

STANDARD REZONING:  
LAUREL MEADOWS | C-3 to UR-CZD  
(26-14-CZD)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT  
STAFF REPORT

PROJECT SUMMARY ..... 2

EXISTING ZONING & LAND USE ..... 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

SITE IMAGES..... 7

FUTURE LAND USE ..... 8

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS ..... 9

DEVELOPER-PROPOSED CONDITIONS: ..... 11

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS: ..... 12

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) ..... 14

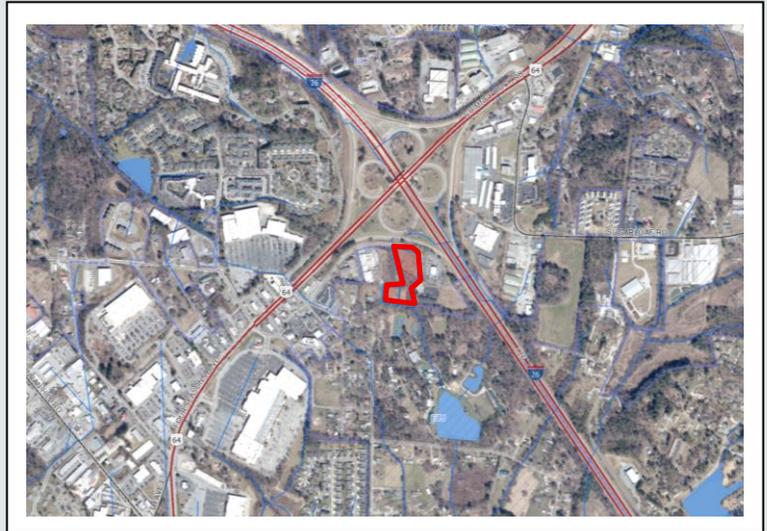
REZONING STANDARDS ANALYSIS & SUMMARY ..... 16

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 17



PROJECT SUMMARY

- Project Name & Case #:
  - 26-14-CZD
  
- Applicant & Property Owner:
  - Nicholas Pak & Tommy Lowmon, Woda Cooper Companies [Applicant]
  - Urmish Patel, Samit Hospitality [Owner]
  
