

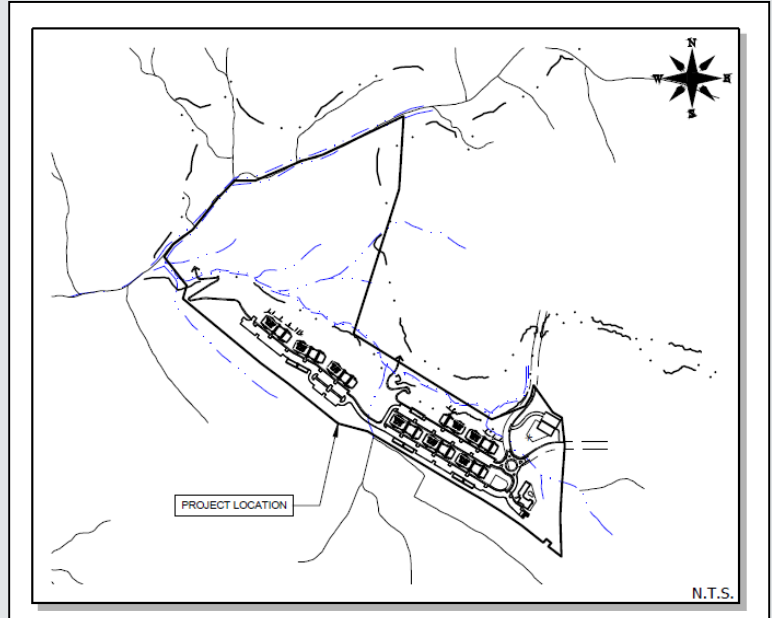
REZONING: CONDITIONAL REZONING – FIRST VICTORY LAKEWOOD ROAD
APARTMENTS (P22-54-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
 - First Victory Lakewood Road Apartments
 - P22-54-CZD
- Applicant & Property Owner:
 - Travis Fowler – First Victory [Applicant]
 - Marilyn Barnwell & Robert Hogan, Group Ventures, Inc. [Owner]
- Property Address:
 - No Address Assigned
 - Lakewood Rd & Francis Rd
- Project Acreage:
 - 60.56 Acres
- Parcel Identification (PIN):
 - 9579392060, 9579382595, 9579290718, 9579192770
- Current Parcel Zoning:
 - I-1 Industrial
- Future Land Use Designation:
 - Business Center
- Requested Zoning:
 - Urban Residential (UR)
- Requested Uses:
 - Residential, Multi-Family
 - Child Care Center
- Neighborhood Compatibility Meeting:
 - June 1, 2022



