

PRELIMINARY SITE PLAN REVIEW – SPINX-UPWARD RD (A23-98-SPR)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Spinx-Upward Rd
  - A23-98-SPR
- Applicant & Property Owner:
  - Norman Hamilton, Site Design, Inc. [applicant]
  - Mitch Riese, The Spinx Company, LLC. [owner]
- Property Address:
  - 2120 Old Spartanburg Rd (corner of Upward Rd/Old Spartanburg Rd)
- Project Acreage:
  - 4.4 Acres
- Parcel Identification (PIN):
  - 9577-89-7580
  - 9577-89-6416
  - 9577-89-5289
  - 9577-89-6236
- Parcel Zoning:
  - CHMU - Commercial Highway Mixed Use
- Future Land Use Designation:
  - High Intensity Neighborhood
- Requested Uses:
  - Convenience stores with or without gasoline sales
- Type of Review:
  - **Administrative-** Decisions made in the implementation, administration, or enforcement of the Zoning Ordinance that involve the determination of facts and the application of objective standards set forth in the Zoning Ordinance.



SITE VICINITY MAP

*The City of Hendersonville is in receipt of an application for preliminary site plan review from Norman Hamilton of Site Design, Inc. [applicant] on behalf of Mitch Riese of The Spinx Company, LLC. [owner]. The applicant is proposing to construct a 6,470 sq ft convenience store building along with a 6,160 sq ft gas service canopy featuring 8 pumps (16 service stations). The site will accommodate 60 parking spaces.*

*The proposed site plan shows a 65'x96' 1-story building, a 28'x220' gas canopy structure, drive aisles, parking spaces, landscaping and above ground stormwater detention. The site, which is located at the corner of Old Spartanburg Rd and Upward Rd, is slated to have a full movement driveway access off Old Spartanburg Rd and a right-in/right-out access point on Upward Rd. Both of these streets are maintained by NCDOT.*

*Due to this development adding more than 30 parking spaces, the project is required to go through preliminary site plan review as defined in Chapter 7 of the zoning ordinance.*

*Since this project does not exceed the 50,000 square foot trigger that requires a rezoning to a conditional zoning district, the project will be developed in accordance with the underlying CHMU zoning.*

*City Council at their March 7<sup>th</sup> 2024 meeting annexed the subject property into the City.*

## PRELIMINARY SITE PLAN REVIEW GUIDELINES

### **Review of Preliminary Site Plans**

Review of preliminary site plans applies to larger projects where the costs of developing detailed final plans can be substantial. It is designed to provide the applicant an opportunity to obtain authorization for a site specific development while incurring reduced expense. Review of preliminary plans is a function of the Planning Board.

Preliminary plan review is required of all development undergoing Site Plan Review for the following:

- Any commercial, industrial or institutional development consisting of more than 20,000 square feet of floor area.
- Addition of more than 30 parking spaces.
- Any Minor Planned Residential Development consisting of 9 or more dwelling units.

