Ordinance to the Planning Board for their review. He went over the objectives, project background, ordinance changes and key changes by each article. There were several issues discussed by the Board members and those issues were: definitions ( Mr. Blatt felt there were several terms that needed to be defined in the definitions), minor and major subdivisions (the difference between the two are not clearly defined and are somewhat confusing), HOA and stormwater (Chair felt the HOA requirement was not feasible for smaller subdivisions and was just not fair to put on the property owners), and the 2,600-altitude requirement (Mr. Blatt had a problem with this requirement as it limits property owners from developing if they have steeper lots).
- Mr. Robertson moved the Planning Board recommend City Council adopt an ordinance amending the City of Hendersonville Subdivision Ordinance as proposed, but with the following modifications: the definitions, minor and major subdivisions, the HOA and stormwater requirements and the 2,600-altitude requirement. Mr. Hanley seconded the motion which passed unanimously.***
- VII Staff Comments** – Ms. Frady introduced Mr. Neil Brown as a new Planning Board member. She also stated there were several new projects that would be coming before the Board. The Zoning Ordinance updates, and the update of the Comprehensive Plan should take place this year.
- VIII Adjournment** - *The meeting was adjourned at 6:15 pm.*