**Minutes of the Planning Board**

**Regular Meeting - Electronic**

**July 13, 2020**

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

**Members Absent:**  Jon Blatt, Robert Hogan, Ben Pace, Peter Hanley

**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 4:02 pm. A quorum was***

 ***established.***

**II Approval of Agenda.  *Mr. Brown 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 June 8, 2020. *Mr. Brown moved to approve the Planning Board minutes of the meeting of June 8, 2020. The motion was seconded by Mr. Robertson and passed unanimously.***

**IV Conditional Zoning District – Application for a conditional rezoning from Riddle Development, LLC. The applicant 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 10 residential units on approximately 0.57 acres. (File #P20-1-CZD).** Mr. Heyman gave the following background:

 The City is in receipt of a Conditional Rezoning application from Andrew Riddle, of Riddle Development, LLC for the development of two quadplex units, and two additional units, for a total of 10 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 the June meeting, the Planning Board reviewed this project an unanimously recommended City Council approve the application with the condition that the off-street drive be one-way. The applicant has since revised the plan to include two additional units above the carports, requiring review by the Planning Board.

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, and two units above the detached carport, for a total of 10 residential units. The site plan and building elevations are attached to this memo.

**Parking**

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

Mr. Brown asked about the small apartment building on the southside and if the tenants were notified of this project. Mr. Heyman stated a notice would have been mailed to the property owner. It is the property owners on record that get mailed a written notice, but the property is also posted with a sign, it is published in the newspaper and it is posted on the City’s website. Mr. Brown asked if this proposal is rejected, will the proposal for 8 units stand? Mr. Heyman stated yes, the recommendation for 8 units could continue on to City Council if this proposal is rejected.

Mr. Brown had concerns about this application continuing to increase in size and if there were any state or local codes that would prohibit the applicant from bringing this back with more units. Mr. Heyman stated the ordinance would not allow him to bring back the exact application but there are not any codes stating he cannot come back with more units.

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 thanked the Board for allowing him to revisit this application. There was an error made on the site plan and the two carriage units above the garages were left off. He appreciates the Board allowing him to correct this.

Mr. Riddle stated he has spoken with some of the neighbors and he spoke with Ms. Youngblood right before this meeting. He addressed some of the issues in the written comments submitted by Helen Waldrop Youngblood. Her first concern was reducing the entrance width to 12’. Mr. Riddle stated if this is permitted it will only help out everyone. If he can reduce the width from 15’ to 12’ it will help with creating the size buffer that Ms. Youngblood would like. She would like to see a 15-foot buffer and if he can change the width of the entrance to 12’ then he can move things around and create a buffer that is 11 feet. Another concern of Ms. Youngblood is to provide a lighting plan that will not affect the neighbors. Mr. Riddle will create lighting that is directed to the ground. Her fourth concern was the height of the structures. Ms. Youngblood’s home is two-stories and Mr. Riddle does not see his structures being any taller than the neighboring structures. She was concerned about the parking and if there are enough parking spaces for each unit. Mr. Riddle stated there will be 18 parking spaces and he feels this matches up nicely with the proposed number of units. Any guests the residents may have can park on the street just like the neighbors have their guests do now.

Mr. Riddle stated on the third page of Ms. Youngblood’s comments she is concerned about the trees and the preservation of the trees and the large buffer. If the drive can be reduced from 15 feet to 12 feet, then Mr. Riddle feels he can shift the site and make room to salvage the trees and create an 11-foot buffer. He believes the mature trees enhance the property and it is his interest to save the trees if he can reduce the width of the drive-way entrance.

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

Mr. Heyman read the written comments into the record. Mr. Heyman stated staff contacted Justin Ward, City Fire Marshal concerning the entrance width. Mr. Ward stated the 12-foot width is not prohibited by the Fire Code.

