

Community Development Staff Report

TO: City Council

FROM: Community Development Department - Planning Division

RE: 227 7th Avenue West - The Cedars

FILE #: P20-09-CZD

DATE: January 7th, 2021

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn which totals 15,310 square feet and the development of two new 6 story plus basement garage buildings, one along the Buncombe St. edge of the property and the other along the Church St. edge of the property. Each of the buildings consists of a total of approximately 100,000 square feet of conditioned space, the Church Street building includes two levels of parking garage for at approximately 37,500 square feet while the Buncombe Street building includes one level of parking garage at approximately 18,750 square feet. In addition, an approximately 6,250 square foot atrium connects the three facilities. In total the project consists of nearly 235,000 square feet of conditioned space.

The project is being presented as a combined hotel/condominium development with 11 traditional hotel rooms in the historic inn and another 132 condo/hotel suites, 48 of which include a lock-outs, for a total of 180 potential rooms within the Buncombe and Church Street buildings. Additional amenities included in the project are conference center and restaurant facilities. The subject properties which are subject to the rezoning request are identified as parcel numbers 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388; parcel # 9568-79-3224 is the current location of “The Chariot” event space, 9568-79-2254 includes a one-story frame house, 9568-79-0293 includes the historic Cedars Inn and 9568-79-0388 includes a 2 story house. The applicant is requesting to rezone the subject property from CMU, Central Central Mixed Use to CMU CZD, Central Mixed-Use Conditional Zoning District.

Mr. Shipman started the conditional rezoning process in April of 2020. Mr. Shipman participated in a neighborhood compatibility meeting held on May 26th, 2020. Following design development work, Mr. Shipman submitted a Preliminary Site Plan for staff and Planning Board review on November 20th, 2020.

NEIGHBORHOOD COMPATIBILITY

Several people representing the public, development team and staff attended the meeting in person as well as virtually. The minutes from that neighborhood compatibility meeting are included as Appendix A in this staff report.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on December 14th, 2020. The Planning Board voted 6-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject property from CMU Central Mixed Use District to CMU-CZD Central Mixed Use Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

The list of conditions reviewed and recommended for adoption by the Planning Board are listed below:

- 1) *That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the “Average Grade.”*
 - a. *Average Grade” to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50’ apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building’s “average grade.”*
 - i. *Spot elevations shall be measured within 2’ of the building foundation and reflect the proposed finished grade for the project.*
 - ii. *Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.*
- 2) *That the “Elevations” provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.*
- 3) *With the “Average Grade” established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64’ height limitation.*
- 4) *That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City’s Traffic Consultant.*
- 5) *That NCDOT driveway permits be obtained prior to Final Site Plan Approval.*

- 6) *That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.*
- 7) *That a combination of planters with elevations changes and a sidewalk widened to 8' be used to enhance the pedestrian experience along the Church Street edge of the project.*
- 8) *That the "Ballroom Patio" be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.*
- 9) *Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.*

PROCESS GUIDELINES

In reviewing a rezoning request, staff, the Planning Board and City Council are tasked with reviewing the project to determine how it fits into our community based on our guiding planning documents. The specific categories of review are identified in Section 11-4 of the City's Zoning Ordinance, which highlights that the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map:

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **Public interest.** 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.
5. **Public facilities.** 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.

6. **Effect on natural environment.** 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.

Rezoning Request Context Analysis

COMPREHENSIVE PLAN STANDARDS

The subject property is classified as Urban Institutional on the 2030 Comprehensive Plan's Future Land Use Map. A site-specific section of the Future Land Use Map is included as Appendix C in this staff report.

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north, west and south as Urban Institutional. Parcels to the east are designated as Downtown Support.

The goal of the Urban Institutional classification is to "Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown."

The recommended primary and secondary land use in Urban Institutional are as follows:

Recommended Primary Land Uses:

- Public and institutional uses
- Offices
- Structured or underground parking

Recommended Secondary Land Uses:

- Single-family attached residential
- Multi-family residential
- Live-work units
- Limited retail and services

Urban Institutional Development Guidelines:

- Similar development standards to Downtown Support
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

The goal of the Downtown Support classification is to "Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods"

Recommended Primary Land Uses:

- Offices
- Single-family attached and multi-family residential
- Live-work units

- Public and institutional uses
- Arts and entertainment establishments
- Structured or underground parking

Recommended Secondary Land Uses:

- Retail
- Parks and plaza

Downtown Support Development Guidelines:

- Minimal front setback
- Rear or limited side parking only
- Façade articulation
- Development and maintenance of traffic calming improvements
- Ground-floor storefronts and/or architectural detailing on parking structures

EXISTING LAND USE & ZONING REGULATIONS

The subject property is currently zoned CMU, Central Mixed-Use District and is currently vacant. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Existing Zoning Map” which are included as Appendix D and E in this staff report.

The parcels proposed to be a part of the development project are directly abutted by CMU Central Mixed-Use zoning in all directions. Beyond the project boundary parcels to the north and west are zoned Planned Institutional Development – CZD and MIC Medical, Institutional & Cultural.

It is notable that the site is located catty-corner to the Main Street Municipal Service district and one block from Main Street proper. It is also approximately, one block from the Hendersonville High School campus and two blocks from the Pardee Medical Campus.

SITE PLAN REVIEW

The site plan is included as Appendix G in this report.

Buildings

- The site contains one 4 story historic building (The Cedars) which is slated to be renovated into a restaurant and hotel rooms. The building is a little over 15,000 square feet of the project.
- A commercial event space (The Chariot), two residential buildings and two shed structures are proposed for demolition on the site.
- Two new buildings, referred to as the Buncombe tower and Church tower by staff in this review document, along with an atrium connecting the new towers to the historic hotel are to be constructed on the site. The total square footage of the new construction is over 200,000 square feet. The footprint for each tower is approximately 18,850 square feet.
- The Church tower contains two floors of parking garage with 6 stories of conditioned space above. There is no internal vehicular connection between deck levels.
- The Buncombe tower contains 1 floor of parking garage with 6 stories of conditioned space above.

Lot Size

- The lot size shown on the site plan is 2.3 acres or 100,355 square feet.
- Total Building Footprint: 57,567 square feet (57.4%)
- Open Space: 29,461 square feet (29.3%)

Zoning District Standards - CMU Central Mixed-Use Section 5-19

- Development Standards for CMU include guidelines in following categories
 - Uses
 - The proposed site uses included; Hotel, Multi-Family Residential and Restaurant/Conference Space, are all permitted uses within CMU.
 - Parking & Loading: Section 5-19-3.1
 - Section 6-5 applies. 1 per guestroom plus 1 per 600 square feet of public meeting area/restaurants. Residential requirement are 1 per dwelling unit or 1.5 per dwelling unit exceeding three bedrooms.
 - Proposed total parking meets or exceeds requirements for either use category.
 - 64 spaces or 29.5% of required spaces are noted as off-site parking; staff are currently requesting additional information on off-site spaces.
 - Dimensional Requirements: Section 5-19-3.2
 - The maximum building height in the district is 36'; provided however that structures containing at least three floors limited to

- residential uses may be constructed to a height not exceeding 64’.
- The properties are also within the “Downtown Height District” and limited by this local bill to a height of 64’. Height is measured from average finished grade.
- Setbacks are 12’ from the back of the curb of any street.
- Streetscape Design: Section 5-19-3.3
 - Street Walls must engage the pedestrian public landscapes, blank walls are limited in their length.
 - Screening
 - Street Trees
 - Reflective Surfaces
 - Urban Open Spaces requires 5% of building square footage be dedicated to open space. This equates to 11,750 square feet.

Parking Requirements - Table 6-5-2

- See Parking & Loading requirements under Zoning District Standards

Traffic Impact Analysis - Section 6-18

- A traffic impact analysis was required and conducted for this project. Staff are currently working with our traffic consultant to review the analysis submitted.

Entrance

- Access to the two levels of the Church tower parking garage is from Church Street.
- Access to the Buncombe tower parking garage is from Buncombe Street.
- There is a drop-off area, 5 parking spots and associated one-way drive that exits and enters off of 7th Avenue West.
- The Church Street and 7th Ave. drives will have to be reviewed by NC DOT for a driveway permit. Buncombe Street is a city-maintained road.

Sidewalks - Section 6-12

- Sidewalks are required on both sides of the street within the CMU- Central Mixed-Use district.
- Sidewalks will be provided on the subject property’s frontage on Church Street, 7th Ave and Buncombe Streets.

Project Phasing - Section 7-5

- The project does not appear to be phased.

Tree Survey & Buffering - Section 15

- The site plan appears to indicate that a total of 28 trees identified on the site survey will be preserved during the construction process.

- The majority of proposed preservation is along the south-western edges of the property.
- There are also a line of 6 trees along Church Street that appear to be slated for preservation.
- Buffer yards:
 - The property is surrounded by properties zoned CMU; ROW's on Church, 7th Ave. and Buncombe Street all exceed 30'
 - However, as the ordinance states that existing use take precedent over zoning; staff believe that it would be appropriate to require a 10' Type B buffer along the northern property boundary adjacent to 730 Buncombe Street.
 - The project developers have proposed a series of buffer types along the northern boundary of the project, including the suggested type B buffer suggested above.

