

REZONING: CONDITIONAL REZONING – KID CITY USA(P23-066-CZD)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Kid City USA
  - P23-066-CZD
- Applicant & Property Owner:
  - David Lee, New Leaf Sales LLC [Applicant]
  - David Lee, New Leaf Sales LLC [Owner]
- Property Address:
  - 913 & 917 9<sup>th</sup> Ave. W.
- Project Acreage:
  - 0.95 Acres
- Parcel Identification (PINs):
  - 9569-40-2580
  - 9569-40-3593
- Current Parcel Zoning:
  - R-15, Medium Density Residential
- Requested Zoning:
  - PID-CZD, Planned Institutional Development Conditional Zoning District
- Requested Uses:
  - Child care centers registered with the NC Department of Health and Human Services (DHSS)
- Future Land Use Designation:
  - Medium Intensity Neighborhood
- Neighborhood Compatibility Meeting:
  - August 30<sup>th</sup>, 2023



SITE VICINITY MAP

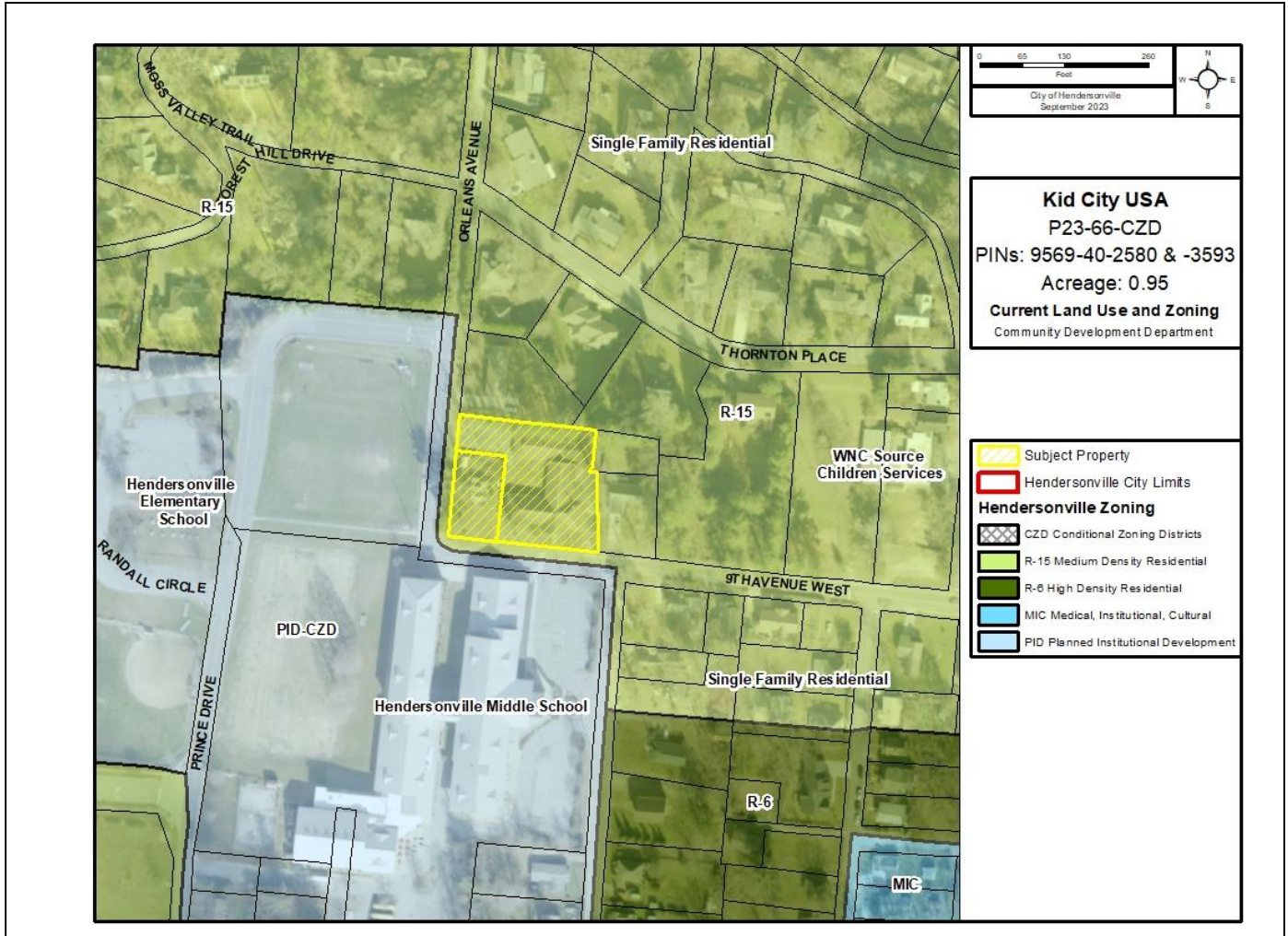
*The site plan highlights a desire to change the permitted use of an existing 11,441 square footage single story building which was most recently used as Blue Ridge Retirement Home at 913 9<sup>th</sup> Ave. W. 917 9<sup>th</sup> Ave. W. previously had a single family dwelling on it which has since been demolished. The subject property is made up of two individual parcels totaling 0.95 acres.*