Mr. Heyman stated concerning the lighting requirements, Section 6-13-4 of the City of Hendersonville Zoning Ordinance states: lighting facilities, if provided, shall be aimed, directed, shielded or arranged so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way. This is a requirement for any new development in the city. It is very minimal, and a stricter condition could be added if the Planning Board sees fit to add one. Mr. Ralph Hammond-Green had submitted a written comment requesting that the Planning Board and City Council include as a requirement on lighting, to meet the Dark Sky initiative requirements.

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

Ken Fitch, 1046 Patton Street stated he commends Mr. Riddle for his revised plan. There is a concession to save as many trees as possible, but he is concerned about the impact on the trees on the east side. The additional units will not result in the increase of parking spaces but there is an overflow parking issue in the neighborhood. Chair thanked Mr. Fitch for his comments.

Nenon Ujiki addressed the Board. She stated she loves trees and was heartbroken when she had to remove a tree next to her house. She is not anti-tree. She is just concerned about who will maintain the trees on the property. She discussed having her power line buried and spending thousands of dollars to have this done twice because it was done incorrectly the first time. She is concerned if one of the trees were to fall, who would pay for the restoration of any tree damage. She is also concerned about who will maintain the buffer zone. It is a mess from her house, and it is not weeded now. She is still worried about who to call in an emergency. She has tried several times to contact Mr. Riddle and has left him a message but did not get a return call back from him. She is concerned about the population density plus the Inn being built on N. Church Street. She wishes Mr. Riddle well and she welcomes new projects, she just wants the beauty and the safety to be maintained.

Chair asked if anyone else would like to speak. Several call-ins would like to speak.

Robert Waldrop, 103 S. Washington Street stated he along with his sister Helen Waldrop Youngblood are the focused representatives for their family. He stated it sounds like this project is workable if the entrance can be reduced to 12 feet allowing for more buffer to remain. The buffer defines their backyard and they would like to keep it. They have restored their house to its original condition, and he urges the Planning Board to support the 12-foot driveway entrance and the lighting being aimed to the ground.

Helen Youngblood spoke to the Board. She stated her address was 103 S. Washington Street. She emailed photos of the trees and buffer to Mr. Heyman who put them on the screen for the Planning Board to see. She explained the location of the power pole and pointed out to the Board that she has 130 feet plus of the adjacent property line to Mr. Riddle. She has not had any of these trees to ever fall on their property. She feels that the thick buffer is an asset to both properties. They feel strongly that the buffer protects their house. The shade and privacy add a lot to the neighborhood. She would also like to see the lighting directed downward onto Mr. Riddles’ property to keep from allowing the glare on the neighboring properties. She does not feel this is a bad project and the density works, she just wants assurance, specifically in writing, that the entrance, buffer, trees and lighting will be addressed. She did speak to Mr. Riddle before the meeting and he did discuss shifting things around on the site plan.

Mr. Riddle stated this has been a healthy learning process and in the end, he feels this will be a much better development with the neighbors input. They went from 12 units down to 10 units and is appealing to a smaller market. He is working with Ms. Youngblood on the buffer and will save all but a few trees to create a great buffer for both of them. He hopes to continue to be great neighbors.

Mr. Robertson stated on the renderings it looks like garages and not carports. Mr. Riddle confirmed they are garages. They will access the units outside from the courtyard between the two units. Mr. Riddle stated concerning the maintenance of the property, his attorney Edward Harrelson will oversee the HOA documents and a monthly Homeowner’s Association fee will be used for the maintenance of the property.

Mr. Robertson asked if they had anymore discussions on striping the parking on 1st Avenue. Mr. Riddle stated no. Mr. Heyman stated this would be up to the Public Works Department to approve.

Helen Youngblood stated she wanted to make sure the conditions were read into the record clearly and she would like to be able to hear those conditions. She also stated the date of her home in the June minutes is incorrect.

