

## **M E M O R A N D U M**

**TO:** Honorable Mayor and City Council

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

**RE:** Beacon Commons

**FILE #:** P21-06-SUR

**DATE:** April 1<sup>st</sup>, 2021

### **PROJECT DESCRIPTION**

The City is in receipt of a Special Use Permit amendment application from Tony Bloemsma of Beacon Common Property LLC for the changing of commercial space on the bottom floor to residential. The site is approximately 3.01 acres and is identified by parcel number 9568-75-7715. The zoning on the property will remain Central Highway Mixed Use Special Use or CMU-SU. Due to the number of units being added and the square footage change between uses, this triggered an amendment to the original Special Use permit. The amendment must go before City Council for their approval. This amendment however did not have to go before the Planning Board or Neighborhood Compatibility meeting.

Central Mix Use does not have a density cap for multi-family development, so the addition of residential units does not trigger any additional zoning review or requirements.

No changes to the exterior footprint or site are proposed.

The applicant is proposing the following uses.

- Office
- Retail
- Residential, multi-family

### **PREVIOUSLY APPROVED SPECIAL USE PERMIT**

The City Council at their meeting on July 2<sup>nd</sup>, 2002 issued a special use permit authorizing the development of two buildings, each building containing 27,750 sq. ft. of floor area dedicated to residential uses and 13,450 sq. ft. of floor area dedicated to commercial uses for a total of 82,400 sq. ft on a 2.98-acre parcel. The original special use permit had the following permitted uses:

- 1) Hotel
- 2) Professional offices
- 3) Retail sales
- 4) Residential

The Site Plan from the original Special Use Permit application is attached as Appendix D.

**Variance:** The applicant requested a variance from the requirements contained in Section 18-3 Stream Buffer Protection Standards for a reduction of 359 sq. ft. from the required 30-foot stream buffer and 3,639 sq. ft. from the 20-foot transitional area. City Council approved this variance unanimously.

The minutes, staff report and signed list of uses and conditions from this meeting are attached in your packet.

## EXISTING LAND USE & ZONING

The subject property is zoned CMU-SU and currently contains Beacon Commons.

The parcel to the north is zoned CMU, Central Mixed Use and C-1 Central Business. The parcel located to the east are zoned CMU. Parcels to the south are zoned CMU-SU Central Mixed Use Special Use and C-2 Secondary Business. Parcels to the west are zoned CMU. Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” and “Zoning Map” on page Appendix A and B

## COMPREHENSIVE PLAN CONSISTENCY



**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

**Goal LU-4.**  
***Natural Resource/Agricultural Areas: Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.***

**Strategy LU-4.1.**  
**Locations on the Future Land Use Map:**

- The FEMA 100-year Floodplain
- Slopes greater than 30%
- Areas designated as Protected Ridges, pursuant to the State of North Carolina Mountain Ridge Protection Act of 1983
- Wetlands, as identified by the National Wetlands Inventory
- Existing City and County parks
- Existing cemeteries
- Water and wastewater treatment and storage facilities
- Areas planned for agricultural preservation
- Areas affected by the City's 50-foot stream buffer requirements

**Strategy LU-4.2.**  
**Primary recommended land uses:**

- Open space
- Recreational amenities
- Low-impact stormwater management facilities
- Flood storage
- Agricultural uses

**Strategy LU-4.3.**  
**Secondary recommended land uses:**

- Utilities other than stormwater management
- Single-family attached and detached structures
- Cemeteries



**Strategy LU-4.4.**  
**Development guidelines:**

- Preservation and restoration of natural hydrology
- Encouragement of Low-Impact Development principles, as described under Strategy WR-2.3
- Development of non-motorized pathways to connect neighborhoods, businesses, parks, and regional greenways
- Residential uses limited to one unit per gross acre or less with at least 60% open space



Natural resources in Hendersonville: Oklawaha Greenway (top), wetland (bottom)

The subject property is classified as Downtown Support and Natural Resource/Agricultural on the 2030 Comprehensive Plan's Future Land Use Map.

