**Minutes of the Planning Board**

**Regular Meeting - Electronic**

**June 8, 2020**

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

**Members Absent:**  Jon Blatt, Robert Hogan, Ben Pace, John Coker

**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. Brown and passed unanimously.***

**III Approval of Minutes for the meeting of April 20, 2020. *Mr. Robertson moved to approve the Planning Board minutes of the meeting of April 20, 2020. The motion was seconded by Mr. Hanley and passed unanimously.***

**IV Conditional Zoning District – Application for a conditional rezoning from Riddle Development, LLC. The applicant Stephen Drake, is requesting to rezone the subject property PIN 9568-77-1057 and located on 1st Avenue West, from R-6, High Density Residential to CMU CZD, Central Mixed Use Conditional Zoning District for the development of two quadplex units, for a total of 8 residential units on approximately 0.57 acres. (File #P20-1-CZD).** Mr. Heyman gave the following background:

Mr. Heyman explained how the zoom meeting will work and receiving the live comments.

The City is in receipt of a Conditional Rezoning application from Andrew Riddle, of Riddle Development, LLC for the development of two quadplex units, for a total of 8 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.

At their February 10th meeting, the Planning Board decided to continue this project to ensure that adequate time was available to discuss possible conditions with the developer, members of the board and citizens. The applicant has submitted a revised site plan to address comments received at the neighborhood compatibility meeting and Planning Board meeting.

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 and 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 contain religious 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 revised preliminary site plan shows two quadplex units for a total of 8 residential units. The site plan and building elevations are attached to this memo.

**Parking**

Eight parking spaces are required per the Zoning Ordinance. 18 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.

**Trash facilities**

A trash can corral is provided at the rear of the property to house roll-out containers for the units.

**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.
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. The applicant Andrew Riddle is here to answer any questions. Written comments were given to the Planning Board members and have been submitted into the record.

Mr. Robertson asked if the Neighborhood Compatibility meeting referred to in the memo was the original meeting where 12 units were proposed. Mr. Heyman stated yes.

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

Chair asked if Mr. Riddle would like to speak. Mr. Riddle stated he would like to let the neighbor that was in attendance speak first.

Nenon Ujiki spoke to the Board. She stated she is concerned with the buffer zone between the properties and who will maintain it. The tree line as it is shown is not maintained and cared for currently. She has been unable to talk with Harriet Fox concerning the buffer zones. Ms. Fox is another neighbor on the 1st Avenue side. Ms. Ujiki lives at 115 S. Washington Street. She stated the buffer zone has not been clarified to her and she wants to know who is responsible in maintaining it.

Ms. Ujiki also stated that parking is an issue. There is no parking available on the 1st Avenue side. Mr. Riddle has reduced the units so parking does make more sense now, so that issue may be resolved. She stated pricing is also an issue. It needs to be flexible. There was a gentleman in attendance at the last meeting that told her this project might raise the property value and she is concerned about this because she is a senior citizen.

She was also concerned about handicap access. This is a major project and she is concerned about COVID19 and the Governor relaxing the restrictions. She is in a high-risk group and is concerned about the work being started and if it will start after a vaccine. She would also like to see diversity in the community and these units being available for everyone.

Andrew Riddle, applicant spoke to the Board. He stated he originally submitted the application to provide housing in the work force housing group. This project will provide housing in the income range for emergency personnel, teachers, etc. The original project with 12 units got shot down at the last Planning Board meeting. He has dealt with the neighbor’s major concerns. The parking for this project exceeds the parking requirements. He has directed the proposed lighting to be aimed at the ground. The trash concerns have been handled by adding a trash can corral with the Rubbermaid cans provided by the city.

Mr. Riddle stated if the units become condominiums then his attorney Edward Harrelson will form an HOA that will maintain the property and buffers. If the units become apartments, then a landlord will oversee this. He stated he has taken down trees for Ms. Ujiki and sat of the front porch and discussed the project with Ms. Fox. He has addressed Ms. Fox’s concerns and communicated with the neighbors in a positive way and he has gotten a positive response from them. Ed King is the gentleman Ms. Ujiki referred to at the first meeting and he also has gotten a positive response from him.

Mr. Riddle stated this is a beautiful project. As far as the cost of the units, that has not been determined yet and will depend on what the cost to build will be. These units will have Erle Stillwell features and he has replicated the design of Maple Grove that was originally built in 1920. This will be a compliment to downtown. Everyone agrees that housing is much needed. These units are two floors and have two bedrooms and two baths. They are quadplexes, two buildings with four units in them.

Mr. Robertson stated he commends Mr. Riddle for listening to the community and responding.

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

Mr. Heyman stated now they will hear from the callers. The first one is Ken Fitch.

Ken Fitch stated Mr. Riddle does address some of the concerns from the original application. His concern is for the large row of trees on the east side and the large row of trees on the west side and a cluster trees next to the road. His concern is, are these trees on the project property or on the adjacent property. Removal of the trees would have an impact on the neighbors. They need clarification on the buffering for the neighbors. Chair thanked Mr. Fitch for his comments.

