

**Minutes of the Planning Board  
Regular Meeting - Electronic  
September 14, 2020**

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

**Members Absent:** John Coker, Robert Hogan, Ben Pace, Neil Brown

**Staff Present:** Tyler Morrow, Planner, Lew Holloway, Community Development 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. Jones and passed unanimously.***
- III     Approval of Minutes for the meeting of August 10, 2020. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of August 10, 2020. The motion was seconded by Mr. Blatt and passed unanimously.***
- IV     Conditional Zoning District – Application for a conditional rezoning from the City of Hendersonville. The applicant is requesting to rezone the subject property PIN 9568-78-5480 and 9568-78-5391 and located at 422 – 432 N. Church Street, from C-1, Central Business to C-1 CZD, Central Business Conditional Zoning District for the construction of a 91,550 sq. ft. parking garage. (File #P20-30-CZD). Mr. Morrow gave the following background:**

The City is in receipt of a Conditional Rezoning application from the City of Hendersonville for the development of four-story parking deck on 0.66 acres. The subject project is located at the intersection of 5<sup>th</sup> Avenue West and Church Street, and is identified by parcel numbers 9568-78-5480, 9568-78-5391 and 9568-78-6365. The applicant is requesting to rezone the subject property from C-1, Central Business to C-1 CZD, Central Business Conditional Zoning District.

Per the City's Zoning Ordinance "Any development or redevelopment involving more than 50,000 ft<sup>2</sup> of gross floor area" must undergo a conditional rezoning. 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 C-1, Central Business and is currently comprised of several structures and a parking lot.

Parcels to the north are zoned C-1 Central Business. Parcels to the east and south are zoned C-1 and MSH, Main Street Historic Overlay District and contain various commercial uses. The parcels located to the west are zoned C-1, PCD, Planned Commercial Development and CMU, Central Mixed Use. 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 Downtown Core on the 2030 Comprehensive Plan's Future Land Use Map.

The goal of the Downtown Core classification is to “Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian focused environment through building and streetscape design.”

The 2030 Comprehensive Plan's Future Land Use Map designates parcels located to the north, east and south as Downtown Core. The parcels to the west of the subject property are classified as Downtown Core and Downtown Support. The parcels to the north west of the subject property are classified as Urban Institutional.

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

The site plan is located on page 14 of your memo.

### **Buildings**

The site plan shows a four-story 91,550 square foot parking deck.

### **Entrance/Exit**

The site plan shows vehicular entrances and exits on 5<sup>th</sup> Avenue West and Church Street.

### **Parking**

The parking deck proposes to provide 253 total parking spaces.

- 245 Standard
- 6 Accessible car
- 2 Accessible Van

### **Landscaping**

Section 15-9 (d) Landscaping for Vehicular Use Areas excuses parking decks from vehicular use landscaping with the expectation that the deck be screened in such a way as to minimize the visibility of vehicles parked in the deck from pedestrian and vehicular view.

A neighborhood compatibility meeting concerning the application was held on August 24<sup>th</sup>, 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 in person, as well as virtually through zoom. Attendees asked questions regarding facade, design, stormwater and security. 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. Morrow stated the suggested motions are on page 4. Brian Pahle, Assistant City Manager is here to answer any questions. The developers are attending via Zoom.

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

Mr. Hanley asked if the building has elevators. Mr. Pahle stated yes it does.

Mr. Robertson asked if the City of Hendersonville is the developer. Mr. Pahle stated yes, the City is the developer and they have hired an architect to design the project. Mr. Robertson asked if the City owns the land. Mr. Pahle stated yes.

Mr. Robertson asked why the Dogwood site is not being developed for the garage. Mr. Pahle stated this site is being sold and has been proposed as a site for a hotel but is currently on hold. Mr. Pahle stated studies have been done on parking that date back to 2000. The Dogwood lot has 157 parking spaces and the city felt like they could replace that lot and get more spaces with a parking deck. The proposed deck will have 253 parking spaces. Mr. Robertson asked if some of the spaces in the deck would be reserved spaces like the ones in the Dogwood lot. Mr. Pahle stated this has been discussed. They would not actually designate a single parking space for 24/7 access but have a monthly access pass to the deck itself. This has not actually been determined yet.

Mr. Robertson asked if the spaces would be counted when in use. Mr. Pahle stated there would be an automated attendant that would keep count of the spaces available at all times.

Mr. Pahle stated the Dogwood lot property has not been sold yet. The proposed buyer is holding off on the purchase due to the pandemic. Once a hotel is constructed on the Dogwood lot, it will not have a parking deck on that site. There will be surface parking on the site.

