

Community Development Staff Report

TO: City Council
FROM: Community Development Department - Planning Division
RE: Rezoning - MIC (Medical, Institutional, Cultural) to PCD (Planned Commercial Development Conditional Zoning) for Pardee Hospital Entrance / Brown Street Parking Lot
FILE #: P21-03-CZD
DATE: March 4, 2021

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Pardee Hospital for a multi-faceted project centered around enhanced access/circulation and additional surface parking. More specifically, the project involves the removal of the former EMS building, the partial closure of the Brown Street Right-of-Way (ROW), improvements to the hospital's main entrance, addition of new surface parking off of N. Justice St and 9th Ave W (111 new spaces), and enhancements for vehicular and pedestrian circulation between the added parking lot and the main entrance.

This project triggered the Conditional Zoning process due to the incorporation of this project with the existing Pardee Hospital Campus. The Pardee Hospital Campus is zoned PCD (Planned Commercial Development) and the original development of the hospital was approved with a Special Use Permit. Given Hendersonville's recent incorporation of Conditional Zoning, all development or redevelopment of this type, which involves the consolidation of land to a Planned Development and/or Special Use project, triggers the Conditional Zoning process.

Summary Analysis - The project includes the demolition of the former EMS building which will significantly enhance the Main Entrance; providing increased visibility and functionality of pedestrian and vehicular circulation.

The project also includes the addition of 111 parking spaces on a 3-parcel site that is currently a wooded, vacant property at the corner of 9th Ave and N. Justice St. This site is a well-maintained, park-like setting with a large tree canopy and grass lawn (no understory or subcanopy). The proposed project will drastically alter the current "campus-like" character of the property.

In an effort to minimize the aesthetic and environmental impact of the project, the proposed landscape plan calls for preserving some existing trees as well as providing a significant number of new plantings.

Pardee Hospital representatives started the conditional rezoning process in late December of 2020. The applicant participated in a Neighborhood Compatibility Meeting held on January 19, 2021. The following site plan is submitted for your review as part of the consideration of the Conditional Zoning. The project meets all basic requirements of the Zoning Code.

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 documents and plans. 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. Additionally, the *2030 Comprehensive Plan* provides guidance on the review of zoning changes.

Zoning Code Section 11-4:

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

Figure 8.3a: Zone Change Review Criteria

In addition to determining whether a zone change application demonstrates a clear public purpose, the City should consider the criteria listed below. These criteria help to ensure that zone changes will promote the health, safety and general welfare of the public.

1. Consistency with the Goal, Recommended Land Uses, and Development Guidelines of the applicable Future Land Use Plan category
2. Consistency with all other applicable Goals of the Comprehensive Plan
3. Compatibility between the requested use or zoning district and the prevailing uses in the surrounding area
4. Whether the requested use or zoning district benefits the surrounding neighborhood and general public or a small area and only one or a few landowners
5. Whether the design of the requested use (or available design standards and guidelines associated with the requested zoning district) mitigate potential conflicts between uses
6. Potential impacts on environmentally sensitive areas (if applicable)
7. Potential impacts on agricultural resources (if applicable)
8. Potential impacts on certified historical properties and historic districts (if applicable)
9. Potential impacts on area access and traffic patterns
10. Adequacy of public services and facilities for water supply, wastewater treatment, fire and police protection, and transportation to support the requested use or zoning district
11. Adequacy of public parks, recreation and educational facilities to support the requested use or zoning district

Rezoning Request Context Analysis

COMPREHENSIVE PLAN CONSISTENCY

LAND USE & DEVELOPMENT (CHAPTER 8):

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

The *FLUM* designates parcels to the north, east, south and west as **Urban Institutional**. Parcels to the northwest are designated as **Medium Intensity Neighborhood**.

The goal of the **Urban Institutional** classification is outlined below with specific relevant sections highlighted:



Goal LU-12.

Urban Institutional: Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown.

Strategy LU-12.1.

Locations:

- Area surrounding Pardee Memorial Hospital

Strategy LU-12.2.

Primary recommended land uses:

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

Strategy LU-12.3.

Secondary recommended land uses:

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

Strategy LU-12.4.

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 outlined below with specific relevant sections highlighted:



Goal LU-11.

Downtown Support: Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods.

Strategy LU-11.1.

Locations:

- Area between Downtown Core and Jackson Park
- Transitional areas between Downtown Core and neighborhoods to the north, south, and west

Strategy LU-11.2.

Primary recommended 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

Strategy LU-11.3.

Secondary recommended land uses:

- Retail
- Parks and plazas

Strategy LU-11.4.

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



Example of Downtown Support development

NATURAL & ENVIRONMENTAL RESOURCES (CHAPTER 3):

Chapter 3 of the City's **2030 Comprehensive Plan** is also relevant to this proposal and the impact of this type of development. The **Natural Resources** chapter focuses on several key goals and objectives including the use of green infrastructure, the reduction of flooding through limitation of impervious surfaces (in the vicinity of floodplains) and the preservation of trees. Below are some key takeaway from this chapter as it relates to the Pardee project:

Goal NR-2.

Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements.

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.

Action NR-2.3.1

Continue to encourage tree

preservation by providing existing tree preservation credit toward landscaping requirements.

Action NR-2.3.2

Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects.

Action NR-2.3.3

Adopt ANSI A300 of the Accredited Standards Committee (ASC) of the American National Standards Institute for the maintenance and pruning of trees on City controlled property and rights-of-way.

Action NR-2.3.4

Promote right tree in the right place standards when planting new trees.

Action NR-2.3.5

Encourage larger developments to place structures and roadways in areas where land has been disturbed and trees have already been removed.

Goal NR-3.

Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.

Strategy NR-3.2.

Enable and encourage Low-Impact Development practices in stormwater management. Low Impact Development (LID) is an innovative approach to stormwater management that mimics natural hydrological processes and focuses on both the quality and quantity of stormwater. See Strategy WR-2.3 in Chapter 6 for details and examples of LID practices.

Figure 3.3c: Community Benefits of Trees

Cooling/Reduced Energy Costs

The shading and cooling effects of trees can provide comfort in urban areas and reduce energy costs. The net cooling effect of a young, healthy tree is equivalent to room-size air conditioners operating 20 hours a day. Furthermore, trees placed properly around buildings can reduce air-conditioning needs by 30 percent and can save 20 to 50 percent in heating costs (source: U.S. Department of Agriculture).

Increased property value

Healthy, mature trees add an average of 10 percent to a property's value (source: USDA Forest Service).

Improved air quality

One acre of forest absorbs six tons of carbon dioxide and produces four tons of oxygen, which is enough to meet the annual needs of 18 people (source: U.S. Department of Agriculture).

Stress relief

According to research at Texas A&M University, visual exposure to settings with trees has produced significant recovery from stress within five minutes.

Improved water quality

Tree leaves and roots help to reduce stormwater runoff and erosion through rainwater interception, absorption and soil stabilization. Wooded areas help to prevent the transport of sediment and chemicals into streams (source: USDA Forest Service).

Strategy NR-2.4.

Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City's green infrastructure network. A continuously linked system of green infrastructure provides continuity in ecological systems, increased opportunities for stormwater management, and provides a space in which to construct pedestrian paths that link together neighborhoods and parks. Future open space areas should be viewed as an extension or component of the City's green infrastructure network, as illustrated in Map 3.3a.

