

137 & 139 E Central St CZD

P21-72-CZD

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

Applicant: William A. Pace Jr.

Property Owner: William A. Pace Jr. LLC

Property Address: 137 & 139 E. Central St.

Project Acreage: 3.06 Acres

Parcel Identification Number(s): 9578-24-9710

Current Parcel Zoning: C-2 CZD, Secondary Business Conditional Zoning District

Proposed Zoning: C-2 CZD

Neighborhood Compatibility Meeting: November 23, 2021



SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

The City of Hendersonville is in receipt of an application for a conditional rezoning from William A. Pace (Billy), applicant is the property owner. City Council previously approved a conditional rezoning request and site plan for the subject property on April 2, 2020. The property was subsequently rezoned to C-2 Secondary Business, Conditional Zoning District.

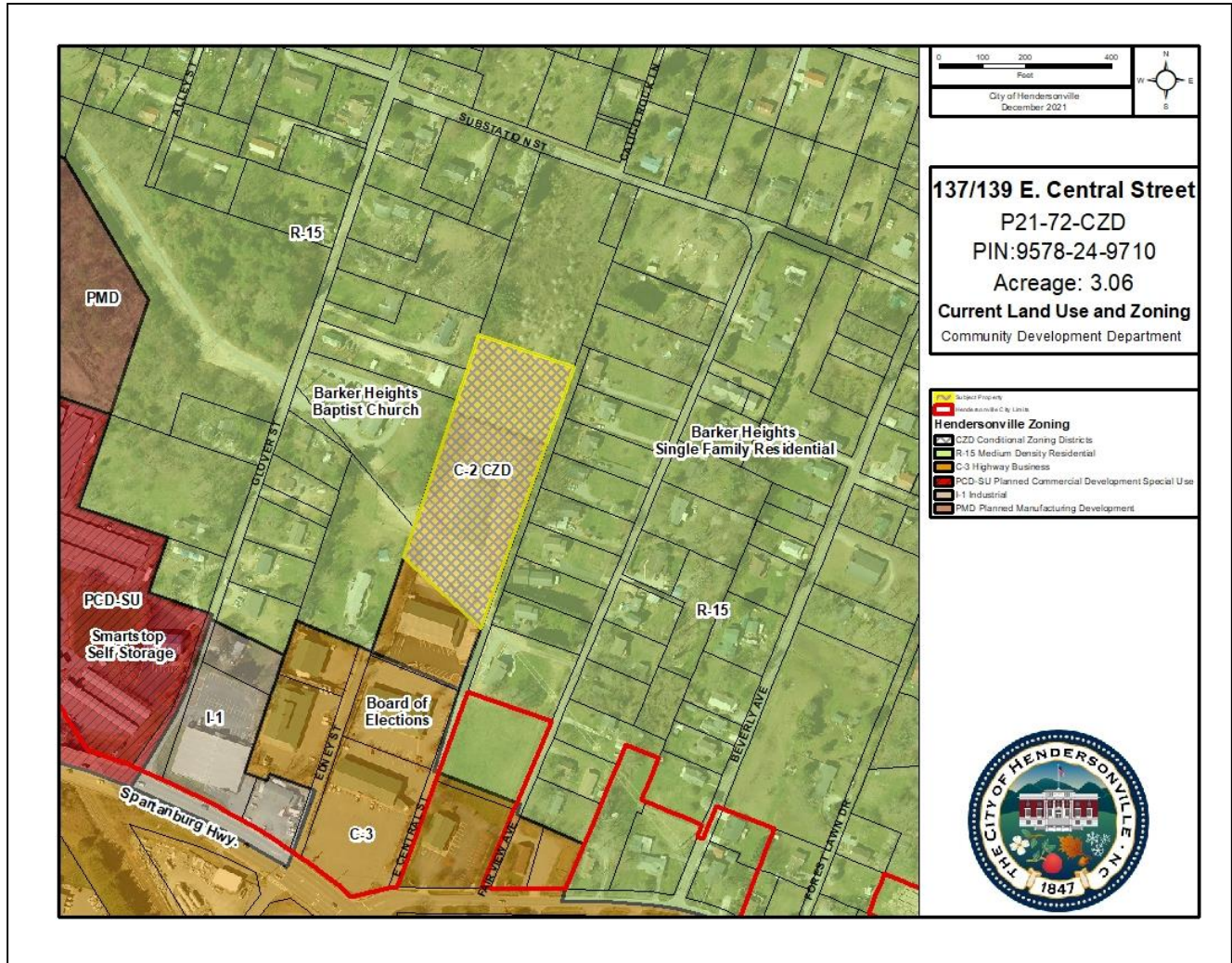
The applicant is requesting to add Automotive Paint and Body Work and all permitted uses in the C-2 zoning district to the approved list of uses for the Conditional Zoning District at the subject property. No changes to the previously approved site plan are proposed.