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

Mr. Brown stated he would like to add as a condition that all outdoor lighting will conform to the guidelines of the Dark Sky initiative as found at darksky.org. Those are:

* Only be on when needed
* Only light the area that needs it
* Be no brighter than necessary
* Minimize blue light emissions
* Be fully shielded (pointing downward)

Mr. Brown would like to propose this as a formal condition. Chair asked if there were any other conditions. Mr. Robertson stated the 12-foot entrance could be a condition since the Fire Department does not have a problem with it and it will save that buffer. He would like to see that as a written condition. Chair stated once the entrance goes to 12 feet then you will have the 11-foot buffer, so you would make that a condition as well. Mr. Robertson stated that is on the east side, what happens on the west side? Mr. Riddle stated the 5-foot buffer remains on the west side, he would like to see the entrance to the complex on the east side and the exit on the west. So with the 5 foot buffer remaining on the west side by reducing the width from 15’ to 12’ on both sides, it would give him 6 feet to shift the structures to the west and also 6 feet to add to the existing 5 foot buffer on the east giving you a total of an 11 foot buffer on the east. He is proposing the entrance on the east side because it was brought up at the last meeting that an exit on the east side may congest traffic at the four-way stop. Chair asked if the entrance and exit was the same as what was proposed on the last plan. Mr. Riddle stated he is open to the Board’s suggestions and he wanted less congestion as possible at the four-way stop. Mr. Riddle asked how they can achieve that as far as the Board is concerned with the entrance and exit. Chair stated with the ingress on the west and the egress is on the east.

Mr. Robertson stated this will leave less of a buffer on the Fox’s side of the property, has anyone spoken to them? Mr. Riddle stated no, that will remain to be a 5-foot buffer on the Fox’s side, which is what it has been all along.

Chair asked if there was any further discussion about conditions. There were none. Chair clarified that the conditions were: a 12 foot width of the drive, the one-way ingress and egress with the west being the entrance and the east being the exit, they are also proposing the Dark Sky compliance down lighting (which was what Walgreens did on 25 and there is some reference on that if Mr. Riddle wants to look at it), and the buffer will subsequently by the downsizing of the drive, increase to 11 feet on the eastern property line. Those are the conditions. Mr. Riddle stated perfect.

Chair asked if there were any further comments. There were no further comments.

***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, finding that the rezoning is consistent with the Comprehensive Plan’s Future Land Use map. There are some conditions they would like to add, the developer use the outdoor lighting basic guidelines from the International Dark Sky Association, the driveway widths be 12 feet and not 15 feet, and that they be one-way in and one-way out with the entrance being on the west side, which will subsequently add the 11-foot buffer on the eastern side and won’t change the buffer on the west side. Mr. Coker seconded the motion which passed unanimously.***

Chair took a five minute recess.

**V Conditional Zoning District – Application for a conditional rezoning from Watauga Partners, LLC. The applicant is requesting to rezone a portion of the subject property, PIN 9579-29-2872 and located on Lakewood Road, from I-1, Industrial to PRD CZD, Planned Residential Development Conditional Zoning District for a 291- unit multi-family development on approximately 29.1 acres. (File #P20-12-CZD).** Mr. Heyman gave the following background:

 The City is in receipt of a Conditional Rezoning application from Philip Cox of Watauga Partners, LLC. for the development of 291 multi-family residential units consisting of a mix of apartments and townhomes on approximately 29.1 acres. The subject project is located on Lakewood Road, and is a section of parcel number 9579-29-2872. The applicant is requesting to rezone the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, 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 zoned I-1, Industrial and PRD, Planned Residential Development and is currently vacant. The subject property abuts the United States Post Office annex’s North, South and West property lines.

 Parcels to the north are zoned R-15 Medium Density Residential and R-10 Medium Density Residential and contain residential uses. Parcels to the east are zone PCD, Planned Commercial Development, PRD, and R-40 Estate Residential and contain the Walmart shopping center and Cedar Terrace. The parcels located to the south are zoned PRD and I-1. The parcels to the west are zone I-1, and C-3 Highway Business. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Zoning Map” on page 19 and 20 respectively.

 The subject property is classified as Business Center and Natural Resource/ Agricultural on the 2030 Comprehensive Plan’s Future Land Use Map.

 The goal of the Business Center classification is to “Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities.”