- Property Address:
  - 238 Mitchell Dr
  
- Project Acreage:
  - 3.32 Acres
  
- Parcel Identification (PIN):
  - 9579-45-0556 and 9579-45-2846
  
- Current Parcel Zoning:
  - C-3 Highway Business
  
- Requested Zoning:
  - UR-CZD Urban Residential Conditional Zoning District
  
- Future Land Use Designation:
  - Mixed Use-Commercial



SITE VICINITY MAP

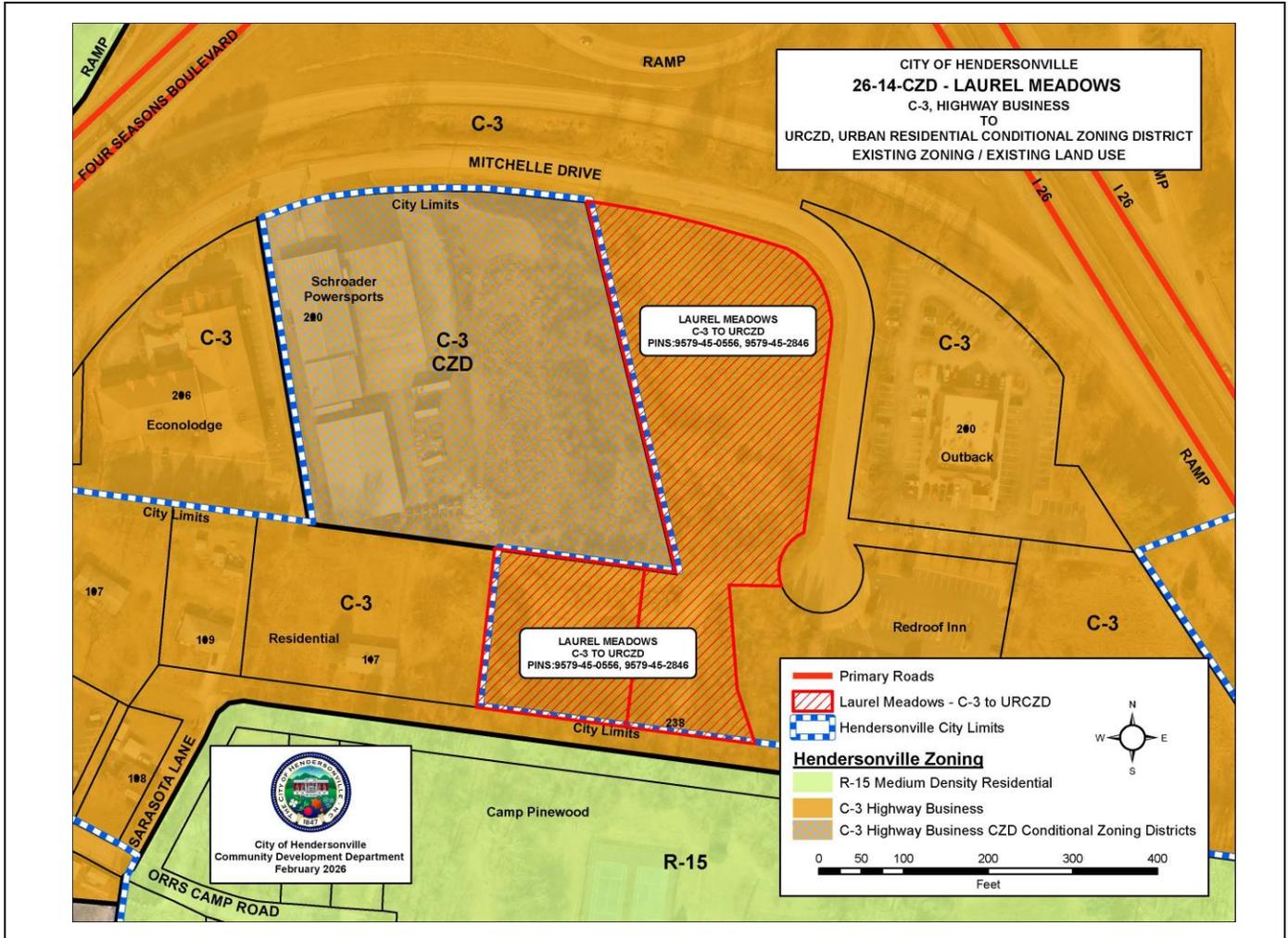
*The City of Hendersonville in receipt of a Conditional Zoning District petition from Woda Cooper Companies, Inc. (applicant). The applicant is requesting to rezone the subject property (PINs 9579-45-0556 and 9579-45-2846 from C-3, Highway Business to UR-CZD (Urban Residential - Conditional Zoning District) for the development of 77 multi-family units. The subject property is approximately 3.32 acres. The parcels are located on Mitchell Dr on a cul de sac which borders the I-26 east on-ramp near Four Seasons Blvd (US-64).*

*The applicant is applying for Federal Low Income Housing Tax Credits (LIHTC) through the North Carolina Housing Finance Agency.*

*The Future Land Use Character Area designation of the property is Mixed Use-Commercial and it is located within a Focused Intensity Node (centered around Four Season Blvd).*

*As a CZD, if approved, the development and use of the property would be limited to the stated list of uses and the proposed developed depicted on the preliminary site plan.*

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is located in the corporate limits of the City of Hendersonville and zoned C-3 Highway Business. Properties to the north, west, and east are also zoned C-3 as the general character of the area is defined by proximity to Four Seasons Blvd and Interstate 26. The uses in this area are typical for an interstate interchange with hotels and restaurants being the most common. Other retail shops are also within walking distance with the Blue Ridge Mall located approximately 1/2 mile from the subject property.

To the south of the subject property the commercial character abruptly transitions to properties zoned R-15, Medium Density Residential. The largest of these is the 50-acre parcel along Orrs Camp Rd that makes up Camp Pinewood. The other R-15 parcels are single-family homes located between Jack St and Orrs Camp Rd.

