

AGENDA

CITY OF HENDERSONVILLE PLANNING BOARD MEETING

**City Operations Center
305 Williams Street
Monday, April 20, 2020
4:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Approval of Minutes for the meeting of March 9, 2020**
- IV. Zoning Map Amendment** – Application from Jeff Justus for a rezoning. The applicant is requesting to rezone subject property PIN 9578-51-0342 and located at 1601 Old Spartanburg Road from R-15, Medium Density Residential, C-3, Highway Business and C-3SU, Highway Business Special Use to c-3, Highway Business. (File #P20-15-Z).
- V. Site Plan Review** – Application from Windsor Built Homes, LLC for the development of a minor planned residential development (minor PRD) consisting of 45 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. (File #P20-16-SPR).
- VI. Staff Comments**
- VII. Adjournment**

M E M O R A N D U M

TO: Planning Board

FROM: Development Assistance Department

RE: 1601 Old Spartanburg Rd. Rezoning

FILE #: P20-15-Z

DATE: April 20th, 2020

PROJECT HISTORY

The City is in receipt of an application for a rezoning from Jeff Justus. The applicant is requesting to rezone the subject property, parcel number 9578-51-0342, from R-15 Medium Density Residential, C-3 Highway Business and C-3 SU Highway Business Special Use. The total subject area is approximately 4.17 acres. Photographs of the property can be found on page 9.

EXISTING LAND USE & ZONING

The subject property is currently zoned R-15 Medium Density Residential, C-3 Highway Business and C-3 SU Highway Business Special Use and contains several residential structures.

On July 8th 1999, City Council rezoned a section of this parcel to C-3 SU for the purpose of allowing the owner to operate an antique retail store from the existing residential structure at 1607 Old Spartanburg Road. The Special Use permit stated that the retail operation would be limited to the existing residential structure and that the only permitted uses for the structure would be dwelling or retailing.

Parcels to the north are zoned R-15 Medium Density Residential. Parcels to the north east are zoned C-4 neighborhood commercial and contain Fitclub Inc. The parcels to the east are zoned R-15 and Community Commercial by Henderson County. Parcels to the south are zoned C-3, Community Commercial, and PRD Planned Residential Development and contain commercial uses and Hillside Commons. Parcels to the south west are zoned C-3 and I-1 industrial and contain Southern Concrete Material and Selee Corporation. Parcels to the west are zone C-3 and I-1. Parcels to the North West are zoned C-3 SU, Highway Business Special Use.

Surrounding land uses and zoning districts are shown on the "Existing Land Use" and "Existing Zoning" maps located on pages 10 and 11 respectively.

PROPOSED ZONING CLASSIFICATION

The subject area 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 residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking, and be designed to minimize traffic congestion.

ANALYSIS

Listed in Table A is an outline of the dimensional requirements for the C-3 zoning district classification. Table B is an outline of the dimensional requirements for the R-15 zoning district classification.

Table A

Dimensional Req. C-3	Residential	Non-Residential
Minimum Lot Area	6,000 Sq. Ft.	10,000 Sq. Ft.
Minimum Lot Width at Building Line	50 Feet	80 Feet
Minimum Front Yard	20 Feet	35 Feet
Minimum Side Yard	8 Feet	15 feet
Minimum Rear Yard	10 Feet	20 Feet
Maximum Building Height	35 Feet	48 Feet

Table B

Dimensional Req. R-15	Residential
Minimum Lot Area	15,000 Sq. Ft.
Minimum Lot Width at Building Line	85Feet
Minimum Front Yard	30 Feet
Minimum Side Yard	10 Feet
Minimum Rear Yard	15 Feet
Maximum Building Height	35 Feet

The following uses are permitted by right in the C-3 Highway Business Zoning District Classification, provided that they meet all requirements of the ordinance.