The parcels to the North are classified as Downtown Core and Downtown Support. Parcels to the east are classified as Downtown Support. Parcels to the south are classified as Natural Resource/Agricultural, Neighborhood 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 Appendix D.

### **CHANGES FROM THE ORIGINAL SPECIAL USE PERMIT APPENDIX E**

The applicant is requesting to change 13,546 total square footage of commercial space on the first floor of to residential. He has also proposed to eliminate hotel from the list of uses from the original approved special use permit.

#### **Proposed Uses**

- Office
- Retail
- Residential, multi-family

#### **Buildings**

- Original Special Use Permit
  - 55,500 square feet of residential space
  - 26,900 square feet of commercial space
- Proposed Amended Special Use Permit
  - Addition of 13,546 square feet of residential
  - Subtraction of 13,546 square feet of commercial space.
- Proposed Square footages
  - 69,046 square feet of residential space.
  - 13,354 square feet of commercial space.
- No proposed changes to the building's footprint.

#### **Parking**

Central mixed use requires one space per dwelling unit.

North Building:

- Floor 2 and 3: 8 units total (existing)
- Floor 1: 6 units (proposed)
  - 14 Spaces

South Building:

- Floor 2 and 3: 8 units total (existing)
- Floor 1: 8 units (proposed)
  - 16 Spaces
- Commercial uses to stay:
  - Retail (most restrictive): 1 per each 250 ft<sup>2</sup> of gross floor area. For uses with greater than 40 % gross floor area used for inventory storage not accessible to the general public, the inventory storage area may be calculated at 1 per 500 ft<sup>2</sup>
  - $13,354/250=54$  Spaces
- Required Spaces:86
- Provided: 107

## ANALYSIS

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made.”

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

**Staff has not identified any issues relating to public health, safety or general welfare.**

- (B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

**Water and sewer service is already in use on the site.**

- (C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

**No new variances are requested. Staff has not identified any zoning regulations that would not be met by this amendment.**

- (D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

**A neighborhood compatibility meeting concerning the original application was held on 20 February 2002. Notice was provided by U.S. mail to record owners of all property situated within 400 feet of the subject property as required by**

**Section 7-4-5 of the Zoning Ordinance.**

**Three property owners/ residents attended the meeting. Questions focused on the :floodplain issue and storage of floodwater. It was the consensus of those in attendance that the proposed development would improve the area.**

**The Special Use Amendment was not required to go back through the Neighborhood Compatibility process.**

- (E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the *Comprehensive Plan* and the *Comprehensive Transportation Plan*.

**The majority of the subject property is classified as Downtown support on the 2030 Comprehensive Plan's future land use map. This classification is intended to "Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods."**

**The Downtown Support classification lists multi-family residential, structured or underground parking and office as a primary recommended uses. This classification also lists retail as a recommended secondary use.**