*The site plan shows no new building construction. The existing single story structure, which is approximately 11,441 sqft, remains, with the primary change to the site consisting of a revised parking layout. The parking reconfiguration utilizes the now vacant 917 parcel.*

*The site plan is required to meet common open space requirements. Although not identified, the preliminary plan appears to meet that standard, a condition is included for confirmation. The site plan includes the preservation of 7 hardwoods along the northern boundary and 3 hardwoods along the southern boundary, including a 48" Oak & 60" Maple.*

*The existing structure location requires relief from certain buffering standards along the northern and eastern edge of the property, the landscape plan illustrates the treatment proposed on these edges.*

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned R-15 Medium Density residential. One of the subject parcels operated as a non-conforming retirement home before closing. The other subject property operated as a single-family dwelling. The single-family dwelling has since been demolished, and only the former retirement home remains.

This area does have an education/campus like feel due to the close proximity to Hendersonville Elementary school and Hendersonville Middle School and associated sport facilities. The areas outside of the educational institution is made up of single-family neighborhoods to the north and southeast. This area has historically served the community's education needs. Currently through the Hendersonville Middle and Elementary schools and historically through the Ninth Ave School and the Sixth Ave. School. Both schools were African American schools which not only served this community, but also the surrounding counties. The sixth Ave. school operated from 1916 to 1951 and the Ninth Ave. School operated from 1951 to 1965.

A legal non-conforming childcare center is currently in operation less than a block from the subject property at the corner of 9<sup>th</sup> Ave. W. and Tebeau Street. The childcare is operated by WNC Source. In addition, the larger institutional uses of the hospital are within 2 to 3 blocks of the site.



SITE IMAGES



*View of existing structure located at 913 9<sup>th</sup> Ave. W. from the Hendersonville Middle School property to the south.*



