

**Minutes of the Planning Board
Regular Meeting - Electronic
March 14, 2024**

Members Present: Jim Robertson (Chair), Peter Hanley, Laura Flores, Donna Waters, Tamara Peacock, Yolanda Robinson, Chauncey Whiting

Members Absent: Barbara Cromar, Beth Robertson

Staff Present: Tyler Morrow, Planner II, Matthew Manley, Strategic Projects Manager, Lew Holloway, Community Development Director

- 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 to approve the agenda. The motion was seconded by Ms. Waters and passed unanimously.***
- III Approval of Minutes for the meeting of February 8, 2024. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of February 8, 2024. The motion was seconded by Ms. Robinson and passed unanimously.***
- IV Old Business**
- V New Business**
- V(A) Conditional Zoning District – The Lofts at Chadwick (P24-04-CZD). Mr. Morrow gave the following background:**

The City has received an application for a Conditional Zoning District petition for the property located at 904 Greenville Highway. The property is one parcel. The applicant is Stephen Drake of Broadcast Construction and Development, Inc. The property is currently zoned GHMU CZD, Greenville Highway Mixed Use Conditional Zoning District. The applicant is requesting the property be zoned GHMU CZD to a different conditional zoning district. The property is 2.25 acres. The proposed use is Residential, Multi-Family. The applicant is proposing 60 low-income housing tax credit senior multi-family residential units. The Future Land Use Designation is High Intensity Neighborhood.

Ms. Peacock requested that the Board recuse her as she was the previous architect for the project and still has an outstanding financial interest. ***Mr. Hanley moved the Planning Board accept Ms. Peacock's recusal. Ms. Waters seconded the motion which passed unanimously.***

Mr. Morrow gave a rezoning history of the property which is included in the staff report and presentation.

The previous six conditions dated March 3, 2022 were listed and are included in the staff report and presentation. Mr. Morrow went over each condition and discussed what conditions The Lofts at Chadwick would be agreeing to.

Site photos were shown and included in the staff report and the presentation.

The current site plan was shown and included in the presentation and the staff report. Mr. Morrow explained the site plan including size, height, landscaping and parking on the site.

Mr. Morrow stated a blueline stream is on the property. Mr. Morrow went over the requirements for blueline streams. No portion of this property is in Floodplain.

The proposed conditions that the developer has agreed to were discussed and are included in the staff report and presentation.

The City proposed conditions were discussed that have been agreed to by the developer. These are included in the staff report and presentation.

The City proposed conditions that were not agreed upon were also discussed and are included in the staff report and presentation.

A Neighborhood Compatibility meeting was held February 1, 2024. Traffic, flooding, the entrances and parking needs were discussed at this meeting.

Mr. Morrow discussed an old mobile home park that was there in 1984 and has since been removed.

The current Land Use and Zoning Map was shown and is included in the staff report and presentation.

The Future Land Use Map was shown and is included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the staff report and presentation.

General Zoning Standards were discussed and are included in the staff report and presentation.

A draft Comprehensive Plan Consistency statement was discussed and is included in the staff report and presentation.

A draft Planning Board reasonableness statement was discussed and is included in the staff report and presentation.

Mr. Morrow stated this project will be 100% affordable housing. He stated the need for affordable housing has increased since the Comp Plan was approved in 2009.

Chair asked if there were any questions for staff.

Mr. Hanley was concerned about the traffic and moving the entrance back onto Chadwick which is just a two-lane road. Are they planning to do anything with Chadwick? Mr. Morrow stated Chadwick Avenue is a city maintained street and to his knowledge there is no plans for any modernizations. Mr. Hanley felt like there should be. Ms. Waters had the same concerns, Mr. Morrow stated NCDOT's requirement of a 50-foot right-of-way on each side would give them 100 feet to do any infrastructure improvements in the future. At this time they are planning to do a 25-foot right-of-way from centerline which is not a city requirement and they did not have to do that. The city asked for that and they did provide that. There are no current plans for improvement along Greenville Highway with a set right-of-way requirement or cross section.