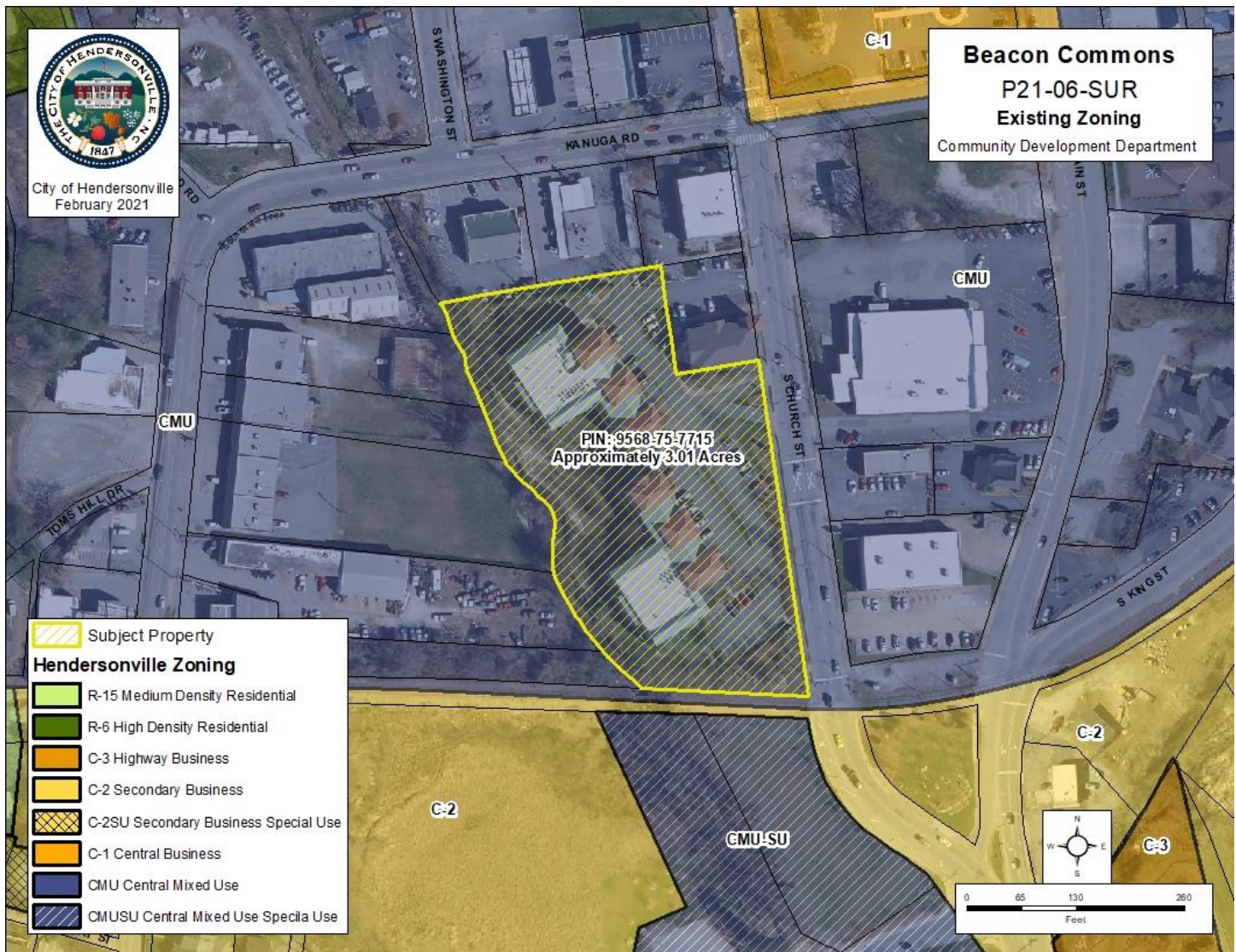


## APPENDIX A