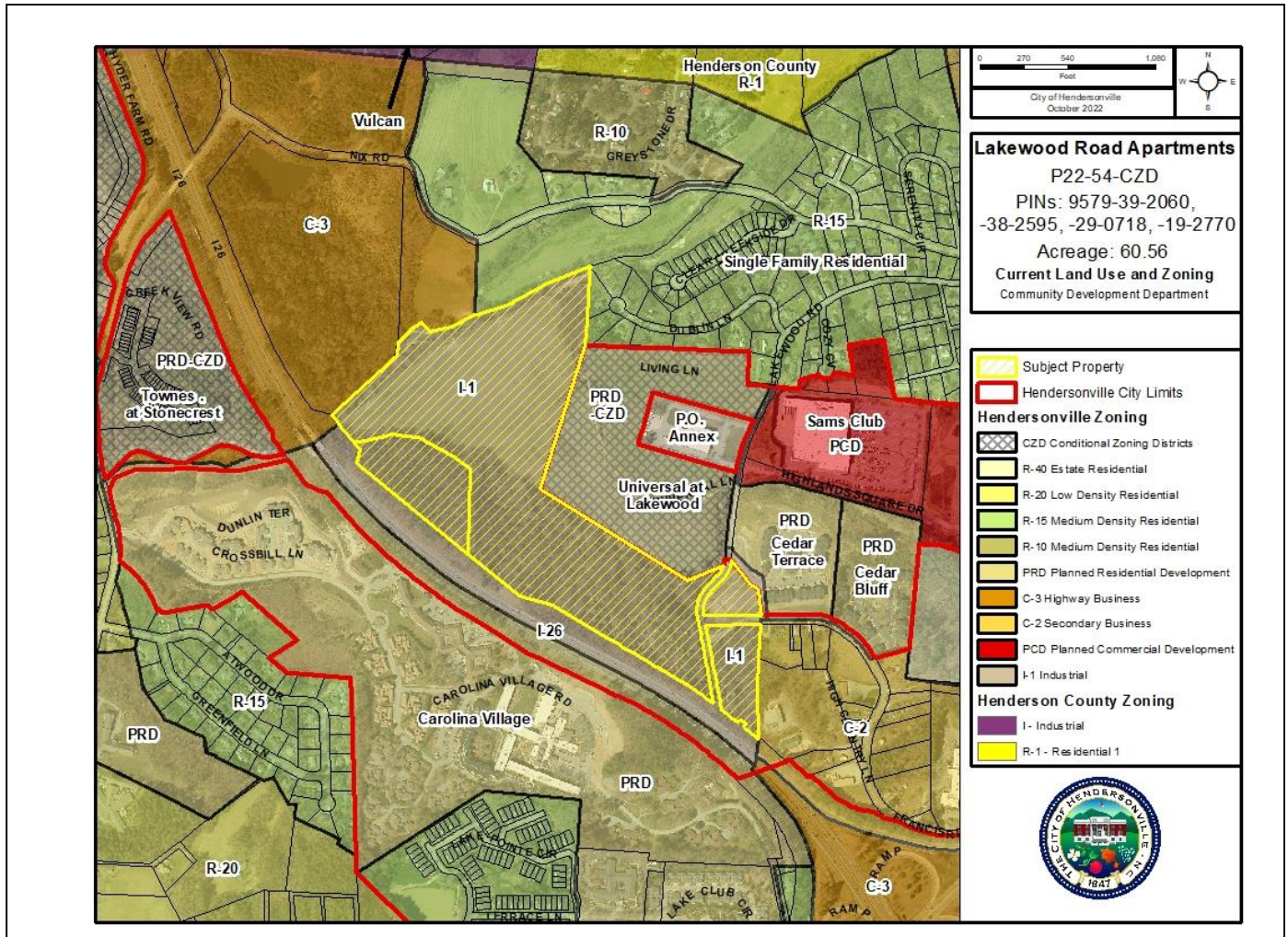
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Travis Fowler of First Victory, applicant and Group Ventures INC., property owner. The applicant is requesting to rezone the subject property, PINs 9579-39-2060, 9579-38-2595, 9579-29-0718, 9579-19-2770 and located off Lakewood Road, from I-1, Industrial to UR-CZD, Urban Residential Conditional Zoning District for the construction of 322 multi-family units on approximately 60.56 acres. This equates to a density of 5.31 units/acre.

The proposal includes the addition of 8 multi-family structures, a clubhouse with pool and a day care center totaling 136,030 Sq Ft. Additionally, the development proposes 530 parking spaces at a rate of 1.65 spaces per unit (not including day care parking). The site plan features a private trail with an access to the City's planned Clear Creek Greenway/Allen Branch Spur Trail.

The Site Plan includes the provision of 40.24 acres of Open Space. Of the 911 trees surveyed on the site, the proposal intends to preserve 528 of them (58%). The developer proposes to plant 244 trees in the development and 140 in the floodplain restoration area.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The four parcels that make up the subject property are currently zoned I-1 Industrial. The length of the southern boundary of the property is bordered by I-26 and its associated right-of-way. Access to the site is from Lakewood Rd at the intersection of Francis Rd.

The 27-acre parcel to the north of the subject property is zoned PRD, Planned Residential Development. This is the site of the Universal at Lakewood multi-family development (291 units) which is currently under construction.

A large portion of the property contains floodplain and floodway (approx. 30 Acres). The largest portion of floodplain is found in the portion of the property to the northwest. This portion of the property borders Clear Creek. Parcels abutting Clear Creek to the west are zoned C-3, Highway Business.