Mr. Hanley stated there is a fairly large project across Greenville Highway, down the block a ways, that is ongoing. That whole block of real estate will have a tremendous amount of traffic. Anything the city can do to improve that situation will be a plus. He thinks this is a great project but the impact on the area does not please him at all.

Chair asked if he heard that NCDOT requested a 50-foot ROW but they are only providing a 25-foot ROW? Mr. Morrow stated that is correct, He stated the Development Review Committee reviews all site plans and NCDOT is a part of that review. It was more of a request that is not tied to a plan. The previous project did not give any ROW on Greenville Highway but they did give 7 ½ feet on Chadwick to accommodate sidewalks. It went from zero on Greenville Highway and 7 ½ on Chadwick Avenue to a 25-foot ROW on both.

Discussion was made on the maximum allowable footprint for Greenville Highway. Mr. Morrow stated in the GHMU district by right would be 12,000 sq. ft. Any project that exceeds the 12,000 sq. ft. footprint is required to be a Conditional Zoning District.

Ms. Robinson asked about the tree protection standards. Mr. Morrow referred this to the applicant.

There were no further questions for staff.

Stephen Drake, Broadcraft Construction and Development, he is here representing WDT Development as well. Both of these companies specialize in providing affordable senior housing throughout the state of North Carolina. The demand for senior housing is extremely high in Hendersonville and Henderson County. There are few good options for senior housing in our community. They are responding to this housing shortage by providing a new community at the corner of Chadwick Avenue and Greenville Highway. The Lofts at Chadwick will consist of 60 high efficiency apartments. It is an age restricted community for those 55 and older. They have done this for the last 15 years and have many senior properties. The average age of their tenants is actually 69 years of age. They carefully plan and construct their buildings to meet the needs of today's seniors. They will create a design that promotes community. All of the apartments will be in a single building. There will be 30 one-bedroom units and 30 two-bedroom units. There will be an elevator and two staircases to access all floors of the building. There will be open space inside the building with an office and management will be on site. There will be a multi-purpose room for gatherings. They will have an exercise room. There will be a laundry facility on site. Each apartment will have its own closet for a washer and dryer. For those senior making 30 to 40% of the median income sometimes they cannot afford a washer and dryer but they will have access to one on site for their use and will not have to drive to one. There will be mail center on site. There will be a game and craft room. A computer room with free internet access for tenants. They will also have a library. The building will also have a multitude of sitting rooms for the seniors to enjoy. There will be landscaping with native species. There will also be a gazebo and a sitting area. That will overlook a pollinator garden, with the stream in that area they thought this would be a perfect location. They wish to build here for the high demand of quality affordable senior housing. This is a great location for senior development. It is very close to key amenities that seniors need such as grocery stores, pharmacies, urgent care centers, churches. Rents are very high in Western North Carolina and seniors are on fixed incomes but they still need and deserve quality affordable housing and that is exactly what they aim to provide. This is a North Carolina Housing Finance Association project and it is in the 2024 application cycle. This is the only opportunity for Henderson County to achieve additional affordable housing this year. This site when they reviewed it scored a possible 71 points with a site score and that is the maximum you can score. This is the perfect site in the eyes of the North Carolina Housing Finance Association. This parcel will end up being developed someday, somehow and it is his hope that this parcel is granted this rezoning and is permitted to provide affordable housing for seniors.

Ms. Flores asked how they decided the number of units. Mr. Drake stated it revolves around a few things. The zoning and what will be allowed. He looked at the previous plan that had been proposed and just felt like with the community and the neighborhood not appreciating as many units, they wanted to go with less units. They are not impacting this site as much as what could happen. Right now you could have 70 units and buildings with four stories. They are actually well under that. They have to consider the rents, land price and development costs. All of these are changing so much now. The newest thing is insurance costs and we will see a huge increase in that this year. All of these things are taken into account and the 60 units is what works best for this parcel and this proposed development.

