

ZONING TEXT AMENDMENT: MULTI-FAMILY IN 7th AVENUE (P22-75-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY



- Project Name & Case #:
 - Multi-Family in 7th Ave MSD
 - P22-75-ZTA
- Applicant:
 - Dan Mock
- Articles Amended:
 - Section 16-4-24 Residential dwellings, multi-family
- Applicable Zoning District(s):
 - C-2, Secondary Business (only within 7th Ave Districts)
- Future Land Use Designation:
 - Downtown Core
 - Downtown Support
- Planning Board - Legislative Committee Meeting:
 - August 30, 2022
- Downtown Advisory Board - Downtown Economic Vitality Committee Meeting:
 - September 6, 2022
- Summary Basics:
 - Expand Multi-Family uses to 7th Ave MSD while preserving ground-floor storefront for non-residential uses

Summary of Amendment Petition:

The City of Hendersonville is in receipt of a petition for a zoning text amendment from Dan Mock to address the Supplementary Standards for Multi-Family Residential uses in the 7th Ave area. Currently, the portions of the 7th Ave area that are zoned C-2 only permit Multi-Family within the boundaries of the 7th Ave Depot National Register Historic District (NRHD).

As proposed, Sec. 16-4-24, which only applies to Multi-Family uses in the C-2 Zoning District, would be amended to expand Multi-Family uses to a larger area encompassed by the 7th Ave Municipal Service District (MSD).

As proposed, Sec. 16-4-24 would also be amended to strike the provision that Multi-Family uses would be limited to the second floor of buildings.

Staff is proposing that Multi-Family be extended to the MSD. However, staff is proposing that the provision limiting multi-family to second floors be amended to state “upper” floors and that the provision remain in place for the NRHD but this limitation would only partially be in place for Multi-Family uses in remainder of the MSD.

Multi-Family in 7th Ave Depot National Register Historic District (NRHD): Multi-Family residential is a permitted use within the C-2 zoning district only for those properties located within a small area within the boundaries of the 7th Ave Depot National Register Historic District (NRHD). In total there are 15 parcels zoned C-2 within the NRHD. Outside of the NRHD, properties zoned C-2 only allow single/two-family residential and Minor PRD developments. In other words, multi-family uses are not permitted in the C-2 outside of the NRHD.

There are a total of 27 parcels within the NRHD along with portions of rights-of-way that include the railroad and historic depot. The 7th Ave NRHD is split zoned between CMU (12 parcels) and C-2 (15 parcels). Within the NRHD, both districts permit Multi-Family with no density cap. The primary distinctions between the districts being the minimum front setbacks (C-2: 20' / CMU: 12') and maximum height (C-2: 48' / CMU: 64').

7th Ave Municipal Service District (MSD): The “7th Ave area” could be perceived as a reference to the entire corridor from the intersection at US 64 (to the west) to the Oklawaha Greenway / Mud Creek floodplain (to the east) along with some of the adjacent side streets. The area described above is much larger than the NRHD and more closely reflects the 7th Ave Municipal Service District (MSD).

The 7th Ave MSD is one of two MSD's in the City (the other being the Downtown MSD).

These are special tax districts that collect additional property tax revenue that is reinvested towards physical improvements and economic development strategies which support businesses and facilitate redevelopment in these areas. Some of the funds generated by the 7th Ave MSD are utilized in conjunction with the

Downtown Municipal Service District = \$0.24 tax per \$100 valuation
7 th Ave Municipal Service District = \$0.17 tax per \$100 valuation

Friends of Downtown funds to provide support for the Farmers Market, plantings and landscaping maintenance. The 7th Avenue District is also slated to receive district “branding” and additional signage as well as extensive Streetscaping improvements. The streetscaping project will be constructed in phases with phase I located in the NRHD and phases II & III extending down the rest of the corridor to the Oklawaha Greenway.