To the southeast, parcels along Francis Rd are zoned PRD, and feature multi-family uses, as well as zoned C-2, Secondary Business and feature non-residential uses and low density residential uses.

SITE IMAGES



View of intersection of Francis Rd and Lakewood Rd. Parcel across the street is proposed location of day care. Access to the apartment site is in the opposing direction of the photograph.



View of I-26 bordering the subject property

SITE IMAGES



Unnamed Tributary which bisects the property



View of Allen Branch at confluence with Unnamed Tributary

SITE IMAGES



Typical view of southwestern portion of the site where less healthy vegetation is located. Also pictured are remnants of camping on the property.



Typical view of healthy forest at northwestern end of property

SITE IMAGES

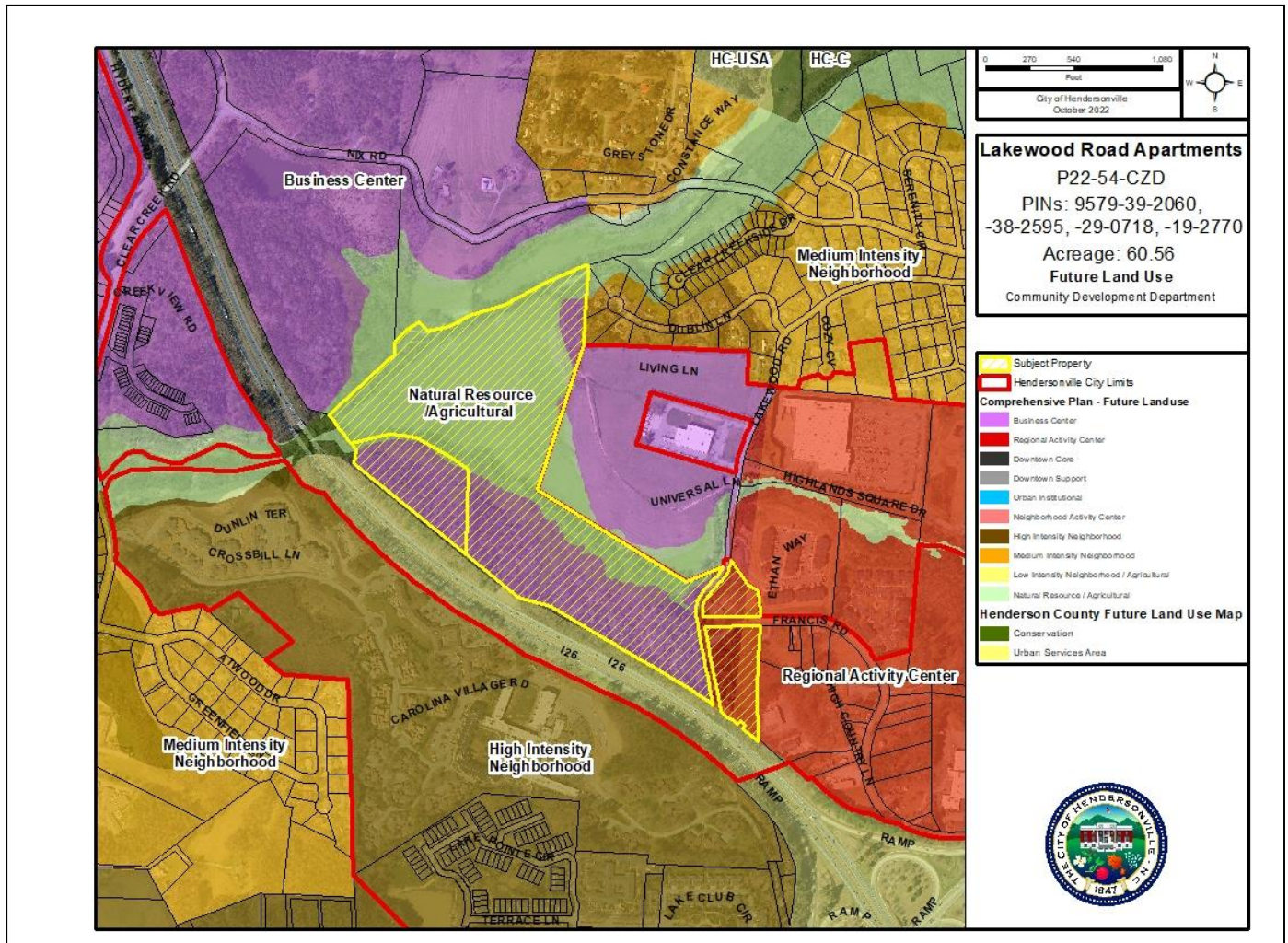


View of stream buffer on site from Universal at Lakewood. Bird of prey visible.



Steep drop off above confluence overlooking the Clear Creek Floodplain at northwestern edge of site

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The portion of the site proposed for the multi-family structures is designated as Business Center due to its proximity to I-26. Business Center is designated for parcels that:

- Front along I-26
- Areas in proximity to Blue Ridge Community College
- Existing, older industrial properties.

Portions of the parcels located in the floodplain are designated as Natural Resource / Agriculture.

Portions of the subject property, where apartment amenities and a day care are proposed, along with the other parcels along Francis Rd are designated as Regional Activity Center.

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>Goal LU-13 Business Center: <i>Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research, and low-impact industrial uses, as well as supportive retail amenities [CONSISTENT]</i></p> <p>Goal LU-4.Natural Resource/Agricultural Areas: <i>Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources. [CONSISTENT]</i></p> <p>Goal LU-9. Regional Activity Center: <i>Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects. [CONSISTENT]</i></p>
	<p>Strategy LU-13.2. Primary recommended land uses: Offices, Research facilities, Educational Centers [INCONSISTENT]</p>
	<p>Strategy LU-13.3 Secondary recommended land uses: Supportive neighborhood retail and services along major thoroughfares [INCONSISTENT – Francis Rd and Lakewood Rd are local streets] Multi-family residential [CONSISTENT]</p>
