

0 South Allen Road (PIN 9588-22-1126) **Zoning Map Text Amendment/** **Rezoning** **(P21-60-RZO)**

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

Applicant: *Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming*

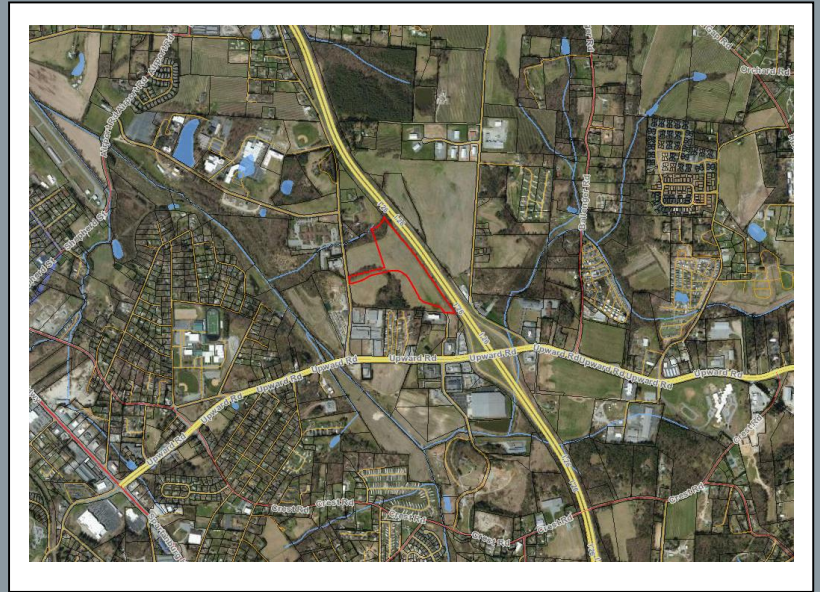
Property Owner: *Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming*