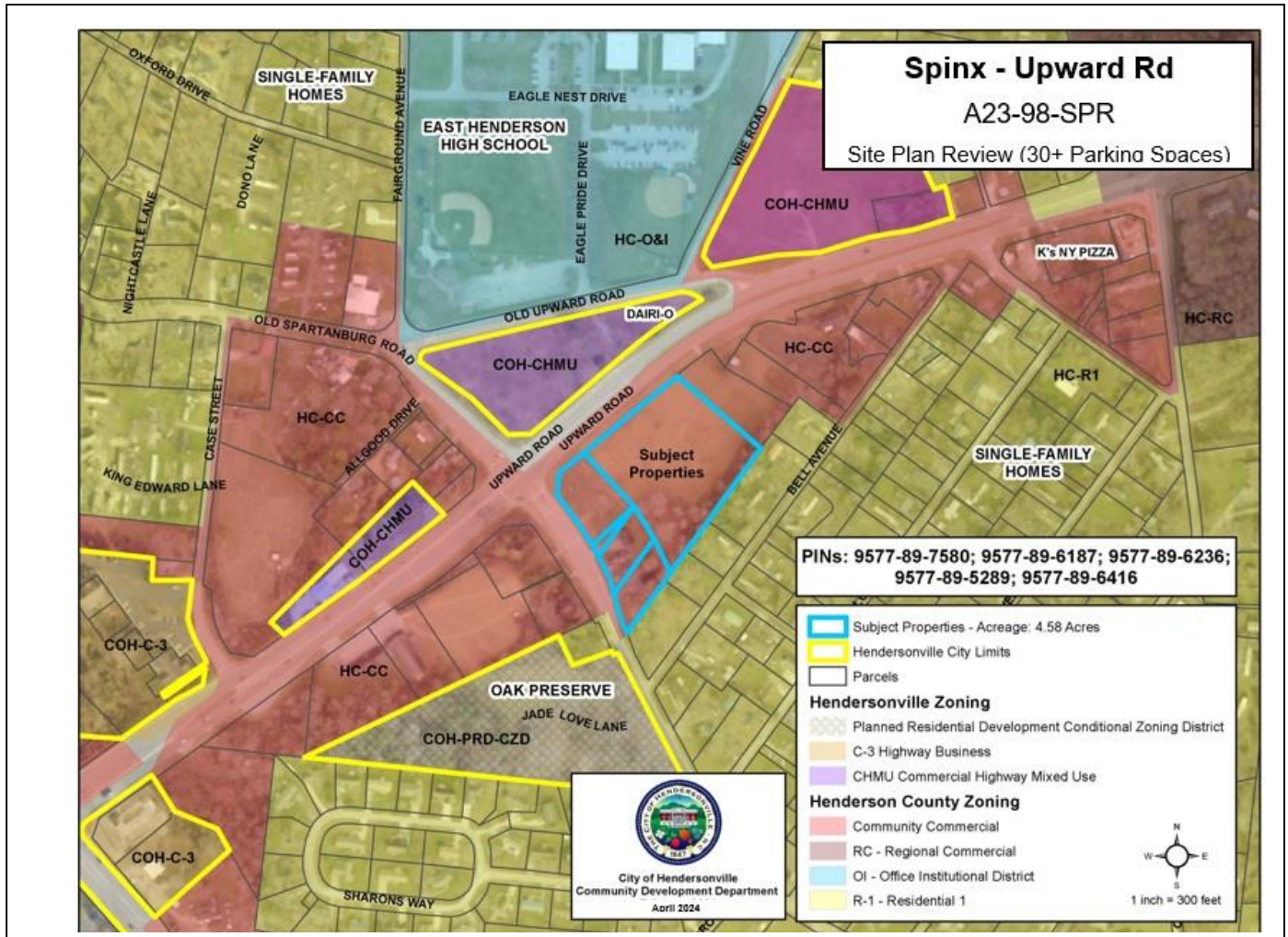
An application for preliminary site plan approval shall not be approved unless the Planning Board determines that the application and final site plan demonstrate compliance with this ordinance, including the provisions of section 7-11 below, and other applicable regulations.

**The Planning Board may impose such reasonable conditions on an approval as will ensure such compliance with this ordinance.**

Approval of a preliminary site plan shall not entitle the applicant to the issuance of a zoning compliance permit. Upon approval of the preliminary site plan by the Planning Board the applicant must then submit an application and final site plans meeting the requirements of of the zoning ordinance, in addition to any other approval including but not limited to stormwater approval, utility approval, driveway permits, land disturbance approval, etc. The applicant shall have two years from the date of such approval to obtain final site plan approval.



## EXISTING ZONING & LAND USE



### City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned CHMU (Commercial Highway Mixed Use) by the City of Hendersonville. The subject property is located in an area where some satellite parcels have been annexed into the City with zoning designations including Commercial Highway Mixed Use (CHMU) and C-3 Highway Business. The properties within these districts are developed with fast food restaurant chains, convenience stores and lodging. There is a significant amount of vacant property as well as commercial, residential and institutional uses in proximity of the subject parcel.

The County zoning in this area is predominantly Community Commercial (CC) along Upward Road and Residential One (R1) further setback from Upward Rd. The CC zoning district includes, "a variety of retail sales and services, public and private administrations, offices and all other uses done with adjacent development and the surrounding community."

SITE IMAGES



*View facing west along subject property frontage on Upward Rd.*



*View facing east along subject property frontage at corner of  
Upward Rd. & Old Spartanburg Rd*



## SITE IMAGES



*View facing north along subject property frontage on Old Spartanburg Rd. Single-family home is part of subject property*



*Typical view of site from Upward Rd. Dense bamboo lines entire rear boundary of site. Portion of tree grove on right side of photo to be preserved.*