Chair asked if anyone had any questions for Mr. Pahle. There were no questions for the applicant.

Thomas Reddig, Architect gave a presentation for the parking deck. He stated they wanted to make this project easy to use and get relief from crowding on Main Street. It will fit in with the architecture on 5<sup>th</sup> Avenue. They are working on the concerns from the Neighborhood Compatibility meeting concerning the distance from the buildings on N. Wall Street and they are also addressing the stormwater issues. The primary entrance will be from the corner closest to Main Street. They plan to screen the vehicles with planters and landscaping.

Some ideas were shown for the green screen and the plantings. The deck will fit in with the scale of the other buildings downtown. The deck is 3 stories with 4 levels and 253 parking spaces. The cornices were shown along with the reddish gray brick that will be used. The light fixtures will cast the light downward. They plan to have banners for the events and activities in the area.

The views were shown from Church Street, 5<sup>th</sup> Avenue and from the alley. The view from Main Street was also shown in the presentation. The rear elevation was shown but not much will be seen from the rear. Their focus was on the view from N. Church Street and 5<sup>th</sup> Avenue.

Mr. Reddig stated they have addressed the aquarium's concerns about the vibrations from the construction affecting the tanks. The contractor has met with the owner of the aquarium.

They are working with the contractor to keep the character of Main Street and stay within the budget.

Chair stated the Board will now hear from any callers that would like to speak.

Ken Fitch, 1046 Patton Street stated there are many concerns and issues with this project. While the project does address the need for additional parking on Main Street it also produces serious issues. The facility fee creates an economic barrier for the downtown merchants. The budgetary limitations cause distinctive features to be omitted keeping the building from having the character of the existing historic buildings. There are also issues with not having an attendant. There are issues with public infrastructure and the potential of an underground spring. Some of the infrastructure is failing and what is the cost of restoring or replacing said infrastructure. This is a major weight bearing structure that could cause foundation issues. Concerns have been stated about the vibrations from construction and the aquarium. The buildings surrounding the site, if not constructed to withstand these vibrations, will cause further distress. This project exceeds the budget and is the budget calculations adequate to do this project right away?

Russ Randall stated adjustments are being made to the project due to the budget calculations.

Mr. Robertson asked if the city has gone back to the architect with a budget number.

John Connet, City Manager stated this is a very preliminary estimate. They have several looking at the cost. They have asked the construction manager to reduce the cost without effecting the design development and the city is in the process of working this out. They are early in the process and have already identified some things that can be changed without changing the look and design of the building. Stormwater will be addressed, and structural engineers will be working on this project. There will be structural piers and this project is on good solid ground. The construction manager has met with the aquarium and they have not determined any significant problems.

Mr. Robertson asked if the free parking spaces would change. Mr. Connet stated the free parking will be replaced with metered parking in the downtown area in order to fund this project. It was important not to put this cost on the taxpayers. All parking inside the downtown district from 7<sup>th</sup> to Allen will be metered.

Mr. Randall stated in regard to paid metering on the street, the thought is to keep this short-term parking on the street and the long-term parking will be off street and in the parking deck.

Mr. Robertson asked if the spaces would be free on certain days, such as on Sunday. Mr. Connet stated they haven't gotten into the specifics yet, but they may allow the first hour free in the parking deck. Currently all parking is free on Sundays and on holidays. The handicap parking will not change.

Mr. Jones asked about the parking being at capacity. Mr. Connet stated in 2014-2015 the parking on Main Street was at a 90% capacity. They are close to maxing out and the side streets are also staying full. They would like to encourage long term parkers to use the deck and this will open up the spaces for the merchants.

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

Chair asked staff to explain the conditional zoning application and conditions being placed on the application. Mr. Morrow stated the Board is looking at the plan itself and not the pay for parking aspect of the project. They are to look at the zoning side of it and cannot put any financial requirements on the application. This is for the site and how it is developed. If it is rezoned, the parking deck will be the use and it will be permitted by right.

Chair stated they are still in the planning stages but have the right to come to Planning Board for their recommendation while still working through the project. They are here doing the conditional zoning side of it and it can come back around in two separate phases.

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

***Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-1 Central Business to C-1 CZD, Central Business Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: it is the highest and best use of the property and the need for the city to have more parking with a parking garage. Mr. Jones seconded the motion which passed unanimously.***

Lew Holloway, Community Development Director clarified that the site plan will not come back to the Planning Board for approval. Recommending the approval of this conditional zoning application will give the city developer authority to move forward to City Council. Staff will review the final site plan for approval before construction can begin.

**V      Adjournment - *The meeting was adjourned at 4:52 pm.***