The Concept Plan shows two commercial buildings on approximately 3.06 acres. The permitted uses under the current CZD are the following:

- *Business services*
- *Construction trades facilities*
- *Personal services*
- *Public and semi-public buildings*
- *Recreational facilities, indoor*
- *Religious institutions*
- *Repair services, miscellaneous*
- *Residential dwellings, single-family*
- *Residential dwellings, two-family*
- *Wholesale businesses*
- *Light manufacturing.*

A list of uses requested in addition to what is above is shown on page 8 of this staff report.

PROJECT SUMMARY - CONTINUED



The predominate uses in the area are residential. However, parcels to the south of the subject property are zoned C-3 Highway Business and R-15 and include commercial uses such as the Henderson County Board of Elections and O'Reilly Auto Parts. Due to this location, the subject property is in a transitional area where land uses are lowering in intensity from commercial to residential as you move east from Spartanburg Highway.

The subject property is accessed by E Central Street which is partially closed and the applicant has no intention of reopening the street.

SITE CONDITIONS – SITE IMAGES

*View of both
buildings located
at 137 & 139 E.
Central St.*



*View of the
building at 137 E.
Central St.*



*View of the
building located at
139 E. Central St.*



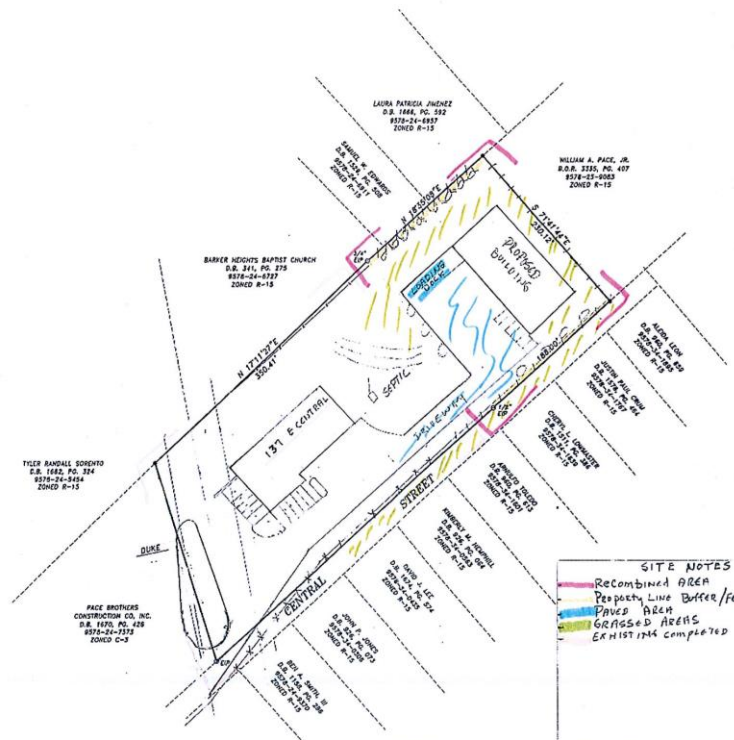
Concept Plan

PLAT NORTH
SUDE 103243

PLAT OF SITE PLAN FOR
WILLIAM A. PACE, JR.

CITY OF HENDERSONVILLE ETJ
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

JANUARY 29th, 2020



I, STACY KENT RHODES, HENDERSON, LAND SURVEY, CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS PREPARED BY ME.

I, STACY KENT RHODES, a PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER OF THE NORTH CAROLINA SOCIETY OF PROFESSIONAL LAND SURVEYORS. I HAVE REVIEWED THE SURVEY AND THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE ALSO REVIEWED THE SURVEY AND THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE ALSO REVIEWED THE SURVEY AND THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PROFESSIONAL LAND SURVEYOR

FOR THE CITY OF HENDERSONVILLE, I HEREBY CERTIFY THAT THIS PLAN COMPLYING WITH APPLICABLE CITY ZONING AND SUBDIVISION ORDINANCE REQUIREMENTS.