Property Address: 0 South Allen Road

Project Acreage: 17.13 Acres

Parcel Identification Number(s): 9588-22-1126

Current Parcel Zoning: Henderson County Office Institutional



SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

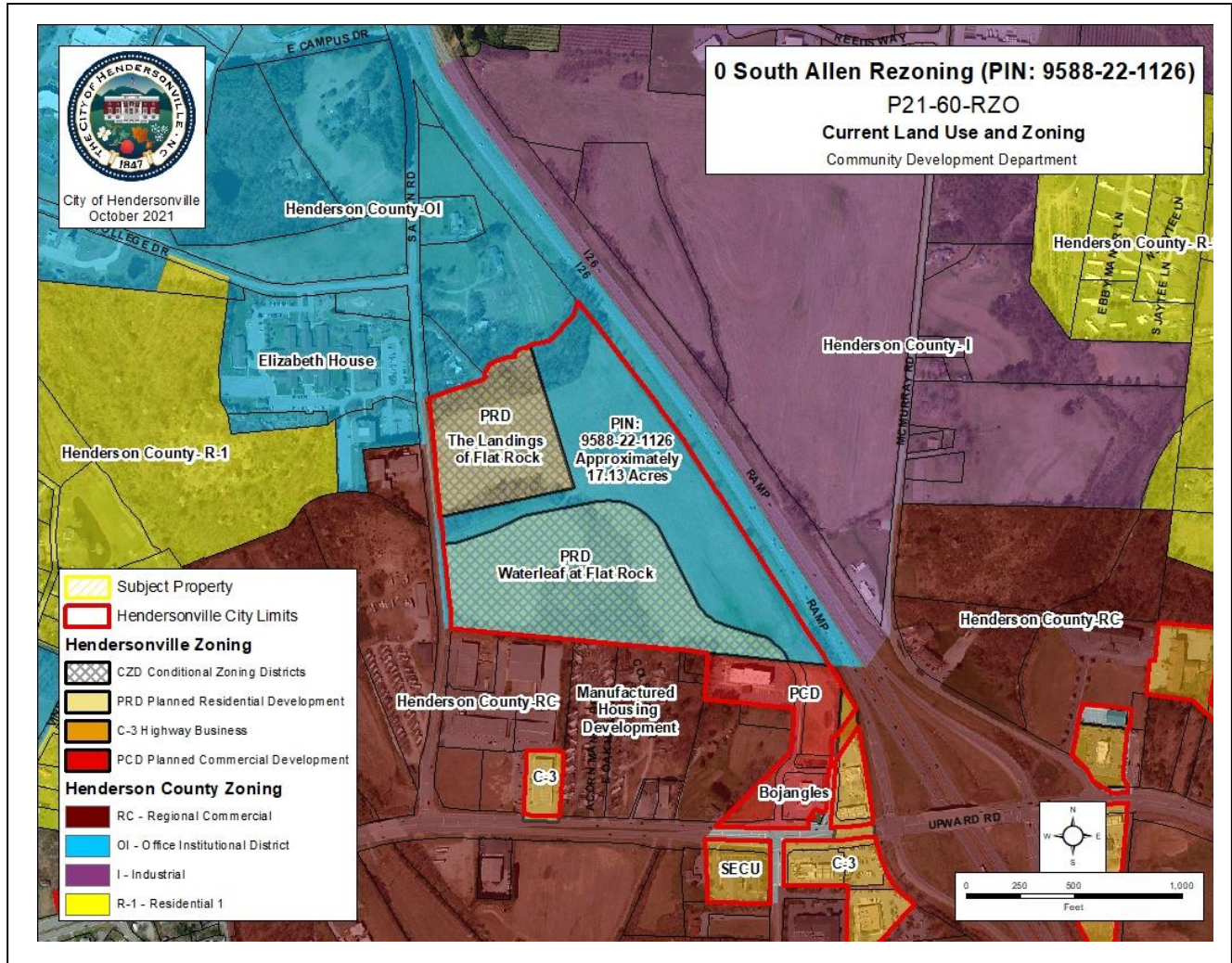
The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming (property owners). The applicants are requesting initial zoning from the City of Hendersonville for C-3, Highway Business District. The subject property, PIN 9588-22-1126 is located on S. Allen Road. The subject property is approximately 17.13 acres.

This property was annexed into the City of Hendersonville on September 2nd, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it.

The applicant is requesting that the parcel be zoned C-3 Highway Business.

Staff's analysis and a comparison between CHMU and C-3 can be found later in the staff report.

PROJECT SUMMARY - CONTINUED



To the east, the subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock and Waterleaf at Flat Rock. The Landings of Flat Rock is a proposed development for a 153-bed facility with a mix of assisted living and independent living for seniors. The Waterleaf at Flat Rock is a proposed 263-unit apartment complex. Both of these projects establish the transitioning intensity from commercial uses along Upward Rd to multi-family extending up S. Allen Rd. The subject property and parcels to the north are zoned Henderson County Office Institutional and Henderson County Industrial. To the east, the parcel is bordered by I-26 providing the site with significant visibility from the interstate. Parcels to the east on the opposite side of I-26 are zoned Henderson County Industrial. To the south, parcels around the interchange of Upward Rd and I-26 are zoned Henderson County Regional Commercial, City of Hendersonville C-3 Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as Holiday Inn Express, Bojangles, and State Employees Credit Union.

SITE CONDITIONS – SITE IMAGES



Facing North – View of tree line found along northern portion of the subject property

SITE CONDITIONS – SITE IMAGES



Facing South – I-26 to the east with Holiday Inn Express along Upward Crossing Rd visible to the south.

