

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PARCEL IDENTIFICATION NUMBER 9588-20-6649 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO CHMU-CZD, COMMERCIAL HIGHWAY MIXED USE - CONDITIONAL ZONING DISTRICT**

IN RE: Parcel Number: 9588-20-6649 – (Upward Road Restaurant) - (File # P22-15-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Dennis Terry (Applicant) and Philip Wilson of NC Hendersonville Upward Road, LLC. (Owner) for the development of a 950 square foot drive-in/walk-up restaurant on approximately 0.75 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on May 9<sup>th</sup>, 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<sup>nd</sup>, 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 Number: 9588-20-6649 by changing the zoning designation from PCD, Planned Commercial Development to CHMU-CZD, Commercial Highway Mixed Use - 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. Restaurant
  - b. Conditions that shall be satisfied prior to final site plan approval include:
    - i. The development shall be consistent with the preliminary site plan and conditions listed therein as submitted and dated April 29, 2022 [or as modified and presented].
3. This ordinance shall 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 by the City Council of the City of Hendersonville, North Carolina on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

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Barbara G. Volk, Mayor, City of Hendersonville

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Angela L. Reece, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney

IN RE: Parcel Number: 9588-20-6649 – (Upward Road Restaurant) - (File # P22-15-CZD)

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

Applicant/Developer: Dennis Terry

Property Owner: NC Hendersonville Upward Road, LLC.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_