

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Wednesday, July 20, 2022
1:30 p.m. in the City Operations Center

The Hendersonville Board of Adjustment held a Special Called meeting on July 20, 2022, at 3:00 p.m. in the Assembly Room in City Operations Center, 305 Williams Street, Hendersonville, North Carolina. Those present were: Melinda Lowrance, Chair, Ernest Mowell, Vice-Chair, Michael Edney, Charles Webb, Kathy Watkins, Stefan Grunwald, Libby Collina, Lew Holloway, Community Development Director Alexandra Hunt, Planner I, Daniel Heyman, Staff Attorney.

Absent:

Chair called the meeting to order at 3:00 p.m.

Approval of the Agenda: A motion was made by Mr. Mowell to approve the agenda. The motion was seconded by Ms. Watkins and passed unanimously.

Approval of the Minutes of the March 8, 2022 meeting. A motion was made by Ms. Watkins and seconded by Ms. Collina to approve the minutes as written. The motion passed unanimously.

Approval of the Decision: **B22-007-VAR** – AYD Partners, LLC/Dan Mock, Variance. A motion was made by Ms. Watkins to approve the decision as written. Mr. Mowell seconded the motion which passed unanimously.

Special Use Permit – City of Hendersonville – Fire Station 1.

Chair stated today we have one public hearing to consider, a Special Use Permit application from the City of Hendersonville for Fire Station 1 located at 851 N. Main Street. Any persons desiring to testify in these hearings must first be sworn in. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on here. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, that you come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on this application should disclose it now.

Chair swore in all persons to give testimony. Those sworn in were Alexandra Hunt, Planner I, John Connet, City Manager and Larry Phillips.

Chair opened the public hearing.

Alexandra Hunt, Planner I stated her name and title for the record. She asked that the staff report and presentation be submitted into the record. She stated staff is in receipt of a Special Use Permit application from the City of Hendersonville.

Ms. Hunt gave the project background:

The subject property is located at 851 N. Main Street and is owned by the City of Hendersonville. The PIN for this parcel is 9568-79-4916.

The subject property is zoned C-2, Secondary Business. The special use requested is Public Utility Facilities for the purpose of constructing a new fire station facility to be located at 851 N. Main Street.

The lot size is approximately 1.67 acres according to the Henderson County GIS. The property can be accessed from both North Main Street and North Church Street. It is located between Hendersonville High School and Bruce Drysdale Elementary.

An aerial view of the property and photos were shown.

Ms. Hunt explained Section 5-9-2 Special Uses which is included in the staff report. Public Utilities Facility is one of those listed special uses. She read the definition of Public Utility Facility in Section 12-2, which is included in the staff report.

The Supplementary Standards in 16-4 for Public Utility Facilities were explained and are included in the staff report. The applicant is requesting relief from subsection "d" relating to fencing as it will interfere with the access to and from the site. Ms. Hunt stated Subsection "g" does grant the Board of Adjustment to give relief from these requirements.

The preliminary site plan was shown and was included in the agenda packet. Ms. Hunt went over the standards along with the site plan.

Ms. Hunt showed elevation photos to show that the design of the fire station does conform to the character of the area.

Ms. Hunt stated the applicant must submit a preliminary site plan and she gave the standards in Section 10-8-2 regarding the requirements that must be met. This was included in the staff report. Staff has determined that this site plan does meet the requirements except for the landscaping for the vehicular use area.

Ms. Hunt stated the applicant is requesting Alternative Compliance under Section 15-3(c) as they are unable to meet the Landscaping for Vehicular Use Areas as it is written in Section 15-9 of the ordinance. Section 15-3 states that landscape requirements are intended to set minimum standards for quality development and environmental protection and are not intended to be arbitrary or inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternate method of compliance with the landscape requirements. The applicant is unable to meet the requirements of Section 15-9 as shown in the presentation without reducing their parking. Section 15-3 states that requests for alternative compliance shall be accepted if (c) an alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the intent of this article and exhibits superior design quality. The applicant's proposed alternative compliance is a reduction in the size of the required planting islands to 8' x 20' and to use pervious pavers in lieu of asphalt throughout the parking area which will allow for sufficient water to drain to the roots to the parking lot trees without the need for the conventional-sized tree island.

A rendering of the site plan was shown and is included in the staff report.

Section 10-8-4 Board of Adjustment Actions on Special Use Permits was shown and is included in the staff report.

Ms. Hunt asked if there were any questions for staff. There were no questions. Ms. Hunt stated the applicant is here.

John Connet, City Manager gave a detailed view of the site plan and explained parking, landscaping and other points of interest including sections of the interior of the station. Mr. Connet pointed out the

existing trees that will remain on the northern end of the property as well as the monument that will remain.

Mr. Connet showed the overall layout and explained the different rooms in the fire station. He also showed the elevations and explained those.

The aerial view was shown. He stated they wanted the new fire station to blend in with the new high school. Other aerial views were shown.

Mr. Connet discussed the shift changes and gave numbers concerning shifts.

Mr. Connet stated they are asking for relief and since it is a public utility facility it does require a fence not easily climbable to deter access to the facility. Typically, they would agree with this requirement but as a fire station they feel that it needs to remain open and be accessible to the public. They will have fencing along the retaining wall to keep the public away from the wall. They request that they do not have to fence the entire site. It would be more positive for the community without the fencing around the entire facility.

