# **Community Development Staff Report**

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Department- Planning Division

**RE:** Duncan Terrace Conditional Zoning District

**FILE #:** P20-48-CZD

**DATE:** March 4<sup>th</sup>, 2021

#### PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Bobby Funk of Mills Construction, Green Holdings LLC and North Main Street Properties of Hendersonville, LLC. for the development of 7, 3 story multifamily structures and a community center on approximately 8.66 acres. The subject property is identified as parcel numbers 9569-95-7758, 9569-95-5941 and 9569-96-4013. One parcel currently contains a vacant single-family structure at 710 Duncan Hill Road. The applicant is requesting to rezone the subject property from R-20 Low Density Residential to PRD Planned Residential Development Conditional Zoning District. Photos of the existing conditions on the site are attached as Appendix G.

#### **NEIGHBORHOOD COMPATIBILITY**

A neighborhood compatibility meeting concerning this application was held on January 15<sup>th</sup>, 2021. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by the Zoning Ordinance.

Several people representing the public attended the meeting virtually. A copy of the neighborhood compatibility report accompanies this memorandum as Appendix A.

#### TREE BOARD

The Tree Board took this project up at its February 2<sup>nd</sup> meeting. The tree board raised concerns over the loss of trees on a primarily wooded lot. The discussed possible mitigation factors and they ultimately voted on the following motion.

"Motion by Glenn Lange to require the developer to save the three large trees along Duncan Hill Road that are adjacent to the brick residential home; and require the developer to replace each tree over 12 inches in diameter that is removed from the property; and that replacement trees be the same or their equivalent to existing trees in accordance with Article XV of the Zoning Ordinance. In addition, all replacement Broadleaf Canopy Trees shall be 2 ½ inch diameter at breast height (DBH) and all Ornamental Trees shall be 1 ½ inch diameter at breast height (DBH). Vote – all ayes."



# **Planning Board**

The Planning Board took this matter up at their regular meeting on February 8<sup>th</sup>, 2021. Planning Board members discussed various aspects of the project including the scoring for the low-income tax credits, site distances for the northern entrance along with recommendations that were made by staff and the Tree Board. The Planning Board voted 6-0 on the following motion.

"Mr. Hanley moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from R-20, Low Density Residential to PRD CZD, Planned Residential Development 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: it is in the public's interest and fills a great need in the county. He would also add the conditions:

- 1. Consideration of moving the access from Duncan Hill Road to align with Baldwin Hill Ave.
- 2. Consideration of making the lighting the Dark Sky Complaint.

Mr. Blatt stated he would second the motion as long as it is clear that the Dark Sky Initiative is not a mandate but a recommendation. Mr. Blatt seconded the motion which passed unanimously."

## **Rezoning Request Analysis**

#### **EXISTING LAND USE & ZONING**

The subject property is currently zoned R-20 low density residential. The property contains 1 vacant single family structure and is mostly wooded. A tree survey submitted by the applicant is attached as appendix F.

Parcels to the north are zoned R-20 low density residential. Parcels to the east are zoned C-3 Highway Business and RCT, Residential Commercial Transition. Parcels to the south are zoned R-20 and C-3 and contain various commercial uses such as Four Seasons Ford. Parcels to the west are zoned PCD, Planned Commercial Development, C-2 Secondary Business and R-20. Surrounding land uses and zoning districts are shown in Appendix B "Existing Land Use Map" and Appendix C "Existing Zoning Map".

#### COMPREHSIVE PLAN CONSISTENCY

The subject property is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the High Intensity Neighborhood classification is to "Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multifamily residential neighborhoods."

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

#### Recommended Primary Land Uses:

- Single-family attached and multi-family residential
- Planned Residential Developments
- Open space

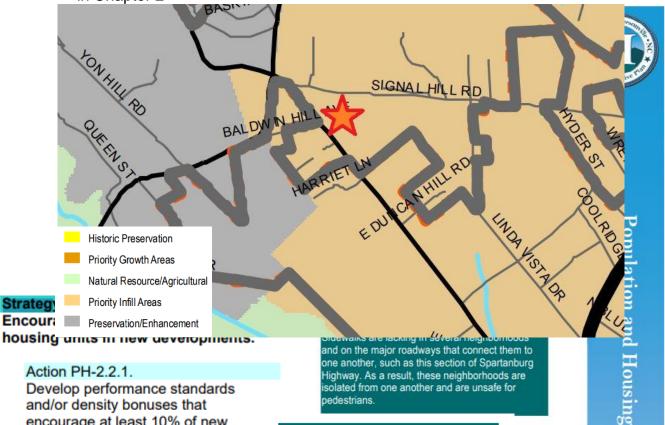
## Recommended Secondary Land Uses:

- · Public and institutional uses
- Offices and retail along thoroughfares
- Recreational amenities

#### Development guidelines:

- Eight or more units per gross acre
- Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers
- At least 60% open space in new residential developments greater than three acres
- Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing)

Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2



Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income.