Action NR-2.4.1

Encourage development and redevelopment projects to provide open space areas that connect to planned green infrastructure areas.

WATER RESOURCES (CHAPTER 6)

In addition to Chapter 3's references to Green Infrastructure and use of Low Impact Development practices for Stormwater Management, Chapter 6 also provides detail for the handling of stormwater.

Strategy WR-2.3.

Enable and encourage Low-Impact Development practices in stormwater management. Low Impact Design (LID) is an innovative approach to stormwater management that mimics natural hydrological processes and focuses on both the quality and quantity of stormwater. Table 6.3a and Figure 6.3a compare LID to conventional stormwater management and illustrate examples of LID.

Action WR-2.3.1

Educate development review officials about Low-Impact Development approaches.

Action WR-2.3.2

Review public roadway dimensional requirements and revise as necessary to allow narrower street widths on local streets (see Table 6.3b for additional information).

Action WR-2.3.3

Review driveway and parking regulations and revise as necessary to make efficient use of land and reduce impervious surfaces (see Table 6.3b for additional information).

Action WR-2.3.4

Develop design guidelines for Integrated Management Practices (see Table 6.3b for examples) and incorporate them into the stormwater management plan review process as an alternative to conventional stormwater management practices.

Action WR-2.3.5

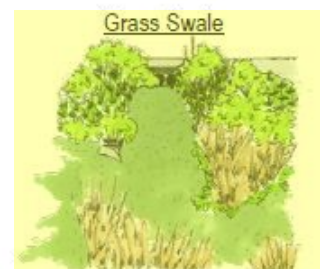
Develop educational materials that instruct property owners on how to implement and maintain Low-Impact Development features such as bioswales.

Action WR-2.3.6

Promote LEED (Leadership in Energy and Environmental Design) principles for sustainable site design. Strategy NR-3.1 in Chapter 3 includes specific actions for encouraging LEED certification.

Figure 6.3a: Examples of LID Practices, continued

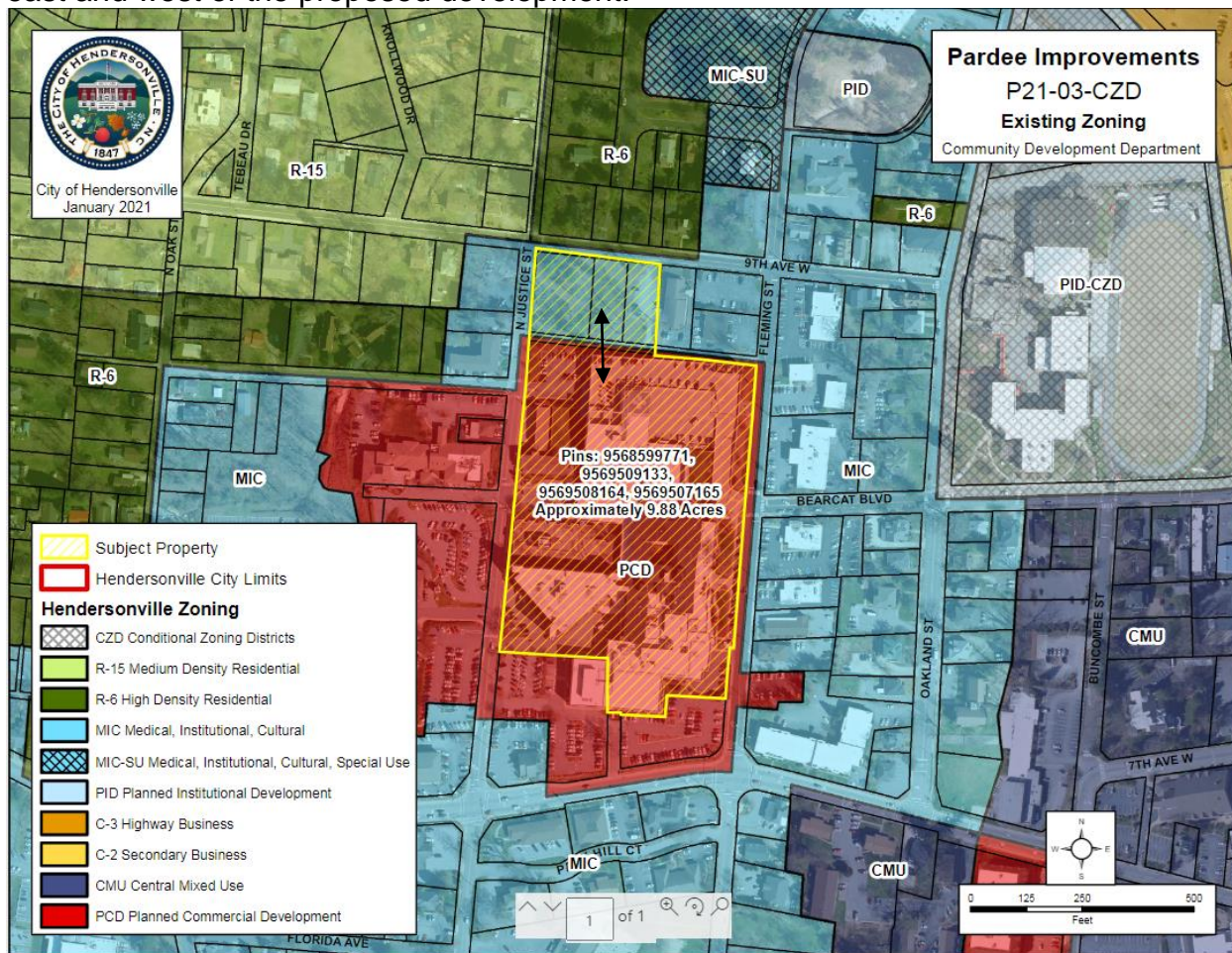
Integrated Management Practices



SURROUNDING LAND USE – COMPATIBILITY & ZONING

There are 3 parcels associated with this proposed parking expansion and new access/circulation plan. The 3 parcels are currently zoned MIC (Medical, Institutional, Cultural) and the site is currently vacant. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” (Appendix E) and “Existing Zoning Map” (shown below).

The parcels proposed to be a part of the development project are directly abutted by PCD (Planned Commercial Development) to the South (Pardee Hospital Campus). To the north, the parcels are directly across the street and catty-corner from Residential Uses and Zoning Districts (R-6 & R-15), therefore these parcels serve as a transition from Commercial to Residential. MIC (Medical, Institutional, Cultural) Zoning is located to the east and west of the proposed development.



SITE PLAN REVIEW (TECHNICAL INPUT / ZONING CODE)

The site plan is included as Appendix A in this report. The Development Review Committee (DRC) met on January 6, 2021 to discuss this project. Comments received from that meeting are incorporated in the review below. Additionally, Planning Staff performed additional review of this proposal between the DRC meeting and the writing of this staff report.

Buildings

- No Buildings Proposed

Lot Size

- The project area shown on the site plan is 2.9 acres or 126,324 square feet.

Project Summary

- Removal of former EMS Building
- Partial Closure of Brown Street ROW
- Enhanced Entrance, New Exit and Improved Circulation
- Provision of 111 new surface parking spaces

Site Impact

- Predevelopment Impervious Surface = 1.07 Acres (37%)
- Post-development Impervious Surface = 1.65 Acres (57%)
- Predevelopment Open Space = 1.83 Acres (63%)
- Post-development Open Space = 1.25 Acres (43%)
- See “Tree Survey & Buffering” below for additional information.