Mr. Connet stated the second request for relief is related to the landscaping. They are asking for relief from two planting islands in the public parking area. If they had to do 18' x 18' parking spaces in those locations, they would lose two additional parking spaces. Alternative compliance is permitted in accordance with Section 15-3. They are proposing to reduce the size of only two tree islands. The two islands will be 8'x20'. The reduction in size will allow us to provide two additional parking spaces for public use of the community meeting room and park facilities on the northern end of the property. The remainder of the site will meet or exceed all landscaping requirements.

Chair asked if there were any questions for the applicant.

Ms. Watkins asked about the public park at the end. Mr. Connet stated currently Boyd Park is at the southern end. They would like to keep a green space at the northern end, picnic table or small swings, something the public can use. He discussed having something on site that would recognize the history of Boyd Park.

Mr. Edney asked if there has been any studies on the cost savings for not having the fence. Mr. Connet stated at this point they have not looked at that. Mr. Edney asked how the site would handle stormwater. Mr. Connet stated the stormwater there would have to meet the city's stormwater regulations. They are using impervious pavers that will allow the water to go directly into the ground. That will prevent some run-off. All other water will be piped into one or two stormwater cisterns. They will collect that water and use it for landscaping and possibly washing the fire trucks. They will collect the water on-site. Mr. Edney asked about abandoning the sewer line that goes across the football field and how this would affect construction and if they would re-do the lines going down Church Street. Mr. Connet stated this is a totally different project, but they will relocate the sewer lines off of the high school property and run it down the edge of Church Street west of the 5 Points intersection and they will be able to tap into that new line. It will not interfere with construction. Mr. Edney also asked about the stormwater from the high school going under the road at the northern end of the property and if they would be getting anywhere near that and would that be a construction issue. Mr. Connet stated no, everything on this site will be tied into existing stormwater. On another project they will doing some improvements to the stormwater as it heads to Mud Creek.

Ms. Collina stated that corner does have issues with water, and she had called staff about it. She asked if the entire parking lot would be pavers or just a portion. Mr. Connet stated the southern side would be all pavers but not the whole lot.

Chair asked if there were any further questions for the applicant. There were no further questions.

Chair swore in Larry Phillips.

Larry Phillips, 1102 Pinebrook Circle stated he does not believe they need to have any type of zoning change on this piece of property. He has been to City Council and spoke with the City Manager on preserving the historic Boyd Park. It has been let known that it is city owned property and they will do what they want to it. He is here to object on the fence to show they do not want people on the Boyd Park area or the mini-golf or the tennis courts. The Police Department has a fence around it, and he feels this should have a fence around it to keep people off the area that is already designated as Boyd Park. He talked about there being a memorial on the front part of the station and there is also a graveyard. The first dalmatian that was with the City of Hendersonville "Miss Dixie" is buried there. That needs to be taken into consideration also.

Chair asked if anyone else would like to speak in favor or against the application. No one spoke. Chair asked if Mr. Connet would like to rebuttal.

Mr. Connet stated they would not disturb Dixie's grave that is one reason they are preserving that area. The joint monument will also stay where it is. They will protect that. He stated yes, they did fence the Police Department but felt like that was necessary due to the nature of their work and to have security around the Police Department due to the attention Police get nationwide. He does not believe that is necessary for the fire station and no other fire stations have any fencing around them. The station on Sugarloaf Road does not have a fence and they do not believe a fence is needed here.

Mr. Phillips stated Mr. Connet has brought up that they have a fire station on Sugarloaf Road and it is not in downtown Hendersonville and is not very recognized. He thinks it is necessary to protect the Downtown area.

Mr. Edney stated there is a 63-foot truck and it is coming out towards the high school, have they determined the turning radius when the kids are all parked there. Mr. Connet stated the reason the bays are recessed back is so they have a capable turning radius. Some will go out on Church Street, and some will go out on North Main Street.

Chair asked if anyone else would like to speak. When no one spoke, Chair closed the public hearing.

The Board discussed being in favor of not having the fencing. They also discussed the monument and trees. They discussed the location of the monument and how there would be no construction in that area.

Mr. Mowell made the following motion: *With regard to the request by the City of Hendersonville for a Special Use Permit with the following conditions: 1. A fence not easily climbable as required in Section 16-4-22(d) shall not be required as it would interfere with access to the site by the City of Hendersonville Fire Department. 2. Alternative Compliance shall be granted in accordance with Section 15-3 for a reduction in the size of the required tree planting islands. I move the Board to find that: a) the proposed use complies with the standards for such use contained in Article XVI; b) the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use; and c) the proposed use will not be detrimental or injurious to property or public improvements in the neighborhood of such proposed use. Ms. Collina seconded the motion. **Chair asked for a factual basis for the motion. Mr. Mowell stated they have shown that the tree islands, the issue there is minimal, and they have come up with an alternative solution that meets the purpose, the meaning of why they want to have the big tree islands. The paving which is a technological solution for the excess water. The fencing is whether counterintuitive, as the Manager has said this would be a fence around an area where people need to have access, he agrees with that. And there would be fencing at the retaining wall where safety is a factor, and he believes that complies with not being detrimental or injurious to people in that area.***

Chair called for the vote. The following vote was taken by a show of hands.

Mr. Edney	Yes
Mr. Mowell	Yes
Mr. Webb	Yes
Ms. Lowrance	Yes
Mr. Grunwald	Yes
Ms. Collina	Yes
Ms. Watkins	Yes

The vote was unanimous. Motion approved.

Meeting adjourned at 3:37 p.m.

Melinda Lowrance, Chair

Terri Swann, Secretary