

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9578-39-5229 & 9579-11-841 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT-CONDITIONAL ZONING DISTRICT) TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9578-39-5229 & 9579-11-841– 240 Wilmont Dr (Washburn Tract Development) - (File # P22-19-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant Mike Washburn for the development of 300 Apartments and 160 detached single-family homes on approximately 162.1 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on June 2, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-39-5229 & 9579-11-841 from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Single-Family
 - ii. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:

City-Initiated:

 - i. The development shall be consistent with the preliminary site plan as submitted, [or as modified and presented].
 - ii. Provide two-lane access (45' ROW) at southeastern end of development (currently shown as 20' emergency access / exit-only); and
 - iii. Provide for Mitigation as called for in TIA review and noted in staff report; and
 - iv. Dedicate right-of-way along frontage on Tracy Grove Rd; and
 - v. Provide details related to the provision of a Conservation Easement and/or Dedication of land to Conserving Carolina including commitment from Conserving Carolina as a note on the site plan; and
 - vi. Provide details related to developer proposed restoration of on-site wetlands, delineating areas proposed for restoration on the site plan; and
 - vii. Enhance the Stormwater run-off system to treat and retain, at a minimum a 25-year event. Treatment and retention are currently required for a 10-year event.; and
 - viii. Utilize Low Impact Development practices through incorporation of bioretention ponds to retain and treat on-site stormwater (NR-3.2); and
 - ix. Provide and implement a vegetative planting plan developed by a landscape architect and approved by staff to vegetate between all built areas/impervious surfaces and the entire required buffer line along the wetland with diverse and appropriate species of native upland and wetland trees, native shrubs and other native perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) to enhance wildlife habitat, increase tree canopy, assist in stormwater filtering of pollution from built areas and slow down and infiltrate stormwater runoff from the site. No turf grasses can be used in this area and invasive plants (as listed in the city's Recommended Landscape Species List for Street Trees and Land Development Projects) must be removed; and

- x. Protect the trees that they have proposed to save in accordance with Section 15-4 Existing Vegetation of the Zoning Ordinance; and
- xi. The developer should eliminate the proposed parking spaces at the apartment complex site where mature trees exist; and;
- xii. Implement a minimum 25-foot Type C Buffer without any walls, fences or berms (defined in Zoning Code Section 15-6 [c]) in all areas where the proposed apartments border R-15 residential zoned properties to increase tree canopy, wildlife habitat, and provide additional buffering for existing residential areas. Existing non-invasive trees and shrubs should remain and can contribute to this buffer; and
- xiii. Shift lots 7 and 8 to the common space area to preserve the mature Oak Trees where lots 7 and 8 are shown on the current site plan.

3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 7th, day of October 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant: <u>Mike Washburn</u>	Property Owner:_____
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title: _____	Title:_____
Date:_____	Date:_____
Property Owner:_____	Property Owner:_____
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title:_____	Title:_____
Date:_____	Date:_____