Mr. Hanley asked if there was any way to modify the traffic situation with what they presented and what he came back with that will make it easier to transition Greenville Highway. Are there any modifications that can be made to the site plan to make that more functional. Mr. Drake stated they don't own Chadwick Avenue and they don't own Greenville Highway. They are the jurisdiction of the city and NCDOT. He understands the traffic, they have that issue everywhere. It is something that is out of the developer's hands and something that is in the hands of NCDOT and also the city. The more room they provide for easement on the property, the less room for building. They have pushed that to the limit with the 25 foot easement. He thinks they might be one of the only developments along Greenville Highway that has offered an easement because he thinks this is a new request that NCDOT has started making of developers. You have many properties along Greenville Highway where there is no easement granted for the widening of Greenville Highway. He stated less than 20% of the residents living here will not be working so they will not be driving at am and pm peak hours. There's not much traffic that comes in and out of these developments.

Ms. Robinson asked about loading and unloading areas and she discussed living in a community with elderly people and the ambulance being called one or two times a week. The covered entry area only has two handicap parking spots there. She feels like they will have a real hard time getting an ambulance in. Mr. Drake stated all the alleyways meet the requirements of the Fire Marshal. He thinks it is 26 feet. An ambulance is going to pull up right there and not be looking for parking and try to get as close as they can to that entrance.

Ms. Waters asked where there would be room for waste disposal or dumpsters. Mr. Drake stated it is located at the northeast end of the property.

Chair asked why they wouldn't build what has already been approved. Mr. Drake stated the North Carolina Finance Agency is very particular about the dwelling units and the design of these dwelling units are fully ADA accessible and we have six that are designated exclusively for those that are mobility impaired or handicapped but in case there was a seventh or eighth or fifteenth person that comes in that needed accommodations all of these units are already designed to accommodate folks that need additional help. It is a very specific design. They looked at it but they have to build their buildings right to the needs of seniors. They have to build it to the requirements of the North Carolina Housing Finance Agency.

Chair stating knowing there was a 12,000 sq. ft. maximum building footprint requirement for this district. Why would he bring them a 25,000 sq. ft. building? Mr. Drake stated it is his understanding they are allowed to have the 25,000 sq. ft. building. Chair stated it says maximum footprint 12,000 sq. ft. Mr. Morrow stated if this was zoned GHMU and was not a conditional zoning district it would have to stay under the 12,000 sq. ft. that is the allowable footprint for that district. Since they are going above that for other reasons they are doing the GHMU CZD, which permits footprints that are larger than the 12,000 sq. ft. This project would be permitted under a GHMU CZD.

Chair stated he didn't see that in the conditions that would allow them to build something twice the size of what is allowed. Mr. Morrow stated so the way that our zoning districts are set up, we have our standard districts like R-15, GHMU, C-3, and then tied to every one of those districts is a CZD district. So you have

R-15 CZD, GHMU CZD, C-3 CZD and basically what those CZD's say is it is its own district. They have their own permitted uses, they are all the permitted uses allowed in the underlying zoning but they also allow for different stipulations. If you go above 51 units, that's a permitted use in R-15 CZD or if you have a building above 12,000 sq. ft. footprint in GHMU, that's allowed in GHMU CZD. There are certain triggers that are built into those CZD districts that are permitted uses and it just so happens that GHMU has this 12,000 sq. ft. condition where if you go above that you have to apply for a CZD because that is a permitted use in that district. Chair stated so the site plan is attached to the conditional zoning so there really doesn't need to be a condition. Lew Holloway, Community Development Director stated that is correct and conditional zoning requires a much higher level of review both from the public body and the legislative process. There is an opportunity to review the proposed use at a higher level on whether it meets the requirements of the conditional zoning. The code is set up to say yes you can do that but you will have to go through this higher level of review to do that.

Chair stated if it were split into two buildings to comply with the 12,000 sq. ft. rule, would the cost of a second elevator prohibit it from being affordable housing. Mr. Drake stated yes, a second elevator you are talking about a quarter of a million dollars when you talk about the elevator and all of the electrical functions that go along with it. The high voltage and also the low voltage area of rescue assistance. Then you are talking about additional exterior surfaces. There would be additional costs all the way around. You are also already on a very limited size parcel. The architectural design is very attractive. Chair was concerned about Amazon, FedEx etc. and getting a loading zone in there.