Staff Report Recommendations

STAFF COMMENTS

In this section Planning Board members can find staff comments relating to the consistency of the proposed site plan with the guidance offered in the City's Comprehensive Plan and Zoning Ordinance. Staff will also include recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for the Planning Board's review. Planning Board may recommend approval of the rezoning request to City Council with or without conditions or recommend denial of the rezoning request.

Preliminary Site Plan Review:

- The Development Review Committee conducted an initial review of the submitted site plan on Wednesday December 2nd.
 - Items discussed included:
 - Concrete apron through each drive
 - Stormwater in Buncombe installed by developer; coordination with City to precede installation.
 - DOT & City Driveway permits required.
 - Will deck be power-washed? Pressure washing run-off not permitted in stormwater drains.
 - 3-party encroachment agreement for sidewalks, DOT, City & Developer)
 - Stormtech must have inspection ports.
 - Possible Conditions:
 - Silva Cells or similar infrastructure required for all proposed street trees.
 - Bring all existing site sidewalks into compliance, 5' wide and ADA compliant ramps at intersections.
- Staff Initial Review conducted of the submitted site plan on Friday December 4th.
 - Initial Review Comments
 - All of the required information for a Preliminary Site Plan review appears to be in the submitted plan set, however, it is widely dispersed and has made the review process less transparent for staff.
 - We are requesting that the development team produce a more detailed schematic site plan to better illuminate the intent of some areas of the project.
 - This includes the Church Street and 7th Avenue corner of the property.
 - The Church Street entrance to the property.

Comprehensive Plan Consistency:

- The Project is in what the Comprehensive Plan notes as a “Priority Growth Area.” These areas are identified as a part of an overall growth management strategy that “encourages infill development that maximizes use of existing infrastructure, preservation of natural and agricultural resources, and fiscally responsible growth.”
- Urban Institutional calls for residential as a recommended secondary land use.
- Urban Institutional highlights development standards which are similar to Downtown Support, including:
 - Traffic Calming Improvements
 - Ground Floor storefronts and/or architectural detailing on parking structures.
 - Façade Articulation
 - Minimal Setback
- Staff noted that the Church Street corridor will be impacted most dramatically by the scale of the Church tower, because of the grade changes, i.e. you are traveling uphill towards 7th Ave.
- The site overall is located at a high point in the general area and within downtown overall.
- Staff noted the significance of the 7th Ave. and Church Street corner of the property in
 - Connecting the overall building to the public realm.
 - Bringing the Conference facility within the building into contact and connection with the surrounding streetscape.
 - Because of the scale of the building along Church Street, it may be appropriate to have a wider sidewalk requirement along that edge to promote pedestrian comfort.
 - Other strategies with planting etc. along that edge might help to soften the pedestrian experience along that corridor.
 - It seems likely that this corridor, along with Buncombe, likely see foot traffic from the Hendersonville High School campus.
 - Staff also noted the potential of improvements at this intersection to promote traffic calming along Church Street and 7th Avenue.
- Staff feel that the Schematic Site Plan needs additional detail to define how this edge of the property will interact with the public realm.

Planning Board Recommended Rezoning Conditions: These conditions are included in the attached suggested motion. They can be included, removed or amended at Council's discretion and upon agreement by the parties involved.

- 1) *That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the "Average Grade."*
 - a. *Average Grade" to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50' apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building's "average grade."*
 - i. *Spot elevations shall be measured within 2' of the building foundation and reflect the proposed finished grade for the project.*
 - ii. *Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.*
- 2) *That the "Elevations" provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.*
- 3) *With the "Average Grade" established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64' height limitation.*
- 4) *That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City's Traffic Consultant.*
- 5) *That NCDOT driveway permits be obtained prior to Final Site Plan Approval.*
- 6) *That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.*
- 7) *That a combination of planters with elevations changes and a sidewalk widened to 8' be used to enhance the pedestrian experience along the Church Street edge of the project.*
- 8) *That the "Ballroom Patio" be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.*
- 9) *Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.*

10) *That all site lighting be dark sky compliant.*

Developer Proposed Conditions: These conditions are included in the attached suggested motion. They can be included, removed or amended at Council's discretion and upon agreement by the parties involved.

Developer proposed condition:

For purposes of this conditional zoning permit, the following shall apply:

- 1) *A floor of a building shall be considered in residential use if at least 75% of the floor's square footage is dedicated to residential use;*
- 2) *The 75% threshold shall be measured according to the percentage of a floor's square footage dedicated to residential use;*
- 3) *Residential use shall mean multi-family dwelling units which (although located in the same building or on the same floor as hotel units) are not hotel units; and*
- 4) *Classification of multi-family dwelling units as residential use versus hotel use shall be done on a calendar year basis; and*
- 5) *Hotel units shall mean those multi-family dwelling units used or available for use as short-term rentals for more than 250 days during a calendar year, and;*
- 6) *The offering of multi-family dwelling units for short term rentals shall not disqualify such units from being considered "residential."*
- 7) *Short term rentals are defined as rental stays which do not exceed 30 consecutive calendar days.*
- 8) *If the standards for height in the CMU district become less restrictive via a text amendment to the City of Hendersonville Zoning Ordinance, then the less restrictive standards would apply to this project from the date of the adoption of the ordinance amendment.*

Post Planning Board Staff Notes:

- 1) Planning Board did not see the “Developer Proposed Conditions” listed above. This condition was established for alternative compliance with the height restrictions in the Central Mixed-Use (CMU) zoning district. CMU allows for the 64’ height in cases where 3 floors are dedicated to residential use. The Cedars proposes to mix residential and hotel uses on each of the floors dedicated to condominium use. The proposed condition is their suggestion for how to establish a minimum measure of residential throughout the project.
- 2) The design team has begun addressing the conditions recommended by the Planning Board. Initial review by staff of the developer responses indicates the following;
 - a. Conditions 1 – 3: Staff have worked with the developer to establish how to measure these elements and believe that they are, at a schematic level, meeting the requirements of the height restriction as measured by the described method.
 - b. Conditions 4 & 5: Ramey Kemp is working to address the City consultant’s comments and is communicating with NCDOT re: driveway permits.
 - c. Condition 6: The developer has submitted an amended site plan, including the parking, that will be reviewed as a component of the final site plan approval.
 - d. Conditions 7 & 8: Changes have been made and included in the developers updated design documents. Staff feel that these changes address the enhancements proposed in these two conditions.
 - e. Condition 9: The design team has indicated that they will update the final site plan to include this information.
- 3) Staff will work with the design team during Final Site Plan review to confirm their compliance with the Published List of Uses and Conditions.

SUGGESTED MOTIONS

1) For Recommending Approval:

I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

SUGGESTED CATEGORIES FOR REASONS

1. Comprehensive Plan consistency.
2. Compatibility with surrounding uses.
3. Changed conditions.
4. Public interest.
5. Public facilities.
6. Effect on natural environment.

2) For Recommending Denial:

I move the City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE YOUR REASONS]

SUGGESTED CATEGORIES FOR REASONS

1. Comprehensive Plan consistency.
2. Compatibility with surrounding uses.
3. Changed conditions.
4. Public interest.
5. Public facilities.
6. Effect on natural environment.

IN RE: 227 7th Avenue Rezoning – The Cedars (File # P20-09-CZD)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

- Condominiums
- Hotels and motels
- Conference Facilities
- Restaurants
- Parking lots and parking garages

II. Conditions:

(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:

- a. *That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the “Average Grade.”*
 - i. *“Average Grade” to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50’ apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building’s “average grade.”*
 - ii. *Spot elevations shall be measured within 2’ of the building foundation and reflect the proposed finished grade for the project.*
 - iii. *Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.*
- b. *That the “Elevations” provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.*
- c. *With the “Average Grade” established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64’ height limitation.*
- d. *That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City’s Traffic Consultant.*

- e. *That NCDOT driveway permits be obtained prior to Final Site Plan Approval.*
- f. *That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.*
- g. *That a combination of planters with elevations changes and a sidewalk widened to 8' be used to enhance the pedestrian experience along the Church Street edge of the project.*
- h. *That the "Ballroom Patio" be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.*
- i. *Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.*
- j. *That all site lighting be dark sky compliant.*
- k. *For purposes of this conditional zoning permit, the following shall apply:*
 - i. *A floor of a building shall be considered in residential use if at least 75% of the floor's square footage is dedicated to residential use;*
 - ii. *The 75% threshold shall be measured according to the percentage of a floor's square footage dedicated to residential use;*
 - iii. *Residential use shall mean multi-family dwelling units which (although located in the same building or on the same floor as hotel units) are not hotel units; and*
 - iv. *Classification of multi-family dwelling units as residential use versus hotel use shall be done on a calendar year basis; and*
 - v. *Hotel units shall mean those multi-family dwelling units used or available for use as short-term rentals for more than 250 days during a calendar year, and;*
 - vi. *The offering of multi-family dwelling units for short term rentals shall not disqualify such units from being considered "residential."*

- vii. Short term rentals are defined as rental stays which do not exceed 30 consecutive calendar days.*
- viii. If the standards for height in the CMU district become less restrictive via a text amendment to the City of Hendersonville Zoning Ordinance, then the less restrictive standards would apply to this project from the date of the adoption of the ordinance amendment.*

(2) Shall Be Attached to the Conditional Rezoning:

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant

Signature:_____

Printed Name:_____

Date:_____

Property Owner:

Signature:_____

Printed Named:_____

Date:_____

Title within LLC:_____

Ordinance #____-____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR
227 7TH AVENUE WEST – THE CEDARS BY CHANGING THE ZONING
DESIGNATION FROM CMU: CENTRAL MIXED-USE DISTRICT TO CMU CZD:
CENTRAL MIXED-USE CONDITIONAL ZONING DISTRICT**

IN RE: 227 7th Avenue West – The Cedars
(File # P20-09-CZD)
PIN # 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388

WHEREAS, the City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn and the development of two, 6 story plus basement garage, condominium towers.