AERIAL PHOTOS

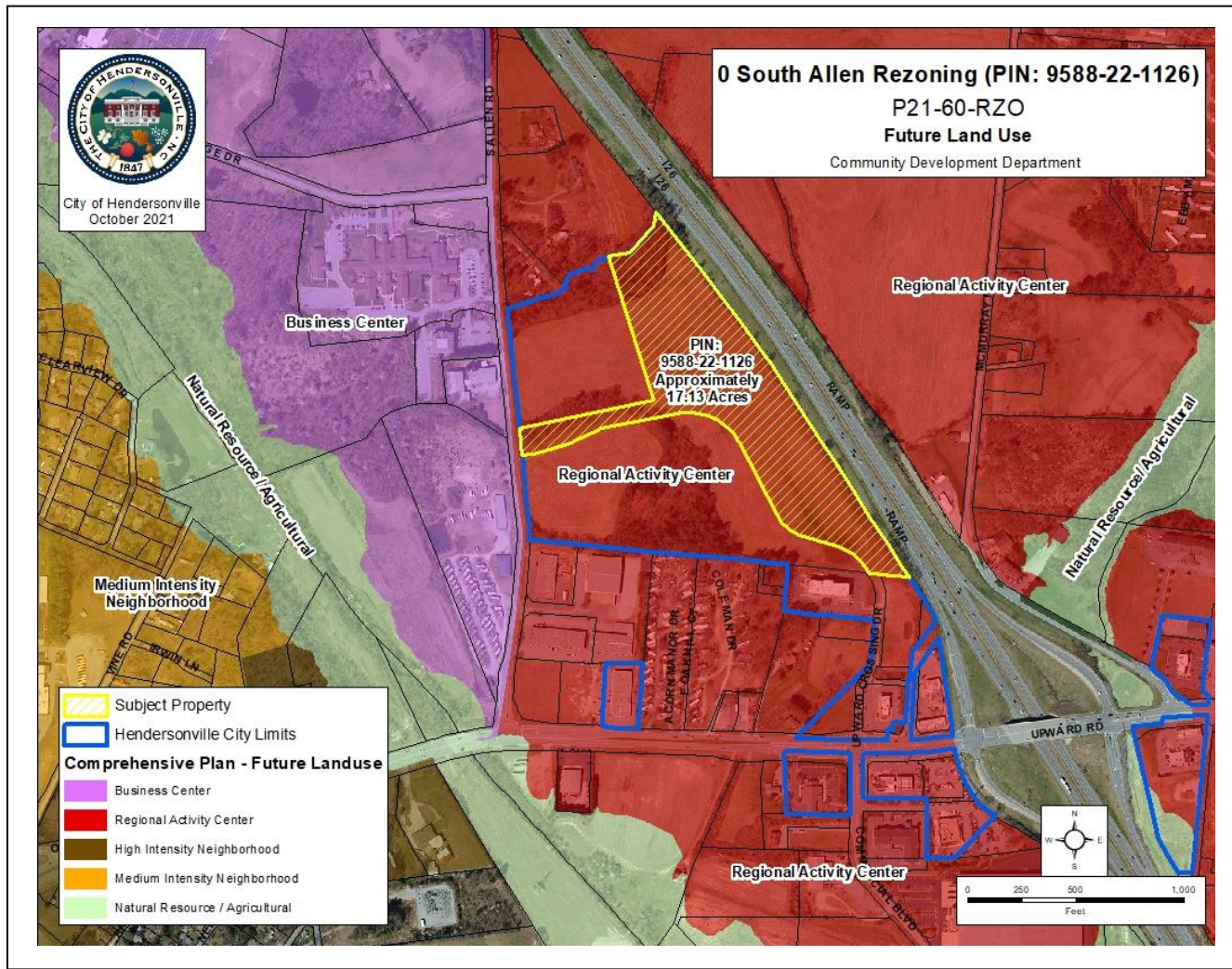
View from the north



View from the South



REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels located to the north, east and south are also designated Regional Activity Center. This future land use designation is specifically concentrated in this area due to its proximity to I-26 and is intended to for community & regional retail sales and services, restaurants, multi-family residential and offices.