C-3, Highway Business District

Permitted Uses:

- Accessory dwelling units subject to special requirements contained in Section 16-4, below
- Accessory uses & structures
- Adult care centers registered
- Animal hospitals & clinics as long as they contain no outdoor kennels
- Automobile car washes
- Automobile sales & service establishments
- Automotive paint & body work
- Banks and other financial institutions
- Bed & breakfast facilities
- Business services
- Congregate care facilities, subject to special requirements contained in Section 16-4, below
- Construction trades facilities so long as the storage of equipment and materials is screened from view from
- any public rights-of-way
- Convenience stores with or without gasoline sales
- Cultural arts buildings
- Dance and fitness facilities
- Dry cleaning and laundry establishment containing less than 6,000 ft² of floor area
- Farm equipment sales & service
- Food pantries, subject to the special requirements contained in Section, 16-4 below)
- Food processing establishments containing less than 10,000 ft² of gross floor area
- Funeral homes
- Golf driving ranges & par three
- golf courses
- Greenhouses & commercial nurseries
- Home occupations
- Hotels and motels
- Laundries, coin-operated
- Microbreweries, subject to special requirements contained in Section 16-4, below
- Mobile food vendors, subject to special requirements contained in Section 16-4, below
- Mobile homes sales establishments so long as they are situated on a major thoroughfare containing four or more traffic lanes
- Music and art studios
- Newspaper offices and printing establishments
- Nursing homes subject to special requirements contained in Section 16-4, below
- Offices, business, professional and public
- Parking lots and parking garages
- Parks
- Personal services
- Planned residential developments (minor), subject to the requirements of Article VII, below
- Progressive care facilities subject to special requirements contained in Section 16-4, below
- Public & semi-public buildings
- Recreational facilities, indoors
- Recreational facilities, outdoors, commercial
- Religious institutions

- Repair services, miscellaneous
- Residential care facilities
- Residential dwellings, single-family
- Residential dwellings, two-family
- Rest homes subject to special requirements contained in Section 16-4, below
- Restaurants
- Restaurants, drive-in
- Retail stores
- Schools, post-secondary, business, technical and vocational
- Schools, primary & secondary
- Service stations
- Signs, subject to the provisions of Article XIII
- Telecommunications antennas, subject to special requirements contained in Section 16-4, below
- Telecommunications towers, subject to special requirements contained in Section 16-4, below.
- Theaters, indoor
- Wholesale businesses

Conditional Uses:

- Animal boarding facilities
- Bus stations
- Childcare centers
- Civic clubs & fraternal organizations
- Mini warehouses
- Private clubs
- Public utility facilities

The R-15, Medium-Density Residential zoning district is intended for areas in which the principal use of land is for medium-density single-family residences. The permitted and conditional uses for the R-15, Medium Density Residential zoning district are listed below.

R-15, Medium-Density Residential District

Permitted Uses:

- Accessory dwelling units
- Accessory structures
- Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Camps
- Childcare homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Home occupations
- Parks
- Planned residential developments (minor)
- Religious institutions containing no more than 50,000 ft² of gross floor area
- Residential dwellings, single-family
- Residential dwellings, two-family
- Signs, subject to the provisions of Article XIII
- Telecommunications antennas, subject to special requirements

contained in Section 16-4, below

Conditional Uses:

- Bed and breakfast facilities
- Cemeteries
- Public utility facilities
- Schools, primary & secondary, containing no more than 50,000 ft² of gross floor area

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 12, the 2030 Comprehensive Plan's Future Land Use Map designates the subject area as Neighborhood activity center and Natural Resource/Agricultural.

The purpose of the Neighborhood Activity Center future land-use category is to "Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods." The primary and secondary recommended land uses for the Neighborhood Activity Center land use category are as follows:

Primary

- Neighborhood retail sales and services

Secondary

- Offices

- Multi-family residential
- Live-work units
- Public and institutional uses
- Pedestrian amenities (plazas, outdoor seating, etc.)
- Mixed uses

The purpose of the Natural Resource/ Agricultural future land-use category 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." The primary and secondary recommended land uses for the Natural Resource/Agricultural land use category are as follows

Primary

- Open space
- Recreational amenities
- Low-impact stormwater management facilities
- Flood storage
- Agricultural uses

Secondary

- Utilities other than stormwater management

- Single-family attached and detached structures
- Cemeteries

Parcels to the north and east are classified as High Intensity Neighborhood and Natural Resource/ Agricultural. Parcels to the south are classified as Neighborhood Activity Center and High Intensity Neighborhood. Parcels to the west are classified as Neighborhood Activity Center and Business Center.