#### Action PH-2.2.2.

Support development proposals that mix subsidized housing with marketrate housing.

#### Goal PH-2.

Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.

#### Strategy NR-2.3.

Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c.

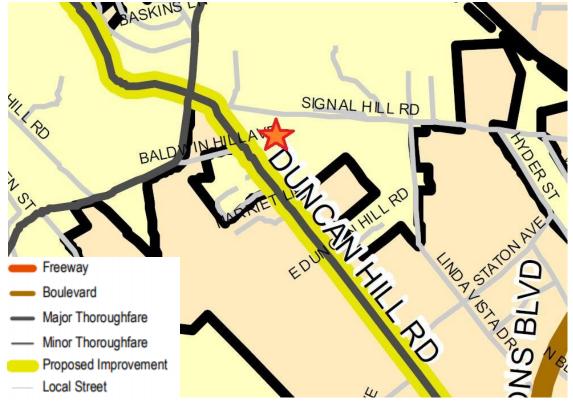
#### "Priority Infill

<u>Areas (beige):</u> Areas that are considered a high priority for the City to encourage infill

development on remaining vacant lots and redevelopment of underutilized or

## underdeveloped properties"

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north



and east as High Intensity Neighborhood. Parcels to the south are classified as Regional Activity Center and High Intensity Neighborhood. Parcels to the West are classified as High Intensity Neighborhood.

The 2030 Comprehensive Plan's Future Land Use Map is located in Appendix D.

#### **ZONING ORDINANCE GUIDELINES**

Per Section 11-4 of the City's Zoning Ordinance, 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.

#### CHANGES TO THE PLAN BETWEEN PLANNING BOARD AND CITY COUNCIL

Between the Planning Board meeting on February 8<sup>th</sup> and the City Council meeting, the developer revised his site plan. The original Site plan is appendix E in this staff report. As you will see, the developer realigned the Duncan Hill entrance/exit with Baldwin Hill Ave. This change was a recommended condition from Planning Board, a staff suggested condition and was endorsed by NCDOT.

#### **PLAN REVIEW:**

The site plan and proposed elevations are Appendix F.

#### **Buildings**

The site plan shows 7, 3-story, 12 unit multi-family buildings and 1 community center. The buildings total 40,977 square feet.

#### Parking Requirements - Table 6-5-2

The zoning ordinance requires Planned Residential Developments have a minimum of one-and-one-half spaces per residential unit containing one or two bedrooms and a minimum of two spaces per residential unit containing three or more bedrooms.

- 1 bedrooms- 15
  - o 22.5 Spaces
- 2 bedrooms-48
  - o 72 Spaces
- 3 Bedrooms- 21
  - 42 Spaces
- 137 spaces required.
- 147 spaces provided.

## <u>Traffic Impact Analysis - Section 6-18</u>

- It was determined that a Traffic Impact Analysis was not necessary for this project. According to the 7<sup>th</sup> edition volume 2 of the Institute of Transportation Engineers trip generation manual the project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds.
  - Apartment Classification-
    - 564.48 trips per day
    - 46.2 trips peak AM hour
    - 56.28 trips peak PM hour
  - Mid Rise Apartment Classification (between 3 and 10 levels)-
    - 29.4 Trips AM peak hour
    - 36.96 trips PM peak hour
    - No data for daily trips.