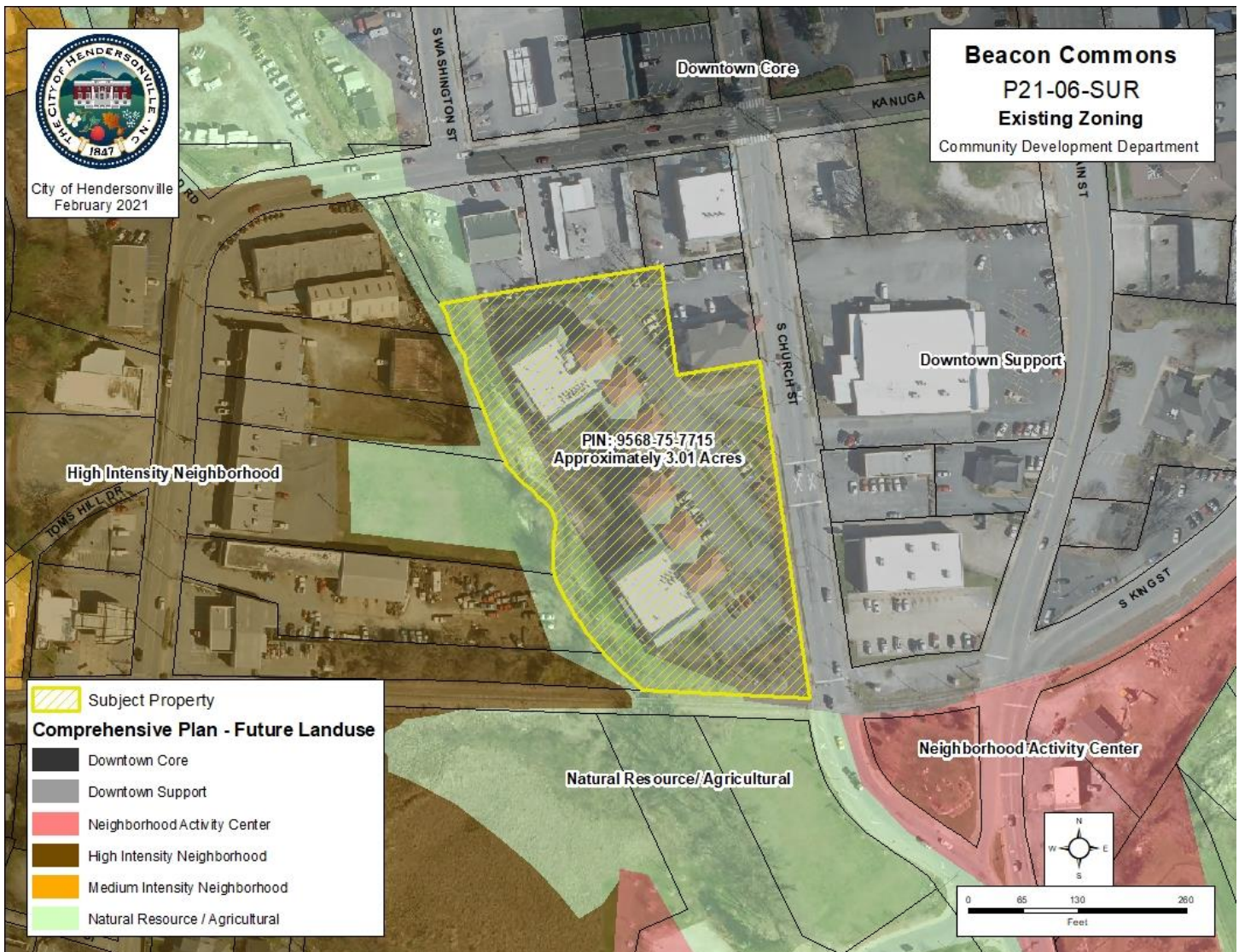


## APPENDIX B

