

REZONING: STANDARD REZONING -2620 CHIMNEY ROCK ROAD (25-14-RZO) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - 2620 Chimney Rock Road Rezoning
  - 25-14-RZO
- Applicant & Property Owner:
  - Nehemias Lopez [Applicant and Owner]
  - City of Hendersonville [Applicant]
- Property Address:
  - 2620 Chimney Rock Road
  - 2626 Chimney Rock Road
- Project Acreage:
  - 4.64 Acres
- Parcel Identification (PIN):
  - 9670-70-6498 (applicant) (Orange on map)
  - 9670-70-8607 (COH) (Blue on map)
  - 9670-70-8864 (COH) (Blue on map)
- Current Parcel Zoning:
  - PRD-CZD- Planned Residential Development Conditional Zoning District (White Pine Villas)
- Future Land Use Designation:
  - Mixed Use Commercial
  - Multi-Generational Living
- Requested Zoning:
  - HMU, Highway Mixed Use
- Requested Uses:
  - All uses in HMU would be permitted.



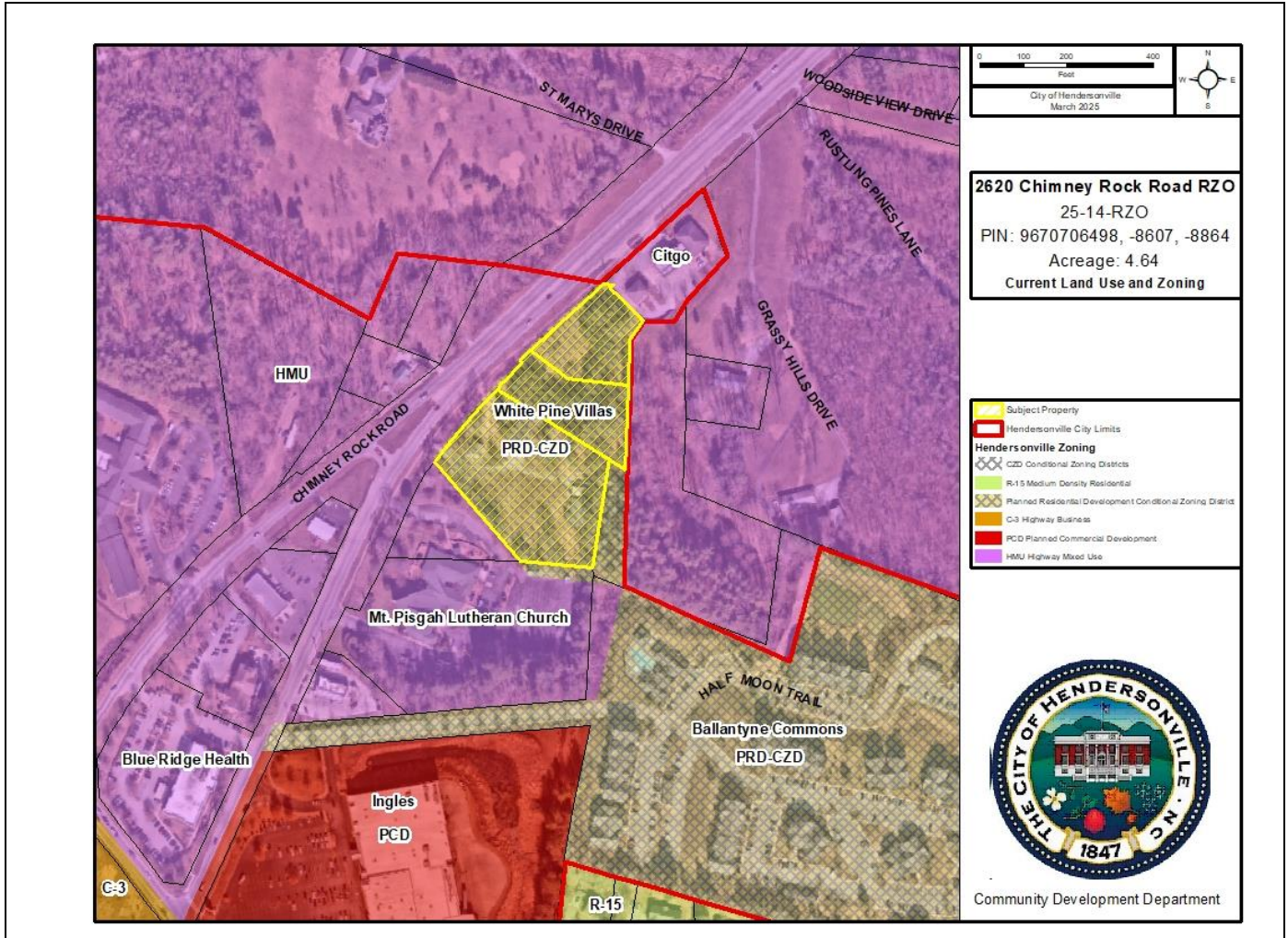
SITE VICINITY MAP

*The City of Hendersonville is in receipt of an application for a Standard Rezoning from Nehemias Lopez, applicant and owner of 2620 and 2626 Chimney Rock Road. The applicant is requesting to rezone the subject property, PIN 9670-70-6498, from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use.*