Zoning District Standards – PCD (CZD) Planned Commercial Development Section 5-15

- Development Standards for PCD includes the following categories:
 - Uses
 - The proposed site use is “Parking Lot”, which is a permitted use within PCD.
 - Vehicular Access
 - PCD allows for primary access off of a Boulevard, Major Thoroughfare or Minor Thoroughfare. N Justice St is classified as a Minor Thoroughfare.
 - Setbacks
 - In PCD typically a 40’ setback is required when parking is located in the front of a building. The removal of the former EMS building will satisfy the 40’ setback requirement by leaving only the current Pardee Hospital building and parking structure (which is setback approximately 135’ from the N. Justice St property line).

- Parking, Driveways & Loading:
 - Section 6-5 of the Zoning Code applies.
 - Proposed parking spaces and loading zones meets or exceeds requirements.
- Buffering & Landscaping
 - Landscaping is required under Section 15-2 (b).
 - The proposed Landscape Plan (Appendix C) shows the retention of existing trees along the perimeter of the project area along with the provision of additional landscaping which exceeds the minimum zoning code requirements.
 - Preservation of existing trees is recommended under Section 15-4 (a).
 - Additional specifics on Tree Preservation found below.
- Building Height – N/A
- Circulation & Access
 - Vehicular:
 - Enhancements to provide a dedicated hospital entrance, dedicated hospital exit, and improved drop-off zones, as well as continued access from Fleming St to the parking garage and to east end of Brown St, will provide “*safe and convenient access to appropriate project facilities*” as is called for in the Zoning Code.
 - Pedestrian:
 - Interior sidewalk connections are proposed to connect to the Parking Deck. This provides sheltered pedestrian access to the hospital. Additional external pedestrian access is provided to the sidewalk along N. Justice St. This route provides access to the hospital along sidewalks adjacent the newly proposed exit and enhanced entrance area.
 - In order to preserve existing trees (more on Tree Preservation below), no sidewalks are proposed by the developer for N. Justice St and 9th Ave. Sidewalks are required by the Zoning Code. Fee-in-lieu is an option in certain cases. However, the Planning Board recommends the final site plan should reflect the provision of sidewalks as required by code (additional information below).
- Density – N/A

Parking Requirements - Table 6-5-2

- Project is in addition to minimum parking requirements. The code requires 1 space per every 2 hospital beds. There are 222 hospital beds requiring 111 spaces. The current parking tally is 361 standard spaces, 9 ambulance spaces, and 60 accessible spaces. After this project there are proposed to be 472 standard spaces, 6 ambulance spaces, and 60 accessible spaces.

Traffic Impact Analysis - Section 6-18

- A Traffic Impact Analysis (TIA) was not required for this project.

Entrance/Exit

- Access to the project site will include an enhanced entrance at the existing main hospital entrance, a new exit on to N. Justice St made possible by the removal of the former EMS building, and a new entrance/exit for the proposed surface parking lot also off of N. Justice Street. The remainder of Brown St (eastern half) will remain public ROW and will also provide access to the proposed surface parking lot.

Sidewalks - Section 6-12 and 5-15-4.5

- ...Continuing from the Circulation & Access notes above:
- No Sidewalks are present along project area. Sidewalks are required within the PCD.
- Due to the topography of the site and the drop in grade down to N. Justice St / 9th Ave, the provision of sidewalks along the project area may result in the loss of existing trees along N. Justice St and 9th Ave due to impact on root zones of existing trees (see diagram in yellow (sidewalk) and red (slope) below). Provision of a retaining wall could alleviate concerns of tree preservation.
- Planning Board recommends that Tree Preservation be pursued as well as the construction of sidewalks according to code. Ultimately consideration must be given to weigh the balance between tree preservation and construction of sidewalks.



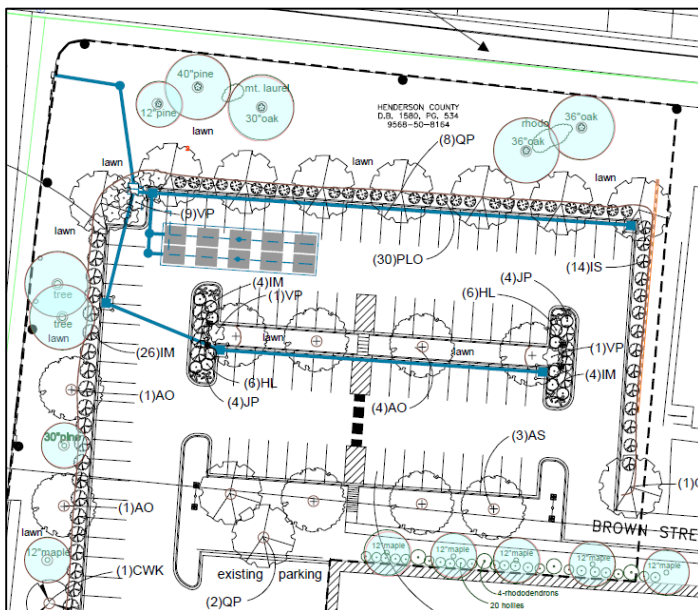
Project Phasing - Section 7-5

- The project does not appear to be phased.

Tree Survey & Buffering - Section 15

- The Tree Survey (Appendix B) illustrates 40 existing trees in the project area.
- The vacant parcel where the surface parking will be located is currently the site of 28 mature trees, both deciduous (16 - hardwoods) and conifers (12 - evergreens).
- The Landscape Plan (Appendix C) appears to indicate that a total of 18 trees (14 hardwoods and 4 evergreens) identified on the site survey will be preserved during the construction process.
- With additional scrutiny, it should be noted that of the 14 hardwood trees identified for preservation, 9 of them are the minimum dbh of 12". Additionally, 9 of the hardwoods trees are located outside of the core canopy present on the vacant property at the corner of N. Justice & 9th Ave.
- Of particular concern is the 34" dbh White Oak adjacent to N. Justice St that is not slated for preservation. Additionally, a 36" dbh White Oak located just north of Brown St. is also not slated to be preserved (circled in red in Tree Survey screenshot below).
- The majority of proposed preservation is along the northwestern and northern edge of the project area along N. Justice St and 9th Ave (circled in light blue below).
- Additionally, trees will be preserved along the existing parking structure and near the hospital entrance (circled in light blue below).

Landscape Plan (excerpt)



Tree Survey (excerpt)



Stormwater Management

- The site plan was reviewed by the City's Stormwater Division. The proposed stormwater facilities meet basic requirements. The comments received from staff included a recommendation to consider green infrastructure techniques such as bioswales to reduce the demand on underground storage of runoff and provide a greater ecological benefit. However, it has been determined, that due to the slope of the site, a bioswale would not function properly as part of this project.

PUBLIC INPUT NEIGHBORHOOD COMPATIBILITY MEETING

Representatives from Pardee Hospital and their development team hosted a Neighborhood Compatibility Meeting on January 19, 2021. Three Planning staff members participated in-person as well as two members of the public whom participated virtually. Below is a summary of the items discussed at the meeting. The full minutes from that neighborhood compatibility meeting are included as Appendix G in this staff report.

