

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBER 9568-75-5382 BY CHANGING THE ZONING DESIGNATION FROM C-2 (SECONDARY BUSINESS) TO CMU-CZD (CENTRAL MIXED USE - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-75-5382
Addresses: No Address Assigned
Southgate Apartments (File # P21-62-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Suzanne Godsey and property owner, David Royster with Capitola Funds, Inc. for the development of 70 Apartments on approximately 3.63 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on May 5, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9568-75-5382 from C-2 (Secondary Business) to CMU-CZD (Central Mixed Use - Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
City-Initiated:
 - i. Eliminate gates per Sec 18-6-4.6 of the Zoning Code - Applicants are encouraged to design streets so that they interconnect with adjacent properties;
 - ii. Developer to install trail connection from Ecusta Trail to shopping center and dedicate to the City;
 - iii. Construct approximately 200' of sidewalk along the east side of Israel St from Site Entrance to existing sidewalk on Kanuga Rd in lieu-of-sidewalks along the entire frontage of Israel St. Sufficient ROW exist adjacent to the site;
 - iv. Provide information related to seasonal high-water table;
 - v. Response to Developer Proposed Floodplain Conditions: Provide flood study/engineering analysis prior to Final Site Plan approval to determine impact of proposed development to subject property and properties upstream and mitigate / revise site plan as needed. No impact / increased flood hazard on existing or proposed structures shall be permitted;
 - vi. Provide flood study/engineering analysis for all work done within floodway;
 - vii. Revise TIA according to comments received from City's Transportation consultant;
 - viii. Revise site plan to accommodate recommended Alternative for entrance / loading dock access.
Developer Proposed:
 - i. Provide additional 44 Trees and 78 Shrubs
 - ii. Request Fee-in-lieu of sidewalks along Israel St
 - iii. Request to eliminate the required 12'x40' loading zone space due to floodplain constraints
 - iv. Several modification requests from the Flood Standards of the Zoning Ordinance are necessary for this project due to its unique boundary configuration, existing slope, extent of floodplain on the parcel and conflicts in providing handicap accessibility to the buildings that area required to be raised 2' above base flood

elevation while also required to keep all parking allowed in the floodplain at the existing grade (4' +/- grade differential) and where no fill is allowed. The specific modifications will be listed on final plans for recordation and approval. Requested modifications are as follows:

- v. Sec. 17-2-2 b) - Request to fill 4' within the floodplain for 5,000 Sq Ft area of parking. This is necessary to ensure ADA connections between the building which has a fixed finished floor elevation due to requirement to be 2' above Base Flood Elevation and the parking lot in front of the building. To compensate for the fill, we will have an in-ground SCM (cell/pond) that will remove fill from the floodplain equal to the fill needed to raise the parking lot.
- vi. Sec. 17-2-2 c) - We are proposing two entrances for the project, both involve drive aisle that will be located and filling within the floodplain. These entrances need to be located as shown due to the narrowness of the remaining area outside of the floodplain, where the building and parking designs are fixed. The two-entrance layout provides needed fire access, and encourages connectivity to both the shopping center and the Kanuga Rd commercial area. Furthermore these entrances are proposed to be parallel to the stream/floodplain as much as possible while still providing adequate access connections.
- vii. Sec. 17-2-2 d) - We are looking to develop approximately 25% of the floodplain area contained within the parcel as currently platted. This is necessary due to the narrowness of the remaining developable area outside of the floodplain. There is a large floodway area around Wash Creek that could potentially be added to the site acreage, dropping the percentage of on-site floodplain area that will be impacted. This would be done per recombination and would be a logistical exercise that would not improve the design. Also note that the existing site is not an undeveloped, pristine, property. Even though it hasn't had a previous building on it, the site has been a construction staging area for decades, and the grade has been changed and most of the parcel has been cleared or disturbed multiple times over the years.

- 3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 5th day of May 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant/Developer: Suzanne Godsey, Site
Work Studio

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: David W. Royster, Capitol
Funds, Inc.

Signature:_____

Printed Name:_____

Title:_____

Date:_____