FLOODPLAIN DESIGNATION

Sections of this parcel are located within the 100-year floodplain designation, as shown on the flood map provided on page 13. Per our zoning ordinance the applicant may fill and/or use for development up to one-half acre or 10% of such property, whichever is greater. Provided, however, in order to develop such lands, the property owner or developer must comply with all applicable regulations of the Federal Emergency Management Administration including obtaining a “no-rise” certificate, if necessary.” Susan Frady is our Certified Floodplain Manager and she would review any development within these areas and grant the no rise certification if the requirements are met.

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 recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9578-51-0342, from R-15 Medium Density Residential, C-3 Highway Business and C-3 SU Highway Business Special Use to C-3, Highway Business, 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:

[PLEASE STATE YOUR REASONS]

For Recommending Denial:

I move the Planning Board recommend the City Council not adopt an ordinance rezoning parcel number 9578-51-0342.

[PLEASE STATE YOUR REASONS]

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

IN RE: FILE NO. P20-15-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 number 9578-51-0342, from R-15 Medium Density Residential, C-3 Highway Business and C-3 SU Highway Business Special Use to C-3, Highway Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of May 2020.

Barbara Volk, Mayor

ATTEST:

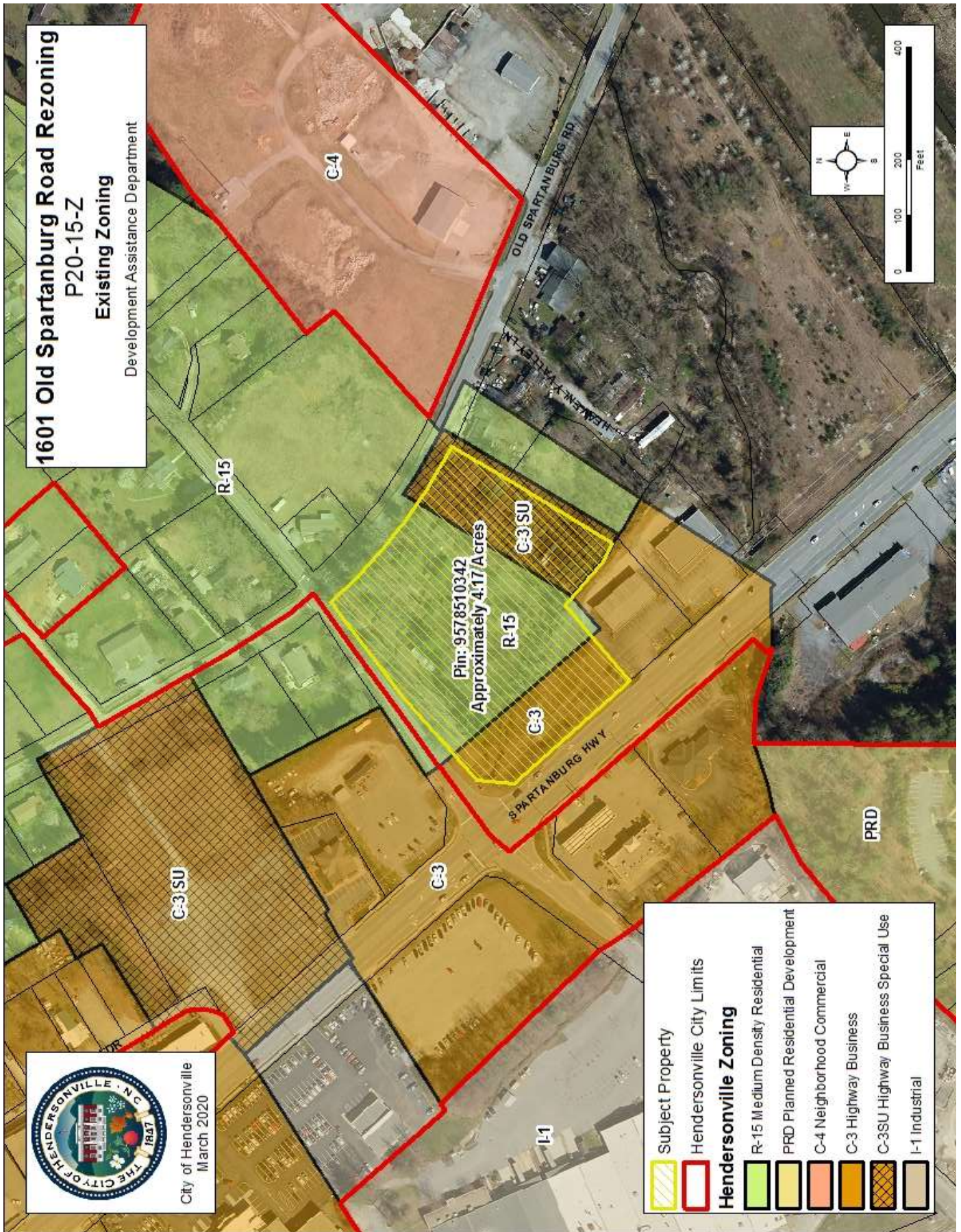
Tammie K. Drake, CMC, City Clerk

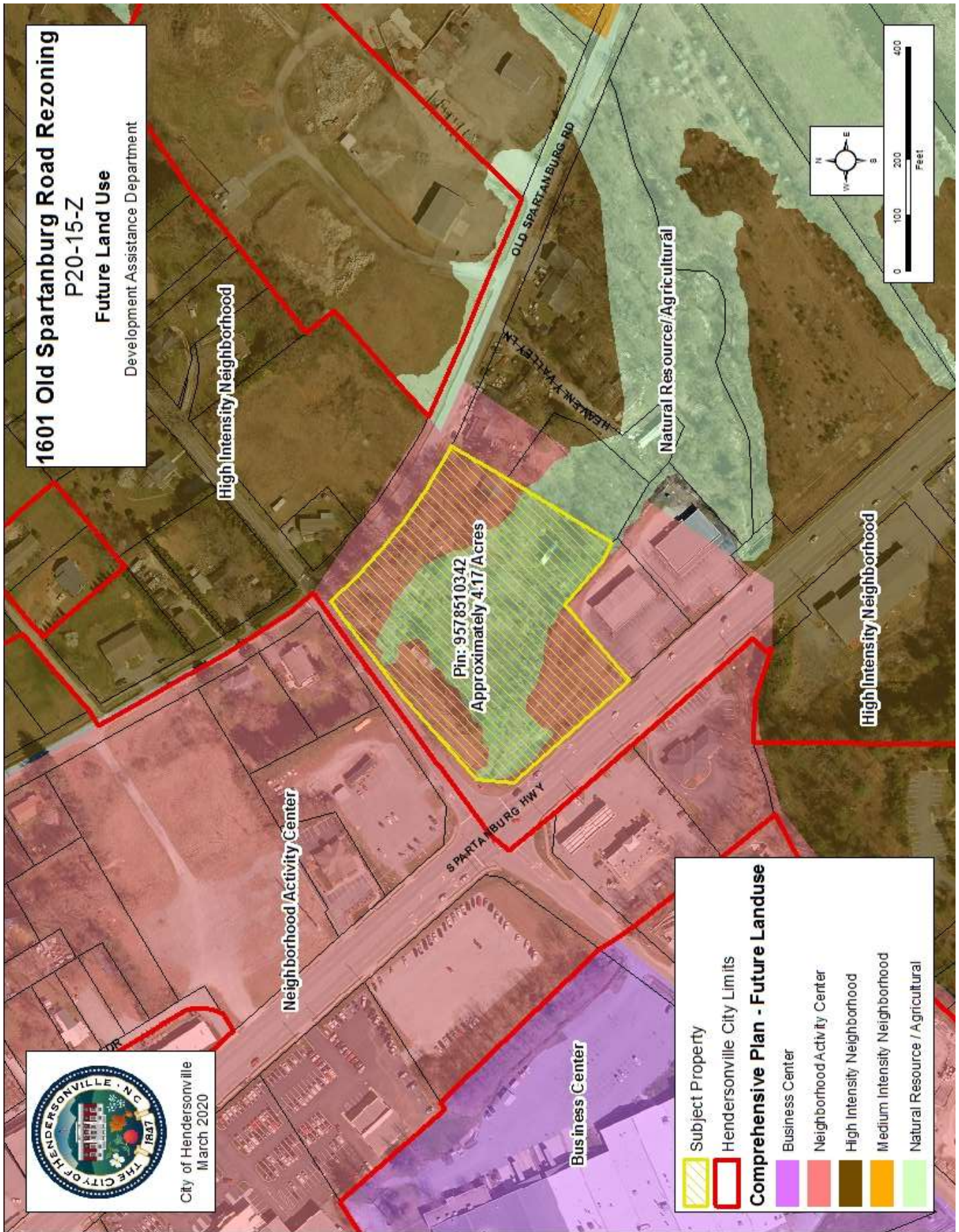
Approved as to form:

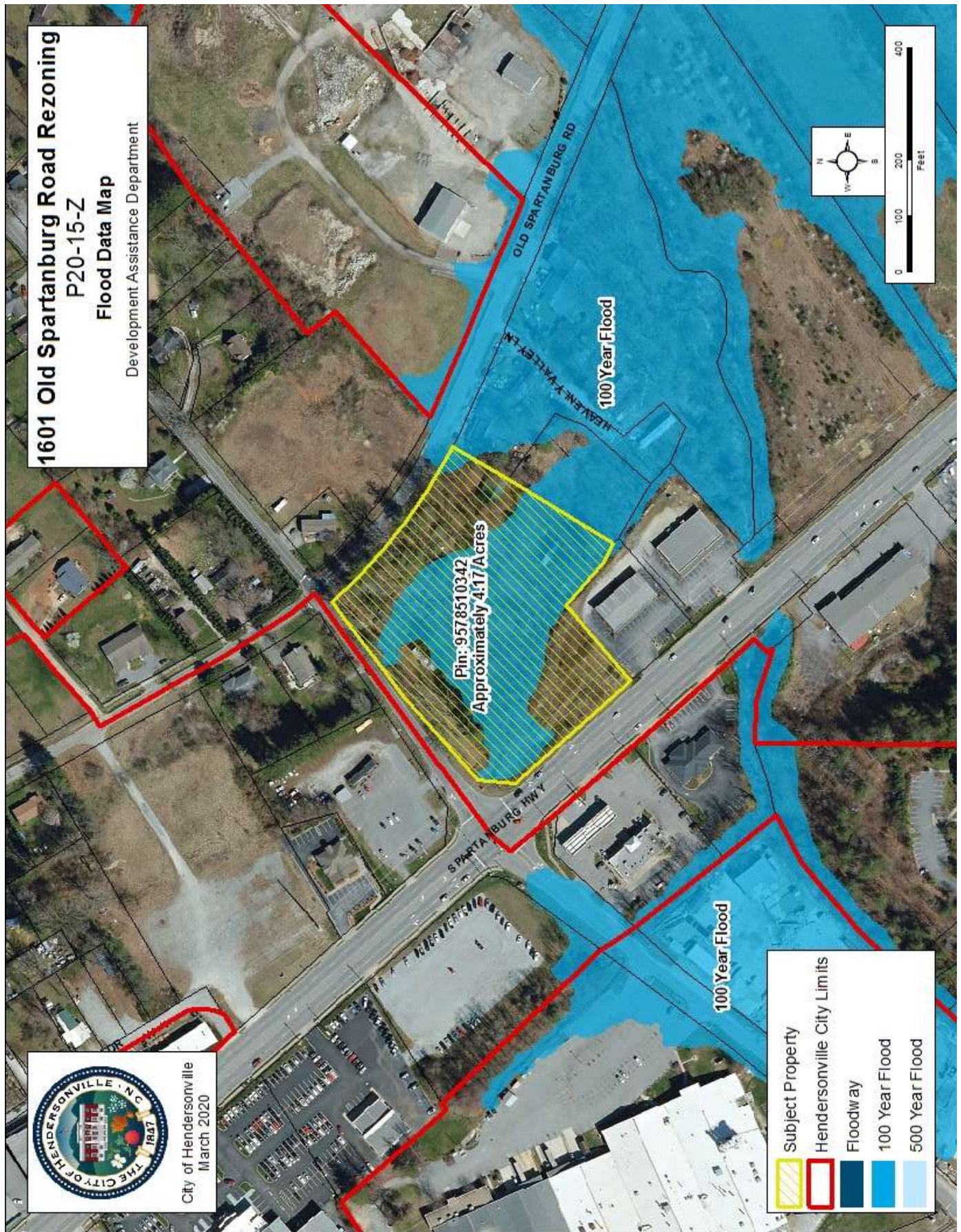
Samuel H. Fritschner, City Attorney











M E M O R A N D U M

TO: Planning Board

FROM: Development Assistance Department

RE: Ivy Crossing Conditional Rezoning

FILE #: P20-16-SPR

DATE: April 20, 2020

PROJECT DESCRIPTION

The City is in receipt of an application from Windsor Built Homes, LLC for the development of a minor planned residential development (minor PRD) consisting of 45 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.