#### **Entrance**

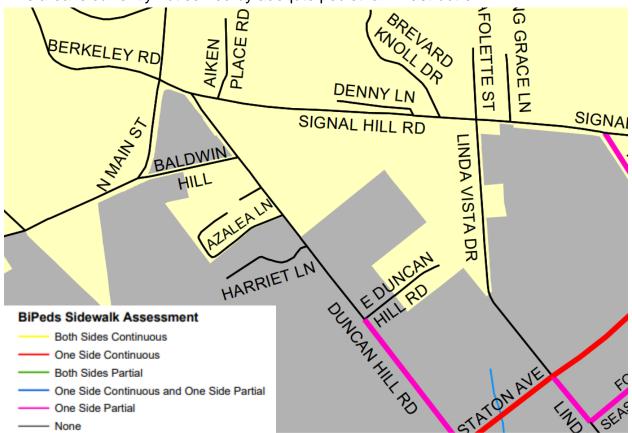
The development would have two points of ingress and egress, one off Signal Hill Road and one-off Duncan Hill Road. During discussions with the Development Review Committee, it was discussed that it would be better for development circulation if the project aligned the Duncan Hill entrance/exit with Baldwin Hill Ave. This suggestion was made on the site plan included in your packet.

## **Stormwater/Flood Hazard Area**

Since land disturbance for this project exceeds one acre, a storm water management system is required. The stormwater plan will be reviewed by the City's Engineering Department.

**Sidewalks - Section 6-12** 

Sidewalks will be provided on the project frontages on Duncan Hill and Singla Hill Road. This area is currently not served by adequte pedistrian infastructre.



<u>Landscaping</u>: The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of VUA. No buffers will be required by ordinance since this project is residential.

# Zoning District Standards - Section 5-14 PRD Planned Residential Development Conditional Zoning District Classification

- 5-14-4 Density
  - The density authorized for the district shall not exceed ten units per acre.
  - Proposed: 9.6 units per acre
- 5-14-6.1 Open Space and Footprint Requirements.
  - Maximum building footprint =20%

- Proposed= 10.8%
- Minimum open space=60%
- Proposed=66.2%

## **NCDOT Future Plan Insights**

Upon staff conversations with NCDOT about whether the DOT would support the realignment of the Duncan Hill exit to Baldwin Hill Ave, DOT provided information about possible improvements to the Duncan Hill Signal Hill area in the coming years. They provided the plans that are shown as appendix H in your memo. These plans show a possible roundabout or peanutabout in the general area of the Duncan Hill Signal Hill intersection. Carl Ownbey from DOT advised that he was unsure if this was still a viable DOT project (not due to the multi-family project). He advised that this project was not currently funded and was not on the STIP (State Transportation Improvement Program). This means that this project would be at least 10 years out even if it receives funding.

# **Advisory Board Recommendations**

In this section City Council members can find recommended conditions from two of the City's Advisory Boards. There was no developer requested conditions for this project.

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

The following (2) conditions are suggested for consideration to address guidance

included in the Comprehensive Plan and Zoning Ordinance.

- 1) Consideration of moving the access from Duncan Hill Road to align with Baldwin Hill Ave. (met by the developer through a site plan redesign)
- Consideration of making the lighting on site Dark Sky Complaint (see attachment)

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

1) None

Tree Board Proposed Conditions: The following (2) conditions were recommended by Tree Board in a effort to mitigate the tree loss that will occur.

- 1) To save the three large trees along Duncan Hill Road that are adjacent to the brick residential home.
- 2) Require the developer to replace each tree over 12 inches in diameter that is removed from the property; and that replacement trees be the same or their equivalent to existing trees in accordance with Article XV of the Zoning Ordinance. In addition, all replacement Broadleaf Canopy Trees shall be 2 ½ inch diameter at breast height (DBH) and all Ornamental Trees shall be 1 ½ inch diameter at breast height (DBH)

## **Appendix A**

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Duncan Terrace File # P20-48-CZD
Friday, January 15, 2021 2:00 p.m.

Tyler Morrow, Planner, convened the compatibility meeting at 2:00 pm in the Council Chambers of City Hall. Approximately one person from the public and three City staff were in attendance. The follow attended:

Name	Address	Name	Address
Lurah Lowery	Times News		
Tyler Morrow	staff		
Lew Holloway	staff		
Allison Justus	staff		

Mr. Morrow 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. Morrow said the project will go before the Planning Board in February and City Council will hear the project in March. Mr. Morrow 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 a virtual meeting and Mr. Morrow explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Morrow stated the property is currently zoned R-20, Low Density Residential and the proposed zoning is PRD CZD, Planned Residential Development Conditional Zoning District. This project is for seven 12- unit apartment buildings with three stories on approximately 8.66 acres with a community center. They will be limited to what is shown on the plan. Minutes will be sent to the Planning Board and City Council from this meeting. Bobby Funk with Mills Construction is on call via Zoom.