The parcels to the west of S. Allen Rd are designated as Business Center. This land use designation, which calls for employment centers developed in a campus-like environment, is present at this location due to the large undeveloped tracts in close proximity to I-26, the existing presence of Blue Ridge Community College, and the fact that it is naturally buffered from existing residential uses by the floodplain of Bat Fork Creek.

Goal LU-9.

Regional Activity Center: Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.

Strategy LU-9.1.

Locations:

- Commercial areas surrounding the US-64/I-26 and Upward Road/I-26 interchanges

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

Strategy LU-9.4.

Development guidelines:

- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures
- Provision of pedestrian connections to parking and other buildings and properties



Example of a Regional Activity Center

REZONING CRITERIA:

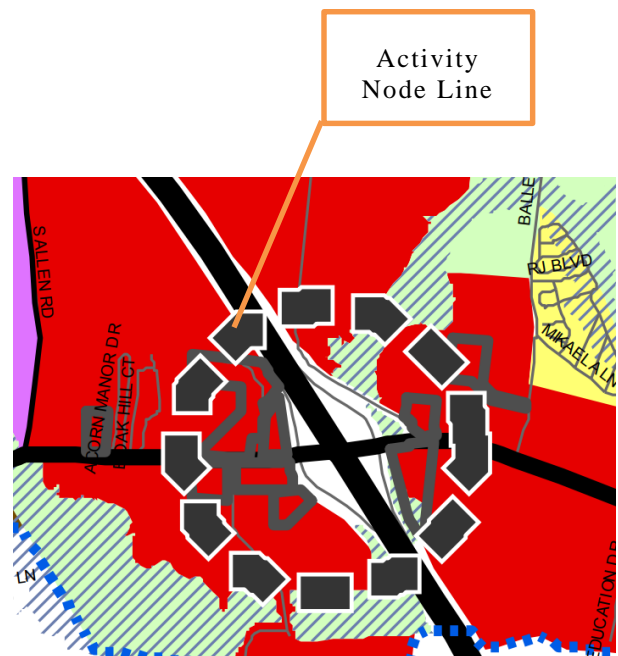
COMPREHENSIVE PLAN CONSISTENCY

The subject area is designated Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map.




Activity Nodes:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
- Location of all parking to the side or rear of buildings or in a garage encouraged
- Improved pedestrian connections to surrounding neighborhoods









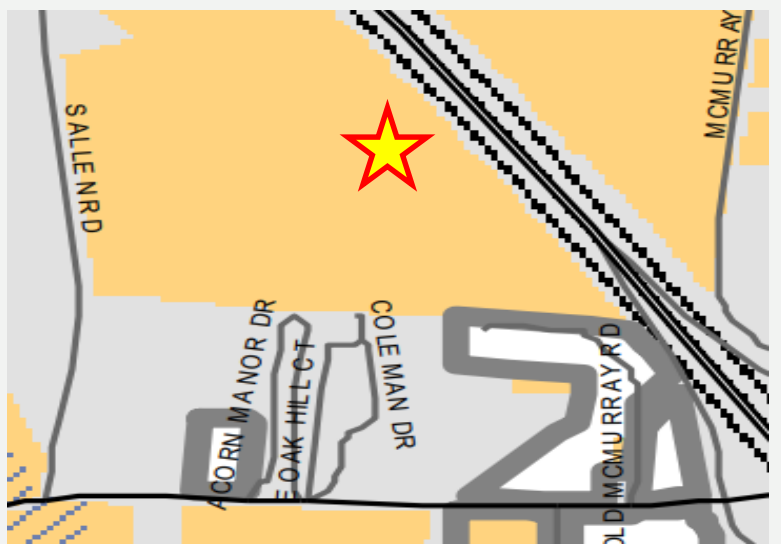
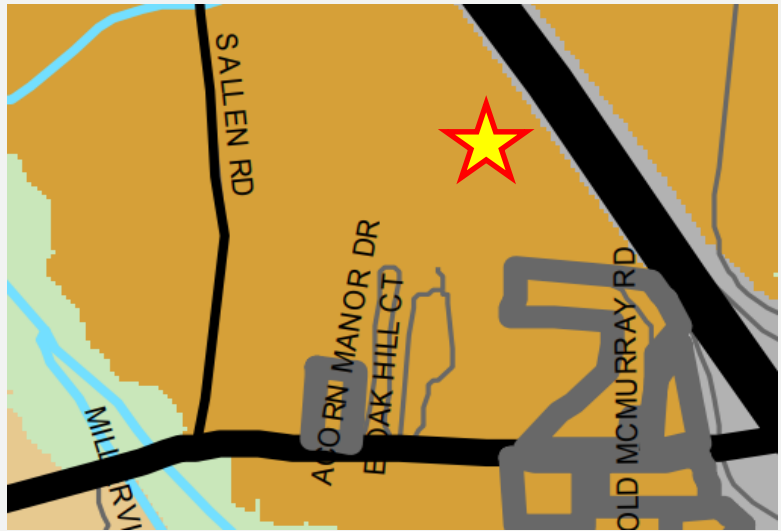
Growth Management Priority Growth Areas (orange):

Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services

 Development Opportunities
(includes vacant land, agricultural land, and single-family residential properties greater than five acres)

Road Designations

-  Freeway
-  Boulevard
-  Major Thoroughfare
-  Minor Thoroughfare
-  Proposed Improvement
-  Local Street



STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

ZONING COMPLIANCE:

The C-3, Highway Business District, has been proposed by the applicant. This zoning district is specifically designed to accommodate local and pass-through automobile trips to a wide range of commercial uses such as: Car Washes, Car Dealerships, Body Shops, Gas Stations, Driving Ranges, Hotels & Motels, Personal Service, Retail Stores, Wholesale Businesses, and Single-family / Two-family residential uses. A full list of permitted uses is provided in the appendix along with a comparison of uses found in the CHMU, Commercial Highway Mixed Use District.

In 2010 Henderson County Board of Commissioners voted against the City of Hendersonville extending its Extraterritorial Jurisdiction (ETJ) into the Upward Road Corridor. Although the extension of the ETJ was turned down, the City maintained a goal to manage the growth pattern in this area due to anticipated development pressures and subsequent requests for sewer connections. City Manager Ferguson gave City Council several options to consider at their meeting on December 2, 2010.

Those options were:

- 1) Conditioning sewer and/ or water extensions on voluntary compliance with the City's plans for quality land development,
- 2) Influencing Henderson County land use decisions by adopting a resolution urging Henderson County to enact certain regulations and providing input to various processes as the corridor develops, and
- 3) Adopting a new zoning district: the Commercial Highway Mixed Use Zoning District - which may be applied to those properties that are annexed and which may be applicable in other areas of the City.

After discussion, the City Council agreed by majority consensus to direct the staff and the Planning Board to continue developing the Commercial Highway Mixed Use (CHMU) zoning district classification in compliance with the Henderson County Land Development Plan and to examine the utility extension agreement and make provisions for property owners requesting sewer service to meet the City's requirements for that area.

On March 3rd, 2011, City Planning Staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections. She explained the new zoning classification was closely modeled after the Highway Mixed Use zoning district which includes design standards for buildings and development sites. It was reported that the Planning Board voted unanimously to recommend that City Council adopt the ordinance enacting a new CHMU Zoning District Classification.

Mayor Pro Tern Collis moved City Council to adopt an ordinance enacting a new Section 5-27 Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance. A unanimous vote of the Council followed. Motion carried.

Additionally, City Council created the Upward Road Planning District in line with the City's sewer extension policy. A map of the Upward Road Planning District is attached in your packet. The subject property is within the Upward Road Planning District. The Upward Road Planning District is a direct reflection of the proposed ETJ expansion that was turned down by the Henderson County Board of Commissioners.

