

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS: 9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770 BY CHANGING THE ZONING DESIGNATION FROM I-1, INDUSTRIAL TO UR-CZD, URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770
Addresses: No Address Assigned
Lakewood Apartments: (File # P22-54-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Travis Fowler of First Victory, and property owners, Marilyn Barnwell & Robert Hogan of Group Ventures, Inc., for the construction of 322 multi-family units on approximately 60.56 acres near the intersection of Francis Rd and Lakewood Rd, and

WHEREAS, the Planning Board took up this application at its regular meeting on January 12, 2023; voting 8-0 to recommend City Council approve an ordinance with conditions amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on March 2, 2023, 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: 9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770, changing the zoning designation from I-1, Industrial to UR-CZD, Urban Residential Conditional Zoning District
2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - a. Development shall comply with the site plan submitted by the applicant dated February 21, 2023, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - ii. Childcare Center
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - i. Developer agrees to provide a TIA deemed acceptable by the City and by NCDOT.
 - ii. Developer agrees to recommendations made by City Transportation consultant for the daycare access at Lakewood Rd.
 - iii. Developer agrees to provide mitigation at the intersection of US 64 &

Francis Rd/Sugarloaf as recommended by the City Transportation consultant in consultation with NCDOT and in conjunction with the required mitigation associated with the Universal at Lakewood development.

- iv. Make 10 rental units, dispersed throughout the development, available to residents at or below 60% Area Median Income (AMI) for the initial 10 years that the buildings are in service. The developer shall provide an annual report to the City of Hendersonville to prove compliance with this requirement.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall not be effective until the 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 2nd day of March, 2023.

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 all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770
Addresses: No Address Assigned
Lakewood Apartments: (File # P22-54-CZD)

Applicant/Developer: Travis Fowler, First Victory

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Marilyn Barnwell, Group Ventures, Inc.

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: Robert Hogan, Group Ventures Inc.

Signature:_____

Printed Name:_____

Title:_____

Date:_____