Bobby Funk, Development Coordinator with Mills Construction stated they are a housing development company based out of Raleigh, N.C. They are partnering with a local non-profit in Hendersonville, Western N.C. Housing Partnership. Several people with his team were on the call.

Mr. Funk went through the site plan explaining this is 84-unit multi-family housing community. They have taken great care to make sure they fit into the neighborhood. He explained that Mills Construction has been in business for 51 or 52 years. The closest development they have in this area is in Arden, NC. He stated Western NC Housing Partnership was formed 25 years ago. This is will be high quality apartments for workforce housing.

Joy Strassel introduced herself. She is the Executive Director of Western NC Housing Partnership. She has lived in Hendersonville for 16 years. The need for housing is great and she is excited to be working with Mills Construction.

Mr. Funk gave an overview of the project. The development will include seven three-story, 12-unit apartment buildings on 8.6 acres. There will be 15 one-bedroom apartments, 48 two-bedroom apartments and 21 three-bedroom apartments. Photos and site plans were shown. They will also have

a gazebo, playgrounds and a community center that will house an office, laundry facility and a computer lab. All areas of the development will be compliant with the ADA.

Mr. Funk stated the apartments will be income restricted and applicants will have to qualify to live there if their income is within a certain range. Rent will also be income based.

Mr. Morrow stated they will hear the live comments. He explained the raise hand feature and asked each person to state their name and address for the record.

Ken Fitch, 1046 Patton Street had concerns about the development and the traffic impact this size development would create. Mr. Funk stated the apartment residents are expected to have little impact on the traffic flow.

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

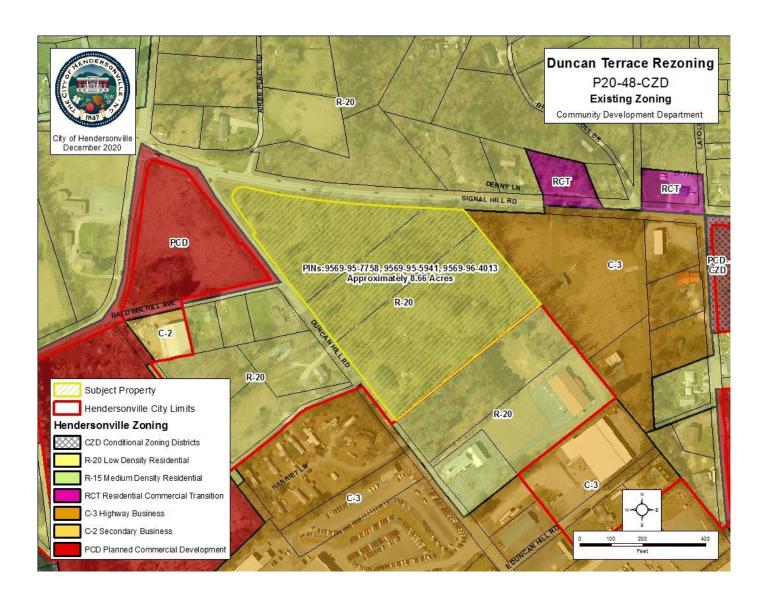
Mr. Morrow stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign.