To the west of the R-15 district is a pocket of RCT (Residential Commercial Transition) zoning which permits the reuse of residential dwellings for business purposes.

SITE IMAGES



*View of proposed site access. Current maintenance access to City pump station.*



*View of existing stormwater detention pond on subject property. This facility manages stormwater from adjacent parcel and street as well.*

SITE IMAGES



*View of creek flowing south from stormwater detention pond, through culvert (which provides access to site) and continues to pond at Camp Pinewood. Stormwater pipes from Red Roof Inn visible to left*



*View of southern portion of subject property proposed for parking. Existing maintenance access shown with pump station in background. To the left is creek flowing south from subject property*

SITE IMAGES



*View of Sarasota Ln at rear of property behind pump station*



*View of neighboring Camp Pinewood recreation facilities across Sarasota Ln from subject property*

SITE IMAGES

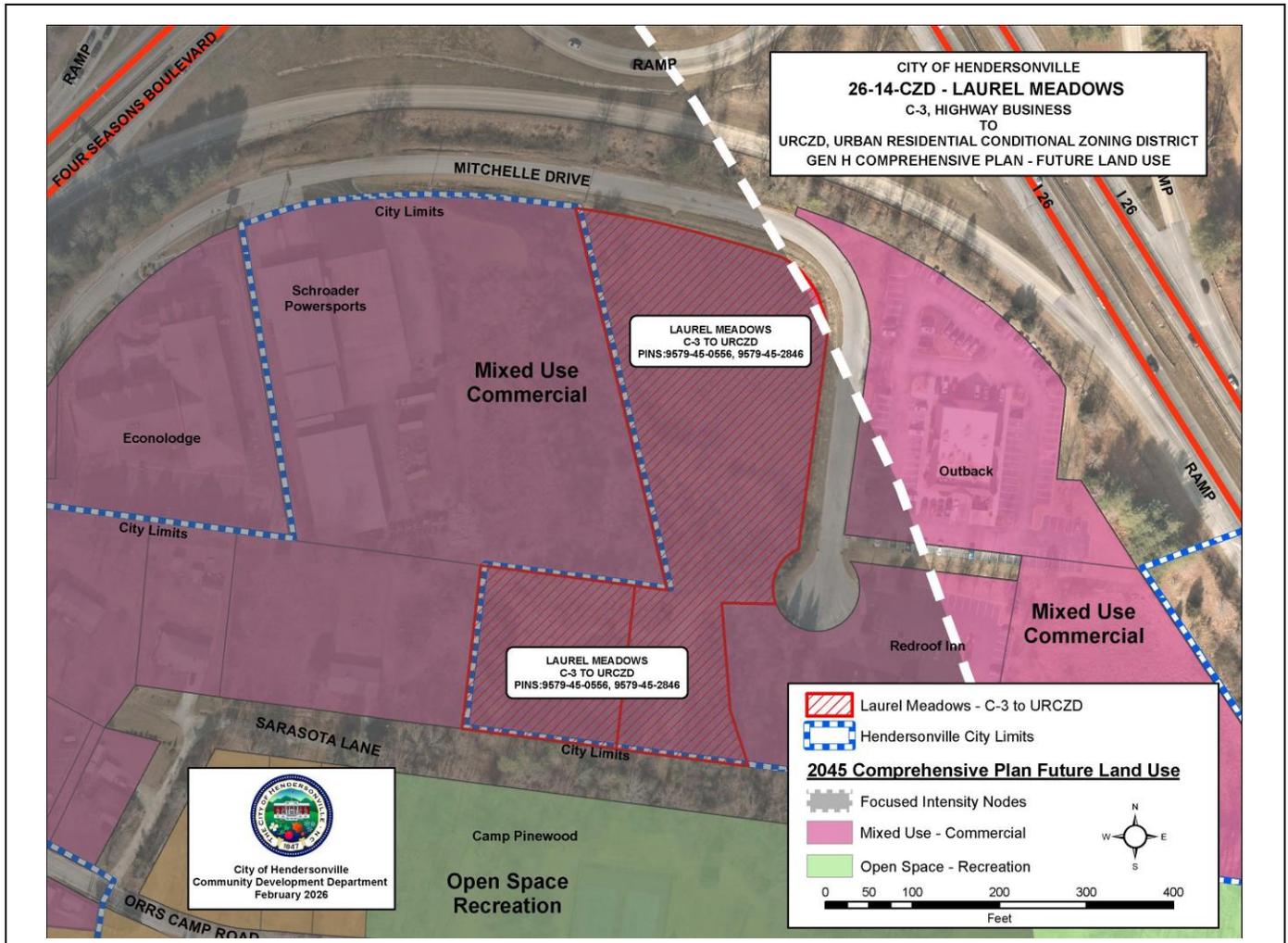


*View of neighboring Outback (left) & Red Roof Inn (background).  
Subject Property to the right.*



*View from northern end of Subject Property towards I-26 East on  
ramp*

FUTURE LAND USE



City of Hendersonville Future Land Use Map

According to the City’s Gen H Future Land Use & Conservation Map, the subject property is designated as Mixed Use-Commercial (MU-C). Parcels to the west and those flanking Four Seasons Blvd are also characterized as MU-C. Properties to the southwest outside of the MU-C designation transition to Multi-Generational Living. To the direct south is the tract of Camp Pinewood which is unique in its designated as Open Space – Recreation. Properties depicted in the dark circle to the west are in a Focused Intensity Node which are “...intended to be the largest activity centers outside of downtown and support a broad range of compatible uses. Each MU-C is flanked by multiple character areas, some of which are encompassed by the centers shown on the map above. Within these centers, connectivity and compatible relationships should be prioritized to create seamless transitions between