

**Minutes of the Planning Board
Regular Meeting - Electronic
January 12, 2023**

Members Present: Andrea Martin, Barbara Cromar, Tamara Peacock, Stuart Glassman, Neil Brown, Peter Hanley, Jim Robertson (Chair)

Members Absent: Laura Flores, Jon Blatt (Vice-Chair)

Staff Present: Matthew Manley, Planning Manager and Tyler Morrow, Planner

- 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 Mr. Brown and passed unanimously.*
- III** **Approval of Minutes for the meeting of October 10, 2022.** *Mr. Hanley moved to approve the Planning Board minutes of the meeting of December 2022. The motion was seconded by Ms. Cromar and passed unanimously.*
- IV** **Old Business**
- V** **New Business**
- V(A)** **Standard Rezoning – 806 Shepherd St - R-15 to C-3 (P22-110-RZO).** Staff gave a 10-minute presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. Planning Board considered this item for 20 minutes. A representative of the applicant spoke in favor of the petition:
Ben Graham, representative/business partner of the applicant – shared thoughts on the lack of residential interest in the subject property as it has been for sale for a significant time without selling. He also described how the traffic patterns and land uses in the area support the rezoning.

There were no further comments from the public. The public comment was closed.

The Planning Board had questions about the process by which a standard rezoning is determined.

Mr. Hanley moved 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: 9578-41-9518) from R-15 (Medium Density Residential) to C-3 (Highway Business) 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:***
- 1. The Neighborhood Activity Center designation calls for neighborhood retail sales and services as a primary recommended land use; and office, multi-family and other similar uses as secondary recommended land uses at the location of the subject property.***

2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- 1. The petition allows for increased intensity of uses at the intersection of two minor thoroughfares.**
- 2. The petition would align with the parcels proximate to the subject property which are zoned C-3 and located between Old Spartanburg Rd and Spartanburg Hwy.**
- 3. The petition creates the opportunity for infill development at a greater density / intensity.**
- 4. The petition promotes walkable neighborhoods by creating mixed land use patterns that place residents within walking distance of services.**

Mr. Brown seconded the motion. The vote was 7 in favor and 0 opposed. Motion passed.

V(B) Conditional Rezoning – Lakewood Apartments – I-1 to UR-CZD (P22-54-CZD). The Chairman of the Planning Board initiated the consideration of this item with a 10-minute discussion on the status of the TIA and whether or not there was sufficient information available to the Planning Board to take action on the item. It was determined that, despite concerns from the Board, the item would be considered rather than deferred. Once the course of action was established, staff gave a presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning.

As the discussion and consideration of the item moved forward, the overwhelming topic of concern was the impact on transportation. As such, the City's Transportation consultant, Jonathan Guy also provided information and guidance related to the review of the TIA.

The Development team also provided information to the Planning Board. The developer, Travis Fowler, gave an overview of the goals of the development including the appeal of the location and the attempt to balance between providing density and preserving natural resources. The developer's Transportation Consultant, David Hyder of JM Teague, spoke about the details of the TIA and the justification for his recommendations. The developer's site engineer, John Kinnaird of Brooks Engineering, spoke about the site plan details. Lastly, the developer's Legal Counsel, Brian Gulden of the Van Winkle Law Firm, spoke in favor of the development from a legal perspective and provided reference to case law limiting conditions that would require off-site improvements.

In total, the Planning Board considered this item for 2 hours and 45 minutes.

Two members of the public spoke and asked questions related to the development:

- 1. Lynne Williams, Chadwick Ave – concerned about lack of transportation information available, flooding and impact to existing tree canopy loss and to wildlife (6 mins).**
- 2. Ken Fitch, 1046 Patton Street – concern that there will be an irreversible negative environmental impact, concerns about impacts of traffic, specifically to the Post Office Annex (10 mins)**

Ms. Peacock moved that 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 (PINs: 9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770) from I-1, Industrial to UR-CZD, Urban Residential Conditional Zoning District, for the construction of 322 multi-family units based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated 12-23-2022,] 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. Residential Dwellings, Multi-Family**

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

1. ***Developer to grant public access easement on greenway(s)/sidewalks within the development connecting to public greenway system.***
2. ***Developer to provide 14 parking spaces for trailhead users.***
3. ***Developer to update Site Plan to include all proposed parking spaces. Additional 78 Parking Spaces to be located within proposed Limits of Disturbance as shown on site plan dated 12-23-22***
4. ***Developer to revise TIA to address issues raised in TIA Memo from City Transportation Consultant (dated 1-10-2023) and in accordance with NCDOT Standards before issuance of Final Site Plan. Developer to be responsible for required mitigation.***
5. ***Work with City Staff to provide 10 “Affordable” Housing Units [in the form of a condition prior to City Council].***
6. ***Allow Tree Board to review revegetation plans.***
7. ***Provide a “dark sky compliant” lighting plan***

3. 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 ‘Business Center’, ‘Regional Activity Center’ and ‘Natural Resource and Agriculture Area’ Future Land Uses Designations. Specifically, the proposal is consistent with the Secondary Recommended Land Uses and Development Guidelines under LU-13.

4. 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 density and housing type are compatible with the surrounding area.***
2. ***The petition proposes to provide additional housing to offset local rental demand.***
3. ***The petition proposes to connect to the City’s greenway network***
4. ***The petition proposes to offset tree loss with a net gain of 1 tree***

Mr. Hanley seconded the motion. The vote was 7 in favor and 0 opposed. Motion passed.

VI. Other Business

VII Adjournment – The meeting was adjourned at 7:06 pm.

Jim Robertson, Chair