WHEREAS, the Planning Board took up this application at its regular meeting on December 14th, 2020; voting 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 January 7th, 2021, 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:

Parcels 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388 from CMU Central Mixed-Use District to CMU-CZD Central Mixed-Use Conditional Zoning District.
2. Development of the parcels 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 subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th, day of January 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2021.

My commission expires:

Amy H. Knight

APPENDIX A

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
The Cedars Hotel File # P20-9-CZD
Tuesday, May 26, 2020 2:00 p.m.

Daniel Heyman, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately one member of the public, three application representatives and five City staff were in attendance. The follow attended:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Tamara Peacock (app)	Hendersonville, NC		
Joey Burnett (app)	Hendersonville, NC		
Tommy Shipman & Wife	211 7 th Ave. East		
Susan Frady	staff		
Daniel Heyman	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Allison Nock	staff		

Mr. Heyman opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Heyman said the project will go before the Planning Board in July and City Council will hear the project in August. Mr. Heyman stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is virtual meeting and Mr. Heyman explained the process and the steps to participate in the meeting. This is an informal meeting so please state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Heyman stated the property is zoned CMU, Central Mixed Use. The applicants are asking for a conditional rezoning to CMU CZD, Central Mixed-Use Conditional Zoning District as this project exceeds 50,000 square feet in size. This project will have 139 hotel rooms, condos, a restaurant, conference room and other amenities. If approved, the project will be limited to what is on the approved plan.

The applicants submitted a video that was played concerning the project.

Tamara Peacock with Tamara Peacock Architects stated after the video, it was touching how important this project is to the City of Hendersonville. This site works wonderfully for what is being proposed. They did encounter challenges, but they worked through them. They plan to utilize The Cedars as the

main feature of the whole project. They did not take away from The Cedars building as the state guidelines for preservation of historic buildings state this as a requirement. Concerning the setbacks and height requirements, this project meets everything per code. The new buildings will not exceed the height of the chimneys on the original building. There will be parking underground and they took traffic into consideration when planning the underground parking. The architecture of the new buildings will complement The Cedars building. This is something the town will be proud of.

Tommy Shipman stated he is the property owner and he was born and raised here in Hendersonville. He wants to preserve the old building and build the new buildings to resemble the old one. He tried to sell the property, but most potential buyers just wanted to tear down The Cedars. He did not want the building to be torn down, so he worked with Ms. Peacock on this project. He has received a lot of support on this project.

Mr. Heyman read the written comments:

Reab Berry – 494 Whitehead Road

I am in favor of The Cedars - P20-09-CZD Project. It will be a welcome addition to Hendersonville. I plan to use the facility and promote its use to my family and friends.

Derek Luebbe – 730 Buncombe St

Living adjacent to the property, I would like to understand the planning document in more detail especially in regards to the service entrance. What barriers (natural and/or manmade) will be enacted to preserve my property's sound and sight aesthetic appeal? What operational hours will the service entrance be able to operate? I would like to see the plans in more detail to better understand the impact on my property. Considering most of the property is surrounded by non-residential usage, I'm concerned with the placement of that service entrance in that particular location and the impact it may have.

Ms. Peacock responded to this comment. She stated this is the first meeting concerning this project and they do not have a lot of the specifics worked out. They will be working with the Fire Department and Engineers on the project. There will be a 10-foot landscape buffer and they plan to take Mr. Luebbe's comments into consideration. They are willing to meet with him and work out any concerns he may have.

Scott Keels – 22 Lakemoor Ln

I believe the Cedars proposal would be a perfect use of this property and great asset to Hendersonville in many ways. I'm glad that the original building is being retained as the centerpiece of this design and appreciate the effort to harmonize the new construction with the old.

Ken Fitch – 1046 Patton St (emailed comment)

There is considerable discussion in the community along with many questions about this major project.

I had mentioned to you previously about other views of the project. The renderings so far are from perspectives that are not the primary viewpoints.

it would be helpful to see:

- 1) a rendering of view from the 7th avenue entry into the City
- 2) a rendering of view from Asheville Highway/Church Street. /HHS football field.
- 3) Site plan of the project with entries, etc.
- 4) the height of project relative to the Catholic Church
- 5) clarification of what current properties/buildings would be removed
- 6) What existing tall trees would remain

As we have discussed before, the more information available upfront in these times of limited meetings would be helpful.

Ms. Peacock stated there are several cedar trees on the property that are not in great shape. Mr. Shipman stated a lot of the trees are not in great health and need to be replaced. They will replace any trees they have to remove. Ms. Peacock stated they plan to add retaining walls and they will give more detail on this at a later time.

Mr. Heyman stated they will now move to the live comment portion of this meeting. Anyone wanting to speak will need to press the hand raise option.

Deborah Holt stated she has lived here for 15 years and she is a supporter of this project. This will be a first-class quality hotel and she would like to thank the owners for preserving the building. She feels this project will preserve the downtown historic feel of Hendersonville. She compared this project to the Martha Washington Inn and feels it will be a great asset to the city.

Mr. Heyman asked if anyone else would like to comment. No other comments were made.

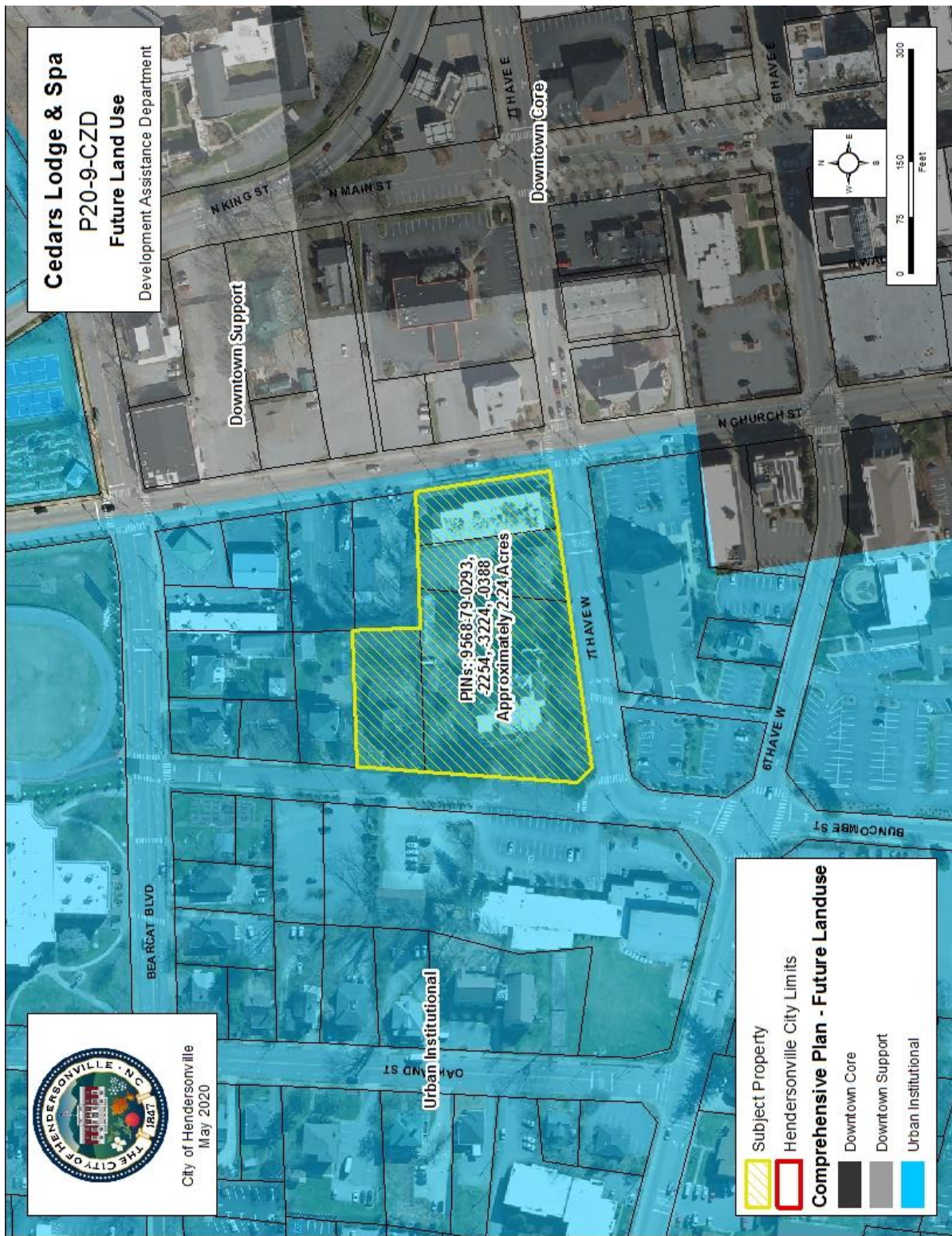
Mr. Heyman stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well.