PLANNING DIRECTOR

DATE

SITE NOTES
 RECOMBINED AREA
 PROPERTY LINE BUFFER/FENCING
 PAVED AREA
 GRASSED AREAS
 EXISTING COMPLETED 137 & CENTRAL

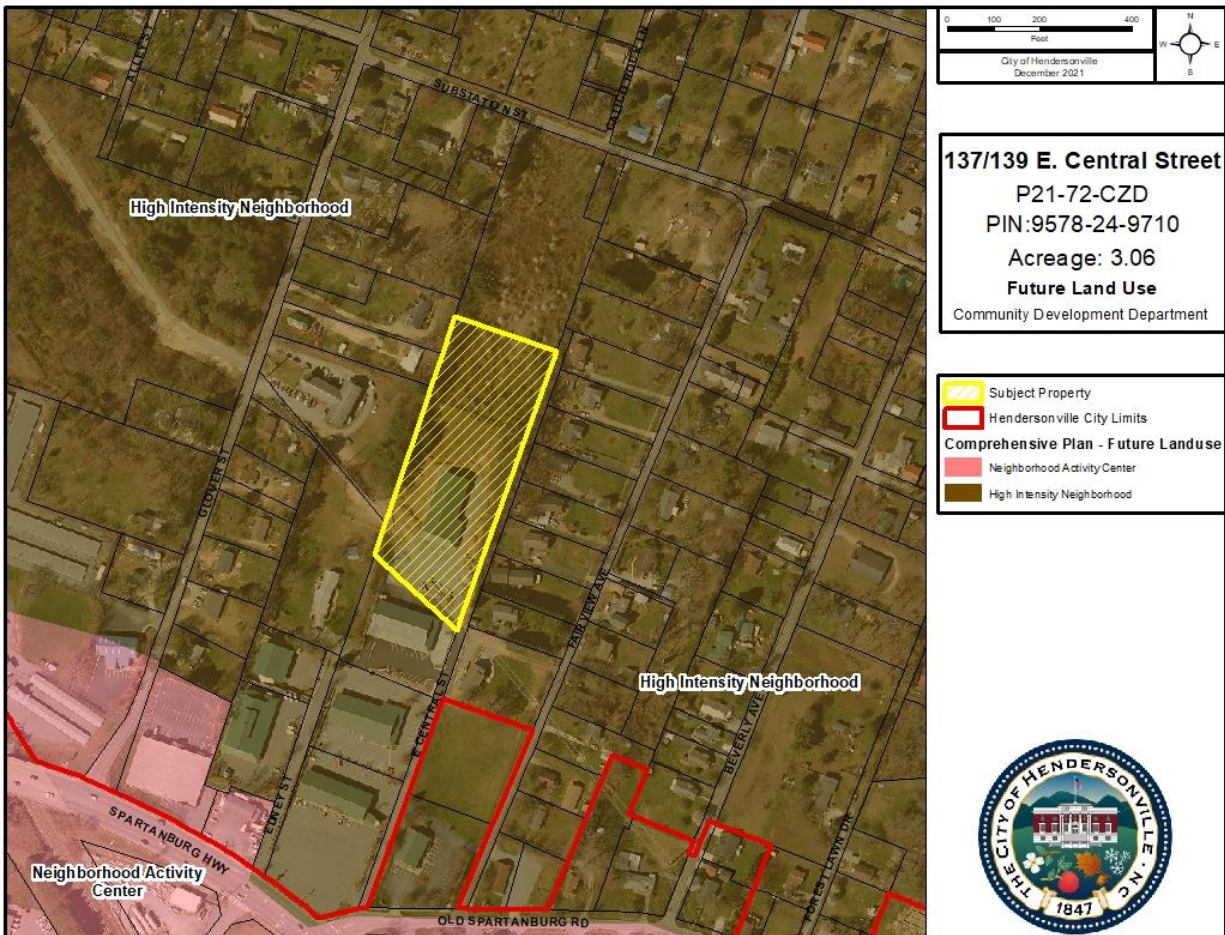
NOTES:
 1. AREA DETERMINED BY COORDINATE COMPUTATION.
 2. TOTAL AREA OF PROJECT IS 3.003 ACRES.
 3. SUBJECT PROPERTY IS CURRENTLY ZONED C-3.