This application is for site plan review and is seeking only approval from the Planning Board. The development contains fewer than 50 units and does not exceed the permitted density in the R-15 Medium-Density Residential zoning district, therefore City Council approval is not required.

PROJECT HISTORY

The developer previously applied for a conditional rezoning for the development of 74 single-family homes on this property. At your February meeting, the Planning Board voted to recommend City Council deny the application. At the request of the applicant, the application was withdrawn. City Council did not review the application.

EXISTING LAND USE & ZONING

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 5 and 6 respectively.

COMPREHENSIVE PLAN CONSISTENCY

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 7.

PLAN REVIEW

Buildings

The site plan shows 45 single-family lots, with an average lot area of approximately 0.2 acres. The preliminary site plan showing the proposed lots is attached to this memo.

Existing Landscaping

The site plan shows existing trees to be preserved in various common areas.

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 2.89 units per acre. Minor PRDs are permitted by right in the R-15 zoning district when the proposed density is less than 3.75 units per acre and no more than 50 units are proposed.

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.

ITE Land Use Code	Size	Unit	ADT (vpd)	AM Peak (vph)		PM Peak (vph)	
				IN	OUT	IN	OUT
210 – Single-Family	86	Dwelling units	905	16	50	55	33

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 9.

STANDARDS FOR REVIEW

Section 7-3-3.4 of the Zoning Ordinance states, “an application for preliminary site plan approval shall not be approved unless the Planning Board determines that the application and preliminary site plan demonstrate compliance with this ordinance. The Planning Board may impose such reasonable condition on an approval as will ensure such compliance with this ordinance.”