Jeff McCluskey, Civil Engineer stated they had a conversation with staff and they were trying to maximize the parking and they are over the code required minimum. They had to have 60 parking spaces and they are providing 70 parking spaces. They would rather not take three or four parking spaces and make it a loading zone. He understands the loading zone but normally those are stuck back in the back of a site and not used at all. The ambulance will use the front of the building for access. The same goes for Amazon, FedEx or anyone else. The intent was they were trying to stripe as many parking spaces because he knows in general with these types of projects there's a large concern with neighbors for having adequate parking. That was why they were trying to request to not have a loading zone to maximize their parking. Chair stated so it is feasible you just lose a few parking spaces. Mr. McCluskey stated yes, they would just not stripe it as a parking space.

Chair asked who will manage the property. Mr. Drake stated Excel Management. They are listed with the North Carolina Housing Finance Agency as an authorized management company. They manage all of their properties and he has actually known them for a long time. They are very good at what they do. NCHFA requires audits and compliance inspections. It is very regimented. There is a lot of oversight and Excel Management is familiar with the oversight. They don't have any properties in Hendersonville that they manage but they manage three in Brevard.

Chair asked him to talk about storm water management and asked if it was underground. Mr. Drake stated yes. Mr. McCluskey stated stormwater management will meet all of the City of Hendersonville's stormwater requirements. He discussed the collection of water on the property and the below ground system as well. They have to design for a two and ten year event.

Chair asked about the blueline stream and making the space pervious, the hard surface that you park on, the water will soak in. Mr. McCluskey stated that would be an option they could look at doing. There is some maintenance to it and he is familiar with this type of concrete. Mr. Drake's concern was the maintenance cost of it and the cost not being in their operating budget. Mr. Drake stated it was a condition they would be open to looking at.

Chair opened public comment. Public comment would be limited to three minutes.

Nancy Polluck, Carousel Lane stated the only comment would be when she moved from Charlotte to Hendersonville about ten years ago. She lived in Charlotte in 1985 and saw it explode. She loved Charlotte, but the first time she came to her home on Carousel Lane she went Greenville Highway and she loved it. The second time she came in on Spartanburg Highway and it was so ugly. She is curious why Hendersonville does not steer developers to those big empty spaces on Spartanburg Highway and make it look presentable.

Lynne Williams, Chadwick Avenue stated this Planning Board denied a similar project on this exact site. The Tree Board voted this site incompatible for development. This property directly abuts the floodplain and increase impervious surfaces. And removes many mature trees. She was concerned about the sewage pump station and it dumping 2,000 gallons of raw sewage during the last rain event. The last storm event caused flooding and blocked all emergency access to the hospital. Placing 60 seniors in such a high flooding risk zone creates public safety hazards and concerns. She was concerned about the traffic which is already an issue in this area. They asked that the stream buffer ordinance be complied with. The Dark Skies lighting should also be complied with. She was concerned with the parking and the developer not having a loading and unloading zone. She felt like the 50 foot ROW that NCDOT requested should be agreed to. She had photos of the flooding in the area. She discussed the people that were against the previous project. At least 30 people spoke against it. This is not permitted by right. This is part of a historic neighborhood. Hawkins Pointe looks like a death trap. It is built all with wood. The stormwater plan is not sustainable. She showed photos of the flooding.

Ken Fitch, 1046 Patton Street (Zoom) stated affordable housing is a major need for the city, however it is important to realize there will be issues with the functioning of the project in this location. Traffic backs up on Chadwick at the traffic light even at non rush hour times. For the residents of this project entrance and exit will be difficult. It is hazardous negotiation. Traffic on Chadwick will inevitably increase. He was concerned about the blueline stream on the property. Parking with 30 units being two-bedroom could easily exceed the 71 spaces. Accommodations for delivery and service vehicles and visitors creates a major problem. Seniors pose a greater risk of having emergencies which will bring fire trucks and EMS vehicles to the parking lot. Emergency access is critical.

Chair closed public comment after the caller Sandy was unable to unmute herself.

Chair asked if the EMS or Fire Department had reviewed the plan. Mr. Morrow stated yes, the Fire Department is part of the review committee. They review all the site plans that come through the city. They were aware that this was for a senior multi-family development. As you know the city did adopt Appendix D of the Fire Code which is actually an additional site plan requirement that goes above and beyond what is required by the normal Fire Code. The 26' lane widths is a requirement of the Appendix D Fire Code. That is why they are the size that they are.