With no further comments or questions, Mr. Heyman closed the meeting at 2:30 pm.

APPENDIX B

Reserved – Planning Board Minutes

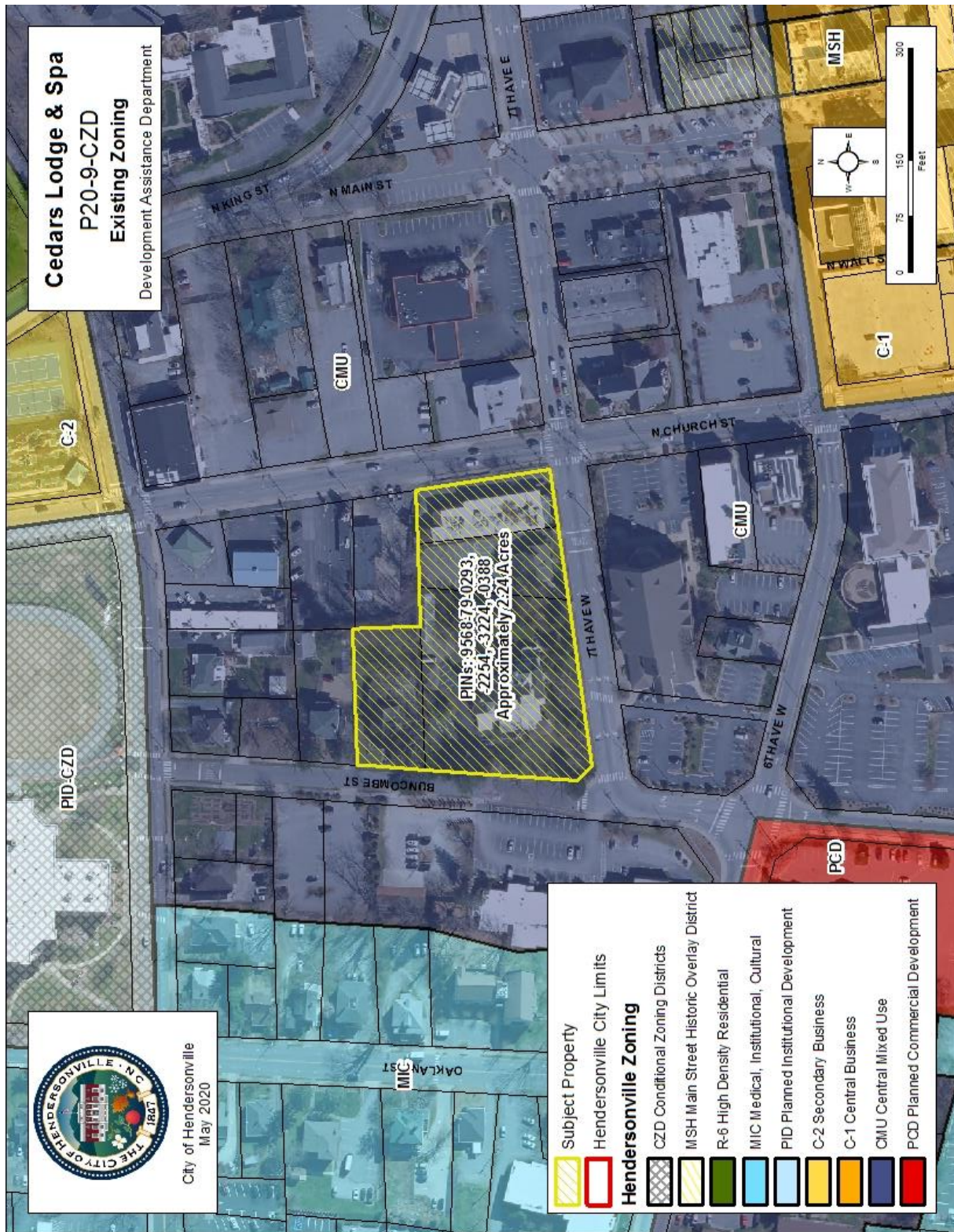
APPENDIX C



APPENDIX D



APPENDIX E



APPENDIX F

Preliminary Site Plan Review
File Name: P20-09-CZD – The Cedars
Reviewed by - Lew Holloway
Date: 12/04/2020

Date with Month, Day, and Year (7-3-3.2(a)):

Title of Project (7-3-3.2(b)):

Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)):

North Arrow, Scale, and Landmarks Sufficient to Identify Location (7-3-3.2(c)):

Vicinity Map (7-3-3.2(d)):

Zoning of Project and Adjacent Properties (7-3-3.2(e)):

City Limits (7-3-3.2(f)):

Names of Adjacent Property Owners (7-3-3.2(g)):

General comments regarding the above; while this information is available via the total package submission, it needs to be consolidated onto a “Schematic Site Plan.” In the package submitted it would appear this might be considered page AS101, which is not sufficient. Staff recommend that the schematic site plan be set-up more like the “Utility Plan – C201” in the package.

Site Survey (7-3-3.2(h)): Submitted

Floodplain and Other Significant Natural Features (7-3-3.2(i)): N/A - Completed

Proposed Streets, Alleys, Driveways, Parking Requirements, etc. (7-3-3.2(j)):

Completed

Preliminary Utility Layout (7-3-3.2(k)):

1) Utility Plan Included

Entrance and Exit Locations (7-3-3.2(l)):

- 1) Locations shown;
- 2) **Comment:** All driveways along 7th Avenue and Church Street will require DOT driveway permits. Driveway along Buncombe will require coordination with City.

Proposed Reservations (7-3-3.2(m)):

- 1) Proposed Urban Open Space is included in site calculations but not identified on Schematic Site Plan.
- 2) **Comment:** Include and highlight the proposed area that will meet the standards established in Section 5-19-3.3 f) Urban Open Spaces. Also please note the maintenance provisions via note.

Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)):

- 1) It does appear that existing vegetation is being preserved, but this is not clearly identified on the schematic site plan.
- 2) **Comment:** Please include the tree(s) (species & DBH) that will be preserved as a component of the revised schematic site plan. Please note the tree preservation standards that will be applied. This information can be included as a component of the planting plan if the two are to be kept separate.

Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)):

- 1) **Comment:** Please include basic dimensions on building footprint.

Notations in Chart Format (square footage and percentage of total site) (7-3-3.2(p)):

Total Project Area
Proposed Lot Areas
Site Coverage - Buildings
Site Coverage - Open Space
Site Coverage – Streets and Parking
Site Coverage – Other Facilities
Site Coverage – Urban Open Space:

Completed

Comment: Please include this information on the revised Schematic Site Plan.

Sign Data (7-3-3.2(q)):

Comment: Please include any proposed signage locations on the Schematic Site Plan.

Phasing Lines (7-3-3.2(r)): N/A

Transportation Impact Analysis (7-3-3.2(s)): Required; Plan received. Staff consultant is currently reviewing the document.

Zoning District Standards (applicable zoning district in Article 5):

1) Development Standards for CMU include guidelines in following categories

a. Uses

- i. The proposed site uses included; Hotel, Multi-Family Residential and Restaurant/Conference Space, are all permitted uses within CMU.

b. Parking & Loading: Section 5-19-3.1

- i. Section 6-5 applies. 1 per guestroom plus 1 per 600 square feet of public meeting area/restaurants. Residential requirement are 1 per dwelling unit or 1.5 per dwelling unit exceeding three bedrooms.
- ii. Proposed total parking meets or exceeds requirements for either use category.
- iii. 64 spaces or 29.5% of required spaces are noted as off-site parking; staff are currently requesting additional information on off-site spaces.

c. Dimensional Requirements: Section 5-19-3.2

- i. The maximum building height in the district is 36'; provided however that structures containing at least three floors limited to residential uses may be constructed to a height not exceeding 64'.
- ii. The properties are also within the "Downtown Height District" and limited by this local bill to a height of 64'. Height is measured from average finished grade.
- iii. Setbacks are 12' from the back of the curb of any street.

d. Streetscape Design: Section 5-19-3.3

- i. Street Walls – The first floors of all buildings, including structured parking, shall be designed to encourage and complement pedestrian-scale activity. Blank wall expanses are not to exceed 20 feet in length (defined in the referenced article)
- ii. Screening required – any screening used to comply with this provision shall consist of a planting area which is at least five feet wide. The area may contain any type of screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of 15-5 of the city's zoning ordinance. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow for its maintenance.
- iii. Street Trees
- iv. Reflective Surfaces
- v. Urban Open Spaces requires 5% of building square footage be dedicated to open space. This equates to 11,750 square feet.