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

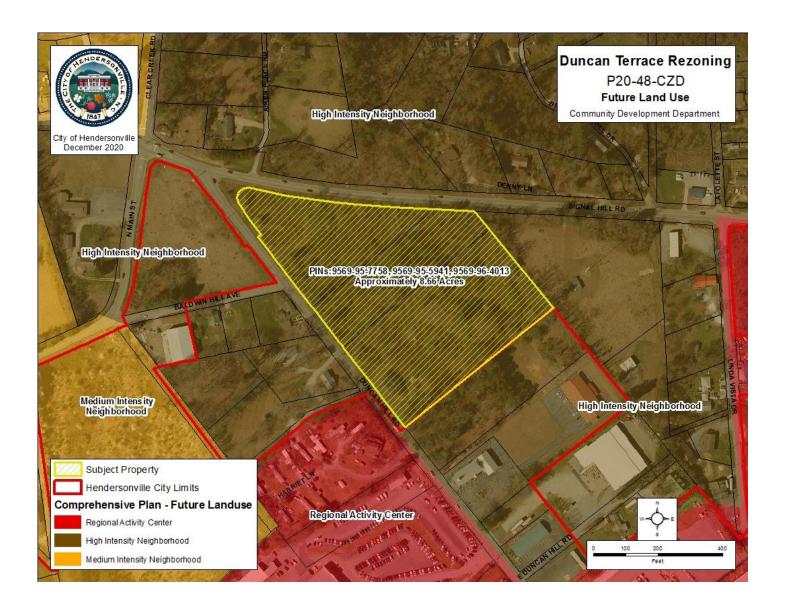
## Appendix B

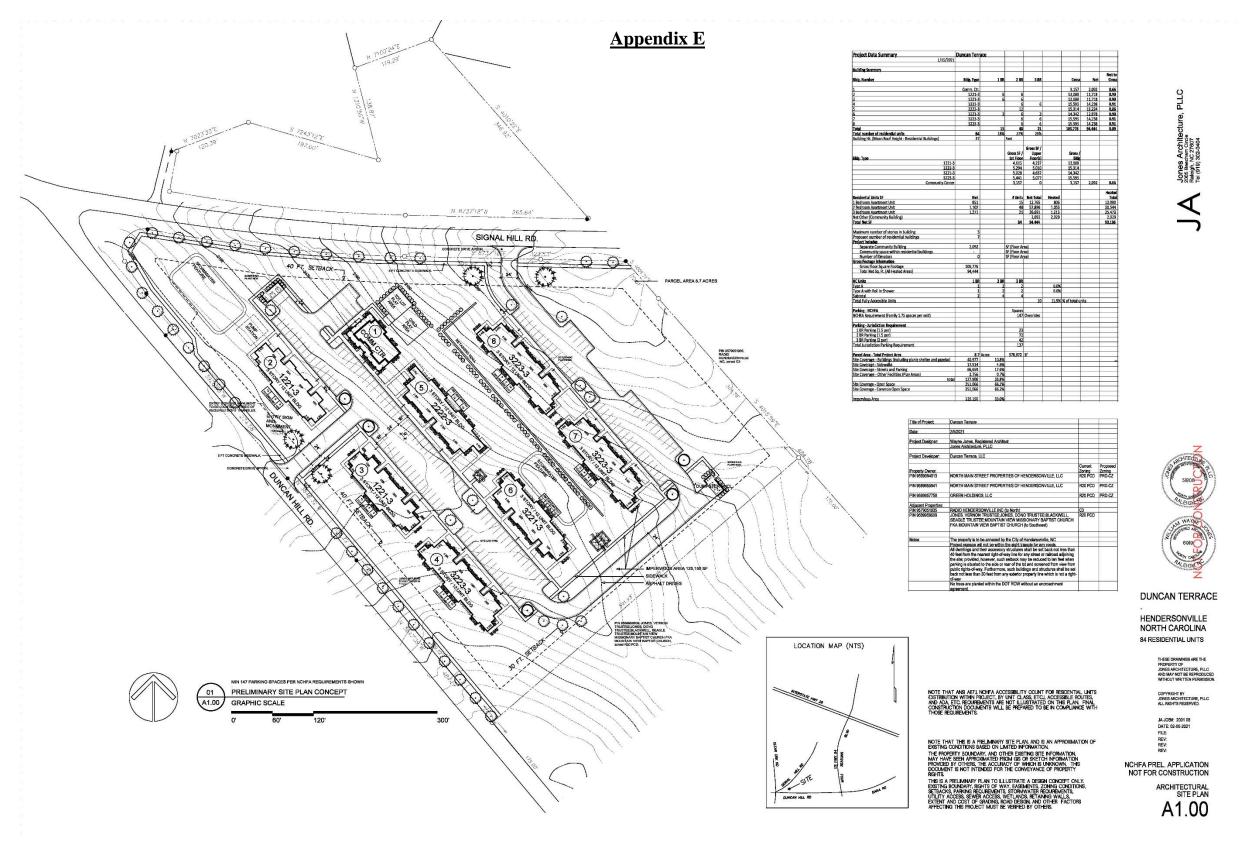


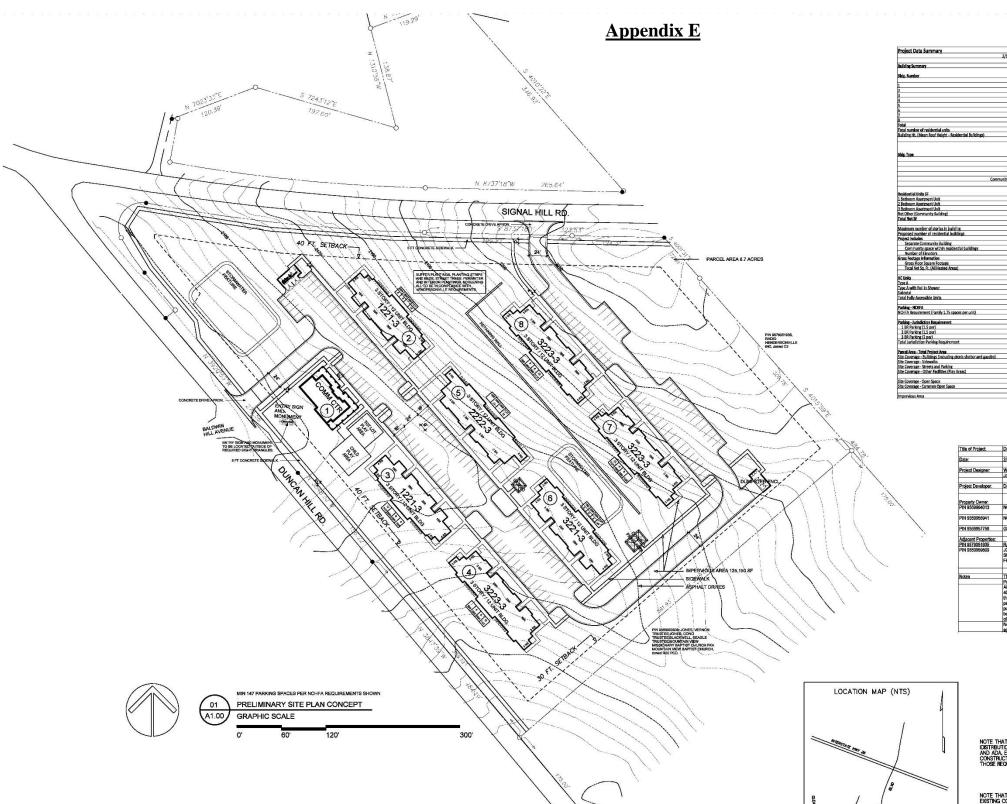
## **Appendix C**

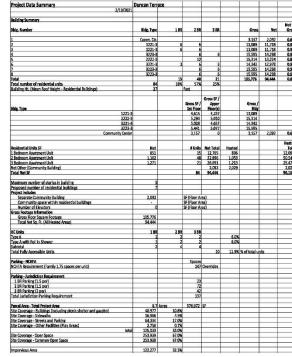


## **Appendix D**

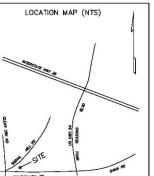








Title of Project:	Duncan Terrace		
Date:	2/5/2021		
Project Designer:	Wayne Jones, Registered Architect		
	Jones Architecture, PLLC		
Project Developer:	Duncan Terrace, LLC		
Property Owner:		Current Zoning	Propose Zoning
PIN 9569964013	NORTH MAIN STREET PROPERTIES OF HENDERSONVILLE, LLC	R20 PCD	PRD-CZ
PIN 9589955941	NORTH MAIN STREET PROPERTIES OF HENDERSONVILLE, LLC	R20 PCD	PRD-CZ
PIN 9569957758	GREEN HOLDINGS, LLC	R20 PCD	PRD-CZ
Adjacent Properties:	N. Communication Communication (Communication Communication Communicatio		
PIN 9579051935	RADIO HENDERSONVILLE INC (to North)	C3	
PIN 9569959509	JONES, VERNON TRUSTEE; JONES, DÖNO TRUSTEE; BLACKWELL, SEAGLE TRUSTEE: MOUNTAIN VIEW MISSIONARY BAPTIST CHURCH FKA MOUNTAIN VIEW BAPTIST CHURCH (to Southeast)	R20 PCD	
Notes	The property is to be annexed by the City of Hendersonville, NC		
	Project signage will not be within the sight triangle for any roads.		
	All detellings and their accessory structures shall be set back not less than 40 feet from the nearest light of very line for any streat or railroad adjoining the sits provided, however, such seback may be reduced to be first when parking is situated to the side or rear of the lot and screened from view from public rights-of-law. Furthermore, such buildings and structures shall be set back not less than 30 feet from any soterior property line which is not a right-of-way.		
	No trees are planted within the DOT ROW without an encroachment agreement.		