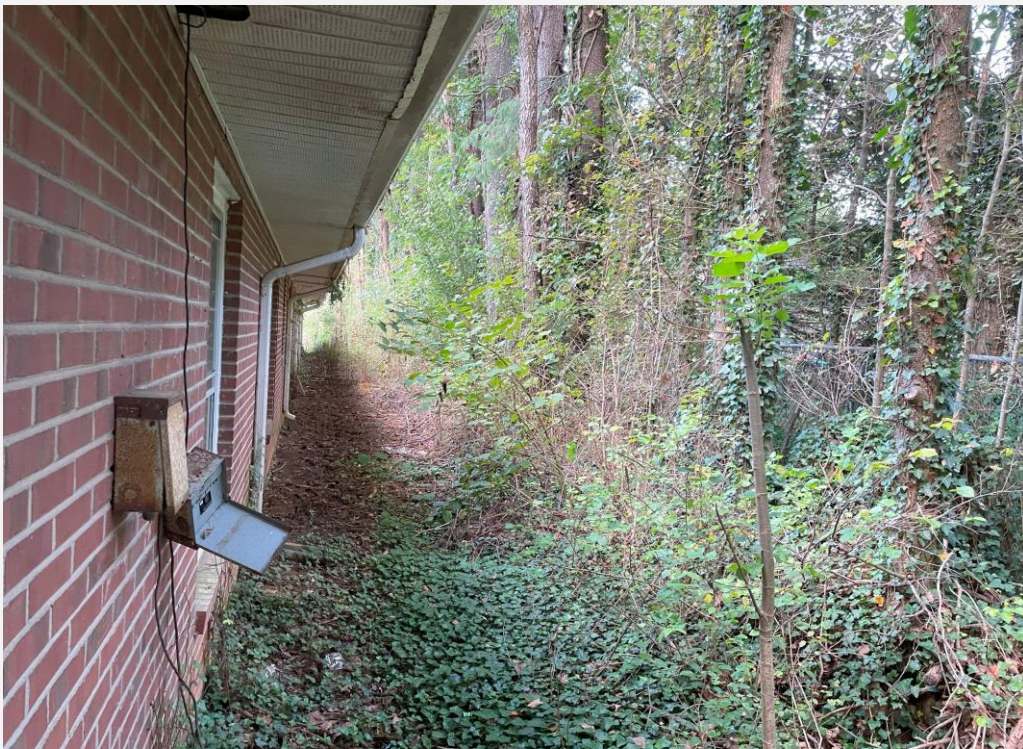
*View of existing mature trees shown as preserved on the site plan. 60” Maple in the foreground and 48” oak in the background.*



SITE IMAGES



*View of existing drive on the eastern property boundary proposed to remain.*



*View of existing vegetation/buffer along the rear of the building.*



SITE IMAGES



*View of the vacant lot where the single-family dwelling at 917 9<sup>th</sup> Ave. W once set.*



*View of some of the trees that were removed from the property prior to the CZD process.*



SITE IMAGES



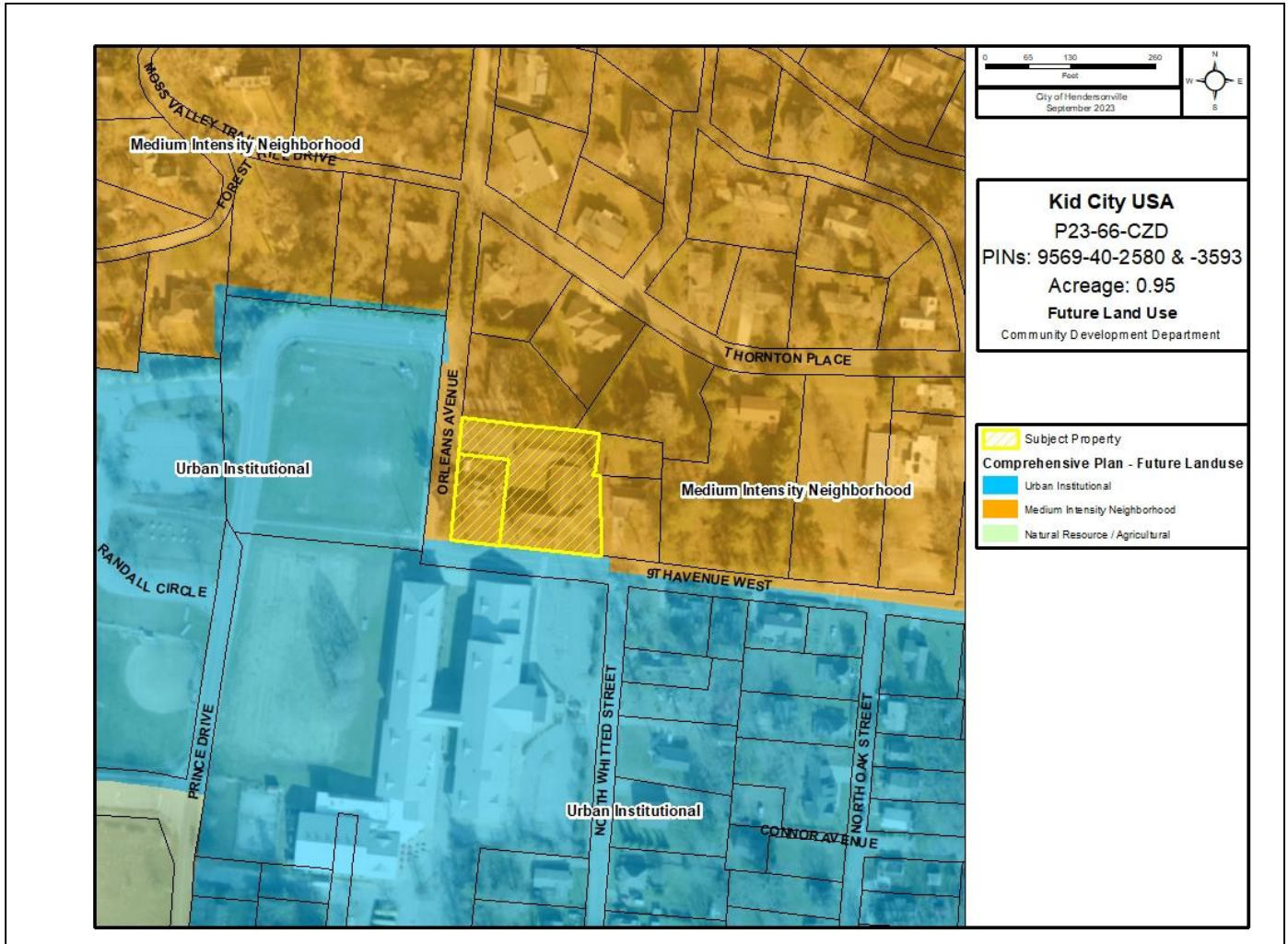
*View of area proposed to be a playground.*



