

**V(B) Zoning Map Amendment – Application for a standard rezoning from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Carmenzind and Joan C. Fleming (property owners), for PIN 9588-22-1126 and located at 0 South Allen Road.** Mr. Morrow gave the following background:

The initial zoning application is for a standard rezoning of PIN 9588-22-1126. The property is currently zoned Henderson County Office Institutional (OI). The property was annexed into the City of Hendersonville on September 2, 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 proposing the property to be rezoned to C-3, Highway Business. Staff has a different zoning suggestion. The property is 17.13 acres. This is a standard rezoning, and no use is tied to it other than what is permitted by right.

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 Road 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 the Holiday Inn Express, Bojangles and State Employees Credit Union. The subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock which is a proposed development consisting of a 153-bed facility with a mix of assisted living and independent living for seniors and Waterleaf at Flat Rock which is a proposed 263-unit apartment complex. Parcels to the west consist of a business center and are naturally buffered from the residential uses by the Floodplain.

Site conditions and aerial photos were shown.

The 2030 Comprehensive Plan's Future Land Use map designates this parcel as Regional Activity Center. The goal for Regional Activity Center is to meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use walkable design through redevelopment and infill projects.

Staff recommends that this parcel not be zoned C-3, Highway Business. Staff recommends that this parcel be zoned CHMU, Commercial Highway Mixed Use for the following reasons: Previous Planning Board and City Council action, Comprehensive Plan Consistency and Compatibility with surrounding land uses. Commercial Highway Mixed Use was created for parcels along the Upward Road Corridor that annexed into the City of Hendersonville for sewer connections. The C-3 Zoning District has no design standards but the CHMU Zoning District does have design standards.

Activity Nodes in the Comp Plan encourages multi-family 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. The CHMU zoning meets most of the goals for this.

Existing conditions of the property were shown. The property is vacant and has been used as agricultural.

In 2010 County Commissioner's declined the City's request to extend the ETJ out Upward Road. On December 2, 2010, City Council directed staff to create a new zoning district for Upward Road. On March 3, 2011 staff created the CHMU zoning district. The Planning Board voted unanimously to create the CHMU zoning district.

The Upward Road Planning District was shown in light gray on a map. This planning district mirrors what the ETJ should be in this area.

Mr. Morrow compared the C-3, Highway Business and CHMU, Commercial Highway Mixed Use Zoning Districts. C-3 zoning has 11 permitted uses, 5 special uses and the key differences are no design standards and some more intense commercial uses. CHMU zoning has 13 permitted uses and no special uses. The key differences are design standards and multi-family, and light manufacturing are allowed. Multi-family and light manufacturing are permitted by right in CHMU district.

Mr. Blatt asked staff to address outdoor storage. Mr. Morrow stated outdoor storage has its own section in the zoning ordinance. Mr. Blatt asked what the difference in the two districts would be. Mr. Morrow stated outdoor storage is permitted in C-3 but not permitted in CHMU.

Mr. Morrow stated rarely is a parcel annexed before it is zoned. Staff thought the CHMU zoning would be a better fit given the closeness to multi-family in the area.

Ms. Peacock asked if there is a downside to leaving it un-zoned. Mr. Morrow stated the City has 60 days to rezone it. Ms. Peacock asked if it hurt anything to leave it un-zoned. Mr. Morrow stated they cannot use it for anything if left un-zoned. It would have to be zoned before the property could be used. Mr. Manley stated they need to move forward on the zoning of this property.

Chair asked if there were any questions for staff. There were no further questions for staff.

Kelton Lastein, representative for the applicant, 275 S. Church Street, Spartanburg SC stated he has worked on this property for five years now. In 2020 the assisted living facility was approved and then the multi-family development was approved. He has worked with brokers and they have all intention of meeting the needs of the community on this project. He would like to have retail uses to better meet the needs of Dana and the south end community. He sat down with the planning guys and he is representing the landowner when he says he feels that it is unfair to have design standards thrown on them. The project coming to this site has been hand-picked and the best security they have is his word that this will fit into the community.

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.

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.

Chair stated it is unfair to impose design standards but the CHMU zoning was specifically designed for the Upward Road area, yet he does find imposing design standards unfair.

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.

Ms. Cromar asked about Mr. Lastein working on this for five years and him stating something about the Planning Department. Chair stated this was only annexed in September and both of the previous projects have been approved. Mr. Blatt stated he wished Mr. Lastein had the blessing of his neighbors. The Planning Department doesn't have their blessing either. He is sympathetic to the location being so close to the interstate. He sees things permitted in the CHMU district that is scary to him, such as light manufacturing.

Chair asked if there were any further questions for the applicant. There were no further questions.

Chair opened the public comment time for anyone in the room or on zoom.

Ken Fitch (zoom), 1046 Patton Street stated if this development is permitted by right, they will not know the density or the use and this could affect traffic in a major way. Chair stated over 50,000 sq. ft. would trigger a CZD but anything under 50,000 sq. ft. would be staff review and approval. He also stated the CHMU zoning district was established for this particular area.

Mr. Manley stated the City has the authority to zone any property. The general public can petition to have a property rezoned but the City has the authority to rezone it. They have to refer to the Comp Plan and they had the blessing of City Council when moving forward with creating the CHMU zoning district for this area.

Chair asked if C-3 was not compatible with the Comp Plan. Mr. Manley stated no, it does not meet the Comp Plan requirements for Activity Node or the design standards under Activity Node. It does meet the requirements however for the CHMU zoning district.

Traffic was also another concern. Ms. Cromar stated the CHMU district would promote a more walkable area and she feels it is more compatible.

Mr. Brown stated there are people living in this area and it is not just interstate frontage they have to consider.

Mr. Morrow stated the application is for the property to be zoned C-3. There is an approval for that in the suggested motions. There is also a denial motion which includes an approval recommendation for the CHMU zoning.

***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.***

*Chair asked that the motion be amended to use the word rezoning instead of development. Ms. Peacock amended the motion.*