The primary and secondary recommended land uses are as follows:

Primary recommended land use:

•Offices

•Research facilities

•Educational centers

Secondary recommended land use:

•Supportive neighborhood retail and services along major thoroughfares

•Restaurants

•Light manufacturing, fabrication and distribution if designed to be compatible with office uses

•Multi-family residential

•Redevelopment and adaptive reuse of older industrial structures near Downtown into uses that complement adjacent land use categories

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

Primary recommended land use:

• Open space

• Recreational amenities

• Low-impact stormwater management facilities

• Flood storage

•Agricultural uses

Secondary recommended land use:

•Utilities other than stormwater management

•Single-family attached and detached structures

•Cemeteries

The 2030 Comprehensive Plan’s Future Land Use Map designates Parcels located to the North as Medium Intensity Neighborhood and Natural Resource/ Agricultural. The parcels to the east of the subject property are classified as Regional Activity Center. The parcels to the south of the subject property are classified as Regional Activity Center, Business Center and High Intensity Neighborhood. The parcels to the west of the subject property are classified as Business Center and Natural Resource/Agricultural.

 The 2030 Comprehensive Plan’s Future Land Use Map is located on page 21.

The site plan is located on pages 23 through 25 of your memo.

**Buildings**

The site plan includes the following:

* 23 two-story multi-family buildings with a total of 291 units
	+ 144 one-bedroom units, 120 two-bedroom units, and 27 three-bedroom units
* A dog park, pool, playground and 3,370 Square foot clubhouse are proposed.

**Density**

The site plan shows 291 proposed units on a 29.1 acre tract for a total density of 10 units per acre. 10 units an acre is permitted within the PRD zoning district.

**Parking**

450 spaces are required based on the number of bedrooms per unit. The site plan shows 597 proposed parking spaces.

**Floodplain**

Portions of the subject property is located within the 100-year floodplain. As shown on the site plan, none of the structures will be built within this floodplain area. A map showing the floodplain is located on page 22.

**TIA**

The applicant was required by the City to submit a Traffic Impact Analysis. The TIA was conducted by JM Teague Engineering and studied the following intersections:

* US 64 (Chimney Rock Road) @ Francis Road (SR 1516)/Sugarloaf Road (SR 1897) -signalized
* US 64 (Chimney Rock Road) eastbound @ Highlands Square Drive/Old Chimney Rock Road (SR 1898) – signalized
* US 64 (Chimney Rock Road) eastbound @ Howard Gap Road (SR 1006) - signalized
* US 64 (Chimney Rock Road) westbound @ Howard Gap Road (SR 1006) – signalized
* US 64 (Chimney Rock Road) westbound @ Highlands Square Drive - signalized
* Howard Gap Road (SR 1006) @ Nix Road (SR 1513) - signalized
* Nix Road (SR 1513) @ Lakewood Road (SR 1518) - unsignalized
* Lakewood Road (SR 1518) @ Highlands Square Drive – unsignalized
* Lakewood Road (SR 1518) @ Proposed Development Access #1 – unsignalized
* Lakewood Road (SR 1518) @ Proposed Development Access #2 – unsignalized

Due to COVID-19 peak hour turning movement counts (7:00 – 9:00 AM & 4:00 – 6:00 PM) were obtained from past traﬃc studies at the study area intersections. The traﬃc counts were acquired from several sources including NCDOT Traﬃc Safety Data Files and past traﬃc impact studies, they were extrapolated to 2020 to serve as the exiting year base for the analysis. The counts were adjusted and balanced to represent consistent volumes progressing along the US 64 (Chimney Rock Road) corridor. AM and PM peak hours for each intersection were analyzed for exiting, background, and full Build-out traﬃc conditions.

Other parameters include:

• 2023 Build-out Year

• Background Traffic Growth Factor of 2% per year

• Peak Hour Factor (PHF) of 0.90 for projected conditions

Kimley Horn, the City’s Traffic Consultant agreed on this methodology and parameters.