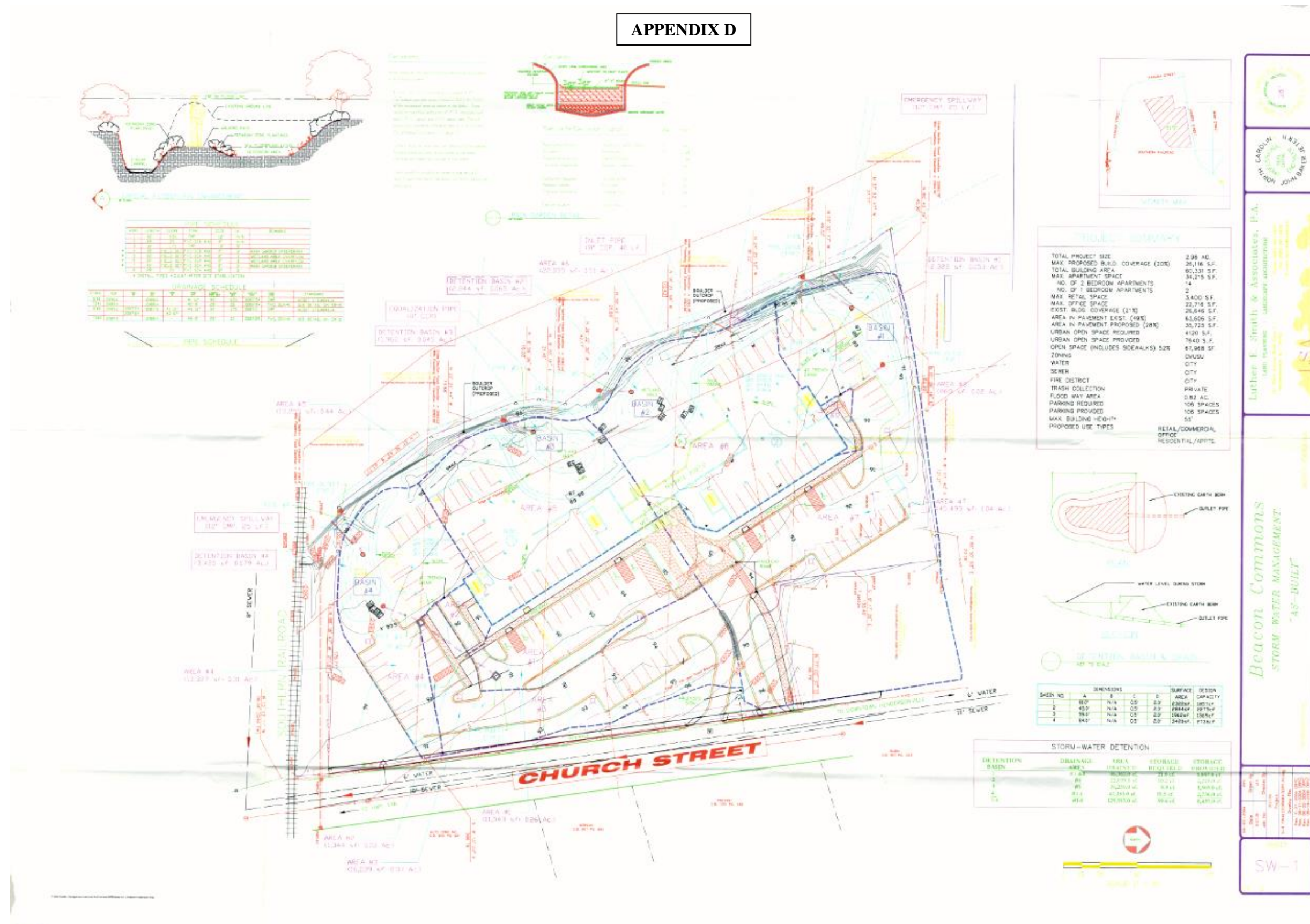




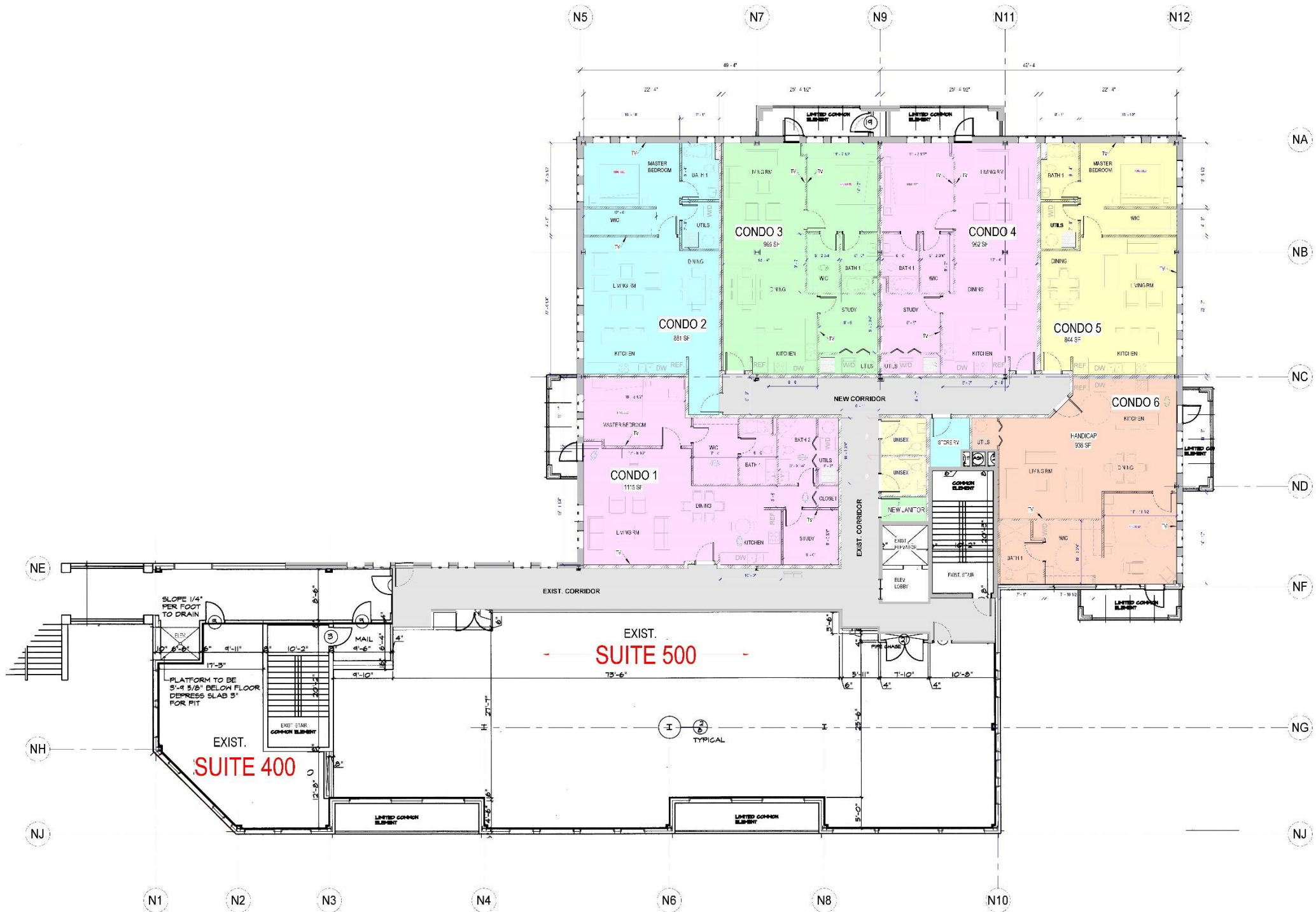
## APPENDIX C







Appendix E



SEAL

SEAL

CONSULTANT:

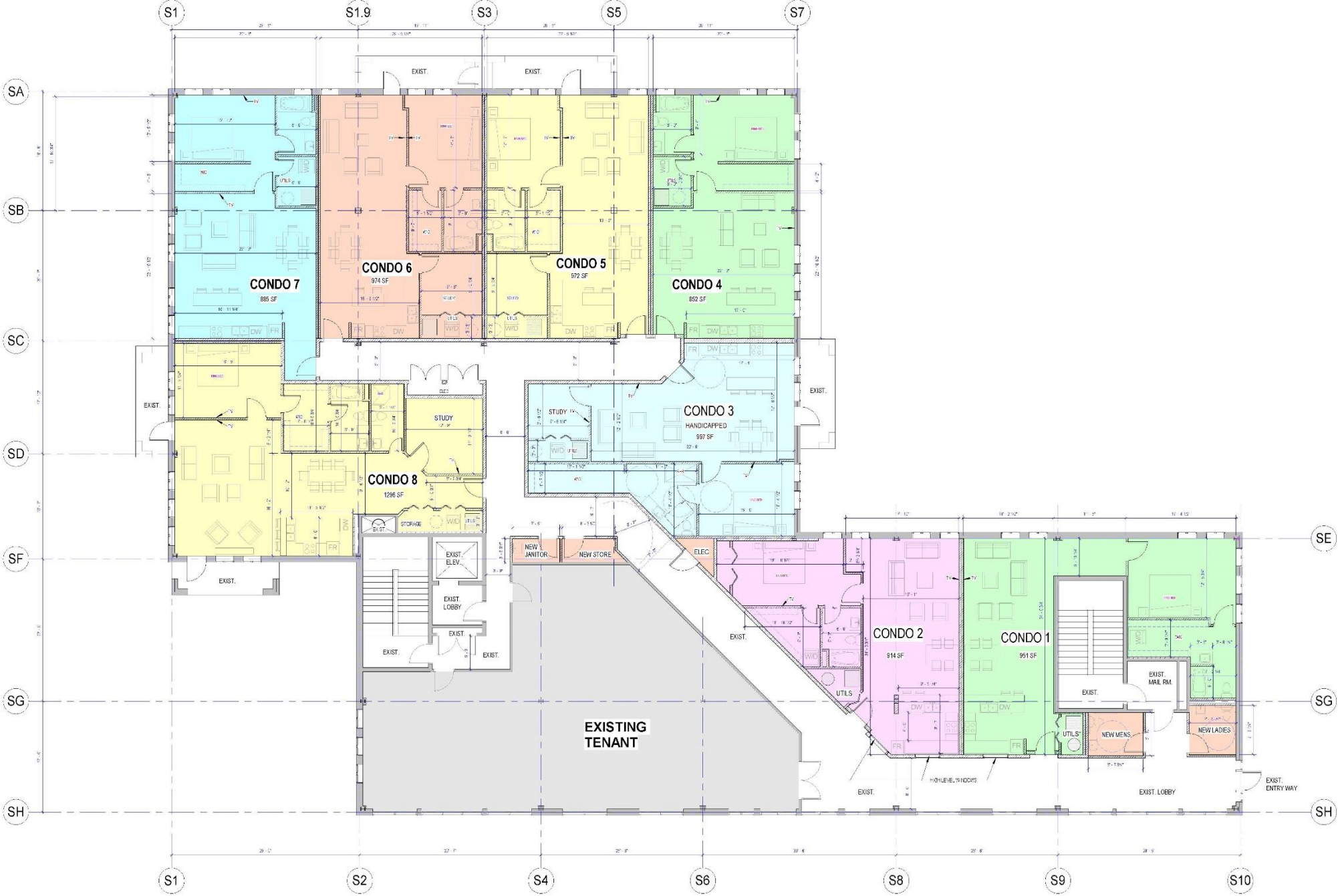
PROJECT TITLE:  
**BEACON COMMONS,  
FIRST FLOOR CONDO UPFIT**  
118 FIFTH AVENUE WEST  
HENDERSONVILLE, NC 28792

Print Date	Description
ISSUED FOR CONST. DATE:	Issue Date
Revision Schedule	
No.	

SHEET TITLE:  
**LEVEL 1 NEW  
PLAN UPFIT,  
North Bldg**

SHEET NO:  
**SK\_N1**





SEAL

SEAL

CONSULTANT:

PROJECT TITLE:  
**BEACON COMMONS,  
FIRST FLOOR CONDO UPFIT**  
118 FIFTH AVENUE WEST  
HENDERSONVILLE, NC 28792

PRINT LOG

Description

ISSUED FOR CONST. DATE

Issue Date

Revision Schedule

No.

SHEET TITLE:

**LEVEL 1 NEW  
PLAN UPFIT,  
South Bldg**

SHEET NO.

**SK\_S1**



## **APPEAL OF DEVELOPMENT DECISIONS**

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

**Section 7-13-2 c) Final site plans.** Decisions of the City Council regarding appeals from development decisions concerning applications for final site plan approval may be appealed to the Superior Court by any aggrieved party in the same manner as decisions regarding preliminary site plans set forth in the preceding paragraph.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

### **§ 160A-364.1. Statute of limitations.**

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months