Helen Youngblood spoke to the Board. She thanked Mr. Riddle for addressing some of the concerns. Her concerns were the buffering. She would like for the trees on the west and east side to remain or leave as many of them as possible. She would like to see a one-way entrance/exit and that would provide for a greater buffer strip. This would create a greater width for the buffer and further protect the adjacent property owners. The lighting is also a concern and should be planned so that the residential properties are protected. There has been talk of condominiums and townhouses and she wants to make sure the neighborhood has been heard on that. The parking issues have somewhat been addressed but there are still concerns about overflow traffic issues. She feels the driveway should be reduced to 12 feet and create a one-way entrance as this would be better for the neighbors. Her comments that she submitted were a general expression from the neighbors. She has lived there a long time.

Mr. Heyman addressed the written comments from Ms. Youngblood. Number 5 stated she would like to property owner to indicate the project will be condos and not apartments and place this on the application as a condition. The city cannot regulate property, and this cannot be placed on the plan as a condition.

Chair stated the Fire Marshal would dictate the width of the drive and this may not be a condition they can add. Emergency vehicles must be able to access the property.

Ms. Ujiki stated as a resident she has felt isolated with no one in the neighborhood to call with problems. She wondered what the neighbors on Allen Street thought of the project. The density is a concern. They are going from vacant land to 8 to 10 renters. Who does she go to report problems once this project is built? She doesn’t know what Mr. Waldrop thinks or the people at the Furniture Barn. What are their comments?

Mr. Heyman stated all adjacent property owners within 400 feet of the project were notified by letter, the property was posted and published in the newspaper. All effected property owners were notified.

Chair explained the buffer strip and how the buffer would have to be maintained by either the HOA or a property manager.

Chair asked if there were any further questions.

Mr. Robertson stated he was concerned about the access into the property and the angle of the parking spaces in the rear. It makes more sense to have a one-way entrance/exit. Mr. Riddle stated he has not gotten into all the fine details of the driveways, but a one-way drive would be the most logical as the parking spaces are angled.

Mr. Riddle discussed saving the mature trees that can be saved and emailing the tree survey to Ms. Youngblood. He plans to keep as many mature trees on the property as he can. He did speak with Harriet Fox concerning the buffer on her side and it is in rough shape. He plans to keep as many trees as possible in lieu of taking them down.

Mr. Jones asked if the tenants will have two parking spaces now or will this be a first come, first serve situation. Mr. Riddle stated each unit has a garage. He does not have an answer for surface parking, but he does meet all the parking requirements.

Mr. Brown asked if the city could enforce or oppose the one-way entrance or if it was out of their hands. Mr. Heyman stated the one-way entrance/exit could be added as a condition on the rezoning.

Mr. Robertson asked about the striping for parking on the street that was proposed at the last meeting. Mr. Heyman stated Stephen Drake had said in the previous meeting that he had talked with Tom Wooten, Public Works Director about striping additional parking on the street. This would have to be approved by the Public Works Department and has not been proposed for this project. Mr. Riddle stated they are not asking for that. Chair stated the city could do this on their own. This is a city street and would have to be approved by the Public Works Department.

Ms. Youngblood stated she understands the Fire Department concerns for the driveway however, Section 6-6 states for off-loading and unloading spaces it is no less than 12 feet so she feels this entrance could be dropped to a 12-foot entrance and moved closer to the structure to prevent a stacking situation. She feels an entrance on the west side and an exit on the east side would be better for the traffic pattern and could retain the safety aspect and also preserve the neighborhood and accommodate the neighbors. Mr. Riddle stated he would look at this and discuss it with the Fire Department. Ms. Youngblood stated the project could be nice for the area but needs to be done right.

Chair discussed adding conditions to the motion. Mr. Heyman stated the General Statutes allow for conditions to be added but the city and the applicant must be in agreement with the conditions.

Mr. Brown discussed the buffer being increased by three feet and having the one-way entrance and exit. Mr. Brown also thought the 12-foot width may be squeezing it when bringing in fire trucks. Mr. Riddle stated he has not talked with the Fire Department, but he will speak with them.

Mr. Heyman stated the landscaping that is proposed does meet the Zoning Ordinance requirements. The Board can add additional requirements as a condition.

More discussion was made concerning the entrance and exit for the property. The Board discussed adding a condition for a one-way entrance/exit.

***Mr. Robertson 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 R-6 High Density Residential to CMU CZD, Central Mixed Use Conditional Zoning District, based on the revised site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, also with the condition that access to the property be one way in and one way out, with the west being the entrance and the east being the exit, finding that the rezoning is consistent with the Comprehensive Plan’s Future Land Use map, and in the public interest. Mr. Hanley seconded the motion which passed unanimously.***

**V Staff Comments -** None

**VI Adjournment** - ***The meeting was adjourned at 4:56 pm.***