

**Minutes of the Planning Board
Regular Meeting - Electronic
April 13, 2023**

Members Present: Neil Brown, Barbara Cromar, Jim Robertson (Chair), Peter Hanley, Andrea Martin, Yolanda Robinson

Members Absent: Samantha Jamison, Tamara Peacock

Staff Present: Matthew Manley, Planning Manager, Lew Holloway, Community Development Director and Tyler Morrow, Planner II, Alexandra Hunt, Planner

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Brown moved to approve the agenda. The motion was seconded by Mr. Hanley and passed unanimously.***
- III Approval of Minutes for the meeting of March 9, 2023. *Chair made one correction to the minutes. Mr. Hanley moved to approve the Planning Board minutes of the meeting of March 9, 2023, with the added correction. The motion was seconded by Ms. Cromar and passed unanimously.***
- IV Old Business**
- V New Business**
- V(A) Standard Rezoning (Zoning Map Amendment) – 1208 Stanwood Lane – (P23-26-RZO).** Mr. Manley gave the following background:
- Mr. Manley stated the City of Hendersonville is in receipt of an application for a standard rezoning from Michael Murphy. Mr. Murphy is requesting to rezone the subject property (PIN 9568-51-8549) located at 1208 Stanwood Lane from R-15, Medium Density Residential to R-10. Medium Density Residential Zoning District. This property is currently in the ETJ and has been since 1975. The R-15 zoning is the predominant zoning district in this area.
- Mr. Manley explained the location and the properties surrounding. He discussed the differences between R-10 zoning and the R-15 zoning districts.
- The current zoning and Land Use Map was shown and discussed and is included in the presentation and the Staff Report.
- Site photos were shown and explained and are included in the Staff Report.
- The Future Land Use Map was discussed and is included in the presentation and the Staff Report.
- The Comprehensive Plan Consistency goals and strategies were discussed and are included in the Staff Report.
- General Rezoning Standards were discussed and are included in the Staff Report.

Rationale for approval was shown in the presentation, as well as rationale for denial. Mr. Manley stated an analysis for spot zoning was performed by staff and reviewed by the City Attorney. In short, it would technically meet the definition of spot zoning for reasons that were listed in the presentation. It was considered unlikely that this zoning would be considered invalidated by a court due to the criteria listed in the presentation.

Chair asked if there were any questions for staff.

Ms. Cromar asked about sidewalks if it gets developed. Mr. Manley stated they would need to do an analysis on that. Right now, you have to be a ½ mile within a public or government building for sidewalks to be required. They may be exempt from doing sidewalks on any development out there. Multi-family was discussed.

Chair discussed the part to be developed. Mr. Manley pointed out the Floodplain and stated only 10% of the Floodplain could be developed. This being a smaller parcel it would not be feasible but in theory they could develop it.

Discussion was made on Drake Street and if it was a public road. Mr. Manley assumed it was a NCDOT right-of-way. The Board discussed the number of units in the mobile home park. Mr. Manley thought it was roughly 15 to 16 units.

There were no further questions for staff.

Chair asked the applicant was in attendance. Mr. Manley stated no. Chair asked if the applicant was on the zoom call. The applicant was not on the zoom call.

Chair opened up the meeting for public comment.

Joyce Maviglia, 412 N. Lakeside Drive stated she was concerned about the grading with no permit and the effect from the 100-Year Floodplain this development will have on existing properties. She explained her concerns to the Planning Board concerning the drainage from a recent storm and how all of this has affected her and her property. She stated that she had spent countless hours trying to find out how her development was permitted and built. Her home is like living in a swamp. She must now worry every time it rains. She is requesting that the Board reject this rezoning.

Chair had Ms. Maviglia point out her home on the site plan.

Michael Redden, Drake Street stated his biggest concern was the traffic. He had concerns about the floodplain. Traffic from the produce stand is awful. This is not a feasible location for this development and rezoning.

Jennifer Ray, 1033 Saddlebrook Drive stated her concern along with the traffic is why would the person who purchased this want to rezone knowing what it was zoned for originally. He just bought this two years ago. They don't have the room on State Street for the traffic. She was concerned about the thoroughfare for this development. Mr. Holloway stated there is no proposed development. Chair stated this is just a rezoning.

Ken Fitch, 1046 Patton Street (Zoom) had concerns about the two-family use and it having one unit or two units. The issue here is traffic. There are already a number of accidents. It is dangerous. Drake Street is also an issue and who is responsible for that road. He also had concerns about the 100-Year Floodplain.

Mr. Manley clarified that a duplex is two units. He stated today by right the applicant could have six units.

Under the rezoning, if approved, he could have nine or maybe ten units. There is no proposed development and they do not have any answers on the access at this point.

Chair closed the public comment. The applicant is now present.

The applicant did not speak.

The Board had concerns about the traffic and the floodplain. It was stated that 2008 is the most recent FEMA map. The Board had discussion on the application. Chair was concerned about there not being any other R-10 zoning in this area.

Mr. Hanley moved 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 9568-51-8549) from R-15, Medium Density Residential to R-10, Medium Density Residential Zoning District based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because the Medium Intensity Neighborhood designation calls for attached and detached single-family residential uses as Primary Land Uses and Development Guidelines recommend densities at a rate of 2 – 8 units per acre. The R-10 Medium Density Residential Zoning District permits single-family and two-family uses at a maximum of 5.5 units per acre. 2. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing and because: 1. The proposed residential zoning district is compatible with the character of the surrounding neighborhood and the adjacent land uses. 2. The petition provides for a modest increase in density without introducing new uses that would be detrimental to or out of character with the surrounding neighborhood. 3. The proposed increase in density would provide a public benefit by allowing for additional needed housing stock. 4. The proposed increase in density helps to offset limitations to development which are constrained by the presence of a 100-Year Floodplain on the subject parcel. Mr. Brown seconded the motion which passed five in favor and one opposed (Chair opposed).

- V(B) Standard Rezoning (Zoning Map Amendment) – 2511 Asheville Highway & 106 Halsbury Avenue – (P23-024-RZO).** Ms. Hunt stated the applicant has actually requested that this rezoning be continued until the May 11th Planning Board meeting due to after reviewing the application, staff had a conversation with the applicant and the applicant would like to make some adjustments and bring this back to be heard. Staff asks that this be continued, to leave it open and have it continued to the next meeting.

Ms. Cromar moved the Planning Board to continue the application for a Standard Rezoning as identified in file #P23-024-RZO to the May 11th Planning Board Regular Meeting. Ms. Robinson seconded the motion which passed unanimously.

VI Other Business

- VI(A) Conditional Rezoning – Bearwallow Lofts – (P23-09-CZD) – Withdrawn.**

VII Adjournment – *The meeting was adjourned at 4:54 pm.*

Jim Robertson, Chair