The trip generation used by JM Teague was included in the memo.

This trip generation by passed the City’s threshold for requiring a TIA by surpassing 1,000 daily trips and 100 peak hour trips.

JM Teague presented the following mitigation recommendations based on their analysis:

**US 64 (Chimney Rock Road) @ Francis Road (SR 1516)/Sugarloaf Road (SR 1897)-** The separation of the shared left turn and thru lane providing a dedicated left turn and thru lanes which would then allow for retiming of the signal with the opposing left turns running concurrently. Similarly, the southwest bound shared thru/right approach lane may beneﬁt from providing a dedicated right turn lane.

**US 64 (Chimney Rock Road) Eastbound @ Highlands Square Drive/Old Chimney**

**Rock Road (SR 1898)-** The PM delay increases signiﬁcantly for the northbound thru and thru/right, with accompanying delay increases of 177%. However, No project trips were routed northbound on Old Chimney Rock Road to lead to such increases. Therefore, speciﬁc mitigating improvements are not attributable to the build-out of the project, but due to increasing traﬃc growth in the general area.

**US 64 (Chimney Rock Road) Eastbound @ Howard Gap Road (SR 1006)-** Speciﬁc mitigating improvements are not attributable to the build-out of the project, but due to increasing traﬃc growth in the general area.

**US 64 (Chimney Rock Road) Westbound @ Howard Gap Road (SR 1006)-** Speciﬁc mitigating improvements are not attributable to the build-out of the project, but due to increasing traﬃc growth in the general area.

**US 64 (Chimney Rock Road) Westbound @ Highlands Square Drive-** Unacceptable operating conditions are not directly caused by the addition of project trips in the AM and PM peak hours. The poor level of service is largely attributable to the traffic destined to the commercial areas and the AM traffic flow moving towards I-26 and on to Hendersonville along US 64.

**Howard Gap Road (SR 1006) @ Nix Road (SR 1513)-** No mitigating improvements are recommended to accommodate traﬃc generated by the site under Build-out conditions at Howard Gap Road (SR 1006) @ Nix Road (SR 1513).

**Nix Road (SR 1513) @ Lakewood Road (SR 1518)-** No changes are recommended to accommodate traﬃc generated by the site under Build-out conditions for the Nix Road (SR 1513) @ Lakewood Road (SR 1518) intersection.

**Lakewood Road (SR 1518) @ Highlands Square Road -**No changes are recommended at this intersection to accommodate traﬃc generated by the site under Build-out conditions for the Lakewood Road (SR 1518) @ Highlands Square Road.

**Lakewood Road (SR 1518) @ Proposed Development Access #1-** No changes are recommended at this intersection to accommodate traﬃc generated by the site under Build-out conditions for the Lakewood Road (SR 1518) @ Proposed Development Access #1.

**Lakewood Road (SR 1518) @ Proposed Development Access #2-**No changes are recommended at this intersection to accommodate traﬃc generated by the site under Build-out conditions for the Lakewood Road (SR 1518) @ Proposed Development Access #2.

**Landscaping**

The site plan shows the following required landscaping.

Vehicular Use areas: Vehicular use areas must be planted with at least one tree and two shrubs for every 4,000 ft2 of vehicular use area, which includes parking spaces, aisles, driveways, and loading areas.

Planting Strip: When a vehicular use area lot is located within 100 feet of an abutting property and no buffer yard is required, a planting strip which is a minimum of five feet wide shall be planted between the vehicular use area and the abutting property. One large evergreen or deciduous tree and five evergreen or deciduous shrubs shall be planted for every 40 linear feet of property line that parallels the vehicular use area. A planting strip is provided on the northern border of the project and along portions of property lines that abut the Post Office Annex.

 The landscaping plan is located on page 26 of your memo.

**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.

A neighborhood compatibility meeting concerning the application was held on June 9th, 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.

