

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 BY CHANGING THE ZONING DESIGNATION FROM MIC (MEDICAL INSTITUTIONAL CULTURAL) TO UR (URBAN RESIDENTIAL – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860
Addresses: 745 Florida Ave; 738 6th Ave W; 728 6th Ave W; and 714 6th Ave W
Hawkins Pointe (File # P22-16-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, David & Clay Cooper with Woda Cooper Companies, Inc and property owners, Dr. Leon Elliston with Regional Properties ANC General Partnership and Nicholas Iosue with Castles & Cottages, LLC for the development of 52 Apartments on approximately 1.66 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: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 from MIC (Medical Institutional Cultural) to UR (Urban Residential – 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. The developer shall provide retention for 1yr-24hr Storm event to help mitigate additional runoff from the site.
 - ii. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4.c). regardless of use as tree credits.
 - iii. All preserved trees must have the English Ivy removed from the trunks and limbs.
 - iv. All private land trees that are adjacent to this project are required to have the construction barrier protection as prescribed in the zoning code 15-4.c).
 - v. Preserve and protect the 48-inch Oak and 60-inch Maple near the northwest corner of the property.
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: Clay Cooper, Woda Cooper

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Regional Properties ANC General Partnership, Dr. Leon Elliston

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: Castles & Cottages, Nicholas Iosue.

Signature:_____

Printed Name:_____

Title:_____

Date:_____