Chair stated because this is a commercial development, the Dark Sky lighting would apply? Mr. Morrow stated they would have to adhere to the requirements for multi-family abutting residential and also unless the stream buffer requirements are waived, they would have to meet the lighting requirements for properties within the stream buffer requirements. If the condition were to waive the requirements they would just have to meet the multi-family to residential requirement for lighting. There are stipulations in the lighting ordinance for the blueline stream and wildlife corridor.

Chair asked what the plan was for getting emergency services during a rain event like what happened a few months ago in just five hours. Mr. Drake stated there is nothing he can really say to natural disasters and what can be done. What if a tree falls over the road and prevents an ambulance from crossing? He can't really respond to that very well. Mr. Holloway stated city emergency services when they know they may have a situation where access may be cut off they are staging officers and resources so they can get to those locations. Fire Station 3 is proposed to be on this side of town. That's somewhere out in the

future but in terms of our emergency services they do consider these impacts.

Chair reopened public comment.

Sandra Williams, 309 Chadwick Avenue (Zoom) stated she was concerned about the entrance and exit onto Chadwick Avenue. She was concerned about traffic.. The entrance off of Spartanburg Highway has no light and she doesn't see how all this traffic will be managed. There is a bar across the street that gets rowdy on the weekend. There will be a huge addition to traffic on Garden Lane, Balsam Road and Narva Road. She discussed having a small office complex at this location. She can't imagine adding 60 units and all the traffic it will add to the area. Her concern is safety and someone getting hit.

Chair closed public comment.

Mr. Hanley was concerned with the traffic. Ms. Waters thinks it is a great project but her big concern is the whole intersection becoming a lake and this happens several times a year. Mr. Whiting stated it doesn't seem conducive with the bar across the street. Ms. Robinson is in favor of affordable housing. Ms. Flores discussed traffic and mitigating it and this not being a perfect world and people will still come to this area. Mr. Holloway discussed conditions and how the applicant has to be agreeable. Our legal team would say that would be an illegal condition if we required them to do the 50' ROW suggested by NCDOT. Chair discussed NCDOT having a project that would require the 50 foot ROW and how that might effect this development. Mr. Drake stated NCDOT may say they have a project that will start in five years and it may never take place. It is hard to determine what NCDOT will actually do. Mr. McCluskey stated the original plan had zero ROW . There was a change at the district office and they asked for a 50 foot ROW but if you look further up Greenville Highway, Publix is a prime example. All the parking that was built along Greenville Highway would all be in the 50 foot ROW and they would lose about a third of their parking if the 50 feet would be enacted on. The Walgreens across the street is within the 50-foot ROW. They understand this is what NCDOT has requested but they have concerns of the viability of this actually occurring just because there are several other businesses on this road that would be dramatically impacted.

Chair stated affordable housing is needed so badly he really feels like some of these conditions could be met but he would like to see the pervious concrete on all those east parking spaces and he really feels like they need a loading zone. But they are already talking about a deficiency in parking spaces because of the two-bedroom units. Does that all balance out where affordable housing is so needed. He discussed the population increase in coming years and how this would provide housing for senior making 80% or less of the median income. This would provide 60 affordable units. Ms. Waters concern was parking and having enough spaces for staff and visitors.

Chair asked if they have a motion, maybe with conditions. Chair stated he knows this is a tough one but the Board is tasked with making some kind of recommendation to City Council. Mr. Whiting stated the only condition that he would propose doesn't seem like it is reconciled by the developer which is traffic. It seems there is an impasse in that regard, Chair stated he could make a recommendation to deny it. Mr. Whiting stated he is not prepared to do that yet. Chair stated affordable housing is so needed and this property will be developed at some point. It is already approved for more units than what this is. We have the stream and traffic is always an issue.