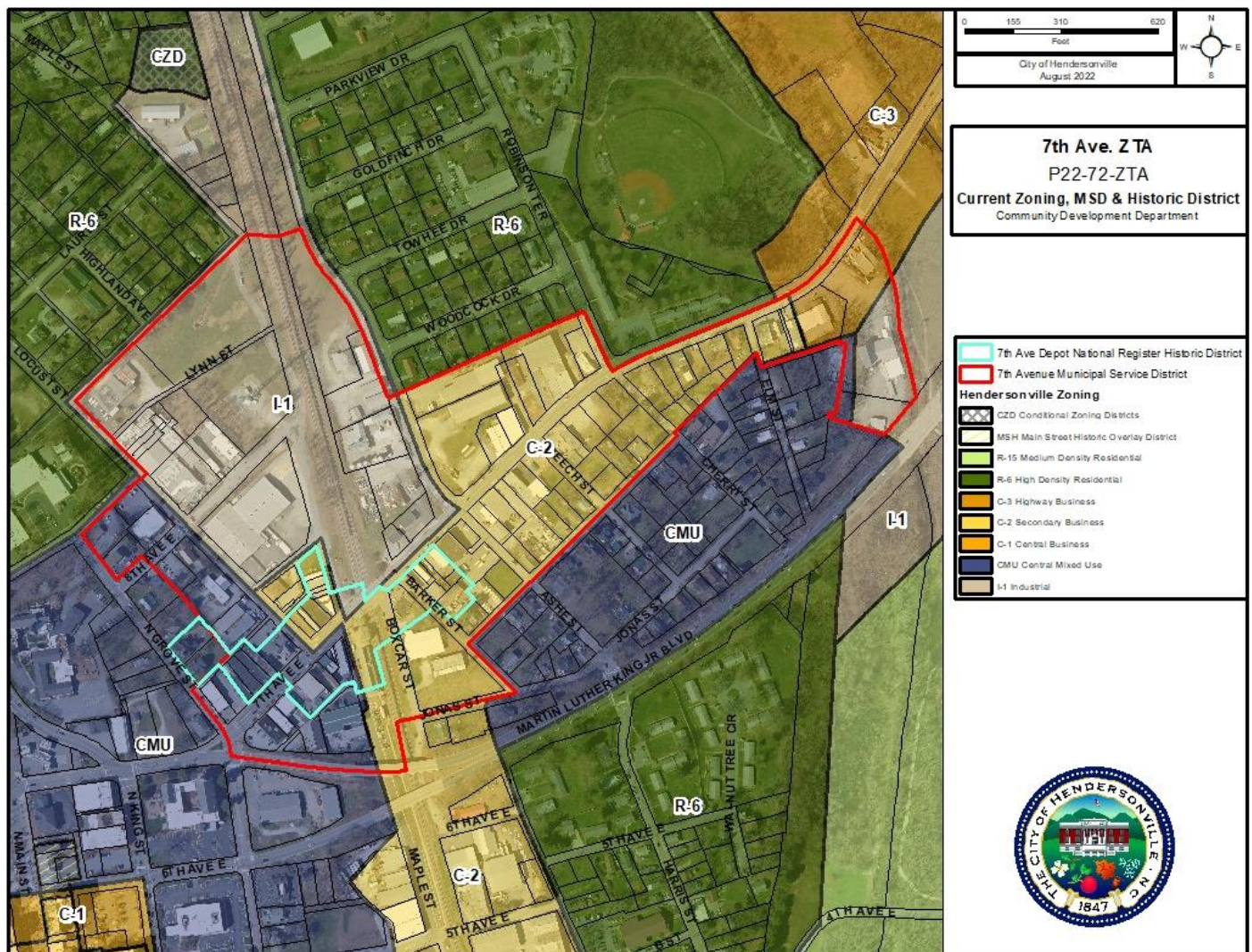
Both the 7th Ave NRHD and the 7th Ave MSD are referenced in the Zoning Ordinance. The references to the MSD relates to a provision waiving parking minimums (there are no parking minimums for uses within the 7th Ave MSD boundaries). As previously mentioned, The 7th Ave NRHD boundaries are used to dictate where Multi-Family uses are permitted within the portions of the NRHD that are zoned C-2. The proposed text amendment would align an area where parking minimums are currently waived with an area where Multi-Family would be permitted.

While the 7th Ave area has seen a great deal of redevelopment in recent years, most of that redevelopment activity has occurred within the NRHD. As public improvements are implemented and economic interest in this corridor continues to grow, redevelopment is expected expand further east.