*Mr. Lopez owns one of three parcels within the conditional zoning district. These parcels are associated with an inactive Low Income Housing Tax Credit project known as "White Pine Villas", which never received tax credits. The developer of this project has since obtained tax credits for a different project in the City, (The Lofts at Chadwick).*

*If City Council rezones PIN 9670-70-6498, City staff also recommends rezoning PINS 9670-70-8607 and 9670-70-8864 to a base district, preferably HMU, as part of the same effort. Rezoning only one parcel within the conditional zoning district would leave the rest of the CZD unconstructable, necessitating a future rezoning anyways. All 3 parcels were zoned HMU prior to the establishment of the conditional zoning district.*

EXISTING ZONING & LAND USE



**City of Hendersonville Current Zoning & Land Use Map**

*The subject property is currently zoned Planned Residential Development Conditional Zoning District, associated with the White Pine Villas Project, which is currently entitled but inactive. The White Pine Villas project, developed for low-income housing tax credits, did not receive those credits, and the developer obtained credits for a different project elsewhere in the City. He no longer has an option on the property and the likelihood of White Pine Villas being developed is low.*

*The US 64 corridor is zoned Highway Mixed Use, a designation created for this corridor. Before the establishment of the White Pine Villas zoning district, the subject property also held a Highway Mixed Use designation.*

*To the east, there is a large-scale apartment complex under a Planned Residential Development Conditional Zoning District, and to the south, the Ingles development is zoned as Planned Commercial Development Conditional Zoning District. However, the predominant zoning along this corridor remains Highway Mixed Use.*