The following questions or comments were brought forth by the public. The applicants' responses are shown in red:

- Why wasn't the original parking deck built larger so that this development wouldn't be needed? Is this parking project part of the master plan? **This parking lot was not part of the master plan. It would be hard to have this as part of the master plan with all the property that Henderson County and Pardee have acquired. The need for more parking has evolved over time and they are trying to serve the county.**
- What is the routing / circulation plan? **Two entry points to parking garage will remain – one from N. Justice St and one from Fleming St. Current Entrance/Exit will be converted to Entrance only and a standalone Exit will be constructed. The new surface parking will have another access point off of N. Justice St.**
- Will the parking lot be monitored, and will it be used day and night 24/7? **Yes. The Parking lot will be available 24/7 and will be lit. Pardee Hospital will be responsible for Security. The area will be added to existing rounds.**
- How will the stormwater runoff flow be handled? How will it affect the City's infrastructure? **Stormwater will be managed and feed into the City's existing infrastructure. The plans are being reviewed by and coordinated with engineering staff.**
- Will the large canopy of trees on the site be preserved? **A selection of trees will be maintained.**
- Concern was expressed over compatibility with the adjacent residential area. **A buffer is not required across a street. The applicant expressed that the parking lot with the preservation of trees was compatible with the surrounding medical offices and commercial uses in the area.**

- What is the future of Brown Street and will a TIA be offered? Only a portion of Brown St is being closed (west side). The portion being closed is a safety hazard. The east side will remain open. The impact of the project did not warrant a TIA.
- Concern was expressed over additional traffic on 9th Avenue, specifically due to impact this would have on pedestrians using this route. No specific answer.
- How the grade will connect to N. Justice Street? Current grade does not meet NCDOT/City criteria. This was exemplified by the anecdote of the Applicant having witnessed a fire truck stuck on this grade at some point in the past. Closing this portion of Brown St eliminates need for graded connection to N. Justice St.
- What is the completion timeline? Will break ground in April. Completed by October 2021.

Staff Report Recommendations

STAFF REVIEW

In this section, staff will include recommended conditions for approval alongside references to supporting comprehensive plan language, ordinance standards and/or public input. Planning Board may recommend approval of the rezoning request to City Council with or without conditions or recommend denial of the rezoning request.

Staff Analysis:

Use -

- The **2030 Comprehensive Plan** outlines a few goals and objectives that are relevant to this proposed Site Plan.
 - The *Future Land Use Map* identifies this area as **Urban Institutional**. As outlined previously in this report, the *Land Use and Development Element* characterizes the **Urban Institutional** category as land around Pardee Hospital that should be developed as a well-defined campus with medical and educational institutional uses mixed along side supportive office uses and serving as a transition zone between the Downtown core and Residential uses.
 - The **Urban Institutional** category also speaks of the use of parking structures and underground parking (rather than surface parking). Reference to similarities with the **Downtown Support** future land use category are also made. **Downtown Support** continues to speak to the appropriate use of structured or underground parking as well as limited side parking and rear parking (as opposed to parking lots that front streets).
- While the **Comprehensive Plan** is expressly aiming to limit surface parking, especially adjacent to public rights-of-way, the City's **Zoning Code** list "Parking Lots" as a permitted use.
- Given that surface parking is a permitted use in both the MIC (Medical, Institutional, Cultural) District and the PCD (Planned Commercial Development) District and that no additional building or development is proposed, no conditions related to the Comp Plan (such as requiring structured, underground, rear or limited side parking) would be appropriate as a recommended condition. Therefore, greater consideration should be given to limiting the impact of the proposed parking lot use.

Tree Preservation -

- Tree preservation was an issue raised by the public at the Neighborhood Compatibility meeting.
- The **2030 Comprehensive Plan** also calls for Tree Preservation in the **Natural Resources** Chapter. The **Urban Institutional** district is also characterized by a "well-defined campus". Campuses are often noted for their mature tree canopy.
- The Zoning Code also encourages Tree Preservation and outlines standards for protecting trees.

- Given the location of mature trees on the 3 vacant parcels at the north of the project area and given that the construction of surface parking lots does not align with the Comprehensive Plan, the preservation of as many trees as possible should be made a priority to minimize the impact of the additional impervious surface. This condition should be pursued even if it involves revisions to the submitted site plan.

Sidewalks –

- Impact to Pedestrians was an issue raised by the public at the Neighborhood Compatibility meeting.
- Despite being a Minor Thoroughfare, N. Justice St has a sidewalk on one side of the street but only a partial sidewalk on the other side of the street. 9th Ave has a sidewalk on one side of the street and no sidewalk on the Pardee Hospital side of the street.
- Therefore, sidewalk construction in this location is both supported by the City's **Pedestrian Plan** and required by the City's **Zoning Code**.
- Sidewalk construction featuring a sloping grade change along N. Justice St from Brown St to 9th Ave would certainly require the loss of additional large mature trees. Sidewalk construction with a sloped bank along 9th Ave from N. Justice St. towards Fleming St may also impact existing trees.
- Continuing with the goal of tree preservation, the construction of the required sidewalks may need to include a retaining wall in order to protect existing trees.

Stormwater –

- Stormwater management was an issue raised by the public at the Neighborhood Compatibility Meeting.
- The **2030 Comprehensive Plan** encourages the use of Green Infrastructure / Low Impact Development practices to reduce the impact of stormwater retention. The following benefits were provided by the Stormwater Division:
 - o Inspection and maintenance of above ground facilities is more efficient and any potential future repairs would be easier to complete on above ground facilities.
 - o Creates functional and aesthetically appealing site drainage
 - o Creates multifunctional conveyance system (habitat, ground water recharge, improve biodiversity) Hendersonville is a Tree/Bee City
 - o Reduces urban heat island effects
 - o Runoff is managed in a way that promotes the natural movement of water within the watershed
 - o Can be used as a public education tool for future developments in the community
 - o Is less costly than subsurface treatment
- This particular site proves challenging for the implementation of bioswales due to the sloping in the open space area and the amount of grading needed to create flat parking areas. Stormwater will be controlled using conventional underground storage tanks.

Tree Board Recommendations: The Tree Board unanimously voted to support the conditions as presented by Planning staff (which are reflected in the Conditions proposed by the Planning Board).

Developer Proposed Conditions: None

Planning Board Recommended 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) *Preservation of Existing Trees – The developer will preserve the trees noted on the Landscape Plan (shaded blue), in addition to any others over 30" dbh, to the greatest extent possible and in accordance with Tree Preservation Code Section 15-4 Existing Vegetation (c) regardless of whether the identified trees are credited towards the landscape requirements. Revisions to the Site Plan may be necessary.*
- 2) *Dark Skies Appropriate Lighting*

It should be noted that while the Planning Board did pass along proposed Conditions, they do not recommend approval (or denial) of the proposed project.