Allowing for Multi-Family uses and reducing setbacks along the entire 7th Ave corridor while retaining commercial space on lower floors would promote additional opportunities

for a mix of uses within walking distance to shopping and recreation, facilitate additional redevelopment in an area that provides a wide range of uses and serves as an extension of downtown (or a subdistrict of downtown), and permit the type of urban form that has defined this area since it was initially developed while also promoting a pedestrian-friendly atmosphere that aligns with the goals of the Comprehensive Plan. Additional urban design standards could be considered to ensure compatibility with the 7th Ave National Register Historic District.

Map: The following map illustrates the boundaries of the 7th Ave Depot National Register Historic District and the boundaries of the 7th Ave Municipal Service District along with the zoning districts found within these areas.



SITE IMAGES



View of 7th Ave NRHD



Existing Buildings in the 7th Ave MSD

SITE IMAGES



Existing Buildings in the 7th Ave MSD



Vacant Lot in the MSD

SITE IMAGES



Conventional multi-family with 35'-40' setback in the MSD



*Existing “missing middle” apartment building in MSD with 0’
Setback – under contract by applicant*



Existing Service Use in the MSD



Far eastern edge of 7th Ave MSD – two properties in background are under contract by the applicant

COMMITTEE RECOMMENDATIONS

The Legislative Committee of the Planning Board met to discuss this petition at their meeting on Tuesday, August 30, 2022. The members of the committee that were present were Neil Brown, Jim Robertson, Stuart Glassman and Peter Hanley. The applicant, Dan Mock was also present. Mr. Mock presented his case for the proposed changes. In general, the Committee members were supportive of the proposed text changes with consideration given to preservation of commercial storefronts at the ground level along 7th Ave. Discussion revolved around changes in character between the 7th Ave NRHD and the 7th Ave MSD as well as changes in character block by block as you move east to west along 7th Ave within the MSD. Highlighted was the importance of maintaining a vibrant, pedestrian-friendly experience along 7th Ave as redevelopment occurs.

The Economic Vitality Committee of the Downtown Advisory Board considered this issue on September 6 and were generally supportive of the staff recommendations.

The Downtown Advisory Board considered this issue at both their September 13th and October 11th meetings. There were some reservations expressed. Primarily the concern related to full preservation of commercial/nonresidential space on the entirety of groundfloors along 7th Ave.

STAFF ANALYSIS

The zoning text amendment, as submitted by the applicant, is proposed to be amended as follows:

16-4-24 Residential dwellings, multi-family.

- a) The property must be within the Seventh Avenue ~~Depot National Register Historic District~~ Municipal Service District
- ~~b) —Multi family dwellings may only be permitted on the second floor.—~~
- ~~e~~b) There shall be no maximum density other than the minimum dwelling size is 400 square feet.
- ~~d~~c) Multi-family dwellings must be occupied by three or more families living independently of each other.

After additional review and consideration, the Planning Board is recommending the following revisions to the zoning code found below. The basis for the changes are outlined on the following page:

16-4-24 Residential dwellings, multi-family.

- a) The property must be within the Seventh Avenue ~~Depot National Register Historic District~~ Municipal Service District
- b) Multi-family dwellings may only be permitted on the ~~second~~ upper floors within the Seventh Avenue Depot National Register Historic District.
- c) Any building fronting Seventh Avenue within the Seventh Avenue Municipal Service District, but outside of the Seventh Avenue Depot National Register Historic District, shall primarily reserve ground floor space along the Seventh Avenue street frontage for non-residential uses. Alternatively, ground-floor residential dwellings may be permitted as an accessory use in the following special circumstances:

- i. Size: A maximum of 50% of Square Footage on ground floor may be utilized for residential uses
- ii. Access: Access points to ground or upper floor residential spaces may be located at any point on the front, side, or rear of a building, which may include an access point adjacent to any ground floor non-residential space along the primary street front.
- iii. Frontage: Ground floor residential dwellings may front upon an alley and/or private or non-street public spaces under the following circumstances:
 - a. Notwithstanding any building code provisions, frontage upon private property shall provide a permanent access easement to the closest public right-of-way.

~~e d)~~ There shall be no maximum density other than the minimum dwelling size is 400 square feet.