developments.” Additionally, Mixed Use-Commercial is described as “...centers of activity with a mix of retail, restaurant, service, office, and civic uses, as well as various residential housing types. The mix can be horizontal or vertical, with changes in use between floors of the same building. Buildings of two or more stories are common, and streets feature short block lengths and pedestrian facilities. Open spaces include plazas, formal greens, and pocket parks. This activity center is intended to be the City’s most intense district outside of the Downtown character area.

## PROPOSED REQUEST DETAILS

### Site Plan Summary:

- Acreage: 3.32 Acres
- Proposed Use:
  - Residential, Multi-Family (77 Units)
    - 13 – 1-Bedroom
    - 48 – 2-Bedroom
    - 16 – 3-Bedroom
- Density: 23.2 u/a
- Building:
  - 110,000 Sq Ft of Gross Floor Area
  - 27,500 Sq Ft of Building Footprint
  - 4-Stories
- Building Design
  - Gabled and Hip Roof
  - 1<sup>st</sup> Level & portions of 2<sup>nd</sup> Level feature brick
  - Upper floors feature fiber cement lap siding w/ vertical accent siding
  - 2' Min. bump-outs on street-facing facade
- Height
  - Max. 47'-3.5' to mid-point of gable
- Transportation
  - Four Season Blvd is just over ¼ mile from the subject property.
  - Michelle Dr is a private cul de sac along the frontage of the subject property. It is an NCDOT street from the intersection with Orrs Camp Rd ¼ mile to the subject property.
  - Sarasota Ln is an unimproved right-of-way listed as “Private” on the applicant’s survey. Public sewer is present in this ROW.
  - Michelle Dr terminates at a multi-pronged intersection 200’ from Four Season Blvd. This intersection includes Jack St, Orrs Camp Rd, and a commercial access road. There are several open curb cuts and a back-out parking lot which create additional points of conflict around this intersection.
- Sidewalks
  - There is an existing 5’ sidewalk along Michelle Dr.
  - The developer is proposing conditions to be granted relief from the Urban Residential standards for 7’ sidewalks:
    - Requesting that existing 5’ sidewalk on Michelle Dr remain “as is”

and not be required to be improved to 7'

