



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Matthew Manley, Planning Manager

**MEETING DATE:** June 2, 2022

**AGENDA SECTION:** Public Hearing

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Conditional Zoning District – Upward Rd Restaurant (P22-15-CZD) – *Matthew Manley, AICP – Planning Manager*

### **SUGGESTED MOTION(S):**

#### **For Recommending Approval:**

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-20-6649 ) from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District, based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated May 10, 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. Restaurant

*[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language, disregard #2 if not needed]*

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

**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 Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9

#### **For Recommending Denial:**

I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-20-6649 ) from PCD, Planned Commercial Development to CHMU CZD, Commercial 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 Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9

- 1. 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 development request to use Tree Credits without meeting the standards of Sec. 15-4.
2. The development would require a reduction of the vehicular area setback standards
3. The development requires a 50% reduction of the required Common Open Space

<p><b>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:</b></p> <ol style="list-style-type: none"> <li>1. The Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants.</li> <li>2. The development will provide additional food options for residents and visitors</li> <li>3. The subject property is consistent with the interstate interchange-oriented development occurring in this area.</li> <li>4. The subject property is located in a “Priority Growth Area”</li> </ol> <p><b>[DISCUSS &amp; VOTE]</b></p>	<p>4. The development does not meet all the design standards for the CHMU due to a reduction in the dept of the building offsets.</p> <p><b>[DISCUSS &amp; VOTE]</b></p>
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***SUMMARY:** The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Terry (applicant) and NC Hendersonville Upward Road, LLC (Property Owners). The applicants are requesting to rezone the subject property, PIN 9588-20-6649 and located on Upward Road, from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District for the construction of a 950 square foot drive in restaurant on approximately 0.75 acres. The CHMU permits drive-in restaurants.*

*The subject parcel was previously a part of a multi-phased Planned Commercial Development – Special Use Permit that was first approved in 2008 and later re-approved in 2014 however the approved site plan expired in 2019. The portion of the PCD involving the subject parcel was slated for a 3,080 Sq Ft restaurant.*

<b>PROJECT/PETITIONER NUMBER:</b>	P22-15-CZD
<b>PETITIONER NAME:</b>	<p>Dennis Terry [applicant]</p> <p>NC Hendersonville Upward Road, LLC [owner]</p>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Staff Report</li> <li>2. Planning Board Summary</li> <li>3. Neighborhood Compatibility Summary</li> <li>4. Tree Board Summary</li> <li>5. Proposed Site Plan / Elevations</li> <li>6. Proposed Zoning Map</li> <li>7. Draft Ordinance</li> <li>8. Application / Owner Signature Addendum</li> </ol>