Entry Corridor (5-18): N/A

Site Lighting Plan (7-3-4.3(r) & 6-13-4):

Comment: Need a site lighting plan, lighting can be included on utilities.

Railroad Right-of-Way Issues (if applicable): N/A

Off-Street Parking (6-5): See Parking 7 Loading Above.

Off-Street Loading and Unloading (6-6): Completed

Sidewalks (6-12): Completed

Rights-of-Way (Thoroughfare) Compliance (6-15): Completed

Common Open Space (common space or urban open space where applicable) (6-16):

See comments re: Schematic Site Plan. The specific identification of the area meeting Urban Open Space requirements is being requested.

Stormwater Management (COD Chapter 24 Article III): Provide a completed Stormwater Maintenance Agreement. Contact Engineering for additional details.

Comment: Site will require stormwater maintenance.

Minor Planned Residential Developments (5-14-7.1) (if applicable): N/A

Density- Residential only (5-14-4): There is no density cap in CMU.

Adequate Facilities (7-11): Reviewing; Water & Sewer has been confirmed to be adequate in the area. TIA currently being assessed in concert with City's traffic consultant.

Comprehensive Plan Compliance (Section 14-1): See staff comments.

Landscaping (Article 15): See comments under Zoning District Standards

Natural Resource Protection Standards (floodplain, stream buffer, etc., where applicable) (Article 17): N/A

Downtown Height Limit (64' height limitation for downtown area): Requested the project development team submit additional information regarding "Average Finished Grade" to determine compliance with site height restrictions.

APPENDIX G

CEDARS LODGE & SPA

211 7TH AVE W
HENDERSONVILLE, NC 28791



OWNER THE SHIPMAN FAMILY TOM SHIPMAN 828.674.6133	DEVELOPER COVIN PROJECT MANAGEMENT GREGG COVIN 305.281.3421	DESIGN ARCHITECT TAMARA PEACOCK CO ARCHITECTS TAMARA PEACOCK 828.696.4000	ARCHITECT RBA GROUP CHRIS BYERS 980.256.7640	CIVIL ENGINEER CDC WARREN SUGG 828.252.5388	LANDSCAPE ARCHITECT TIM HESS - FLA TIM HESS 919.349.0174	BUILDING SQUARE FOOTAGE GROUND FLOOR (EXCLUDING CEDARS): ATTRIUM: 43,995 SF HISTORIC CEDARS (TOTAL): 6,286 SF HOTEL (ALL FLOORS = 132' x 11' IN CEDARS, 149 TOTAL): 15,910 SF TOTAL CONDITIONED SPACE: 175,694 SF 224,889 SF
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SHEET NAME

1922

SHEET NO. A-1

PROJECT NO.

1922

DATE

09/20/20

COVER SHEET

PROJECT NAME:

The Cedars Lodge

211 7TH AVE W

HENDERSONVILLE, NC

28791

THE TAMARA

PEACOCK COMPANY

Architects

104 1st Ave E, Hendersonville, NC 28792

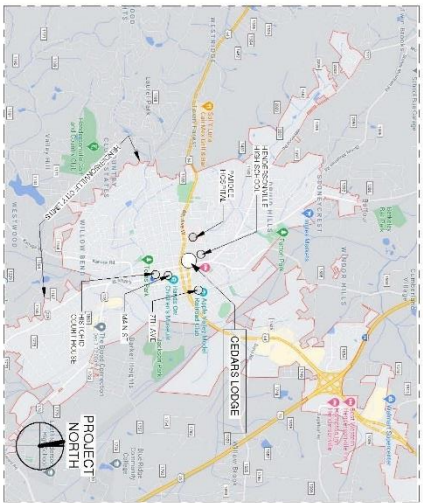
Phone: 828.696.4000 Fax: 954.728.9225

122-b west bland st

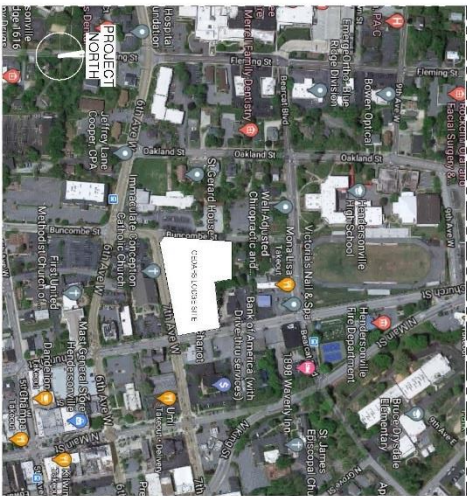
charlotte nc 28203

704.344.9098

REVISION	REVISION DATE	ISSUED FOR
A	YEAR.MONTH.D AY	BY



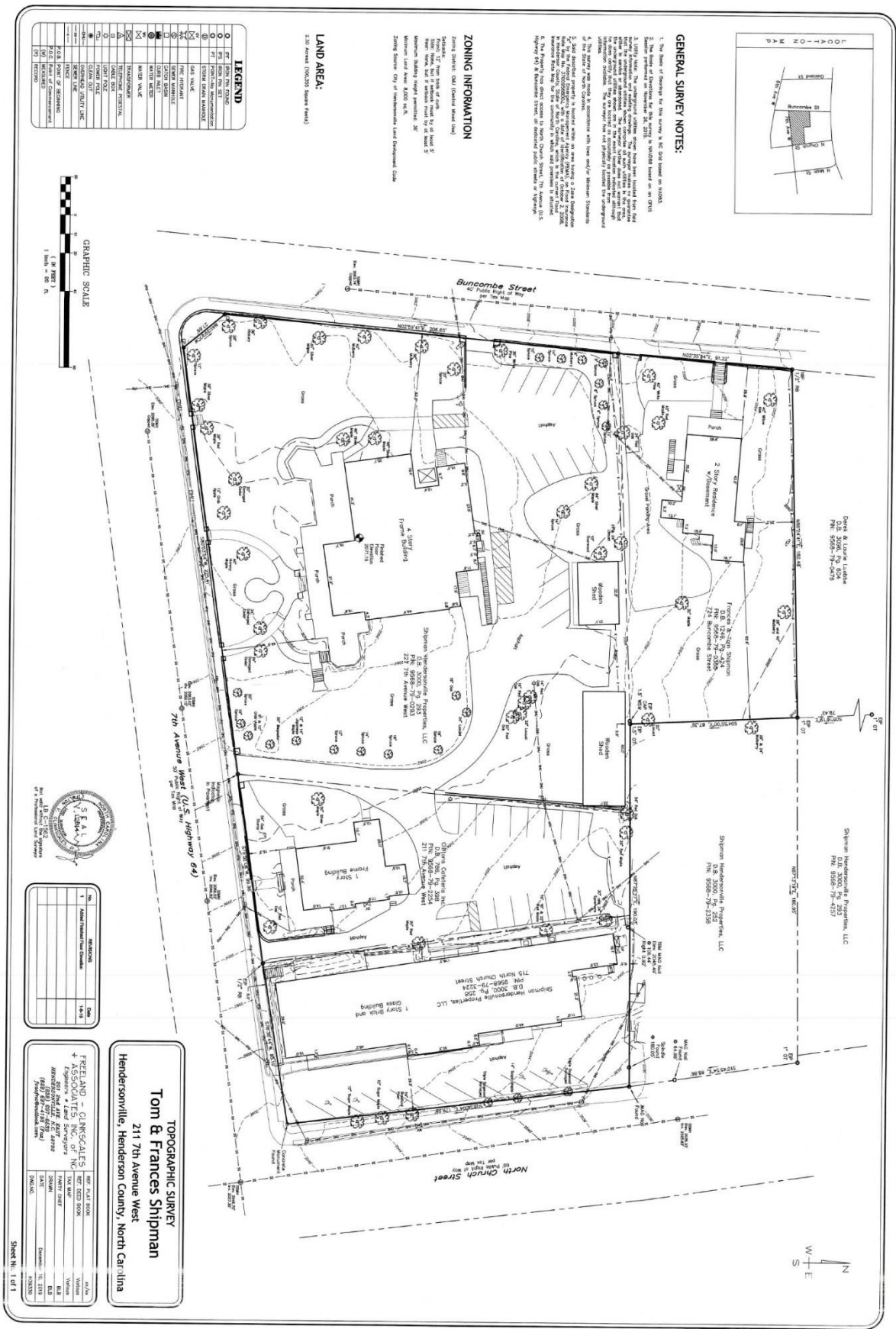
SITE MAP



VICINITY MAP

SITE STATISTICS:

SITE: 211 7TH AVE W., HENDERSONVILLE, NC 28791 ALL CALCULATIONS APPLY TO THE AREA OF THE SITE AFFECTED LAND USE DESIGNATION: CMU - CENTRAL MIXED USE									
CURRENT USE	PROPOSED USE	OCCUPANCY							
HISTORIC HOTEL	HISTORICAL HOTEL/CONDOS AND CONFERENCE CENTER	R-11A							
ADJACENT ZONING: CMU - ALL									
SITE DATA:									
DESCRIPTION									
1.B) INTENSITY: PREVIOUS: HISTORIC HOTEL (24 ROOMS), APARTMENTS (4), ASSEMBLY SPACE (150 OCCUPANTS), OFFICE PROPOSED: HISTORIC HOTEL (11 ROOMS), NEW HOTEL/CONDO SUITES (132), LOCKOUTS (48, FOR TOTAL OF 180 ROOMS) CONFERENCE CENTER, 2 RESTAURANTS									
1.A) ZONING:			CMU						
2.) SITE AREA: MINIMUM REQUIRED LOT AREA: 8,000 SQ. FT.			GROSS LOT S.F.:			100,355 SQ. FT. / 2.30 ACRES			
3.) YARD DIMENSIONS:			REQUIRED		PROVIDED				
FRONT YARD SETBACK			12' - 0"		26' - 0"				
SIDE YARD SETBACK (ADJ. ROAD)			12' - 0"		15' - 0" CHURCH				
SIDE SETBACK (NO ROAD)			0' - 0"		12' - 0" BUNCOMBE NA				
REAR SETBACK			0' - 0"		20' - 0"				
NOTE: ANY YARDS PROVIDED, THEY MUST BE A MINIMUM OF 5'-0" MEASURED FROM THE PROPERTY LINE									
4.) BUILDING HEIGHT:			64'-0" MAX.		64'-0"				
5.) URBAN OPEN SPACE:			10,500 SQ. FT.		24,890 SQ. FT.				
6.) SITE AREAS:			EXISTING		PROPOSED		%		
A. BUILDING FOOT PRINT:			16,175 SQ. FT.		57,567 SQ. FT.		57.4%		
B. STREETS/PARKING:			27,735 SQ. FT.		11,842 SQ. FT.		11.6%		
C. OTHER FACILITIES:			---		SQ. FT.		1.3%		
D. OPEN SPACE:			---		SQ. FT.		29.3%		
-COMMON OPEN SPACE:			---		SQ. FT.		15.7%		
7.) TOTAL PROJECT AREA					PROPOSED				
A. NEW BUILDINGS:					43,695 SQ. FT.				
B. EXISTING CEDARS:					7,986 SQ. FT.				
C. ATRIUM:					6,296 SQ. FT.				
D. PATIOS/ PLAZAS:					1,585 SQ. FT.				
E. TOTAL:					59,252 SQ. FT.				
8.) PARKING:					REQUIRED		PROVIDED		
1 PARKING SPACE PER UNIT					180				
1 PARKING SPACE PER 500 SF MEETING/RESTAURANT SPACE					25				
TOTALS					205		217 (64 OFF SITE)		
					7				

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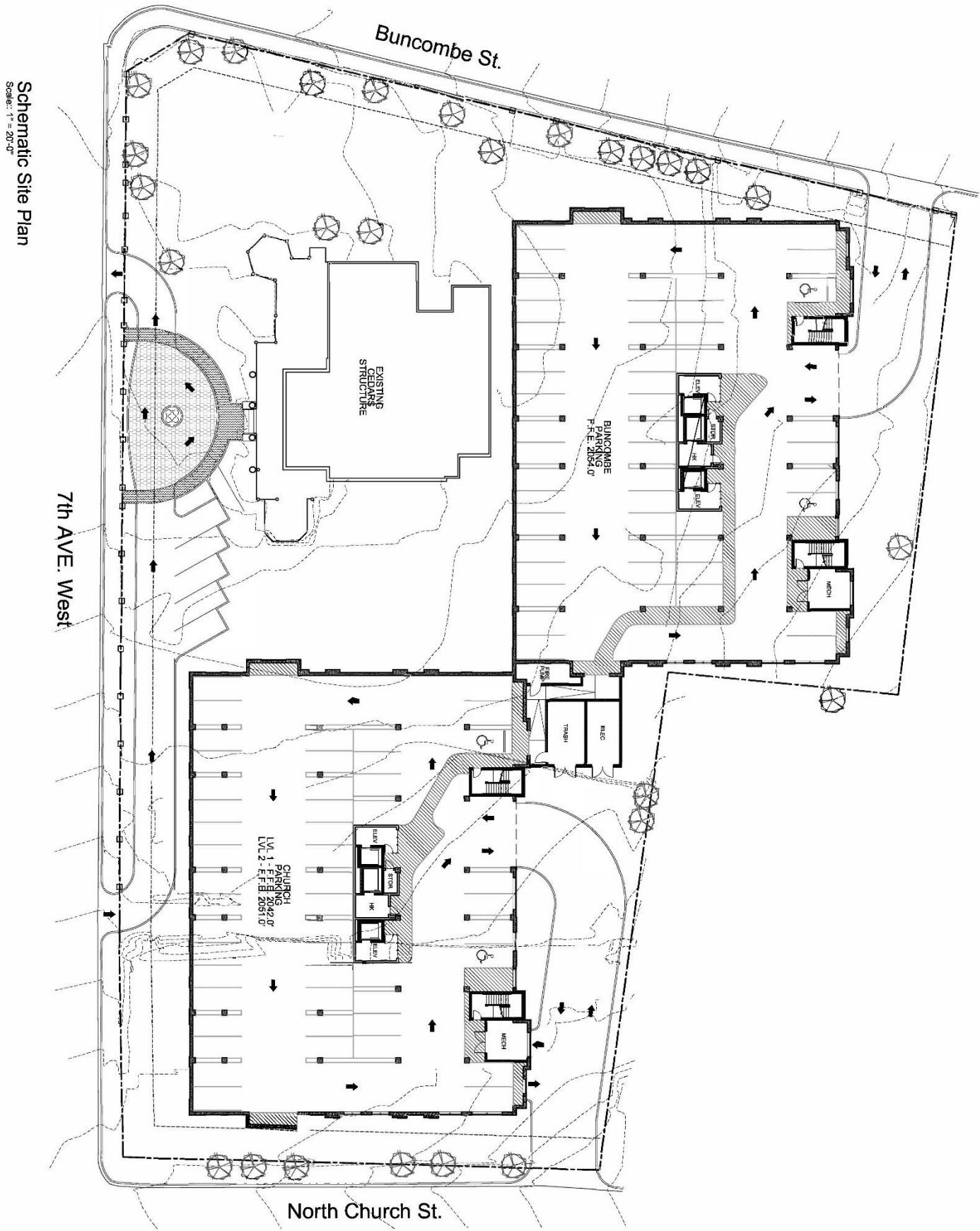
122-b west bland st
charlotte nc 28203
704.344.9098