- Requesting that internal sidewalks be 6.5' abutting parking spaces and 5' for all other pedestrian connections.
- Lighting
  - All site lighting will be required to conform to the City's lighting standards for stream buffers and multi-family residential developments.
- Parking: Multi-Family Residential
  - Required per proposed bedrooms: 85
  - Required per NCHFA (LIHTC): 135
  - Provided: Developer requesting reduction of required parking to 109
  - Requesting condition from UR standard for maximum parking of 85
- Natural Resources
  - Stream Buffer:
    - The USGS topo map indicates a blueline stream running through the center of the property. This stream has been rerouted as the site has been graded and a stormwater detention pond has been placed in the center of the site.
    - This stormwater detention pond is proposed to be relocated and reestablished with an underground detention system (i.e. Stormtech)
    - This blueline stream continues along the southeast border of the site where it is daylighted.
    - The developer is proposing a condition to allow a small infringement on the required 20' transition zone. The 30' stream buffer would be left in tact.



- There is no Floodplain present on the site.
- Tree preservation
  - According to the City's Tree Canopy Coverage Map the site has 31,044 Sq Ft of canopy. This exceeds the 30,000 Sq Ft threshold for requiring preservation standards be met.

- However the developer has provided a tree assessment from an arborist explaining that much of the canopy identified on the Canopy Coverage Map is volunteer growth around the stormwater detention pond that has been unmaintained and that are no significant trees of any kind on the site. As such they have proposed a condition to waive the canopy preservation requirements for new Tier II plantings.
- Even with that condition, the developer is proposing to preserve 20% of the mapped tree canopy.



○ Planting requirements.

- The site will be required to provide the following landscaping for a total of 114 new trees and 180 new shrubs:
  - Vehicular Use Area – Trees Provided: 33
  - Buffer Plantings – Trees Provided: 6
  - Street Trees – Trees Provided: 27
  - Planting Strip – Trees Provided: 19
  - Common Space – Trees Provided: 29

DEVELOPER-PROPOSED CONDITIONS:

1. Proposed development is LIHTC (low-income housing tax credit) with all (77) units of the units at or below 80% AMI. The proposed development will provide family affordable housing as governed by North Carolina Housing Finance Agency requirements.
2. Developer shall provide tree protection during construction process. The proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible. Any preserved trees (large maturing or pine) counted towards credit that dies within 10 years will be re-planted with a single genera quercus (oaks), acer (maples), or carya (hickories).
3. At this point in time all vehicle over curb cuts have not been completed and the developer is requesting that the southwestern parking lot access, which also includes access to the existing City of Hendersonville pump station, be allowed to be constructed within 50' stream buffer to provide access to southwestern portion of the property.
4. Based on the existing pavement width of Michelle Drive there is not adequate room to delineate on-street parking therefore the developer is requesting relief from the requirement to add on-street parking per 5-25-5.16b

5. Developer is requesting existing sidewalk along Mitchell Drive to remain “as is” versus widening to 7', as required under section 5-25-5.15b.
6. Internally the development is providing 6.5' (0.5' back of curb and 6' sidewalk) along all parking spaces that abut a parking space and 5' sidewalk for all other pedestrian connections and is requesting this reduction instead of the 7' sidewalk as required under section 5-25-5.15.
7. Based on the supplied letter from the arborist indicating that large portions of the existing tree area canopy within the existing stormwater management should not be considered therefore putting the canopy below 30,000 sf the developer is requesting relief from section 15-4.c.
8. Based on downstream neighbor concerns about sediment the developer is committed to providing enhanced erosion control devices during construction. Such devices could potentially include extended sediment times and flocculent devices to remove additional sediment from leaving the site.
9. The developer has requested a reduction in parking from the North Carolina Housing Finance Agency requirement of 1.75 spaces per unit, but if this request is not granted developer is requesting relief from 5-25-5.16a on the maximum allowable parking.

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

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**COMMUNITY DEVELOPMENT**

**Site Plan Comments:**

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance.

**Proposed City-Initiated Conditions:**

- To better address the Urban Residential standard to orient the development ‘around one or more significant open spaces, such as parks & plazas’, and to better achieve the Gen H Plan Guiding Principle for Conserved & Integrated Open Space, the developer shall install active or passive recreational amenities in the open space on the northwest corner of the site.