	<p>Strategy LU-13.4. Development guidelines: At least 30% open space in new developments greater than five acres [CONSISTENT] Moderate front setbacks and appropriate landscaping [CONSISTENT] Encouragement of pedestrian connections to multi-use pathways and between uses [CONSISTENT] Requirement of façade articulation and window coverage to break up large facades [CONSISTENT] Mitigation or avoidance of negative visual and environmental impacts on residential areas [CONSISTENT]</p>
Land Use & Development	<p>The property is designated as a “Priority Growth Area” on the Growth Management Map (Map 8.3a). “Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services”. [CONSISTENT]</p>
	<p>The project area is identified as a “development opportunity” in the Comprehensive Plan’s Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]</p>
	<p>Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development [CONSISTENT]</p>
Population & Housing	<p>Strategy PH-2.1. Encourage variation in lot sizes and housing types within new developments.</p>
	<p>Strategy PH-2.2. Encourage provision of affordable housing units in new developments.</p>
	<p>Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.</p>

Natural & Environmental Resources	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.
	Strategy NR-1.1 - Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100 Floodplain.
	Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat.
	Strategy NR-1.3 Encourage restoration of natural habitat and drainage patterns in developed areas.
	Strategy NR-1.5 - Continuously assess development and preservation efforts within areas planned as Natural Resources/Agricultural on the Future Land Use Map (Map 8.3b in Chapter 8) based on their conservation value
	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	Strategy NR-2.1. - Encourage clustered development that preserves open space while allowing a return on investment.
	Strategy NR-2.2. - Acquire or encourage acquisition of environmentally sensitive properties
	Strategy NR-2.3. -Promote preservation of woodlands
	Strategy NR-2.4. - Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City's green infrastructure network.
	Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff.
	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management
Transportation & Circulation	Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Strategy TC-1.4. Encourage pedestrian connections between dead end streets and adjacent neighborhoods.
	Strategy TC-2.2. Preserve and expand the public greenway system as a core component of the bicycle and pedestrian transportation system