**THE TAMARA
PEACOCK COMPANY**
Architects
104 1st Ave E, Hendersonville, NC 28792
Phone: 828.696.4000 Fax: 954.728.9225

PROJECT NAME:
The Cedars Lodge
211 7TH AVE W
HENDERSONVILLE, NC
28791

SHEET
NAME: **SURVEY/ SITE
STAT**

AS100



Sheet No.:
AS101

PROJ. No.:
**Architectural
Site Plan**

PROJECT NAME:
**The Cedars Lodge
211 7th AVE W
HENDERSONVILLE,
NC
28791**

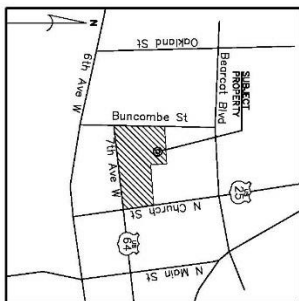
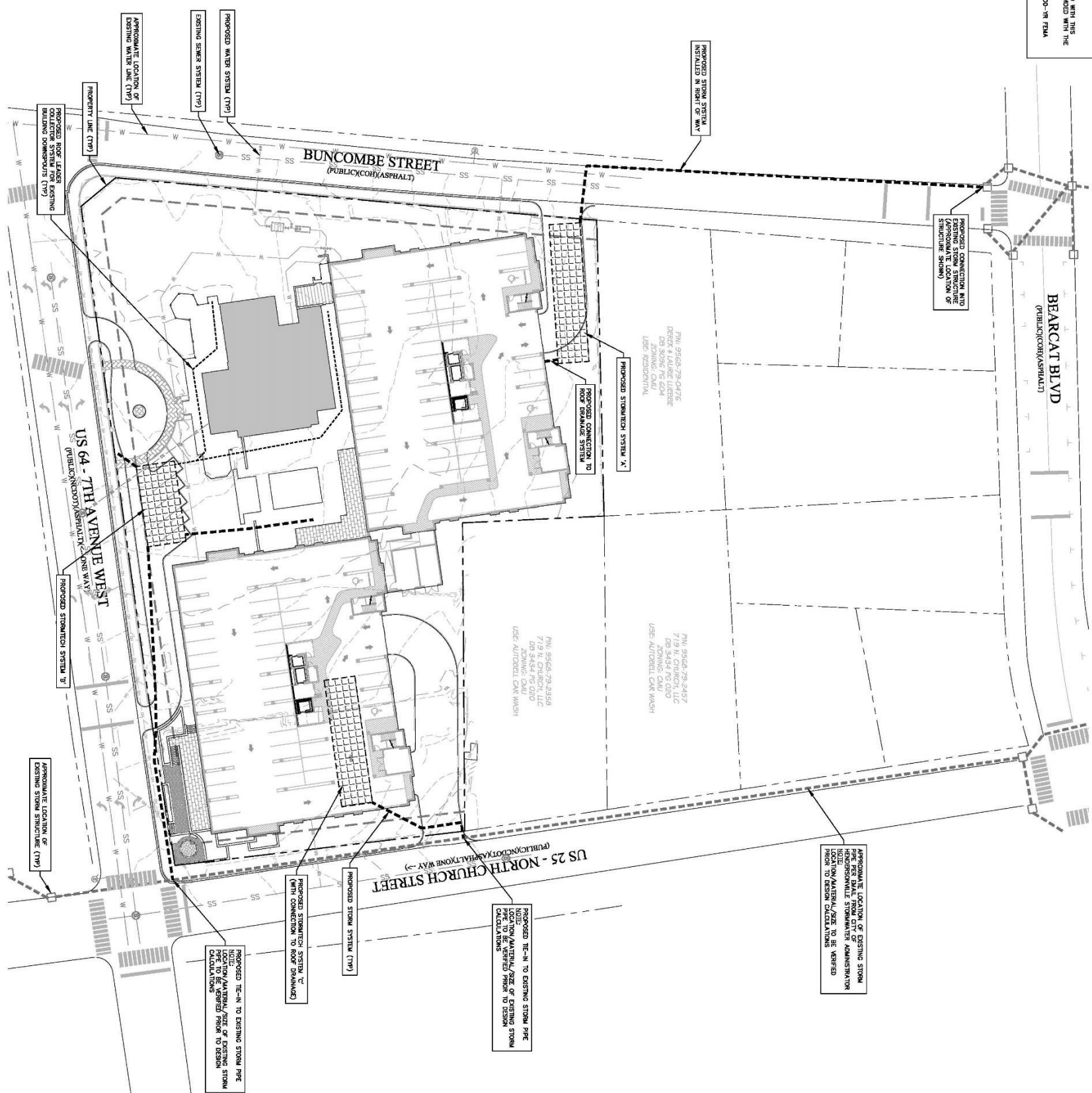
**THE TAMARA
PEACOCK COMPANY**
Architects
104 1st Ave E, Hendersonville, NC 28792
Phone: 628.696.4000 Fax: 954.728.9225

rba.
122-b west bland st
charlotte nc 28203
704.344.9098

REVISION	REVISION DATE	ISSUED FOR

DATE: 11/19/2020	DESIGNER: J. B. B.	PROJECT NO.: 2020-01
DRAWN BY: J. B. B.	CHECKED BY: J. B. B.	APPROVED BY: J. B. B.

THE TAMARA PEACOCK COMPANY

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**THE TAMARA
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Phone: 828.696.4000 Fax: 954.728.9225

rba.
122-b west bland st
charlotte nc 28203
704.344.9098



CDC
 U.S. Department of Health and Human Services
 1600 Clifton Road, NE
 Atlanta, GA 30333
 404-616-8000
www.cdc.gov

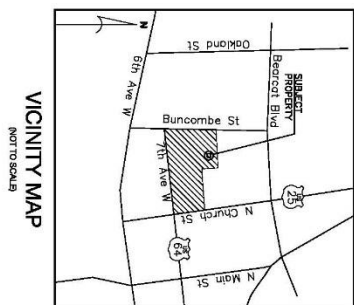
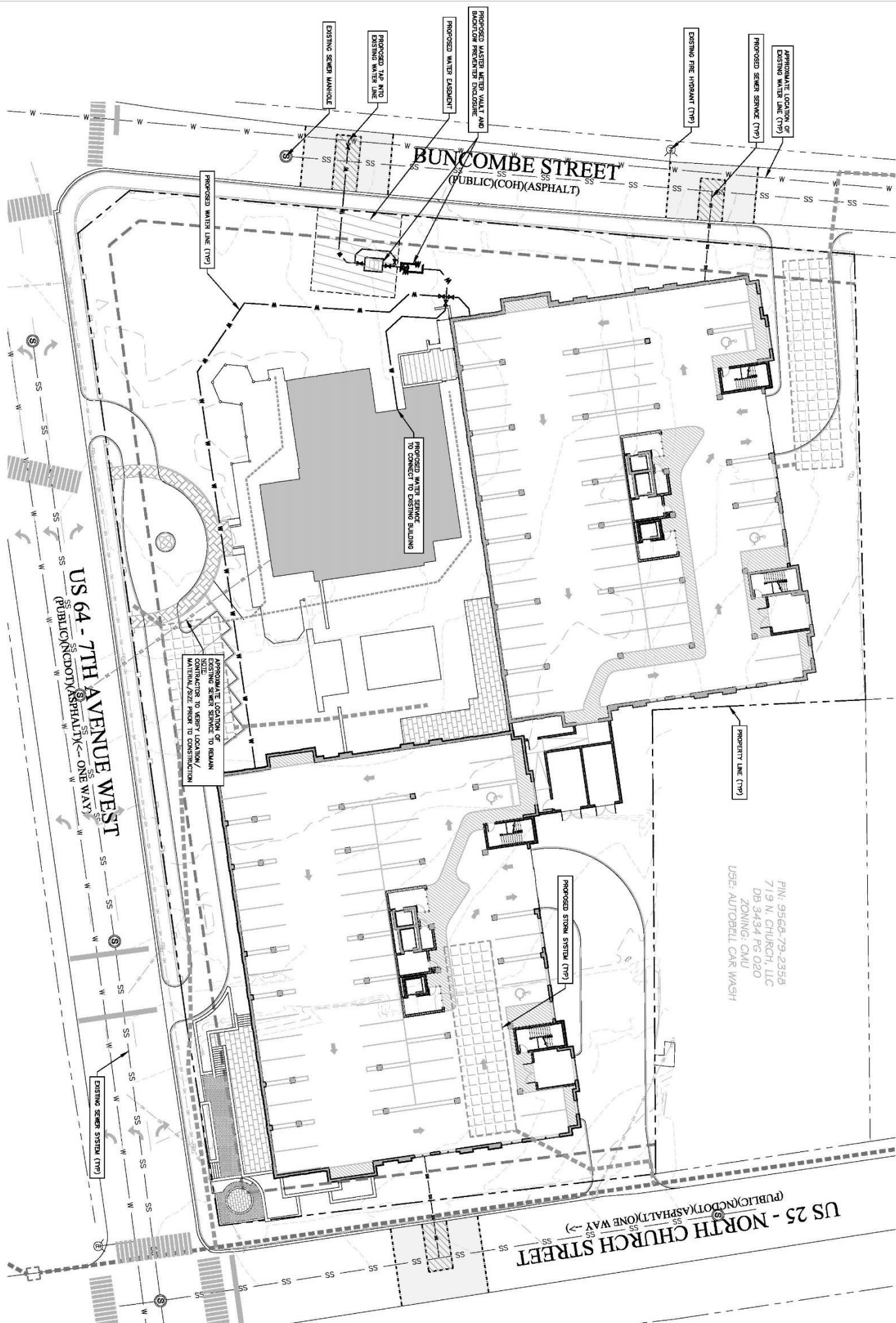
PROJECT NAME:
The Cedars Lodge
211 7TH AVE W
HENDERSONVILLE, NC
28791

STORM DRAINAGE PLAN

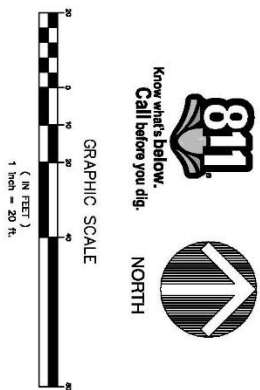
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1922	11/16/2020

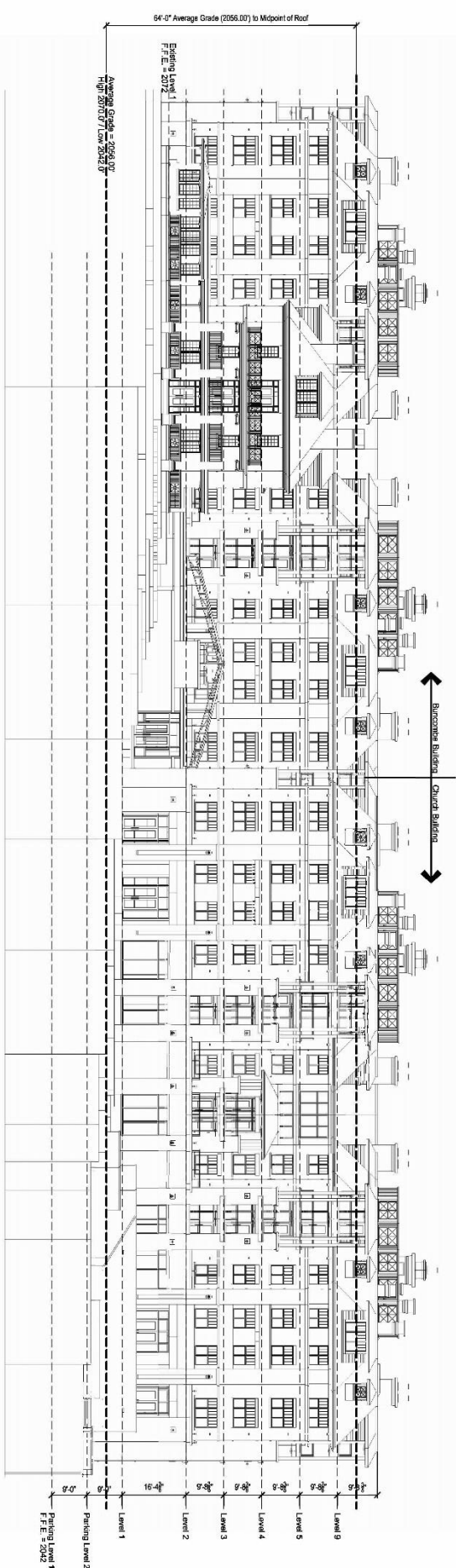
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C101