*View of mature trees and vegetation along the rear property boundary to the north.*



FUTURE LAND USE



City of Hendersonville Future Land Use Map

*The subject property is designated as Medium Intensity Neighborhood in the 2030 Comprehensive Plan’s Future Land Use map and fronts on a Local Street. The Medium Intensity Neighborhood encompasses all the single-family neighborhoods north of 9<sup>th</sup> Ave. W. and east of Orleans Ave. On the opposite side of Orleans Ave and 9<sup>th</sup> Ave. W. the prominent designation is Urban Institutional. This designation encompasses both Hendersonville Middle School and Hendersonville Elementary School. This designation also relates to the institution uses associated with Pardee Hospital and similar surrounding uses along US 64 (6<sup>th</sup> Ave.)*

*Public/Institutional uses only made up approximately 4.7% of the City’s existing land uses when the 2030 Comprehensive plan was created. Local public and institutional uses are a secondary proposed land use Medium-Intensity Neighborhood.*



**GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY**

<b>Future Land Use</b>	<p><b>Goal LU-6 - Medium Intensity Neighborhood:</b> Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.</p>
	<p>Strategy LU-6.2 Primary Land Uses:</p> <ul style="list-style-type: none"> <li>• Single Family attached and detached [N/A]</li> <li>• Open Space [CONSISTENT]</li> </ul>
	<p>Strategy LU-6.3 Secondary Land Uses:</p> <ul style="list-style-type: none"> <li>• Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [N/A]</li> <li>• Planned Residential Developments [N/A]</li> <li>• Local public and institutional uses [CONSISTENT]</li> <li>• Recreational amenities [CONSISTENT]</li> </ul>
	<p>Strategy LU-6.4 Development Guidelines:</p> <ul style="list-style-type: none"> <li>• 2 to 8 Units per gross acre [N/A]</li> <li>• At least 60% Open Space [INCONSISTENT]</li> <li>• Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT]</li> <li>• Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2. [CONSISTENT]</li> </ul>
<b>Land Use &amp; Development</b>	<p>Growth Management (Map 8.3a): Designated as a “Preservation &amp; Enhancement Area” <u>Preservation/Enhancement Areas</u> - Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies [CONSISTENT]</p>
	<p><b>Goal LU-1.</b> Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]</p>
	<p><b>Goal LU-2.</b> Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards. [CONSISTENT]</p>
	<p><b>Strategy LU-3.4.</b> Promote fiscal responsibility for the City with the expansion of infrastructure and services. [CONSISTENT]</p>
	<p><b>Strategy LU-3.5.</b> Minimize negative impacts from growth and land use changes on existing land uses. [CONSISTENT]</p>
	<p><u>Infill development:</u> Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land. Examples of opportunities for infill development include: •</p> <ul style="list-style-type: none"> <li>• Scattered vacant lots.</li> <li>• Underutilized commercial properties</li> </ul>