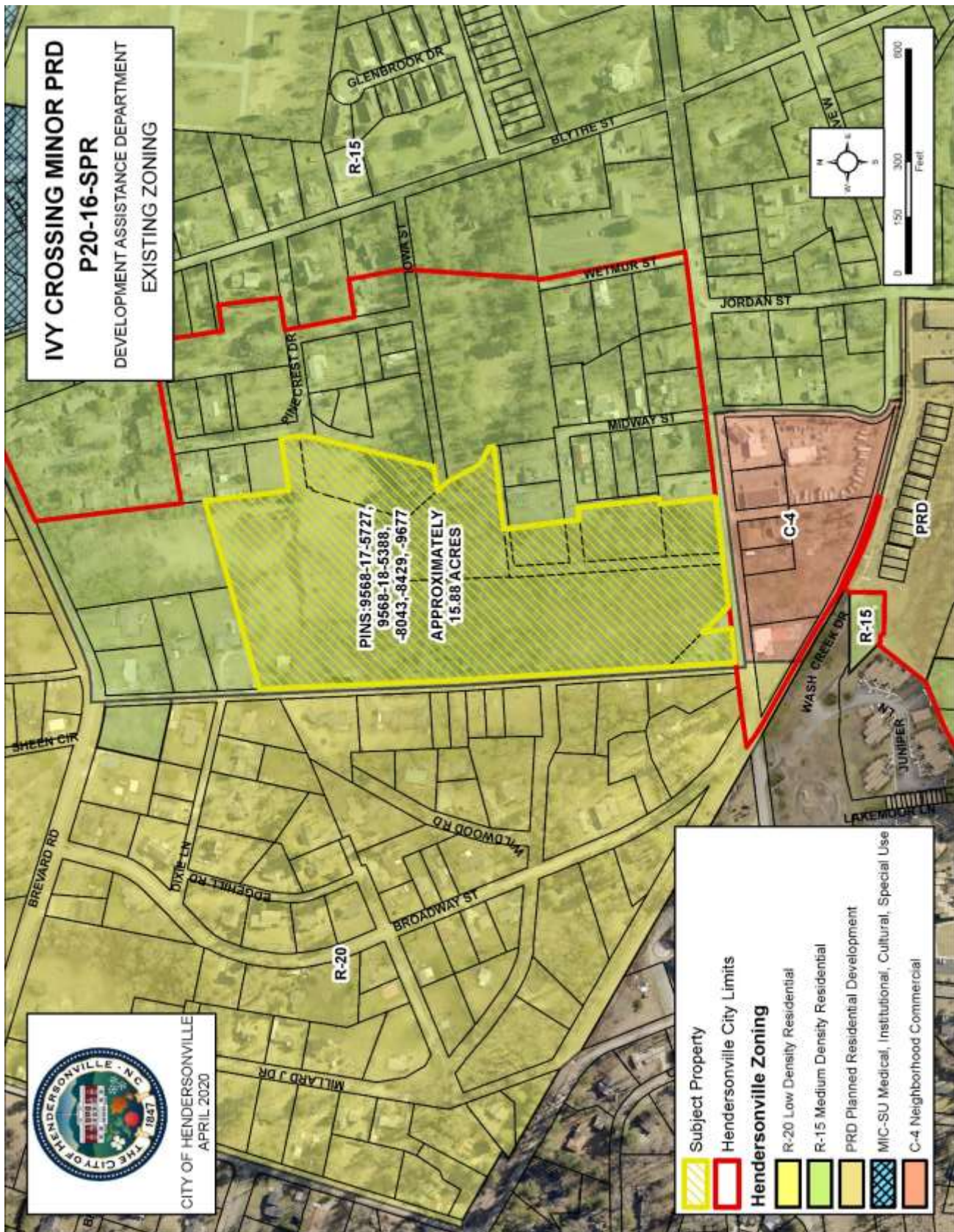
SUGGESTED MOTIONS

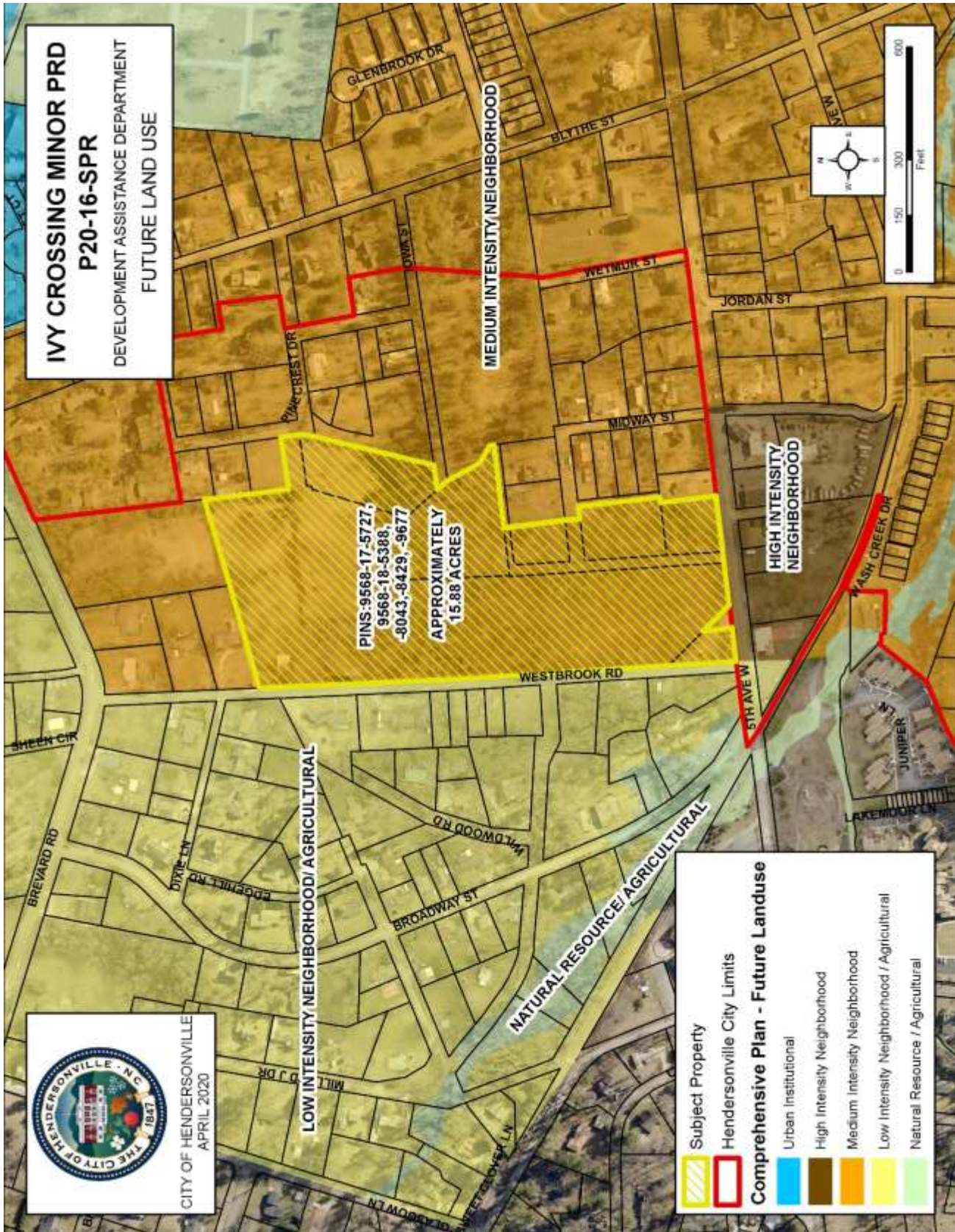
For Approval: I move that the Planning Board grant preliminary site plan approval, based on the requirements of Section 7-3-3.2 of the Zoning Ordinance and other applicable regulations, for the project:

[PLEASE STATE YOUR REASONS]

For Denial: I move that the Planning Board deny the application for site plan approval for the project because the applicant has failed to demonstrate compliance with the following provisions of the Zoning Ordinance:

[PLEASE STATE SECTION AND REASONS]







January 20, 2020

Mr. Daniel Heyman
City of Hendersonville
Development Assistance Department
100 N. King Street
Hendersonville, NC 28712

RE: *Windsor Built Homes, 5th Avenue West TIA Review*

Dear Daniel,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the traffic impact analysis (TIA) prepared for the Windsor Built Homes, 5th Avenue West dated January 2, 2020 by J.M. Teague Engineering & Planning. The proposed site is anticipated to consist of up to 86 single family homes and is located between 5th Avenue West and US 64 (Brevard Road) along Westbrook Road. This memo outlines our review of the TIA.

TECHNICAL REVIEW COMMENTS

The following comments were developed in accordance with the traffic impact analysis guidelines contained within the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* and the NCDOT *Congestion Management Capacity Analysis Guidelines*.

Though the TIA mostly complies with all the required guidelines within the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* and the NCDOT *Congestion Management Capacity Analysis Guidelines*, a few discrepancies were identified and should be addressed including:

Analysis Methodology

- Confirm the intersection site distances at the site driveways are appropriate
- The existing PM westbound through volume in Figure 4 and the existing Synchro analysis does not match the turning movement counts at the intersection of US 64 (Brevard Road) at Westbrook Road
- The background growth rate (1.5%) appears to be applied for three years of growth instead of four years of growth at the intersections of:
 - US 64 (Brevard Road) at Westbrook Road
 - 5th Avenue West at Westbrook Road
- Confirm the methodology for trip assignment at the site access points

Figures

- In Figure 8 and Figure 9 some of the site trips do not balance between intersections
 - This appears to be a minor rounding issue
- In Figure 8 and Figure 9 the some of the external and internal trips do not match the trip generation



- This appears to be a minor rounding issue
- In Figure 10, some of the total build-out traffic volumes do not match the Synchro files
- In Figure 10, the AM and PM northbound total build traffic volumes do not match background plus site trips at the intersection of US 64 (Brevard Road) at Westbrook Road

Results Tables

- In Table 3, the AM and PM v/c ratios for the eastbound through/right at the intersection of US 64 (Brevard Road) at Westbrook Road do not match the Synchro outputs
- In Table 4, the AM v/c ratio for the eastbound through/right at the intersection of US 64 (Brevard Road) at Westbrook Road does not match the Synchro outputs
- In Table 5, the PM v/c ratio for the eastbound through/right at the intersection of US 64 (Brevard Road) at Westbrook Road does not match the Synchro outputs
- In Table 5, the AM v/c ratio for the westbound through/right at the intersection of 5th Avenue West at Site Access #2 does not match the Synchro outputs

CONCLUSIONS

Based on the technical review of the TIA as submitted, the analysis represents an accurate depiction of the anticipated operations of the proposed development. A technical memo or addendum to this TIA as a response to these comments should be completed.

Please contact me at (704) 488-3055 or jonathan.guy@kimley-horn.com should you have any questions regarding this analysis.

Sincerely,

A handwritten signature in black ink that reads "Jonathan R. Guy".

Jonathan Guy, PE, AICP, PTOE
Vice President