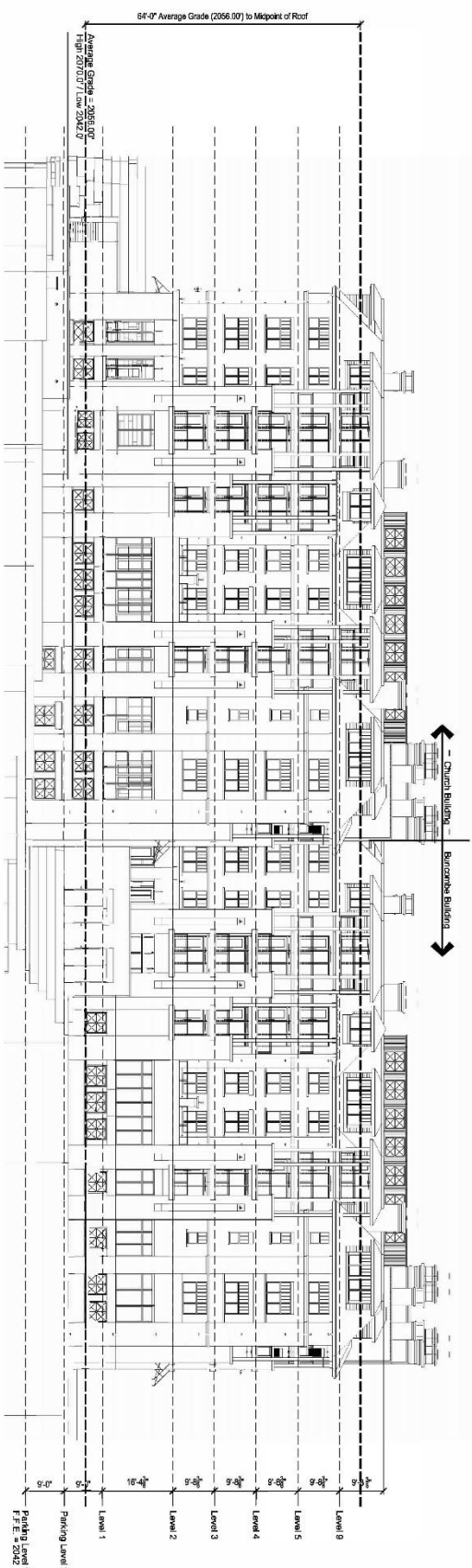
DEVELOPMENT DATA	
OWNER/DEVELOPER:	THE SHUMAN FAMILY 1117 N. AVENUE, E. 2ND FLY ROCKFORD, ILL. 60089
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 1000 N. WILSON AVENUE ARLINGTON, NC 22201
CONTACT:	WARRICK, SIOUX, I.E. (603) 262-2800
SUPPLIER:	THE SHUMAN CONSULTANTS & ASSOCIATES, INC. 2200 N. WILSON AVENUE ARLINGTON, NC 22201
CONTACT:	PERSONAL CALL TO 2679 (603) 267-6539 (603) 267-6539 EXT. 44, P.L.S.
DESIGN ARCHITECT:	THE THUMAN ARCHITECT COMPANY ARCHITECTS 104 WEST ALEXANDER EAST DURHAM, NC 27701
CONTACT:	(603) 896-4000 (603) 896-4000
PRODUCTION ARCHITECT:	123-B GROUP 123-B WEST 84TH AND STREET CHRYSTLER ALLEYS, A.I.A. (703) 344-6098
LANDSCAPE ARCHITECT:	TIMOTHY HERS, R.L.A. 104 WEST ALEXANDER EAST DURHAM, NC 27701
CONTACT:	TIMOTHY HERS, R.L.A. (703) 344-6774
PROJECT DATA	
FINI:	6966-75-0233 6966-75-2254 6966-75-0244 6966-75-0268
ADDRESS:	6966-75-0244 6966-75-0268
DEED BOOK/PAGE:	BOOK 2007/286 798/286 3000/2986
SITE ANALYSIS:	12/4/64/4
ZONING:	CU1 - CENTRAL URBAN USE
SETBACKS:	12'
FRONT:	12'
SIDES:	12'
REAR:	0'
PAVING CALCULATIONS:	
VEHICLE:	205
REQUIRED SPACES:	217 (64 DRIVE)
SPACES PROVIDED:	7
HANDICAPPED SPACES:	7
SPACES REQUIRED:	7
BUILDING DATA	
BUILDING:	1
DESCRIPTION:	10000' 10000' 10000' 10000'
SQ. STORY BUILD:	64'-0" 25,000 SQ'
INTERIORS CALCULATIONS:	
INTERIORS (LAV):	TERMINUS (770)
POST-RENOVATION:	112 ADOS (720)
SQ. TILES:	106
SQ. OTHER:	0





Schematic Building Elevation - 7th AVENUE West Elevation (Front South Elevation)
Scale: 1/16" = 1'-0"

Scale: 1/16" = 1'-0"



Schematic Building Elevation - Church Street Elevation (East Elevation)
 Scale: 1/2" = 1'-0"

Scale: 1/16" = 1'-0"

[illegible]

TANAKA PROCTOR, P.A. LITIGANT NO. 1276	
PROJ. NUMBER: CRA	DRAWING SET: CRA
CAPL.	REVISION SET:

rba.
122-b west bland st
charlotte nc 28203
704.344.9098

**THE TAMARA
PEACOCK COMPANY**
Architects
104 1st Ave E, Hendersonville, NC 28792
Phone: 828.696.4000 Fax: 954.728.9225

PROJECT NAME:
The Cedars Lodge
211 7th AVE W
HENDERSONVILLE,
NC
28791

SHEET
NAME:
Elevations

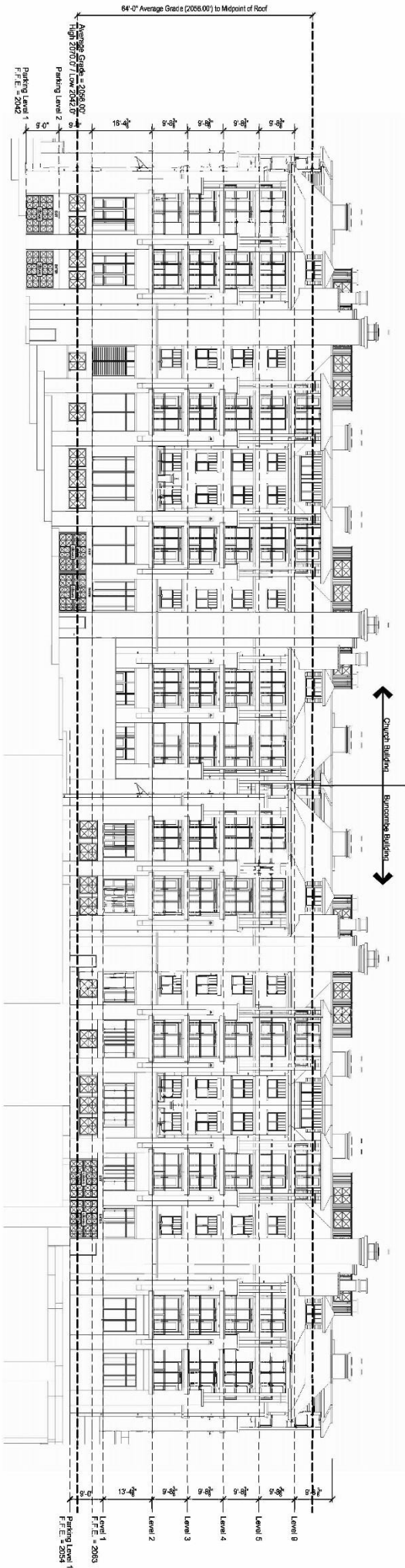
PROJ. NO.:	DATE
	11/19/

SHEET NO.:

A200

Schematic Building Elevation - Alley Elevation (Rear North Elevation)

Scale: 1/16" = 1'-0"



Schematic Building Elevation - Buncombe Street Elevation (West Elevation)

Scale: 1/16" = 1'-0"