GRAPHIC SCALE - FEET
 0 50 100
 SCALE 1" = 50'

LEGEND
 + EXISTING CORNER MONUMENT
 AS NOTED
 + NEW IRON PIPE SET OR
 AS NOTED
 + CONCRETE POINT-NOT SHOWN
 AS NOTED

REVISIONS: NO. 1: 01/29/2020 BY: STACY KENT RHODES FOR: PLAT SUEDE 10243 TAX ID: 007244601 (GREEN FILE: 04100028) (NO FILE: 04100028) REVISIONS:		VICINITY MAP (N.T.S.) 	SURVEY BY STACY KENT RHODES NO. 0128 23559 WACOON & BROTHERS LAND SURVEYORS, PLLC 601 E. 11th St. 28504-1010 HENDERSONVILLE, NORTH CAROLINA 28533 PHONE: (919) 953-1111 FAX: (919) 953-1112
DATE: JANUARY 29th, 2020 DRAWN BY: DKS/SLR JOB NUMBER: 04-128			

REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map (FLUM) designates the subject property as well as all adjacent parcels as High Intensity Neighborhood. The goal of this designation is to encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Secondary recommended land uses include public and institutional uses, office and retail along thoroughfares and recreational amenities.

The applicant is requesting to add additional uses to the existing C-2 CZD, Secondary Business Conditional Zoning District which include Automotive Paint and Body Work as well as all permitted uses in the C-2 Secondary Business zoning district. The proposed additional uses aligns with the Comprehensive Plan's Land Use & Development Chapter as the subject property is located near the intersection of Spartanburg Highway and Old Spartanburg Road and is located within close proximity to downtown.

Goal LU-7.

High-Intensity Neighborhood.

Encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.

Strategy LU-7.1.

Locations:

- o Neighborhoods near Downtown, excluding historic neighborhoods

Strategy LU-7.2.

Primary recommended land uses:

- Single-family attached and multi-family residential
- Planned Residential Developments
- Open space

Strategy LU-7.3.

Secondary recommended land uses:

- Public and institutional uses
- Offices and retail along thoroughfares
- Recreational amenities

Strategy LU-7.4.

Development guidelines:

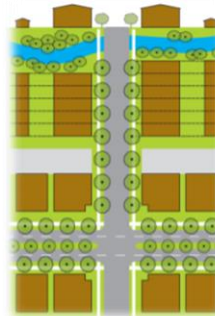
- Eight or more units per gross acre
- Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers
- At least 60% open space in new residential developments greater than three acres
- Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as **High Intensity Neighborhood** on the 2030 Comprehensive Plan's Future Land Use Map (FLUM).

The *FLUM* designates all adjacent parcels as **High Intensity Neighborhood**.

The most relevant goals of the **High Intensity Neighborhood** classification are outlined on this page.



High-Intensity Neighborhood



Example of High-Intensity Neighborhood development

REQUESTED USES:

Applicant requests to add Automotive Paint and Body Work, which is a Special Use in C-2, and the following permitted uses in C-2 CZD, Secondary Business Zoning District Classification:

Accessory uses & structures

Animal hospitals & clinics so long as the use contains no outdoor kennels

Automobile car washes

Automobile sales & service establishments

Banks and other financial institutions

Bed & breakfast facilities

Cultural arts buildings

Dance and fitness facilities

Dry cleaning and laundry establishments containing less than 6,000 ft² square feet of floor area

Farm equipment sales & service

Funeral homes

Laundries, coin-operated

Microbreweries, subject to special requirements Supplementary Standards contained in Section 16-4, below

Mobile food vendors, subject to special requirements Supplementary Standards contained in Section 16-4, below

Music and art studios

Neighborhood community centers

Newspaper offices and printing establishments

Offices, business, professional and public

Parking lots and parking garages

Parks

Progressive care facilities subject to special requirements Supplementary Standards contained in Section 16-4, below

Restaurants

Retail stores

Schools, post-secondary, business, technical and vocational

Schools, primary & secondary

Signs, subject to the provisions of Article XIII

Theaters, indoor

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

Zoning Compliance:

Based on the review by staff, the submitted site plan for this project appears to be generally compliant with the Zoning Ordinance standards established in Article 11-4 of the City Zoning Ordinance.

Staff finds that the application/proposed site plan is in keeping with the standards established for CZD zoning map amendments outlined in Section 11-4 of the zoning ordinance. No changes to the previously approved site plan are proposed.

Final zoning ordinance compliance will be established at the time of the final site plan review and approval.

Comprehensive Plan Consistency:

Staff feels that the request for additional uses of Automotive Paint & Body Work and the permitted uses in C-2 Secondary Business Zoning District is in alignment with Strategy LU 1.1 of Chapter 8 in the Comprehensive Plan. This strategy states, “Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a.”

ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following factors are to be included in decision making process:

Compatibility with Surrounding Uses

- The proposed amendment is compatible with the surrounding and existing uses. The applicant is requesting to add additional uses to an existing office building.