Mr. Whiting moved Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PIN: 9568-92-1924) from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The petition aligns with the City's

2030 Comprehensive Plan's Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its "Priority Infill Area" designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation. 2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The proposed development proposes to remove 48 mature trees from the site while only maintaining 12 mature trees. 2. The project is not providing all required stream buffer and transitional area protections measures for a blueline stream identified in the most recent USGS seven-and-one-half minute quadrangle topographic maps. Mr. Hanley seconded the motion which passed four in favor of and two against (Chair, Flores).

The Board took a short recess.

V(B) Conditional Zoning District - Kid City USA (P23-066-CZD). Mr. Holloway gave the following background:

The City of Hendersonville is in receipt of an application from David Lee for a conditional zoning district for the property located at 913 and 917 9th Avenue West and is directly across from Hendersonville Middle School. The property is currently zoned R-15, Medium Density Residential and the proposed zoning is PID CZD. They plan to reuse the existing 11, 441 sq. ft. building that was Blue Ridge Retirement Home to a childcare center. Child care centers are not a permitted use in the R-15 zoning district.

Site photos of the property were shown and included in the staff report and presentation.

The site plan was shown and is included in the staff report and presentation.

The proposed conditions that the developer has agreed upon were discussed are included in the staff report and presentation.

A Neighborhood Compatibility meeting was held August 30, 2023. Topics discussed were staffing centers, rates for attending and traffic impacts.

The current Land Use and Zoning map was shown and is included in the staff report and presentation.

The Future Land Use map was shown and is included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General rezoning standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

A draft reasonableness statement was shown and is included in the staff report.

Chair asked if there were any questions for staff.

Discussion was made on the removal of childcare centers being a permitted use in R-15. This was removed in the 90's. Mr. Holloway stated he believes zoning does too much to prevent too many things and we are limiting a lot of things that our communities need because we are using these processes to review development. That is his opinion and he personally thinks that not approving an affordable housing project is a real problem. We need affordable housing so desperately, so desperately in this community that he thinks we need to be aware of those kinds of needs when we are facing the public feedback that we

receive. He understands all the challenges that the Board faces, there were a lot of moving parts but we need to be clear about where we set our standards and when a project meets the standards. He understands they like to talk about parking but we have a standard for parking and if we don't like what our standard is we should change it. We don't need to spend time talking about a standard every time a conditional zoning project comes up because there is nothing about this apartment building verses the other apartment building verses one that is under 30 units that would change what the parking requirements should be.

Chair asked if this facility would likely stay vacant without a rezoning. Mr. Holloway stated yes. There could be a couple of special uses that would be permitted but have to go before the BOA.

There were no further questions for staff.

Chair asked if the applicant was here.

David Lee stated he has lived here 24 years and has children and grandchildren and his children are all struggling with childcare in this area. Not just the availability of it which is a problem, but the cost of it as well. He was able to purchase this building and evaluating what to do with it there was only one use that made sense. There are 21 individual rooms in this building. A commercial kitchen, a cafeteria a recreation room and there are 13 bathrooms in this facility. With the cost and expense of childcare turning this facility into a childcare center made the most sense. There are no franchise childcare centers in Hendersonville. Kid City USA has been around for 28 years. They have 140 locations approximately across the southeast United States. He has done three other facilities in North Carolina with Kid City USA. It serves a critical need. They are not adding anything to the property. This property was purchased by Cardinal and sat vacant for two years. Since he purchased the property there was numerous break ins and copper being stolen as well the other items. It has been an eyesore and a danger to the community surrounding it. He thinks repurposing it as a childcare center helps support a critical need. It will also dramatically improve the aesthetics of that neighborhood. He has put a new roof on it and they plan to start construction as soon as they get the approvals. They did tear the old house down that sat vacant for years and they will be making improvements to the exterior of the building.

There were no questions for the applicant.

Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street (zoom) stated the reuse of the existing building for child center function is in some ways an appropriate neighbor to the two school campuses and definitely serves a need. The traffic will be an issue at the time of drop off and pick up for the schools. He discussed the removal of the buffer and trees just prior to this application. Landscaping is a sensitive issue that needs to be done properly. He asked about the two playgrounds and how they will function and will they be fenced.

Chair closed public comment.