<b>Population &amp; Housing</b>	<b>Goal PH-1.</b> <i>Maintain and enhance older neighborhoods so that they retain their value and viability in the face of demographic and market changes. Strategy PH-1.1 – Promote Compatible infill development... Action PH-1.1.1 – Develop design guidelines for infill development...</i>
	<i>Strategy PH-1.5. Maintain and enhance the public space in older neighborhoods...The addition of amenities such as sidewalks and street trees where they do not exist along with the development of neighborhood parks boosts the desirability of older neighborhoods.</i>
<b>Natural &amp; Environmental Resources</b>	<b>Goal NR-1.</b> <i>-Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.</i>
<b>Cultural &amp; Historic Resources</b>	<i>The subject property is approximately 0.3 miles from the Druid Hills Local Historic District. Orleans Ave flows directly into the Druid Hills district.</i>
	<i>The surrounding area has cultural and historic importance due to once housing the Sixth and Ninth Ave. schools as well as the close proximity to the Oakdale cemetery.</i> <b>Goal CR-1.</b> <i>Preserve the viability and individuality of Hendersonville’s historic neighborhoods in order to maintain their role in supporting community pride, livability and identity. Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non historic properties.</i>
<b>Community Facilities</b>	<b>No Goals, Strategies or Actions are directly applicable to this project.</b>
<b>Water Resources</b>	<b>No Goals, Strategies or Actions are directly applicable to this project.</b>
<b>Transportation &amp; Circulation</b>	<b>No Goals, Strategies or Actions are directly applicable to this project.</b>



GENERAL REZONING STANDARDS	
Compatibility	<b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b>
	The subject property and current structure have previously been used as a commercial use. The proposed project will renovate and use the existing structure without expanding its current floor area. The surrounding area is largely made up with institutional school uses with a different childcare operating less than a block away from the subject property. The previous retirement home use was a 24 hour a day use. The hours of operations for the proposed childcare will better align with the schools already in operation in this area. The improvements trigger compliance with our landscaping requirements, enhancing site plantings, including buffering.
Changed Conditions	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	The previous commercial retirement home was a nonconforming use in the R-15 zoning. Since the nonconforming use ceased for 180 consecutive days, the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of this ordinance. The proposed childcare facility is going through the rezoning process in order establish a legally conforming use under PID-CZD.
Public Interest	<b>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 -</b>
	There appears to be a critical need for additional childcare options in this area based on local news articles, information provided during the Neighborhood Compatibility Meeting, local non-profit entities advocacy, local task forces, etc. The additional childcare options would work towards filling those needs, while complimenting an area that already provides a variety of educational and care facilities for children.
Public Facilities	<b>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</b>
	The site is already served by City water and sewer service. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	<b>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 -</b>



	<p>All trees 12" or greater DBH on the site are shown on the site plan. These trees are proposed to be retained with this development. It is worth noting that several large white pines were removed prior to this project starting the Conditional Zoning District process. The trees that were removed prior to the CZD process are not shown on the plan. The site does not contain any floodplains, blue-line streams or wetlands.</p>
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The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition aligns with the City's 2030 Comprehensive Plan's Goals for the "Medium Intensity Neighborhood" Future Land Use Designation to provide local and public and institutional uses.*