Changed Conditions

- The proposed added uses are in alignment with goals and strategies of the Comprehensive Plan. The applicant is requesting to add the use of Automotive Paint & Body Work as well as the permitted uses in the C-2 Secondary Business Zoning District in order to offer additional services to an existing office building.

Public Interest

- The proposed amendment results in a logical and orderly development pattern of the area.

Public Facilities

- The public utilities will not be burdened by this development.

Effect on the Natural Environment

- A site plan for the subject property was previously approved by City Council on April 2, 2020. No changes to the previously approved site plan are being proposed.

PROPOSED CONDITIONS:

Staff does not have any proposed conditions for this development.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on November 23, 2021. There were only two pre-submitted comments and no in-person participants or online participants via Zoom in attendance. The following are the two pre-submitted comments:

1. *Janice Parker -508 Glover Street, Hendersonville, North Carolina 28792*

This is a reasonable request and he will be providing services that will benefit the public. The man should be able to market these improvements to his property.

2. *William McClure - 613 Substation St, Hendersonville, North Carolina 28792*

I have two concerns. 1. Proposed business would turn in to a salvage vehicle lot with numerous vehicles waiting to be repaired. Location is in a direct line from my back deck. 2. Very concerned that a request to open the remainder of E. Central Street would cause us to lose a large portion of what has been usable land for many years. Plus it would destroy all parking and access to our neighbor's home in addition to a constant flow of vehicles in and out day and night. A privacy fence might prevent traffic from entering our property, but would not preserve the neighbor's entrance and parking space or hide the vehicles from view of our deck. Sincerely, William & Carole McClure

PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

- Discussion was made about the full list of the C-2 uses. Ms. Hunt stated anything incompatible was left off the list. The permitted uses will be for just this property and not for any other C-2 zoned property.
- Billy Pace, applicant, stated this is just for this specific property. He wants to put a business in his existing building. This is an established business that is downsizing. They sold their current business to a franchise. Mr. pace stated he is back because the uses need to be better defined.
- There were no questions for Mr. Pace.
- No one had any public comment via Zoom or in the room.
- Chair closed the public comment.

Planning Board Motion

Mr. Brown moved the Planning Board recommend City Council approve the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-24-9710) from C-2 CZD (Secondary Business Conditional Zoning District) to C-2 CZD (Secondary Commercial Zoning District) based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Johnson seconded the motion which passed unanimously.

Attachments in the Packet:

1. Staff Report
2. Full Size Site plan
3. Ordinance
4. Proposed Zoning Map
5. NCM Minutes
6. Planning Board Minutes
7. Application

List of Permitted Uses in C-2 Secondary Business Zoning District Classification (5-7-1)

Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below

Accessory uses & structures

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Animal hospitals & clinics so long as the use contains no outdoor kennels

Automobile car washes

City of Hendersonville Zoning Ordinance 26 Amended Through 09-21-2021

Automobile sales & service establishments

Banks and other financial institutions

Bed & breakfast facilities

Business services

Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below

Construction trades facilities so long as the storage of equipment and materials is screened from view from public rights-of-way

Convenience stores with or without gasoline sales

Cultural arts buildings

Dance and fitness facilities

Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area

Farm equipment sales & service

Food pantries, subject to the Supplementary Standards contained in Section 16-4, below

Funeral homes

Golf driving ranges & par three golf courses

Greenhouses & nurseries, commercial

Home occupations

Hotels and motels

Laundries, coin-operated

Microbreweries, subject to Supplementary Standards contained in Section 16-4, below

Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below

Music and art studios

Neighborhood community centers

Newspaper offices and printing establishments

Nursing homes subject to Supplementary Standards contained in Section 16-4, below

Offices, business, professional and public

Parking lots and parking garages

Parks

Personal services

Planned residential developments (minor), subject to the requirements of Article VII, below

Progressive care facilities subject to Supplementary Standards contained in Section 16-4, below

Public & semi-public buildings

Recreational facilities, indoors

Recreational facilities, outdoors, commercial

Religious institutions
Repair services, miscellaneous
Residential care facilities
Residential dwellings, single-family
Residential dwellings, two-family
Residential dwellings, multi-family, subject to Supplementary Standards contained in Section 16-4, below
Rest Homes, subject to Supplementary Standards contained in Section 16-4, below
Restaurants
Retail stores
Schools, post-secondary, business, technical and vocational
Schools, primary & secondary
Service stations
Signs, subject to the provisions of Article XIII
Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below
Theaters, indoor
Wholesale businesses

Special Uses (5-7-2):

Animal kennels
Automotive paint and body work
Bus stations
Child care centers
Civic clubs & fraternal organizations
Light manufacturing
Private clubs
Public utility facilities