~~d) Multi-family dwellings must be occupied by three or more families living independently of each other.~~

e) The minimum front setback may be reduced to 0' within the 7th Ave MSD. Any off-street parking provided shall be located to the side or rear of a building.

There is general support for the expansion of multi-family uses within the MSD with the revisions proposed for item a).

As it relates to the proposed striking of item b) and the expansion of multi-family uses within the MSD, the potential impact of ground-level, street-front residential uses was of particular concern. Maintaining ground-floor storefronts and a continuous street wall are strategies with the Downtown Core designation of the Future Land Use Map in the City's Comprehensive Plan. Best Planning Practices would also encourage commercial mixed-use districts to maintain non-residential uses on primary corridors. The vision for 7th Ave is that of a lively district with a mix of commercial and residential uses. The provision of dense residential uses is essential to the economic welfare of the district. However, these residential uses should not come at the expense of the pedestrian-level experience along 7th Avenue. Staff is proposing a balanced approach to this issue with the proposed revisions under items b) & c) below. The addition of item e) also helps to achieve these goals.

Item d) is also proposed by staff to be stricken from these standards. The Zoning Code definition for multi-family already exist and mirrors this standard. Elimination of a requirement for multi-family dwellings to be occupied by 3+ families will reduce redundancy in the Code.

GENERAL REZONIGN STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Land Use & Development	Goal LU-10. Downtown Core: Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian-focused environment through building and streetscape design.
	Strategy LU-10.1. Locations: 7 th Ave [CONSISTENT]
	Strategy LU-10.3. Secondary recommended land uses: <ul style="list-style-type: none"> • Multi-family residential [CONSISTENT] • Live-work units [CONSISTENT]
	Strategy LU-10.4. Development guidelines: <ul style="list-style-type: none"> • Continuous “street wall” with buildings adjacent to the sidewalk [CONSISTENT] • Rear parking or limited side parking only [CONSISTENT] • Window coverage and façade articulation on storefronts [INCONSISTENT]
	Strategy LU-10.5. Create a 24-hour environment that supports an expanding residential base in the downtown. Encourage services such as convenience shops, drug stores, and specialty food stores that support downtown housing [CONSISTENT].
	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: <ul style="list-style-type: none"> • Area between Downtown Core and Jackson Park [CONSISTENT] • Transitional areas between Downtown Core and neighborhoods to the north, south, and west [CONSISTENT]
	Strategy LU-11.2. Primary recommended land uses: <ul style="list-style-type: none"> • Offices [CONSISTENT] • Single-family attached and multi-family residential [CONSISTENT] • Live-work units [CONSISTENT] • Public and institutional uses [CONSISTENT] • Arts and entertainment establishments [CONSISTENT] • Structured or underground parking [INCONSISTENT]
	Strategy LU-11.4. (Downtown Support) Development guidelines: <ul style="list-style-type: none"> • Minimal front setback [CONSISTENT] • Rear or limited side parking only [CONSISTENT] • Façade articulation [INCONSISTENT] • Ground-floor storefronts and/or architectural detailing on parking structures [LIMITED]
	Growth Management Map: Area designated as “ Priority Infill Area ” - 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 [CONSISTENT]
	Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development as indicated by the “Priority Infill Areas” on Map 8.3a. Action LU-1.1.1. Review zoning standards and revise as necessary to enable compatible infill projects. [CONSISTENT]