NOTE THAT THIS IS A PRELIMINARY STE PLAN, AND IS AN APPROXIMATION OF EXISTING CONDITIONS BASED ON LIMITED INFORMATION. THE PROPERTY BOUNDARY, AND OTHER BUSTING STE INFORMATION MAY AND OTHER BUSTING STEED INFORMATION MAY AND THE BUSTING STEED INFORMATION OF THE CONTRACT OF THE CONTRACT OF THE PROPERTY RIGHTS.



**DUNCAN TERRACE** 

HENDERSONVILLE NORTH CAROLINA 84 RESIDENTIAL UNITS

JA JOB#: 2001 08 DATE: 02-19-2021 FILE: REV: REV: REV:

POST- NCHFA PREL. APPL. NOT FOR CONSTRUCTION

ARCHITECTURAL SITE PLAN







Jones Architecture, PLLC 2005 Beecham Circle Raieigh, NC 27607



DUNCAN TERRACE

HENDERSONVILLE NORTH CAROLINA 84 RESIDENTIAL UNITS

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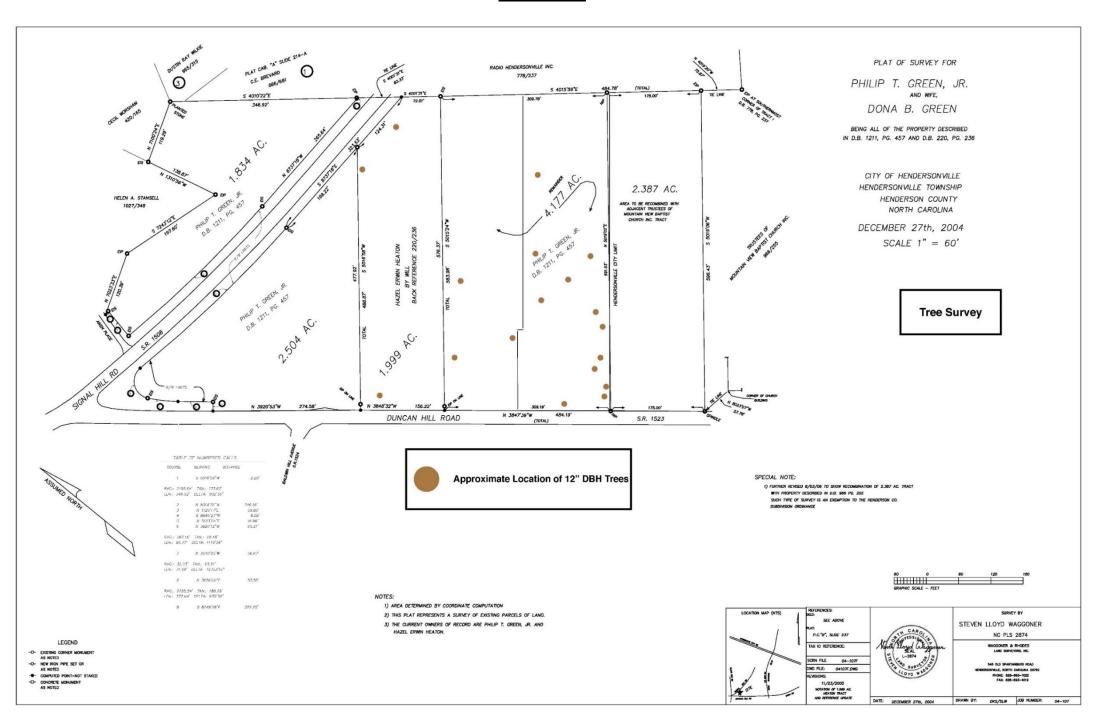
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JA JOB#: 2001 08 DATE: 12-25-2020 FILE: REV: REV:

NCHFA PREL. APPLICATION NOT FOR CONSTRUCTION BUILDING ELEVATIONS

A5.03

## **Appendix F**



# Appendix G