After deliberating on this Conditional Rezoning application, an initial motion to deny was made. The vote was split 3-3 on the motion to deny, meaning the motion failed. The failed motion was as follows:

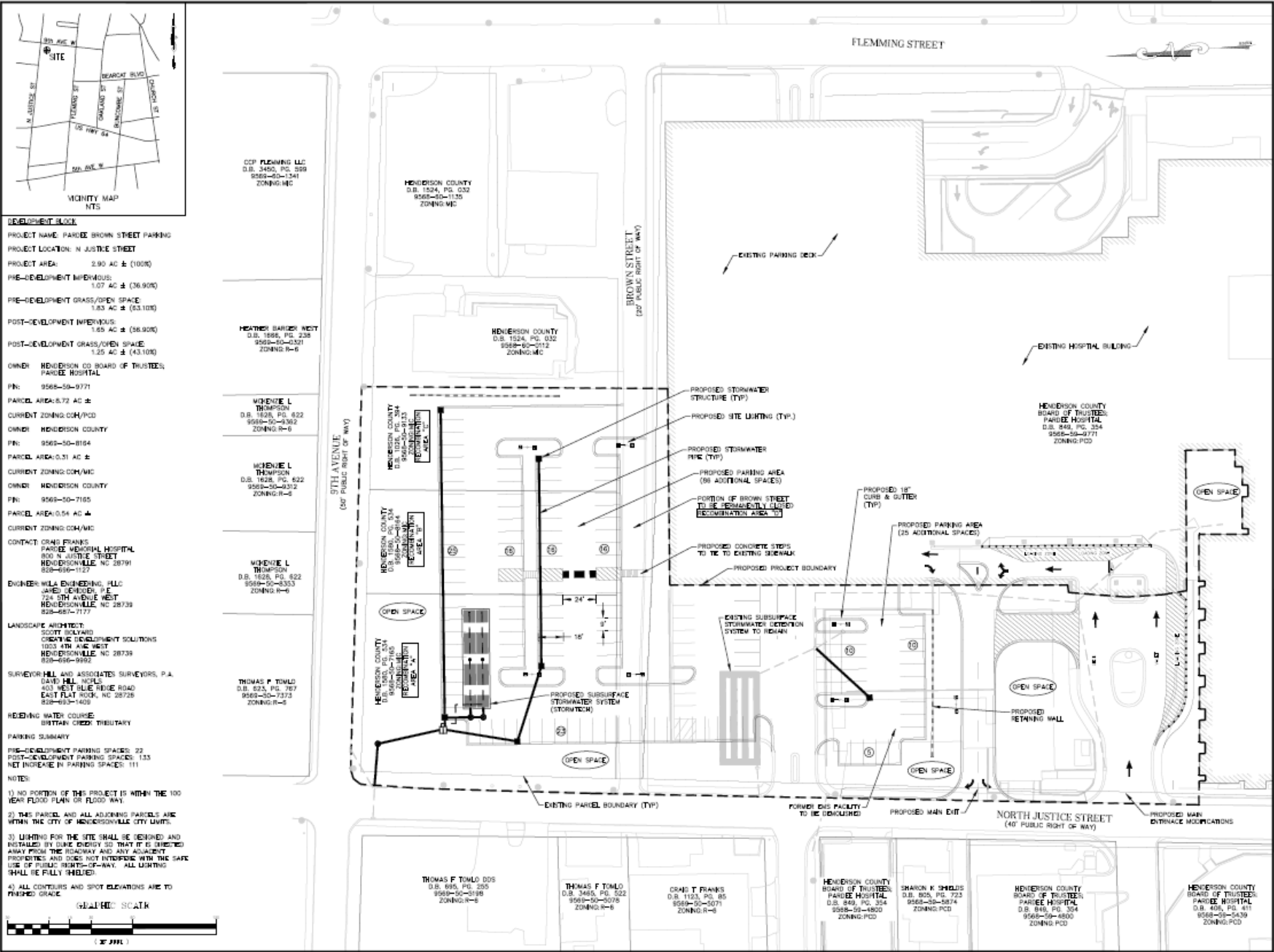
Mr. Brown moved the City Council not adopt an ordinance rezoning the subject property for the following reasons: 1) it is not compatible with the surrounding area such as the neighborhood to the north and 2) it is not in the public interest to lay down another patch of asphalt and the effect it will have on the natural environment converting the three parcels into an impervious surface. Ms. Guffey second the motion which failed with a tie vote of 3 to 3.

After additional discussion, the following motion was supported unanimously:

Ms. Peacock made a motion to recommend neither approval or denial of the application but should City Council vote to approve the application the three conditions are recommended. Those are 1. The Tree Board recommendations be considered for the preservation or replacement of the trees, 2. Sidewalks be installed per the zoning code requirements and 3. The Dark Sky Initiative be considered. Mr. Blatt seconded the motion which passed unanimously.

The "Dark Skies" condition was not included as part of the staff-recommended conditions,, however the City's Zoning Code does require a similar final product:
6-13-4 Lighting. Lighting facilities, if provided, shall be aimed, directed, shielded or arranged so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way.

APPENDIX A – Site Plan





APPENDIX D – Planning Board Minutes

VI Conditional Zoning District – Application for a conditional rezoning from Henderson County Hospital Corporation and Henderson County. The applicants are requesting to rezone the subject property, PIN 9569-50-9133, 9569-50-8164, and 9569-50-7165 located on N. Justice Street, Brown Street and 9th Avenue, from MIC, Medical, Institutional, Cultural District to PCD CZD, Planned Commercial Development Conditional Zoning District for the removal of the existing EMS building and improvements to the hospital entrance and parking. (File #P21-03-CZD). Mr. Manley gave the following background:

The City is in receipt of a Conditional Rezoning application from Pardee Hospital for a multi-faceted project centered around enhanced access/circulation and additional parking. More specifically, the project involves the removal of the former EMS building, the partial closure of the Brown Street Right-of-Way, improvements to the hospital's main entrance, addition of new surface parking off of N. Justice Street and 9th Avenue West (with a total of 111 new spaces), and enhancements for vehicular and pedestrian circulation between the added parking lot and the main entrance.

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The project includes the demolition of the former EMS building which will significantly enhance the main entrance, providing increased visibility and functionality of pedestrian and vehicular circulation.

The project also includes the addition of 111 parking spaces on a 3-parcel site that is currently a wooded, vacant property at the corner of 9th Avenue and N. Justice Street. In an effort to minimize the aesthetic and environmental impact of the project, the proposed landscape plan calls for preserving some existing trees and providing a significant number of new plantings.

A Neighborhood Compatibility meeting was held January 19, 2021. A range of topics were covered at this meeting.

Factors included prior to adopting or disapproving an amendment to the City's official zoning map are, Comprehensive plan consistency, compatibility with surrounding uses, changed conditions, public interest, public facilities and the effect on the natural environment.

Mr. Manley discussed the Urban Institutional classification and the Downtown support classification. The City is moving away from surface parking and references that in the Downtown Support classification.

The Natural Resources chapter focuses on green infrastructure and the reduction of flooding through limitation of impervious surfaces and the preservation of trees.

The Tree Board has weighed in on this project. The Tree Board does support the staff's recommendation of preserving the trees and to preserve all trees over 30 inches in diameter at breast height (DBH) in accordance with Article XV Section 15-4 (c) of the Zoning Ordinance.

The parcels to be proposed to be part of the development project are directly abutted by PCD, Planned Commercial Development to the south (Pardee Hospital Campus). To the north the parcels across the street and catty-corner are residential uses and zoned R-6 and R-15. These

parcels serve as a transition from commercial to residential. Properties to the east and west are zoned MIC, Medical, Institutional, Cultural.