C-3 and CHMU Permitted Uses Comparison Table

Use Type	Allowed in Both	Allowed in C-3 Only	Allowed in CHMU Only
Permitted Uses	47	11	13
Special Uses	2	5	0

*A full list of use comparisons is included in the packet.

One of the largest differences between the two districts is that CHMU permits for Multi-Family residential uses by-right, while C-3 does not permit high density residential uses. Given that this property is designated for mixed use development in the comprehensive plan, the ability to allow for multi-family condominiums or apartments as part of a mixed-use development is important to consider and offers flexibility to current and future property owners.

The other, most critical, difference between the C-3 and CHMU is the design standards that are included in the Commercial Highway Mix Use District. C-3 does not have any type of design or architectural standards, only conventional dimensional standards. These generally result in buildings setback far from the road with large parking lots between the street and the building.

Some of the design standards that are included in CHMU are:

- Building Orientation
- Building Façade Details
- Building Scale
- Building Materials
- Building Offsets

This is not an exhaustive list of the design requirements in CHMU; but provides a sample of the type of architectural considerations that are addressed.

COMPREHENSIVE PLAN CONSISTENCY:

The property is designated as Regional Activity Center on the City’s Future Land Use map. The goal of this designation is to “Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.” Both C-3 and CHMU provide the framework to allow this parcel to meet the large-scale retail needs of Hendersonville residents. However, where the two differ is in regard to “mixed-use, walkable design”. C-3 does not permit mixed-use development due to multi-family not being a permitted use. CHMU allows multi-family by right – thus providing the opportunity to incorporate residential uses with commercial uses and achieving the vision for the Regional Activity Center. Additionally, the standards to encourage walkable design are integrated into the CHMU district design standards while C-3 has no design standards.

Furthermore, one of the development guidelines for the Regional Activity Center future land use designation is the “Mitigation of bulk of large buildings through façade detailing and window coverage”. This strategic vision is directly addressed in the CHMU district design standards by requiring additional requirements for windows and building façade.

Some of these standards include:

- Front, rear and side façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15% of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.
- Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

The subject property appears to be partially in an activity node. In the Comprehensive Plan Activity Nodes are areas of emphasis and additional regulations due to their visibility and future importance. A portion of this parcel is included in an activity node and the remainder is adjacent to the node. The additional standards are important to this parcel due to its high visibility from Interstate 26 and developability in the future. The additional standards for activity nodes are:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
 - Mixed Use Residential Development
 - C-3: No
 - CHMU: Yes
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
 - Setbacks:
 - C-3:
 - 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)
 - Side: 15
 - Rear: 20
 - CHMU (for multi-family with commercial on 1st floor):
 - Front: 10 feet
 - Sides: 15 feet plus 5 feet for each floor above 2.
 - Rear: 15 feet plus 5 feet for each floor above 2.
- Location of all parking to the side or rear of buildings or in a garage encouraged
 - Parking Requirements
 - C-3: None
 - CHMU (for multi-family with commercial on 1st floor):
 - Off-street parking shall be located in the rear or side yard only and shall be screened from view from public roadways. On-street parking is encouraged for private streets and drives.
- Improved pedestrian connections to surrounding neighborhoods
 - Common open space

- C-3: Common open space for non-residential developments shall be used for landscaping, lawns, screening or buffering. It may not contain any streets, parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities and meeting areas. Sidewalks would be required along property frontages.
- CHMU: Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects. Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces. Sidewalks would be required along property frontages.

CRITERIA FOR ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following criteria are to be considered as part of the decision-making process. Bullet points under each factor provides general information as well a comparison between the C-3 and CHMU zoning districts.