The public attended the meeting virtually through zoom. Attendees asked questions regarding traffic, widening Lakewood Road and buffers. 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 Panning Board has a copy of the letter dated July 10, 2020 submitted by Kimley Horn. The last paragraph states: The supplemental analysis (July 2020) for the intersection of US 64 and Sugarloaf/Francis Road recommends the reconfiguration of the intersection to better accommodate the impact of the proposed development’s traffic as well as mange background traffic volumes along the US64 corridor. These improvements include: Sugarloaf Road NB Approach: Reconfigure the existing laneage to construct dual left turns, a thru lane, and a right-turn lane. Francis Road SB Approach Southbound: Reconfigure the existing laneage to construct a dedicated left-turn lane and a shared thru/right-turn lane. US 64 Southwest bound: Add a dedicated right-turn lane. Overall Intersection: Reconfigure the phasing to accommodate the new laneage proposed by the development. Mr. Heyman stated while having discussions with Kimley Horn they do believe the roadway can handle the traffic from this proposed development.

Mr. Heyman stated the suggested motions are on page 7. There was one written comment submitted in writing.

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

Shane Abraham, developer stated he has been doing this a long time and the company has a lot of experience developing these properties. They wanted to give some background to the Board. They are long term holders and operators of the developments. They will not sale the property once completed. The community will be managed by Universal Living. They have extensive experience and knowledge with market rates and saturation in the multi-family industry. A large part of the property has already been rezoned to a PRD. This will be the lowest density community they have done.

Mr. Abraham showed photos of other communities they have done in Tennessee. He also included photos of the South Asheville project with 255 units. He showed renderings of the clubhouse and other amenities

Mr. Abraham explained the economic impact of a multi-family housing development. An estimated one-year impact for 250 rental apartments is $14.6 million in local income and 3.2 million in taxes and other revenue for local governments. It will also add 201 jobs. He stated these types of communities are vital for the younger families. They normally create homes for teachers, fireman, police officers, etc. Multi-family developments are usually homes with two income families with young children and are good for property values. He appreciates the opportunity and thanked the Board.

Chair asked if there were any questions for the applicant. There were none.

Chair stated they would hear comments from the callers at this time.

Ken Fitch, 1046 Patton Street stated at the neighborhood meeting there were concerns about only one parking space for the one-bedroom units. There are also concerns about a landscape buffer on the southwest side and why one is not being proposed. He was concerned about the developer not having discussions with the postal service which is a neighboring property. He was also concerned about the north property not having access to their site. There is a potential for a greenway, and he wanted to know if staff had any knowledge of this. He stated there has been an issue with every proposed development of this property. There are major concerns with traffic and the request for a traffic signal in this area.

Ralph Hammond-Green was called on to state his comments, there was no audio from him.

Mr. Abraham stated they are buffering and landscaping all adjacent properties. The property to the north does have access from Lakewood Road. There is a large strip of land that is in the floodplain and will not be used. There are not enough details for him to comment on the potential for a greenway, but they love the idea of a greenway and did one in Kingsport. They will produce more shade trees and buffering than is required. A traffic engineer will handle the northside access as they have general safety knowledge. Fire Marshals normally like to have two ways of ingress and egress and they typically design these with traffic engineers and the NCDOT.

Mr. Brown had concerns about the lighting and wanted to know about mass transit busses in the area or is this area at Walmart totally auto dependent. Mr. Heyman stated Apple Country busses gets close to this area.

Mr. Heyman went over the history of the property. Two developers, both vying for tax credits have tried to develop this property and both withdrew their applications because neither received the tax credits. Flat Iron Partners was one of the developers and they have constructed the Cedar Terrace developments in the area.

Mr. Robertson discussed traffic and roads in the area and how most people use Highland Square Drive and Francis Road as a cut-thru to avoid Four Seasons Boulevard. Ms. Frady stated Highland Square Drive is a private road.

Mr. Robertson stated he stood on the corner of Highland Square Drive at the Francis and Lakewood Road intersection and counted 21 cars at this intersection which amounts to one car every 8.5 seconds. He does not know what the answer is but if this area continues to be developed something has to be done to fix the traffic problem. Chair stated this is bigger than what the Planning Board can tackle and NCDOT will have to tackle the traffic issues.