We **[find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

*DRAFT [Rationale for Approval]*

- *The proposed rezoning includes no new construction but enhances existing site parking.*
- *The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses.*
- *The proposed use meets a community need for additional childcare options for working parents.*

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition aligns with the City's 2030 Comprehensive Plan's Goals for the "Medium Intensity Neighborhood" Future Land Use Designation to provide local and public and institutional uses.*

We **[do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

*DRAFT [Rational for Denial]*

- *The proposed use is not compatible with adjacent residential uses.*



**PROPOSED REQUEST DETAILS**

Site Plan Summary:

- The site plan accompanying this petition contains the following provisions:
    - Existing 1 story 11,441 square foot building to be converted into a childcare center.
    - The existing building is approximately 16’ tall.
    - Sidewalks will be provided along Orleans Ave and tie into the existing sidewalks on 9<sup>th</sup> Ave. W.
    - The development shall meet all applicable requirements for buffering and vehicular use landscaping. A developer proposed condition is included to address the width of buffering strips typically required that the existing building does not meet.
    - The site plan shows two green space playgrounds. Th green spaces in the “horseshoe” of the building is existing, the other will be created.
    - The development will have 19 parking spaces. Our code requires 1 per employee plus 4 drop off spaces.
    - The development will retain existing access points on Orleans Ave and 9<sup>th</sup> Ave. W. Existing driveways will be brought up to current City standards.
    - The site plan shows several existing trees to be retained. The most prominent are a 60” maple and 48” oak along the 9<sup>th</sup> Ave W. frontage.
  
  - Proposed Uses:
    - Childcare facility
  
  - Developer Conditions:
    - Developer Proposed Concessions:
      - To allow the Type B buffer, which typically requires a 10’ wide planting strip, to be reduced to accommodate existing building & driveway location and resulting spatial constraints along the northern and eastern property boundaries.
  
    - Developer Proposed Conditions:
-

## OUTSTANDING ISSUES & PROPOSED CONDITIONS

### **COMMUNITY DEVELOPMENT**

#### **Site Plan Comments:**

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Institutional Developments (5-21) with the following exceptions:

- The type B buffer doesn't meet the full standard. Staff are supportive of the proposed developer condition, given the constraints presented by the existing building and driveway location.
- Common Open Space is required but not identified as such on the site plan.

#### **Proposed City-Initiated Conditions:**

- That the revised final site plan include the required calculations for Common Open Space and that the plan highlight the area being proposed to meet that requirement.

### **CITY ENGINEER**

#### **Site Plan Comments:**

- None

#### **Proposed City-Initiated Conditions:**

- None

### **WATER / SEWER**

#### **Site Plan Comments:**

- None

#### **Proposed City-Initiated Conditions:**

- None

### **FIRE MARSHAL**

#### **Site Plan Comments:**

- None

#### **Proposed City-Initiated Conditions:**

- None

### **STORMWATER ADMINISTRATOR**

#### **Site Plan Comments:**

- None

#### **Proposed City-Initiated Conditions:**

- None

### **FLOODPLAIN ADMINISTRATOR**

#### **Site Plan Comments:**

- None

#### **Proposed City-Initiated Conditions:**

- None



## **PUBLIC WORKS**

### **Site Plan Comments:**

- None

### **Proposed City-Initiated Conditions:**

- None

## **NCDOT**

### **Site Plan Comments:**

- None

### **Proposed City-Initiated Conditions:**

- None

## **HENDERSON COUNTY SOIL & EROSION CONTROL**

### **Site Plan Comments:**

- None

### **Proposed Condition:**

- None

## **TRANSPORTATION CONSULTANT**

### **TIA Comments:**

- An

### **Proposed Condition:**

- None

## **TREE BOARD**

### **Recommended Conditions:**

- See Tree Board Summary
- Developer generally agreed to the removal of English Ivy from existing trees and removal of privet.
- Developer generally agreed to protect the existing trees as much as possible, but not to the standards in 15-4. The developer's landscape architect noted that it would not be feasible to provide 1' to 1" DBH, but agreed to attempt to achieve a minimum 30' tree protection ring around the three existing large trees.