Compatibility with Surrounding Uses

- The subject property abuts two recently approved Planned Residential Developments. One of the developments is a Congregate care facility (The Landings of Flat Rock) and the other PRD is a multi-family development (Waterleaf at Flat Rock). The summary details for these projects are found under the current land use map above. There is also a small portion of an existing Planned Commercial Development to the south of this property.
- C-3: Given the proximity to and visibility from I-26, intense highway commercial uses are likely to want to locate on the subject property. However, the subject property is not directly adjacent to a major thoroughfare and given the recent approval of residential uses adjacent to this site, the intensity of development afforded by the C-3 would be incompatible with the surrounding land uses.
- CHMU: Staff believes that CHMU provides standards that provide greater assurances that a commercial or mixed-use development will be compatible with surrounding commercial and residential uses.

Changed Conditions

- The City is zoning this property since it was annexed into the City on September 2nd, 2021.
- The most apparent change in conditions in this area is the two recent rezonings mentioned previously along with the extension of sewer and associated increase in traffic that will be a result of these approved developments.
- C-3: How the C-3 zoning district would relate to these recent changes in conditions is

covered in the previous section.

- CHMU: How the CHMU zoning district would better relate to these recent change in conditions is covered in the previous section.

Public Interest

- C-3: This zoning district is in the public interest because it affords the development of commercial uses which have higher rates of tax revenue.
- CHMU: This zoning district classification is equally in the public interest due to potential tax revenue, however it furthers the public interest because it provides an opportunity for commercial or mixed-use development that will be visually appealing from I-26 and it will better foster development along the Upward Road Corridor. Additionally, the development standards related to walkability are also in the public interest.

Public Facilities

- The property is already annexed into the city and will receive City services. Water and sewer will be extended to this property as a part of the two approved PRDs.
- C-3: Provision of city services will be identical regardless of zoning classification, as is the case for all properties within the city limits.
- CHMU: Provision of city services will be identical regardless of zoning classification, as is the case for all properties within the city limits.

Effect on the Natural Environment

- The lot is already mostly cleared and used for agricultural purposes. Depending on land disturbance on the site, stormwater control measures may be required for future development.
- C-3: There is no anticipated difference in impact to the natural environment associated with development of the site other than the potential impact of more automobile-centric design that could diminish opportunities for walking/biking trips to and within the site.
- CHMU: There is no anticipated difference in impact to the natural environment associated with development of the site other than the potential impact of a more walkable design that could increase opportunities for walking/biking trips to and within the site.

Staff Conclusion

Due to a number of factors, including previous Planning Board and Council action, Comprehensive Plan Consistency, compatibility with surrounding land uses and public interest, staff has concluded that CHMU is the most appropriate zoning district to ensure compatibility with current/proposed land uses and to facilitate quality future development

PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

- Mr. Hanley stated if they are going to sale it, they will be looking for the biggest, widest window and who knows what the new owner will do with the property. Mr. Manley stated if the project is less than 50,000 sq. ft. it will not come before this Board for a CZD. They could possibly do the project by right and not have to come back to the Planning Board. Getting this done correctly with the right uses makes it very important that they get the zoning done right today.
- Mr. Lastein stated they had to annex and then have 60 days for the City to rezone it. He wants what is best for the landowner and with 2,000 feet on the interstate side they feel that C-3, Highway Business is their best option. Mr. Blatt stated it could be used for commercial or residential. Mr. Morrow stated C-3 does not allow multi-family. It only allows single and two family. Mr. Blatt stated he feels like C-3 is reasonable given the 2,000 feet on the interstate side.
- Mr. Blatt asked if the developer of the two approved projects is the same. Mr. Lastein stated no, they are two new owners of both of those projects. Mr. Blatt asked if he has a statement from those folks concerning this project. Mr. Lastein stated no, he does not.

Planning Board Motion

Ms. Peacock moved the Planning Board recommend City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons: The rezoning is not consistent with the Comprehensive Plan. The rezoning is not compatible with the surrounding uses. The rezoning is not in the public interest because: There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. The rezoning will have a detrimental impact on the natural environment.

I further move that the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons: That the zoning 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. Brown seconded the motion which passed unanimously.