**DEVELOPMENT REVIEW COMMITTEE:**

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City’s Traffic Consultant. All pertinent members of the DRC reviewed this project and the following are the only outstanding comments:

**STORMWATER ADMINISTRATION**

**Site Plan Comments:**

- The final design must preserve the existing storage and treatment capacity of the on-site SCM to ensure there is no net loss of stormwater control functionality. Alternatively, a new SCM may be constructed, provided it

delivers equivalent or greater treatment and peak flow control, with supporting calculations demonstrating no adverse downstream impacts.

**Proposed City-Initiated Conditions:**

- The City requests that the proposed SCM be evaluated and, if feasible, resized to provide storage and peak flow attenuation for the 25-year storm event. Increasing capacity would help reduce peak discharge to a downstream system with known limitations and minimize potential flooding and erosion impacts to receiving infrastructure and adjacent properties.
- **Developers' Response:** The concerns raised by the downstream neighbor (Camp) appear to center around sediment entering the ponds and less with capacity. Based on these discussions the developer proposes to provide enhanced sediment control during construction.

**Transportation Consultant  
Memo Comments:**

GENERAL REZONING STANDARDS	
<p>1) Comprehensive Plan Consistency</p>	<p><b>Land Supply, Suitability &amp; Intensity</b>  <b>Land Supply:</b> The subject property is classified as <u>Undeveloped</u>.  <b>Land Use Suitability:</b> The subject property was scored accordingly: <u>Residential</u> - Moderate to Less Suitable  <u>Commercial</u> – Suitable  <u>Industrial</u> - Most Suitable  <b>Focused Intensity Node:</b> The subject property is located in a Focused Intensity Node centered around Four Seasons Boulevard.  <b>Development Intensity:</b> Moderate. This area is appropriate for moderately intense infill development.  <b>Focus Area:</b> The subject property is outside of the Focus Area developed for the Blue Ridge Mall.</p>
	<p><b>Future Land Use &amp; Conservation Map-</b>  <b>Designation:</b> <i>Mixed Use - Commercial</i>  <b>Character Area Description:</b> Consistent  <b>Zoning Crosswalk:</b> N/A – The Zoning Crosswalk needs to be updated to better align with current Zoning District Standards.</p>
<p>2) Compatibility</p>	<p><b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b></p> <p>The subject property is a previously graded site that was part of a planned development platted and partially constructed in the early 2000s. The existing development adjacent to the site includes a dine-in restaurant and a 49-unit, 2-story hotel. Michelle Dr features two additional hotels and a motorsports shop. To the south sits a 50-Acre summer camp and other low intensity uses. These uses are separated from the subject property by an unimproved right-of-way. The proposed high-density multi-family use would add a new use to the existing mix of uses in this area. The addition of a multi-family use in the location appropriately positions new residents in a transition area that is defined by surrounding land use that sit at two opposing ends of the development intensity spectrum - between the high intensity uses associated with Four Seasons Blvd (US64)/I-26 and the low intensity uses of the nearby summer camp and single-family neighborhood. For improved compatibility, the area would be better served by greater walkability on and around Four Seasons Blvd, as well as access to public recreation / open spaces.</p> <p>The addition of a 4-story structure in this location does introduce a greater height than that which is found in the immediate vicinity. However, the location of the building has been shifted to the north side of the site away from lower intensity uses and closer to the interstate interchange (which sits 15’ above the grade of the subject property).</p>