No buildings are proposed for the site. The project area on the site plan is 2.9 acres. Predevelopment impervious surface is 1.07 acres (37%), post-development impervious surface is 1.65 acres (57%). Predevelopment open space is 1.83 acres (63%) and post-development open space is 1.25 acres (43%).

The proposed site use as a parking lot is a permitted use in the PCD zoning district. This project does meet the requirements for a PCD concerning vehicular access and setback requirements for the district. The proposed parking spaces and lading zones meets or exceeds the requirements. Additional parking is not required, it is a desire to add additional parking and improve the entrance.

Landscaping is required and the proposed Landscape Plan shows the retention of existing trees along the perimeter of the project area with the provision of additional landscaping which exceeds the minimum zoning requirements. Preservation of existing trees is recommended.

A Traffic Impact Analysis was not required for this project.

Photos of the site were shown.

Staff came up with conditions after the feedback from the public. There are no sidewalks along the project area. Sidewalks are required within the PCD. Due to topography of the site and the drop in the grade down to N. Justice Street and 9th Avenue, the provision of sidewalks along the project area would result in the loss of exiting trees along N. Justice Street and possibly along 9th Avenue due to the impact on root zones of existing trees. Staff recommends a fee in lieu of the sidewalks. Staff recommends the applicant provide mid-block crossings to ensure pedestrian connectivity. Staff recommends utilizing sidewalk fees to construct sidewalks and retaining walls (with tree preservation measures) in partnership with the City at some point in the future.

Stormwater will be managed and feed into the City's existing infrastructure. The plans are being reviewed by the engineering staff.

There are two white oak trees that were discussed with the developer to preserve. The developer will make every effort to save the trees they can. The white oaks are slated to be removed as the roots may become damaged.

Mr. Manley discussed a bio-swell and stated this is not a requirement. Staff conditions are the preservation of existing trees and an appropriate replacement for the trees that are lost. The Dark Sky Initiative could also be included.

Vice-Chair asked if there were any questions for staff.

Mr. Blatt asked why stormwater run-off would not be retained on-site. Mr. Manley stated the storm tech facility is underground. It retains water and meets the code. It does not meet the Comp Plan concerning Natural and Environmental Resources.

Mr. Hanley stated this is a flat asphalt parking lot, why not do a multi-level? Mr. Manley stated he believes cost is the answer to that, but the developer can clarify that.

Vice-Chair asked about including a retaining wall as a condition. Mr. Holloway stated the Board can recommend it to City Council, but the developer and City Council would have to agree on it.

Vice-Chair asked if there were any further questions for staff. There were no further questions.

Jared DeRidder, WGLA stated they have filed a separate petition to close Brown Street. Henderson County owns property on both sides of Brown Street and only a portion of it will be closed. He previously stated in the neighborhood meeting that he witnessed a fire truck get stuck on Brown Street. This is not a safe street and it does not meet any NCDOT requirements.

They will be providing parking closer to Pardee. The question of why not vertical parking is because of the cost. The cost per space in the deck is very high along with the routine maintenance of a deck. This parking lot will provide overflow parking from the deck.

There are pros and cons to the sidewalk along the streets. There is no sidewalk from N. Justice to the high school. They want to be good stewards and save as many trees as they can, and they feel it is best to pay a fee in lieu of the sidewalks. They feel like there are adequate pedestrian facilities and creating another sidewalk on 9th Avenue could cause potential problems with the football players going to practice and throwing balls across the street. A retaining wall is also a very expensive solution.

Vice-Chair asked if there were any question for the developer.

Mr. Brown stated there is nothing to justify more surface parking and he feels like this is just creating another heat island. He has been to Pardee plenty of times and there is always enough parking in the deck. Mr. DeRidder stated there is maintenance concerns for the deck. They have to clear the deck to be able to do the maintenance on it. This will be overflow parking for the staff also. Mr. Brown stated the deck could be maintained half a level at a time. This is just creating more heat and asphalt.

Walter Carpenter, Attorney for Pardee Hospital Corporation stated there are difficulties with the way the deck was built. There are structural issues that need to be dealt with from the bottom to the top. They will have to close the whole thing to make some of the repairs. Mr. Brown asked if they have checked with any surrounding churches or other properties about using their parking lots and having a shuttle. Mr. Carpenter stated they hear a lot of complaints about the parking as it is. To move the parking further away would only create more complaints.

Vice-Chair asked how many parking spaces will this add. Mr. Carpenter stated they plan to add 111 spaces. They currently have 361 spaces and after this parking lot is complete, they will have a total of 472 spaces if approved.

Mr. Blatt stated no one wants to walk and a shuttle would not be feasible.

Vice-Chair asked to open up the public comment.

Ken Fitch, 1046 Patton Street stated the loss of the canopy trees is a huge issue. The Tree Board recommendations deserve some consideration. This will have a severe impact as it is replacing pervious surface with impervious surface. He feels the fee in lieu of sidewalks is appropriate as a crosswalk in the middle of 9th Avenue could prove to be very dangerous. Will there be a continued use of the Brown Street sidewalk from Fleming Street? There are issues with the City's aging stormwater system, and he feels the bio-swell could be a good solution. He feels this is not benefit to the area.

Mr. DeRidder stated part of the Brown Street sidewalk will remain. The existing stormwater system can handle the extra capacity. Mr. DeRidder explained there will be a covered area for pedestrian access to the deck. He also stated the sub-surface system containers underground will hold the water back and let it drain out slowly. This is used throughout the City. As far as putting in a swell, he is not sure where you would put a flat swell in a deep slope. The swell is not a requirement and is not feasible.

Mr. DeRidder explained frequency of storms and releasing less water into the storm tanks by having a large gravel bed in place to absorb some of the water much like a septic system would. The stormwater system filters into the ground and does go into a detention area.

Ms. Guffey stated there are 222 beds and they will be adding 111 parking spaces and with 351 current spaces and adding another 111 spaces she feels this is a permanent solution to a temporary need. Mr. Carpenter stated even with the parking garage, they get regular complaints about not having enough parking. Ms. Guffey stated with triple the number of spaces there is still a shortage. Mr. Carpenter stated yes.

Mr. DeRidder stated as far as the Dark Sky Initiative goes concerning the lighting, he did not see that requirement in the ordinance. He is committed to having lighting and it will be shielded and meet the ordinance. He did not see the Dark Sky definition in the ordinance. Mr. Manley stated it may not be in the ordinance, but it can be a condition to try and reduce light pollution. Mr. DeRidder stated they would have to study this more. Mr. Manley stated the main issue is that the lights are capped. They can find something that works before the City Council meeting.

Mr. Blatt asked if there were any Dark Sky parking lots in town. Mr. Brown stated no. Mr. Blatt stated this is not feasible for larger parking lots. Mr. Manley stated staff would study this as it seems to be a desire of the Planning Board. They are sensitive to the impact of development. Staff can do a presentation next month.

Mr. Blatt asked about the 35" trees that were requested to be saved. Mr. DeRidder stated the internal trees are 36" and they will try to save them to the greatest extent possible. And that is why they feel a fee in lieu of the sidewalk is better than building the sidewalk. Mr. Carpenter stated the trees won't live if they build the sidewalk. Mr. DeRidder stated building a retaining wall will also kill trees. Mr. Blatt stated it is so steep he does not feel like they can get a sidewalk in there.