## PROPOSED DEVELOPMENT DETAILS

- **Proposed Use**
  - Convenience Store with Gas
- **Site**
  - Total Site Area = 4.4 Acres
  - Total Impervious Area = 2.5 Acres (57%)
    - Total Building Area = 0.17 Acres
    - Parking & Drive Aisles = 2.33 Acres
  - Total Area of Disturbance = 4.7 Acres
    - Working taking place in right-of-way is included in this total
    - Parts of the subject property will remain undisturbed (proposed tree preservation below).
  - Total Open Space = 1.9 Acres (43%) - 30% Required
    - Total Common Space = 0.44 Acres (10%) - 10% Required
  - No special flood hazard areas are present on the site.
- **Building Basics**
  - Total Square footage - 12,630 Sq Ft
    - Principal Building - 6,470 Sq Ft
    - Canopy - 6,160 Sq Ft
  - Proposed Height- 27'
- **Streets/ Access**
  - The site has one right in/right out access off of Upward Rd
  - The site has one full movement access off of Old Spartanburg Rd
- **Parking**
  - Convenience Store: 1 space per 200 Sq Ft GFA
    - Required: 32 Spaces
    - Proposed: 56 Regular + 4 ADA = 60 Total Spaces
- **Landscaping**
  - Proposing to preserve 11 trees for a total of 46 Tree Credits
    - Tree Credits will offset the following:
      - All 25 Bufferyard Trees
      - 17 of 25 Vehicular Use Area Trees
  - Required to plant 83 trees and 611 shrubs
  - Providing 41 trees and 611 shrubs
- **Sidewalks**
  - Sidewalks provided along all frontage.
  - Sidewalk connection to building provided from Upward Rd access point
- **Stormwater Management**
  - Proposed above ground stormwater pond in southeastern corner of site
  - The project will be required to install post construction stormwater measures. These plans will be reviewed as an aspect of the final site plan

review.

- **Public Utilities**
  - The site will be served by City of Hendersonville Water and Sewer.
- **Building Design**
  - The building contains at least 3 of the architectural details required by 5-27-4.1.5 (center tower, offsets in roof/building, decorative cornices).
  - The building contains at least two contrasting building materials with brick making up at least 15% of the façade.
  - To achieve distinctive architectural interest on a building facing an intersection, the applicant is proposing additional height to the parapet, a corner entrance, and corner canopy.
  - The applicant proposes an alternative building design to accommodate relief from the projection depth requirements.

#### OUTSTANDING PRELIMINARY SITE PLAN COMMENTS

##### **COMMUNITY DEVELOPMENT**

###### **Site Plan Comments:**

The preliminary site plan accompanying this petition meets the standards established by the Zoning Ordinance for developments in CHMU Highway Business (5-27), and Preliminary Site Plan (7-3-3) with the following exceptions:

- None

##### **CITY ENGINEER**

###### **Preliminary Site Plan Comments:**

- Water connection approved under separate submittal and review
- Sidewalks, crosswalks and truncated domes to meet minimum city standards for final site plan approval
- Abandon unused water meters at the main.

##### **WATER / SEWER**

###### **Preliminary Site Plan Comments:**

- None

##### **FIRE MARSHAL**

###### **Preliminary Site Plan Comments:**

- None

##### **STORMWATER ADMINISTRATOR**

###### **Preliminary Site Plan Comments:**

- Approval is needed for final site plan approval

##### **EROSION & SEDIMENT CONTROL**

###### **Preliminary Site Plan Comments:**

- SESC Approval is needed for final site plan approval



## **FLOODPLAIN ADMINISTRATOR**

### **Preliminary Site Plan Comments:**

- None

## **PUBLIC WORKS**

### **Preliminary Site Plan Comments:**

- None

## **NCDOT**

### **Preliminary Site Plan Comments:**

- Encroachment permits required

## **TRANSPORTATION CONSULTANT**

### **Preliminary Site Plan Comments:**

- A TIA was performed by JM Teague and submitted to the City on December 12, 2023. The City's Transportation Consultant, Kimley-Horn, reviewed the TIA in conjunction with NCDOT's review of the TIA.
- In accordance with NCDOT standards, the Site Plan mitigates traffic impact with the right turn lane provided on Upward Rd and with the access point on Old Spartanburg Rd shifted as far as possible from the Upward Rd intersection.

## STAFF ANALYSIS

### Zoning Compliance:

Based on the review by staff, the submitted preliminary site plan for the Spinx-Upward Rd (Spinx No. 345) meets the Zoning Ordinance standards established for projects within CHMU, with no exceptions.

Based on the review by staff, the submitted building design for the Spinx-Upward Rd (Spinx No. 345) primarily meets the Zoning Ordinance standards established for projects within CHMU. Alternative building design approval is sought for the aspects of the project that do not align with the design standards for projects within CHMU including:

- Deviation from Section 5-27-4.1.8 'Building scale' (see building elevations for details)