Mr. Robertson suggested asking the developer to work with NCDOT on closing one of those roads either Highland Square Drive or Lakewood Road for cut-thru traffic. Ms. Frady stated Highland Square Road is a private road and not a state road.

Mr. Robertson had concerns about the one-lane bridge on Nix Road and how it is only a matter of time before two cars meet on this bridge and cause a disaster.

Mr. Brown stated it sounds like to him this may become an over-developed area and they need to force NCDOT to fix the traffic problem. Chair stated they have worked with NCDOT in the past but with the state of the world and the Covid19 situation, they just aren’t able to make comments now. The Board could add conditions concerning the roads, but he does not know how effective that will be considering the state of the economy and DOT right now.

Mr. Brown discussed having a 10-year build-out for the project and doing it in phases and giving the pandemic and its effects time to settle down. Mr. Abraham stated that would not be feasible for them. They would not be able to get financing on a ten year build out plan. To do a project like this in phases, they would not be able to get funding for that.

Mr. Abraham stated NCDOT wants to see improvements and get growth in the area because it brings in property tax and that helps to get the funding for improvements to the roads. They could leave the property alone and do nothing, but this is a great area for multi-family and it will be an asset to the community. As far as the burden on the interchanges, the effect on them is tiny. They will have to get a driveway permit from NCDOT and will do the recommendations that NCDOT makes to them. They would like to move forward with the project and feel this type of housing is needed in this area.

Mr. Robertson stated he does believe a traffic problem is already there but there is desperate need for housing.

Some discussion was made about closing streets. Ms. Frady stated those are not city streets and the state will not close any of their streets. She also stated Highland Square Drive is a private street and the city does not have jurisdiction there. Chair stated the state will not allow anyone to impede the flow of traffic.

Mr. Abraham stated when you cut off a bypass, the traffic has to go somewhere else. His company looks for parcels just like this one and he would love to bring their multi-family development here.

Mr. Brown asked if they would be agreeable to follow the guidelines for the Dark Sky Initiative. Chair stated developments like this one have a different type of lighting.

Mr. Heyman stated the zoning ordinance requirements are minimal on lighting and they can put other conditions on the application concerning lighting.

Mr. Abraham stated they will put light shields on all the lights. They buy their own lighting products with shields and they have safety requirements in place. He stated he cannot agree to the Dark Sky Initiative guidelines, but he will meet all code requirements and is not planning to have any issues with the lighting or building code requirements.

Some discussion was made about adhering to the four requirements made by Kimley Horn. Mr. Abraham stated NCDOT may add on or diminish some of those conditions, but they make every effort to abide by what NCDOT gives to them.

Chair stated concerning the traffic study, the Board can suggest the conditions by Kimley be met along with any additional NCDOT requirements. He stated concerning the Dark Sky guidelines, they do not fit every project. There was a similar situation with Walgreens, and they had to find a middle ground. They can add a condition that the developer adheres to the building code and the ADA requirements and be as Dark Sky compliant as they can be.

***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 I-1, Industrial and PRD, Planned Residential Development to PRD CZD, Planned Residential Development 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, with the added conditions that the letter dated July 10th from Kimley Horn to Mr. Daniel Heyman of the City of Hendersonville which lists four reconfigurations , lane additions, etc., at the Sugarloaf Road, Francis Road and US Highway 64 interchange, they would like those conditions met by the developer, they would also like to include the outdoor lighting basics of the International Dark Sky Association as long as the developer can still meet the requirements regarding safety and ADA, 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: because this type of housing is desperately needed. Chair added the developer try to adhere to the four requirements made by Kimley Horn and work with NCDOT on any additional measures. Mr. Robertson stated he would like to include the intersection of Lakewood Road and Nix Road because the angle there is funny. The motion was seconded by Mr. Brown which passed unanimously.***

**VI Adjournment** - ***The meeting was adjourned at 5:41 pm.***