	<p><b>GEN H COMPREHENSIVE PLAN GOALS</b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy &amp; Accessible Natural Environment:</b> Consistent  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent  <b>Satisfying Work Opportunities:</b> N/A  <b>Welcoming &amp; Inclusive Community:</b> N/A  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p> <p><b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV)  <b>Mix of Uses:</b> Consistent  <b>Compact Development:</b> Consistent  <b>Sense of Place:</b> Consistent  <b>Conserved &amp; Integrated Open Spaces:</b> Inconsistent  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p>
<p>3) Changed Conditions</p>	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p> <p>The only significant changed condition for this project is the continued needs for additional subsidized affordable housing.</p>
<p>4) Public Interest</p>	<p><b>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 -</b></p> <p><u>Strategic Housing Plan</u> – The addition of 77 multi-family Low-Income Housing Tax Credit apartment units would help the City to achieve Goal #2 – “The City of Hendersonville accommodates an additional 2,200 permanently affordable housing units to those making up to 80% AMI over the next 5 years, as identified by DFI”.</p> <p><u>Mix of Uses/Nodal Development</u> - The integration of residential uses in a commercial node introduces a mix of uses that can reduce vehicular trip lengths, accommodate non-vehicular travel (walking/biking), and improve efficiency of transit in order to combat automobile congestion. Additionally, mixed use centers allow for greater delivery of services and generate an increase in local spending. When applied at the neighborhood scale, a mix of uses can improve safety and vibrancy.</p>
<p>5) Public Facilities</p>	<p><b>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</b></p> <p>- <u>Street Infrastructure</u> serving the site includes Mitchell Dr which is private in front of the subject property and is an NCDOT-maintained street from the northwest boundary of the subject property to Orrs Camp Rd. It provides access to Orrs Camp Rd for those traveling south</p>

	<p>and east and to US64 for those traveling to I-26, northeast or southwest. Both of these streets are maintained by NCDOT. In general, the street network in the immediate vicinity of the subject property is unfriendly for bicycle and pedestrian travel. Additionally, Four Seasons Blvd. is part of the Region's High Injury Network and poses high risks to drivers as well.</p> <p>- <u>Public recreational opportunities</u> in the vicinity of the subject property are limited. The area is identified as a Phase 3 Priority (P17) in the Future Park System recommendations in the City's Parks &amp; Greenspace Master Plan. The addition of 77 residential units in this area will increase the need / priority level for a public park in close proximity.</p> <p>- The subject property is currently being served and/or will be served by all <u>City of Hendersonville services.</u></p>
<p>6) Effect on Natural Environment</p>	<p><b>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 -</b></p> <p>A blueline stream is present in the southeast corner of the subject property. The developer is proposing a condition to allow a small infringement on the required 20' transition zone adjacent to the 30' stream buffer.</p> <p>Though the current condition of the site is not optimal or well-maintained for stormwater management, the project proposes to significantly increase the amount of impervious surfaces on the site. The subject property is currently primarily covered with volunteer and invasive vegetation. The development proposes to plant 114 trees and 180 shrubs.</p>

REZONING STANDARDS ANALYSIS & SUMMARY

- 1) Comprehensive Plan Consistency - Staff finds the petition to be Consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map due to the Character Area Description for *Mixed Use – Commercial*.
- 2) Compatibility – The proposed use and structure are compatible in how they serve to compliment and transition from high intensity uses and structures to lower intensity uses and structures.
- 3) Changed Conditions – The proposed development helps to address the City's need for additional subsidized housing.
- 4) Public Interest – In addition to addressing affordable housing, the proposed location promotes a mix of uses which has a range of potential benefits primarily focused around transportation and economic development solutions.
- 5) Public Facilities – The surrounding street network poses a risk to all users. Parks and greenspace facilities are in need in this area.
- 6) Effect on Natural Environment – A minor impact to a portion of the transition zone of a blue line stream is proposed. The proposed development will significantly increase the impervious surfaces on the site and reduce natural filtration. In terms of vegetation, the proposed project's overall impact on the site's landscaping will be a net enhancement.

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition for the 77-unit Low-Income Housing Tax Credit Multi-Family project is consistent with the Future Land Use and Conservation Map Designation of 'Mixed Use - Commercial', Additionally, the petition is consistent with a range of the Goals & Guiding Principles including those supporting Affordable Housing, Compact Development and the Mixing of Land Uses.*

We **[find/do not find]** this petition to be reasonable and in the public interest based on the

*DRAFT [Rationale for Approval]*

- *The proposed development is compatible with surrounding residential & non-residential land uses*
- *The proposed development allows for a mix of uses within a 'focused intensity node'*
- *The proposed development serves to address the City's need for additional subsidized affordable housing.*

*DRAFT [Rational for Denial]*

- *The proposed development is incompatible with the surrounding land uses*
- *The proposed development would further degrade existing traffic safety and congestion concerns in the surrounding area*
- *The proposed development places residents too far from recreational opportunities*