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	The subject property is currently vacant and is immediately adjacent to both I-26 and large undeveloped sections of Floodplain/Floodway. A regional shopping areas, Highland Square, is located less than ½ mile from the entrance of the proposed apartments. Single-family neighborhoods are further located off the northern end of Lakewood Rd. In the vicinity of the proposed development are the apartment complexes of Universal at Lakewood (291 units), Cedar Terrace (80 units) and Cedar Bluff (64 units). A nearby 99-unit two-family development recently received entitlements. Combined, these developments have a density of 4.45 units/acre. The proposed development has a density of 5.31 units/acre. The on-ramp for I-26 is less than 1 mile from the subject property.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The most significant changed condition in the area of the subject property is the construction of 291 apartment units as part of the Universal at Lakewood development on Lakewood Rd. Commercial development along Chimney Rock Rd has large anchor stores such as Ingles, Wal-mart and Sam's. Additionally small retail and restaurants continue to develop along this corridor. Other changed conditions include the widening of I-26 and the proposed construction of the Clear Creek Greenway, both of which sit adjacent to this site.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved <u>1,614</u> rental units - <u>711</u> of these are under construction. If this project is approved, Hendersonville's recently-approved rental units would total <u>1,936</u> . It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in the '1,650 to 2,008-unit gap', exist for those income levels greater than 120% AMI.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The site will be served by City water and sewer service. Lakewood Rd and Francis Rd are designated as a Local Streets in the Comprehensive Transportation Plan and are maintained by NCDOT. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -

	<p>Of the total 911 trees on the site, 383 trees are proposed to be cleared/removed (42%). The developer has proposed to plant 244 trees as part of their landscaping plan with an additional 140 trees to be planted in an effort to reforest a pasture in the floodplain.</p> <p>Allen Branch Creek runs along the northeastern edge of the property and a tributary bisects the property. The Allen Branch confluence with Clear Creek is located at the far northwestern point of the project site. During the site visit, staff observed deer, frogs, monarch butterflies and a variety of birds including multiple birds of prey.</p>
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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 petition aligns with the City's 2030 Comprehensive Plan's Goals for the 'Business Center', 'Regional Activity Center' and 'Natural Resource and Agriculture Area' Future Land Uses Designations. Specifically, the proposal is consistent with the Secondary Recommended Land Uses and Development Guidelines under LU-13.

We **[find/do not 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:

DRAFT [Rationale for Approval]

- The proposed density and housing type are compatible with the surrounding area.*
- The petition proposes to provide additional housing to offset local rental demand.*
- The petition proposes to connect to the City's greenway network*
- The petition proposes to offset tree loss with a net gain of 1 tree*

DRAFT [Rational for Denial]

- Business Center designation does not recommend multi-family uses as a primary recommended land use. (LU-13.2).*
- The intensity of the proposed development does not align with the environmentally sensitive area in and around the subject property - which includes substantial grading and partial removal of forest land along blue line streams / in the vicinity of a large floodplain.*
- Transportation infrastructure along the Lakewood Rd/Francis Rd corridor is insufficient to carry traffic generated by proposed development.*

PROPOSED REQUEST DETAILS

Site Plan Summary:

- The site plan accompanying this petition contains the following provisions:
 - 8 multi-family apartment buildings + clubhouse + garages + daycare structure totaling 131,175 Sq Ft (footprint) / 420,175 Sq Ft (gross floor area) with a density of 5.31 Units / Acre.
 - Apartment Buildings 1 - 8:
 - 42 Units / Building (except Building 7 – 28 units)
 - Height – 49'-3"
 - Gross Floor Area – 404,600 Sq Ft
 - Building Footprint = 2.65 Acres
 - Day Care – 6,000 Sq Ft building on 1.67 Acre parcel
 - Clubhouse – 7,000 Sq Ft building with Pool on portion of 3.77 Acre parcel
 - Maintenance Garage – 2,575 Sq Ft
 - Other Amenities – Dog Park, Playground, Garages
 - Driveways, Parking and Sidewalks totaling 3.92 Acres (6.47% of Site)
 - Parking Provided: 530 for Apartments (1.65 spaces / unit)
 - Parking Maximum (Encouraged): 322 for Apartments (1 space/unit)
 - Parking Provided for Day Care: 24 Spaces
 - Parking Required for Day Care: 16 Spaces
 - Common Open Space totaling 40.24 Acres (66.44% of Site)
 - Open Space = 52.51 Acres (86.71% of Site)
 - 30' Stream Buffer; 20' Transition Area; Floodplain & Floodway
 - Limits of Disturbance = 18.42 Acres
 - Greenway connections to City's proposed greenway network
- Proposed Uses:
 - Residential, Multi-Family
 - Child Care Center
- Developer Conditions:
 - Developer Proposed Concessions:
 - Floodplain Restoration - 140 Additional Trees to be planted in floodplain to reforest former pasture area
 - Development to have connection(s) to future Clear Creek Greenway
 - Developer to provide 100' wide easement for Clear Creek Greenway – easement shall run from property line to property line along riparian corridor and 100' width shall be measured from top of southern bank of Clear Creek
 - Developer to provide 100' wide easement for Allen Branch Spur Trail – easement shall run from property line to property line along riparian corridor and 100' width shall be measured from top of northern bank of Allen Branch
 - Developer Proposed Conditions:
 - Fire Access – See Fire Marshal comments below

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Urban Residential (5-25) with the following exceptions:

- Per Section 5-25-2: **Natural Resource/Agriculture Area** is a Future Land Use Designation (FLUD) which is not included in the list of permissible FLUDs under the Urban Residential zoning district standards. [resolved]
- Latest Version of Site Plan does not include Landscaping Plans and Elevations. Resubmit with full set. [resolved]
- During the process there has been discussion of the Clear Creek Floodplain being restored. The Site Plan references a minimum of 140 trees being planted in this area. The developer has also indicated that he intends to or is considering dedicating the floodplain/floodway to the City for recreational purposes. If the developer does intend to dedicate land to the City it should be included in the CZD process. It should not be calculated as Open Space if intended for dedication. [resolved]
- Other technical corrections and design considerations were offered by staff. These issues have been addressed to satisfy the basic standards of the Zoning District. [resolved]
- All parking spaces not shown on Site Plan. [resolved]

Proposed City-Initiated Conditions:

- Developer should include a condition to waive the limitation that Urban Residential Zoning not be located in the *Natural Resource / Agricultural Area* Future Land Use Designation given that no development is proposed within this area. [Developer Agreed]
- If the developer intends to dedicate the Clear Creek Floodplain/Floodway to the City at some point in the future, then the boundaries of the area should be included on the Site Plan. If the developer intends to offer the land to the City as part of the CZD proposal, then the boundaries should be included on the Site Plan and a description of the dedication should be included in the List of Conditions. [Developer Proposed Condition]
- Construct Round-a-bout at intersection of Francis Rd and Lakewood Rd. Conceptual approval of round-a-bout at this location has been approved by NCDOT. [Developer Agreed – Shown on Site Plan]
- Update Site Plan to include all proposed parking spaces. Additional 78 Parking Spaces to be located within proposed limits of disturbance as shown on site plan dated 12-23-22 [Developer Agreed – Shown on Site Plan]
- Add Developer Proposed Condition that references the note on the L-200 – “Developer to plant min. 140 trees as part of stream & floodplain restoration.” [resolved]

CITY ENGINEER

Site Plan Comments:

- Several comments were offered pertaining to the alignment of the proposed greenway through the development and how it will connect to the Clear Creek

- Greenway and/or Allen Branch Spur Trail. [resolve at final site plan]
- Sewer maintenance access needed. Provide gravel access to manholes (i.e. need to get Vactor and camera truck to manholes). [outstanding]
- ~~Ensure that greenway connection through the development is made available for public use~~ [deemed infeasible]
- Round-a-bout or some form of intersection treatment accommodating pedestrians, cyclists and automobiles is needed at intersection of Francis Rd and Lakewood Rd. [resolved]

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- It looks like the clubhouse is fed prior to the backflow assembly. It needs to have BFP as well. [resolve at final site plan]
- Pool will need to be protected by RPZ and clubhouse. [resolve at final site plan]
- Need utility detail sheet with Master Meter and RPZ details. RPZ needs to be installed as close to meter as possible and above ground in a heated enclosure. [resolve at final site plan]