SITE IMAGES



*View of existing home at 2620 Chimney Rock Road.*

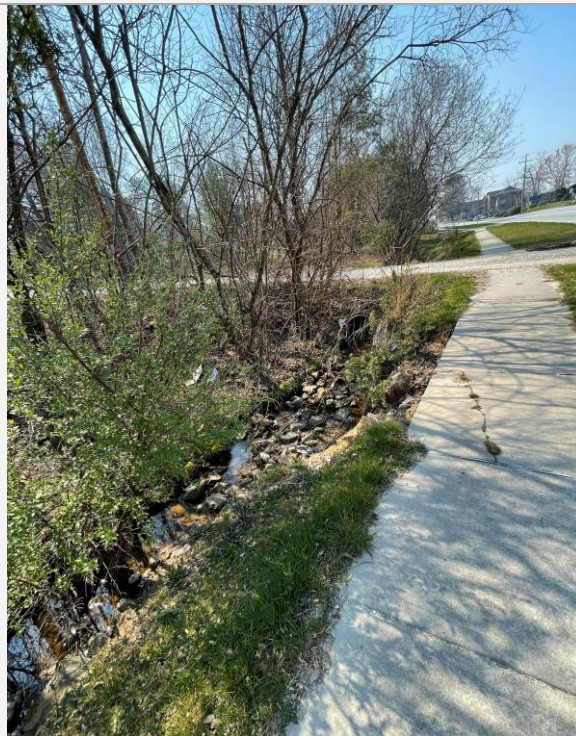


*Typical view of inside the wooded area on the subject property.*

SITE IMAGES

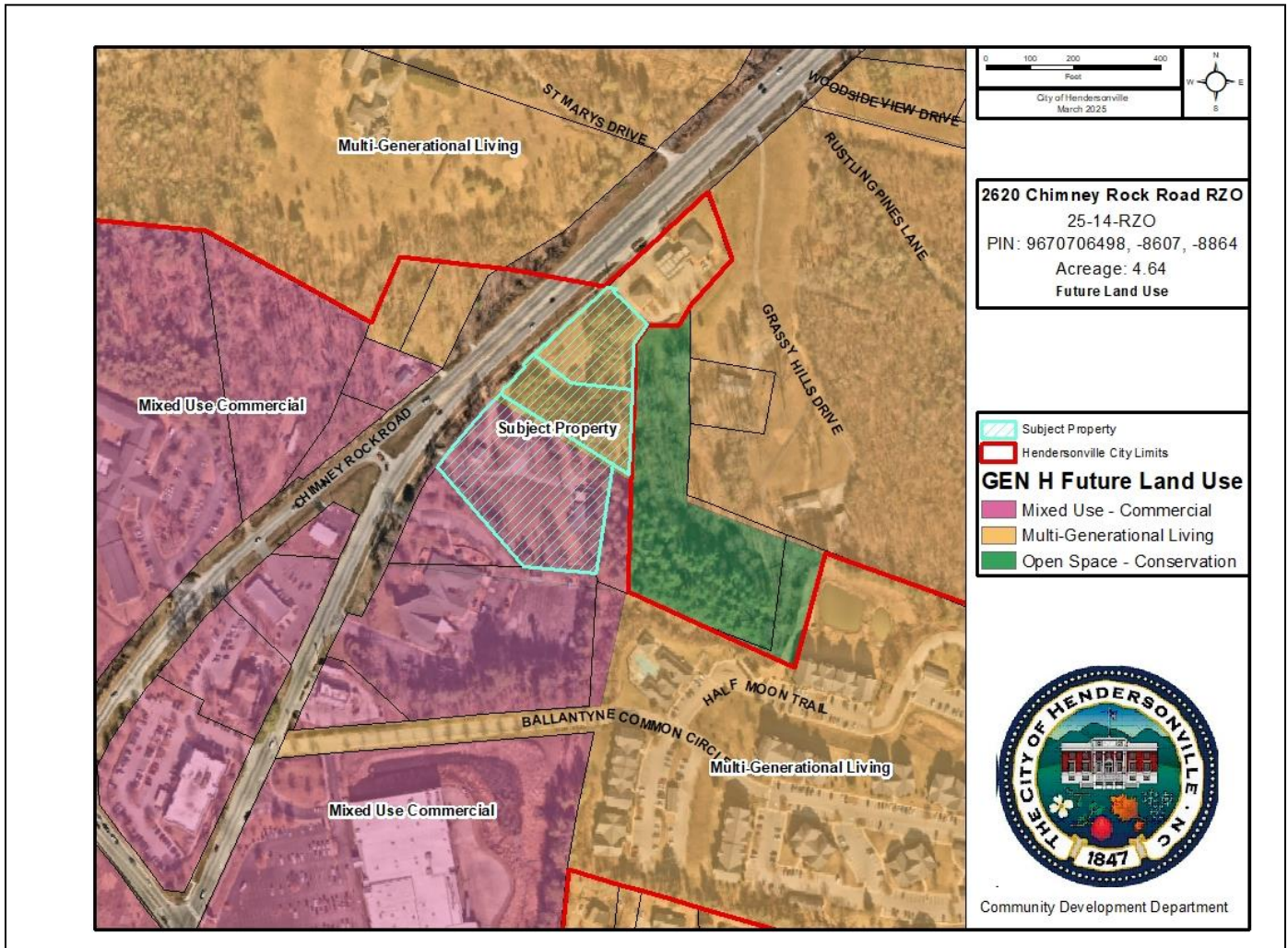


*View of the subject property taken from Citgo looking south.*



*View of the stream running along the property frontage.*

FUTURE LAND USE



City of Hendersonville Future Land Use Map

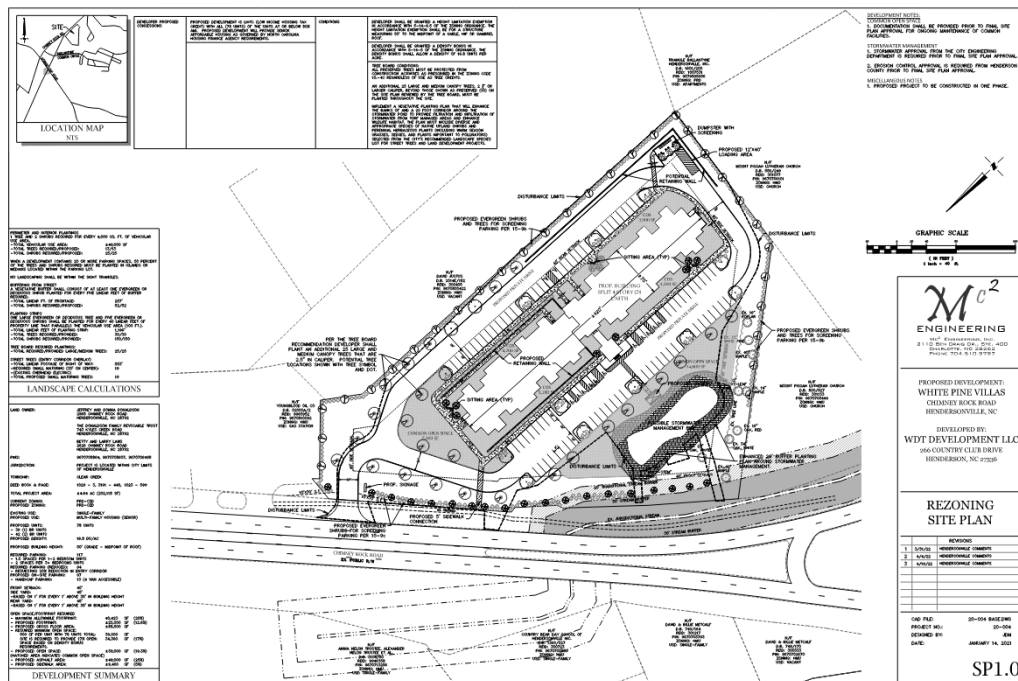
*The subject property has a split designation of Mixed-Use Commercial and Multi-Generational Living, acting as a transitional area between the two designations. The parcels to the south, which front US 64, are designated as Mixed-Use Commercial, while the parcels to the north are designated as Multi-Generational Living. Many of the parcels to the north are vacant or underutilized, offering potential for future development. Additionally, the entire subject property, including all three parcels, lies within the focused intensity node associated with the US 64 and Howard Gap Road intersection. To the east, a parcel containing a blueline stream is designated as Open Space Conservation.*