	<p><i>Strategy LU-3.5 Minimize negative impacts from growth and land use changes on existing land uses. Some zoning map changes and other development applications may create short-term incompatibilities with existing neighborhoods, even if they are consistent with the Future Land Use Plan. It is critical that City officials consider the full range of impacts of all development applications, in addition to conformance with the Future Land Use Plan.</i></p> <p><i>Action LU-3.5.1 Consider a full range of short- and long-term impacts when reviewing zone change applications and other proposals that introduce land use changes. When reviewing zone change applications, the City should consider whether applications demonstrate a clear public purpose as well as the criteria listed in Figure 8.3a. [CONSISTENT]</i></p>
	<p><i>Strategy LU-3.6. - Update the Zoning Code to ensure conformance with the Comprehensive Plan. The Zoning Code is the City's primary regulatory tool in implementing the Comprehensive Plan. Amendments to the Zoning Code and Map will be necessary to reflect Comprehensive Plan recommendations and ensure orderly growth and development. [CONSISTENT]</i></p>
Population & Housing	<i>Strategy PH-1.1 – Promote compatible infill development</i>
	<i>Strategy PH-1.4. Allow redevelopment and/or reuse of single-family homes that directly front on arterials into office or high-density residential uses in coordination with the Future Land Use Map.</i>
	Goal PH-2. <i>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.</i>
	<p>Goal PH-3. <i>Promote safe and walkable neighborhoods.</i></p> <p><i>Action PH-3.1.1. Encourage pedestrian-friendly design features in residential developments, such as recessed or rear garages and front porches in single-family development, and rear parking lots and front entrances in multi-family developments.</i></p>
	<i>Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.</i>
Natural & Environmental Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Cultural & Historic Resources	Goal CR-1. <i>Preserve the viability and individuality of Hendersonville's historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.</i>
	<i>Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non-historic properties.</i>
	<i>Strategy CR-4.3. Support increased Downtown housing and office density in order to support retail uses and create a 24-hour environment.</i>
Community Facilities	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Water Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Transportation & Circulation	<i>Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i>

GENERAL REZONING STANDARDS

Compatibility	<p>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</p> <p><i>Multi-family: The 7th Ave MSD contains a wide-range of land uses including: multi-family and single-family residential uses; automobile service, retail, restaurants, services for those in need, art galleries, and vacant land. The area is also home to the historic depot and the location of the City’s farmers market.</i></p> <p><i>Commercial uses on ground floors: This provision is in place currently and is currently found in the district. This provision would remain in place in full for the NRHD where mixed use is most likely to continue to occur and would remain in place in part in the MSD with provision maintaining non-residential uses on first floor frontage along 7th Ave</i></p> <p><i>Setbacks: Minimum front setbacks are currently found in some locations in the MSD. A reduction in setbacks allows for greater flexibility and more efficient utilization of land. A more walkable urban form is achieved by - allowing for buildings to be brought closer to the street to form a “street wall” and by reducing minimum setbacks which allows for the shifting of parking to the rear of a lot.</i></p>
Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p> <p><i>New activity such as the opening of new businesses, adaptive reuse and renovation of existing buildings has grown in frequency in the 7th Ave Area. This activity is likely to occur along the corridor extending east. There is a well-documented growth in demand and undersupply of housing in our region.</i></p>
Public Interest	<p>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 -</p> <p><i>Multi-family: As is well-documented in the City’s Comprehensive Plan, there is a need for compatible infill development in areas of the City where utilization of existing infrastructure can be realized and in areas that place residents in close walking distance to goods and services. The addition of multi-family residential would help to address this need while providing a variety of housing types.</i></p> <p><i>Commercial uses on ground floors: This provision will help to achieve a vision for a lively district with a mix of commercial and residential uses and a positive pedestrian-level experience.</i></p> <p><i>Setbacks: Reducing front setbacks and allowing for the shifting of parking to the rear of lots supports a built environment that is more friendly to pedestrians by creating a greater sense of enclosure as is found in areas such as Main St and the 7th Ave District.</i></p>
Public Facilities	<p>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</p> <p><i>The 7th Ave MSD is in an urban location that is well served by public facilities.</i></p>
Effect on Natural Environment	<p>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</p> <p><i>There are no known or anticipated negative environmental impacts associated with the petition.</i></p>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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 Future Land Use Designations of 'Downtown Core' and 'Downtown Support' call for recommended land uses and design guidelines that align with the proposed zoning text amendment.

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]

- 1) The addition of multi-family residential as a permitted use will allow for greater infill development in a zoning district with a mix of intense land uses.*
- 2) The addition of multi-family residential as a permitted use will place more residents within close proximity to goods and services.*
- 3) The addition of multi-family residential as a permitted use will provide for a variety of housing types at different price points.*
- 4) The reduction of setbacks will allow for more efficient use of land and provide more opportunities for infill development.*
- 5) The provisions maintaining non-residential uses along frontages on 7th Ave will support a vibrant mixed-use district as redevelopment occurs along the corridor.*

DRAFT [Rational for Denial]

- 1) The allowance of additional density would be incompatible with commercial uses in the 7th Ave MSD.*
- 2) The reduction of front setbacks would permit a more distinctly urban form.*