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- Fire Access as proposed is an Alternative Design to the standards established Appendix D of Fire Code [resolved]

Proposed City-Initiated Conditions:

- Developer to request approval of alternative design in the form of a Condition included in the *List of Conditions* on the Site Plan. [Agreed - Developer Proposed Condition]

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- Development proposed trail to connect to Clear Creek greenway under I-26,

west of confluence with Allen Branch. [deemed infeasible for general public use]

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- Ensure proposed waste collection is adequate to meet City Standards [resolve at final site plan]

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

- Driveway permit and sidewalk encroach will be required at Final Site Plan. [resolve at final site plan]
- Round-a-bout concept is appropriate at this location.
- See comments below under Transportation Consultant

Proposed City-Initiated Conditions:

- See conditions below under Transportation Consultant

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:

- SESC Approval will be needed since project will have greater than 1 acre of land disturbance. [resolve at final site plan]

Proposed Condition:

- None

TRANSPORTATION CONSULTANT

TIA Comments:

- An initial TIA was submitted on Sept 19, 2022. The review of this TIA resulted in numerous revisions being required.
- A revised TIA was submitted on December 14, 2022. This TIA was deemed to be “incomplete” by NCDOT and the City’s Transportation consultant. Again, the TIA required numerous technical revisions and reconsideration of proposed mitigation.
- Another revised TIA was submitted on January 26, 2023. Again, the TIA does not meet the City’s standards and a number of technical corrections are needed per the City’s Transportation consultant. It is currently under review by the NCDOT Division of Congestion Management.

Summary:

- The expected Trip Generation for the proposed development is as follows:
 - 2,466 Daily Trips
 - 181 AM Peak Hour Trips
 - 217 PM Peak Hour Trips

Scope:

- Intersection 1: US64/Chimney Rock Rd & Francis Rd/Sugarloaf Rd
 - Recommendations under review
- Intersections 2 & 3: US64/Chimney Rock Rd & Highlands Sq. Dr.
- Intersection 4: Highland Sq. Drive & Lakewood Dr
- Intersection 5: Francis Rd/Lakewood Rd & Access 1/Access 2
 - Access will be constructed as a round-a-bout.
- Intersection 6: Nix Rd & Lakewood Rd
- Intersection 7: Howard Gap Rd & Nix Rd
- Intersection 8: Lakewood Rd & Daycare Access
 - Recommendations under review

Proposed Conditions:

- Developer agrees to provide a TIA deemed acceptable by the City and by NCDOT. [outstanding]
- Developer agrees to recommendations made by City Transportation consultant for the daycare access at Lakewood Rd. [outstanding]
- 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. [outstanding]

TREE BOARD**Recommended Conditions:**

- A number of the proposed saved trees are Bradford Pears. The Tree Board recommends that they be removed and replaced with appropriate native medium maturing trees as long as replacement does not injure surrounding trees and are appropriate for the site. Otherwise, the Bradford Pear trees shall be cut and the stump killed to prevent regrowth. [Developer Agreed]
- Throughout the proposed development, the Tree Board recommends that any existing or developed slopes of greater than 10% be planted with appropriate native vegetation (trees, shrubs, and perennial herbaceous plants to stabilize the slopes. No turf grasses can be used. A landscape architect (with wildlife habitat management expertise) will provide and implement a vegetative planting and management plan for this proposed development condition. The Tree Board requests the opportunity to review this plan. [Developer Agreed]
- The Tree Board also recommends that a landscape architect (with wildlife habitat management expertise) provide and implement a native vegetative planting and management plan for the common open space shown on the site plans with special emphasis on the stream corridor along Clear Creek and maintaining the rest of the area in early successional wildlife habitat. It appears that wetlands could be developed in this area. The area could certainly be utilized by residents through

the use of walking trails and greenways. The Tree Board requests the opportunity to review this plan. *[Developer Agreed]*

- All preserved trees must be protected from construction activities as prescribed in the zoning code Section 15-4 regardless of use as tree credits. *[Developer Agreed]*