REZONING HISTORY

Prior Rezoning (P22-13-CZD)	Summary of Prior Petition	Status
5-5-2022 (PRD-CZD to PRD-CZD)	4.64 acre development for the construction of a 78 unit low income housing tax credit multi-family project.	Inactive but entitled

Subject Property History

- Highway Mixed Use is established (December 9<sup>th</sup>, 2004)
  - In 2002 City Council adopted corridor plans calling for mixed -use zoning on U.S. Highway 64 East
  - City Council Minutes: <https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9b5a787970d>
- White Pine Villas Version 1 (approved April 2, 2020)
  - 3 story multi-family building consisting of 78 Low Income Housing Tax Credit units for seniors (55+)
  - 34' 11" to the midpoint of the roof.
  - City Council Minutes- <https://mccmeetings.blob.core.usgovcloudapi.net/hvInc-pubu/MEET-Minutes-4ab50b18954346f49ac79b2f04368be2.pdf>
- White Pine Villas Version 2 (approved May 5<sup>th</sup>, 2022, current entitlement)
  - 4 story multi-family building consisting of 78 Low Income Housing Tax Credit units for seniors (55+)
  - 50' to the midpoint of the roof.
  - City Council Minutes: <https://mccmeetings.blob.core.usgovcloudapi.net/hvInc-pubu/MEET-Minutes-fa918ebba3904e16a37c226d271d4290.pdf>



GENERAL REZONING STANDARDS	
1) Comprehensive Plan Consistency	<p><b>Land Supply, Suitability &amp; Intensity</b>                      All 3 properties are listed as underdeveloped on the land suitability map.                      All 3 properties are within the focused intensity node for US 64 and Howard Gap.                      All 3 properties are listed as underdeveloped on the land supply map.</p>
	<p><b>Future Land Use &amp; Conservation Map-</b> See Gen H appendix.</p> <p><b>Designation:</b> Mixed Use Commercial (PIN- 9670-70-6498)  <b>Character Area Description:</b> Consistent  <b>Zoning Crosswalk:</b> Consistent</p> <p><b>Designation:</b> Multi-Generational Living (PINs- 9670-70-8607 and 9670-70-8864)  <b>Character Area Description:</b> Consistent  <b>Zoning Crosswalk:</b> Inconsistent</p>
2) Compatibility	<p><b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b></p>
	<p>Prior to the 2020 and 2022 rezonings to PRD-CZD, these parcels were zoned Highway Mixed Use. Highway Mixed Use was created for this corridor and all other adjacent properties are currently zone Highway Mixed Use.</p>
3) Changed Conditions	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p>
	<p>The White Pine Villas project was a low-income housing tax credit project that did not receive the necessary tax credits to proceed. In discussions with Stephen Drake, the developer of White Pine Villas, he confirmed that he no longer has an option on the property and does not foresee moving forward with the project.</p>
4) Public Interest	<p><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></p>
	<p>The City has focused on developing mixed-use districts, particularly along our corridors. This rezoning supports that initiative by designating these parcels to the mixed use zoning district established for this corridor.</p>



<p>5) Public Facilities</p>	<p><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></p> <p>These parcels are located within the corporate City limits and will have access to all services associated with that.</p>
<p>6) Effect on Natural Environment</p>	<p><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> <p>Even if rezoned, any new development on the site will be required to follow all zoning and subdivision ordinance requirements concerning natural resources and the environment.</p>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.*

We **[find/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 [Rationale for Approval]*

- *The proposed map amendment seeks to return the parcels to their previous base zoning.*
- *The proposed map amendment restores potential development opportunities on this property by permitting the same uses available to the other adjacent Highway Mixed Use properties.*

*DRAFT [Rational for Denial]*

- *The proposed rezoning eliminates the current entitlements on the property linked to a LIHTC project that could be potentially developed in the future.*