Ms. Guffey asked about the sidewalk on the left side of 9th Avenue. Mr. Holloway stated there is some question of the right-of-way there. He suggested proceeding with the sidewalk requirement and the applicant can ask for a fee in lieu of the sidewalk.

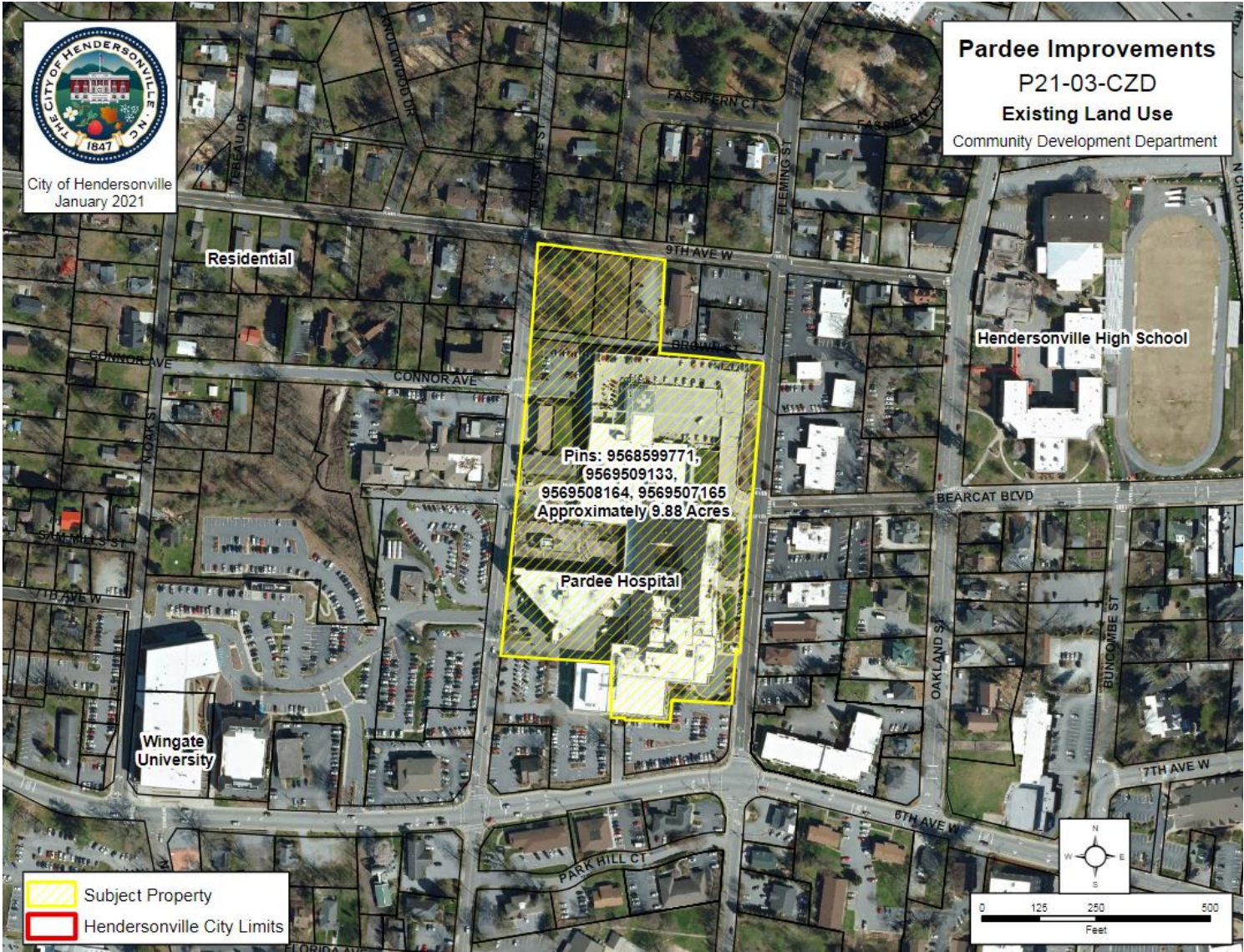
Mr. Manley stated they can maintain the condition for tree preservation. He also discussed the alternative route that was discussed about the sidewalk on top of the hill and the grade. There would also be ADA issues and cost issues for the construction up that hill. It would be very challenging.

Mr. Brown moved the City Council not adopt an ordinance rezoning the subject property for the following reasons: it is not compatible with the surrounding area such as the neighborhood to the north, it is not in the public interest to lay down another patch of asphalt and the effect it will have on the natural environment converting the three parcels into an impervious surface. Ms. Guffey second the motion which failed with a tie vote of 3 to 3.

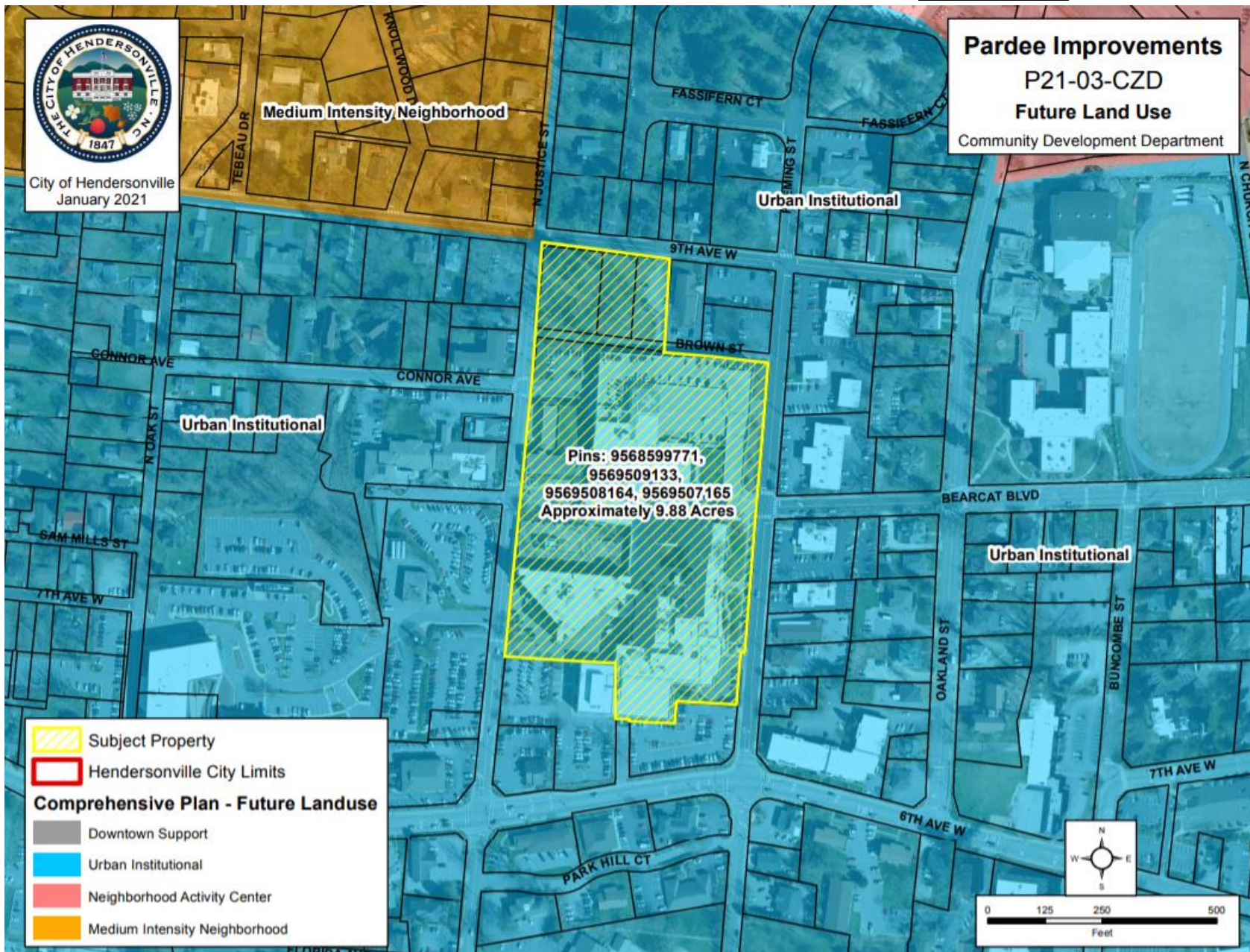
After a three-minute recess, Mr. Holloway got clarification from the City Attorney that a tie vote did fail the motion. Another Board member can make another motion and the motion can be to not recommend approval or denial of the application, but should City Council choose to approve it, the inclusion of the conditions can be recommended.

