



PLANNING BOARD RECOMMENDATION  
2620 CHIMNEY ROCK ROAD REZONING (25-14-RZO)  
MEETING DATE: APRIL 10<sup>TH</sup>, 2024

PETITION REQUEST: 2620 Chimney Rock Road-Standard Rezoning- PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use

APPLICANT/PETITIONER: Nehemias Lopez & Rosalva Gomez [Applicants and Owners of 2620 Chimney Rock Road]  
City of Hendersonville [Applicant]

**PLANNING BOARD ACTION SUMMARY:**

The Planning Board voted 7-0 to recommend **approval** of this petition and adopted the following motion:

**PLANNING BOARD MOTION:**

Mr. Johnson moved 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: 9670-70-6498) from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use as requested in the zoning map amendment application.

He further moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of PINs 9670-70-8607 and 9670-70-8864 from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use so that no unconstructable residual parcels of the White Pine Villas Development remain, based on the following:

1. 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:

1. 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.

2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

1. The proposed map amendment seeks to return the parcels to their previous base zoning.

2. 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.

## OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES:

The Planning Board convened on this project for **16 minutes.**

Chair asked if all three parcels were under the same ownership. Mr. Morrow stated no, the other two properties are owned by separate entities. Chair asked if they were notified. Mr. Morrow stated they were notified of the rezoning.

Mr. Johnson was concerned about losing these properties for housing and asked if HMU would allow some type of housing. Mr. Morrow stated HMU does allow for housing as well. It allows for single, two-family and multi-family. There would not be a loss in housing but it does increase the other uses they could do in conjunction with housing. Right now the property can only be used for the approved site plan and multi-family. If rezoned this would open it back up to other uses but also multi-family as well.

Chair stated he felt like concerning these properties that are zoned PRD CZD, they should have some language where it reverts back if it doesn't get developed within a certain period of time. This has happened several times where things don't get funded and they don't get built. He thinks after a certain period of time and he does not know what that timeframe is but things should revert back to what they were rather than going through this process of rezoning it back. Mr. Holloway stated they could have a timeline in which staff brings them back but he does not think you can just revert. Whatever process is used to rezone it in the first place you have to go through that process to rezone again. It would be a rezoning and would be required to go through the rezoning steps. Once the property is zoned CZD to change that you have to go through the same series of steps. Staff can look at what the timelines would be. Chair asked about having a condition at the time of approval where it would revert back if the project does not get funded. Ms. Beeker, City Attorney stated it would still have to go back through the process to make a determination at the time as far as what the best zoning is for it. Something could have changed in that interim and she thinks it has to be looked at every time. You also have to work in conjunction with the property owners. She stated the plan is good for two years once it gets approved but right now the legislature has extended that automatically because of Helene and anyone that has a plan that was valid in the last year has been extended out (she wasn't sure of the length of time it was extended to). She stated they cannot down zone right now.

## PUBLIC COMMENTS:

None

## BOARD ACTION:

Motion:

- Bob Johnson

Second:

- Donna Waters

Yeas:

- Tamara Peacock (Vice-Chair), Donna Waters, Kyle Gilgis, Jim Robertson (Chair), Bob Johnson, David McKinley, Laura Flores

Nays:

- None

Absent: Peter Hanley, Mark Russell

Recused: None