Mr. Lee stated they have met extensive requirements by the state of North Carolina in how a childcare facility is developed. There are also requirements for the playground area. The courtyard in the center will be the playground for the children that are 0 to 3 year old. They are adding doors that will open into the playground from each room. The youth playground will be fenced off. Each playground has requirements that must be met in terms of equipment and fencing. There will be no other structures. The comings and goings of their facility will not mirror those of the schools.

Chair asked if the lighting ordinance would apply. Mr. Holloway stated any new lighting would have to comply with the ordinance. Depending on the rehab of the building if it exceeds 50% of the tax value they may have to bring it into compliance.

Discussion was made on a residential CZD and the reuse of a building.

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 (PIN: 9569-40- 2580 and 9569-40-3593) from R-15, Medium Density Residential, to PID-CZD, Planned Institutional Development Conditional Zoning District, for the rehabilitation and reuse of an existing 11,441 sq ft commercial building as Childcare Center based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 10-16- 24] and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses Permitted Uses: 1. Childcare Center. 2. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The petition aligns with the City's 2030 Comprehensive Plan's Goals for the "Medium Intensity Neighborhood' Future Land Use Designation to provide local and public and institutional uses. 3. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The proposed rezoning includes no new construction but enhances existing site parking. 2. The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses. 3. The proposed use meets a community need for additional childcare options for working parents. Ms. Robinson seconded the motion which passed unanimously.

V(C) Administrative Review- Preliminary Site Plan – Living Savior Church (A24-02- SPR). Mr. Morrow gave the following background:

Mr. Morrow stated preliminary site plan review is required of all developments undergoing Site Plan Review for the following: Addition of more than 30 parking spaces. They will also be required to follow all the design standards in CHMU.

Mr. Morrow gave a background of the project which is included in the staff report and presentation.

The current Land Use and Zoning map was shown and is included in the staff report.

Site photos were shown and are included in the staff report and presentation.

A preliminary site plan was shown and is included in the staff report and presentation.

The preliminary building design was shown and is included in the staff report and presentation.

Based on the review by staff, the submitted preliminary site plan and building design for the Living Savior Church Project meets the Zoning Ordinance standards established for commercial projects within the Commercial Highway Mixed Use District, Preliminary Site Plan Review (Section 7-3-3.2) and Building Design Review (Article XVIII. - Mixed Use Zoning.)

Chair asked if there were any questions for staff.

There will be a sidewalk along Vine Road.

Mr. Morrow stated this does meet all the requirements.. There were some revisions but it does meet all requirements.

Mr. Hanley moved the Planning Board grant preliminary site plan and building design approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-27 Commercial Highway Mixed Use, 7-3-3 Review of Preliminary Site Plans, and 18-3-1.2 Joint site plan and design review) finding that the Living Savior Church project is compliant with all applicable requirements. Ms. Peacock seconded the motion which passed unanimously.

V(D) Zoning Text Amendment – Updates to Childcare Home and Child Care Center (P23-99-ZTA)

Chair asked if this was to align our requirements with the states requirements. Mr. Manley stated yes.

Mr. Manley stated this is a zoning text amendment to align the City of Hendersonville’s Zoning Ordinance definitions for Childcare Home and Child Care Center with the state statute. The state statute specifically for Childcare Home was recently updated and allows for up to ten children instead of six children and our definition needed to be updated because it was too restrictive,

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General amendment standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

A draft rationale for approval and denial were included in the staff report and presentation.

Mr. Manley explained the definition changes which are included in the presentation and the staff report.

There were no further questions for staff.

Chair opened public comment. There was no public comment,

Chair closed public comment.

Mr. Whiting moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2 Definition of Commonly Used Terms and Words; Section 12-2-2, Child care home and Section 12-2-2 Child care center; based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition aligns with the Comprehensive Plan’s Strategy LU-3.5. minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more childcare services within the City. 2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1.The proposed text amendment aligns with the state licensing requirements for child home care and childcare centers. 2.The proposed text amendment allows existing and future childcare facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City. Ms. Robinson seconded the motion which passed unanimously.

VI Other Business.

VII Adjournment – *The meeting was adjourned at 6:34 pm.*

Jim Robertson, Chair

DRAFT