Ms. Peacock made a motion to recommend neither approval nor denial of the application but should City Council vote to approve the application the three conditions are recommended. Those are 1. The Tree Board recommendations be considered for the preservation or replacement of the trees, 2. Sidewalks be installed per the zoning code requirements and 3. The Dark Sky Initiative be considered. Mr. Blatt seconded the motion which passed unanimously.

APPENDIX E – Existing Land Use Map



APPENDIX F – Future Land Use Map



APPENDIX G

Planning Report

Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Pardee Improvements File # P21-03-CZD
Tuesday, January 19, 2021 2:00 p.m.

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

Name	Address	Name	Address
Jared DeRidder (app)	WGLA – 5 th Avenue		
Walter Carpenter, Attorney (app)	Pardee		
Craig Franks (app)	Pardee		
Tyler Morrow	Staff		
Terri Swann	Staff		
Matthew Manley	Staff		
Ken Fitch	Public		
Lurah Lowery	Media		

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 MIC, Medical, Institutional and Cultural and PCD, Planned Commercial Development. The proposed rezoning is PCD CZD, Planned Commercial Development Conditional Zoning District. The site plan shows parking and improvements to the front of the hospital and the removal of one building. Jared DeRidder with WGLA is here to give a presentation of the project.

Jared DeRidder, WGLA stated several years ago the Emergency Services was relocated to Asheville Highway and therefore they plan to remove the building that was used for that. The entrance to the hospital bottle necks at times and they are planning to improve the entrance to the hospital. Mr. DeRidder pointed out the exit lane on N. Justice Street and showed how that will improve it. Once they remove the building, they will add much needed parking. They have filed a separate application for the closing of a portion of Brown Street. They plan to add 80 spaces to the new parking lot. They will also add stormwater and create pedestrian improvements to create a better access to the hospital.

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 stated Pardee Hospital is a primary institution in the city and county and the community cares deeply about it. When the parking garage was built, it was asked why it wasn't built larger and now here we are. Is this parking project part of the master plan? The site plan shows two access points on Fleming Street and N. Justice Street, can they discuss the routing and the flow. Is the additional parking lot for staff or public or both? Will the parking lot be monitored, and will it be used day and night 24/7? Concerning the stormwater, they are replacing major pervious surface with an impervious surface so where will the stormwater runoff flow? This is a major issue, where the water will go, and it will affect the City's infrastructure. Mr. Fitch was concerned with the zoning change to a commercial zoning and the effects it will have. With commercial adjacent to residential there are buffer requirements for this that need to be met. There are also large canopy trees on the site. Will they be retained or removed? The compatibility with the adjacent residential area is a concern. What is the future of Brown Street and will a TIA be offered? The additional traffic on 9th Avenue is a concern as this is a highly traveled pedestrian route. Can the applicant comment on how the grade will connect to N. Justice Street?

Mr. DeRidder stated concerning the grade onto N. Justice Street. He witnessed a fire truck once, trying to turn left onto Brown Street and the truck got stuck. Currently the intersection at Brown Street and N. Justice Street does not meet any NCDOT criteria or the city's criteria. They are only closing a portion of Brown Street and there will be two entry points from Justice and Fleming for the garage. The existing connection will stay intact and remain the same. Concerning a TIA, they are not required to do this as they are only providing additional parking and improvements. They do not meet the threshold that would require them to submit a TIA. There will not be much additional traffic. The closing of Brown Street is a separate application and they can give a strong argument as to why it needs to be closed. It is a safety hazard and should be closed. They feel that the project is very compatible with the neighborhood with the law offices, medical offices and other commercial uses in the area. Buffers are not required across the right-of-way but they do plan to submit a detailed landscaping plan to the city. They will keep and maintain any large trees that they can. They will have to remove some of the trees. Mr. DeRidder explained the MIC zoning would permit the parking by right but since they plan to close a portion of Brown Street, they filed a conditional rezoning application for the improvements and the added parking. They have talked with John Connet, City Manager concerning stormwater infrastructure and they know how to release the water into the City's infrastructure correctly and without causing any issues. They have submitted the stormwater plan to the Engineering Department for approval. The parking lot will be used day and night and will be fully lit. GE will supply the lighting and it will look uniform across the Pardee campus. Whether the parking lot is used for staff or the public will be up to Pardee as they will use it as they see fit. This parking lot was not part of the master plan. It would be hard to have this as part of the master plan with all the property that Henderson County and Pardee have acquired. The need for more parking has evolved over time and they are trying to serve the county.

Mr. Fitch stated the security of the parking lot is a big issue. If the parking lot is used at night, there needs to be some measures taken to monitor the parking lot. There is also the issue of the Dark Sky lighting. This lighting should be taken into consideration for the project. There are large, major trees where the parking lot will go and taking them all down will affect the view shed of the residential properties. If there are not many large trees left on

the lot and this will affect the residential community. It should be clear what the plan is for the trees in time for the Planning Board to review it, and this should also be reviewed by the Tree Board. The plan should show how the lot will be accessible to the public and how it will function. Compatibility is an issue as they are altering the landscape of the property.

Mr. DeRidder stated they would address more of the comments at the Planning Board meeting. The security would be addressed by Pardee. They know what the concerns are, and they already have security measures on the campus. He understands the neighbors concerns about the view shed. It is hard to please everyone and yes, they will have to remove trees, but they will have a tree credit for the remaining trees and a planting plan for the ones that are removed.

Mr. Manley stated the Tree Board will review this project on February 2nd.

Mr. Morrow stated if anyone is interested in having a copy of the site plan, they will just need to contact the Community Development Department.

Lurah Lowery, a reporter with the Times News, asked if they have a completion timeline. Mr. DeRidder stated they plan to break ground in April and this project will be somewhat phased out so the completion would be by October 2021.

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 H – Project Rendering

