

**Minutes of the Planning Board
Regular Meeting - Electronic
August 10, 2023**

Members Present: Barbara Cromar, Jim Robertson (Chair), Yolanda Robinson, Andrea Martin, Peter Hanley, Neil Brown, Tamara Peacock (Vice-Chair), Beth Robertson, Donna Waters

Members Absent:

Staff Present: Matthew Manley, Planner III/Strategic Projects Manager and Tyler Morrow, Planner II, Lew Holloway, Community Development Director

- I Call to Order.** *The Chair called the meeting to order at 4:00 pm. A quorum was established.*
- II Approval of Agenda.** Chair stated he would like to move the Tru Hotel to the first item on the agenda. *Mr. Hanley moved to approve the revised agenda. The motion was seconded by Mr. Brown and passed unanimously.*
- III Approval of Minutes for the meeting of June 8, 2023.** *Mr. Hanley moved to approve the Planning Board minutes of the meeting of June 8, 2023. The motion was seconded by Ms. Robertson and passed unanimously.*
- IV Old Business**
- V New Business**
- V(A) Administrative Review (Preliminary Site Plan and Preliminary Building Design) – Tru Hotel project (A23-12-SPR).** Mr. Morrow gave the following background:

The City of Hendersonville is in receipt of an application for preliminary administrative site plan review for the Tru Hotel project on Upward Crossing Drive.. Mr. Morrow stated this is an administrative review and the term administrative is defined as decisions made in the implementation, administration or enforcement of the Zoning Ordinance that involve the determination of facts and the application of objective standards in the Zoning Ordinance.

Mr. Morrow stated there are two administrative reviews tonight, he explained the process and the role of the Planning Board in this review. The Planning Board's role in the review is to ensure that the preliminary site plan meets all applicable requirements. If the project meets all the applicable requirements, then the Planning Board must grant approval. The project is required to go through preliminary site plan review because the development exceeds 20,000 sq. ft. Since the preliminary site plan was approved at the June 8th meeting, he will not spend a lot of time on the site plan itself.

The project is located in a Commercial Highway Mixed Use zoning classification which does have design standards for any project within that district. Article 18 "Mixed Use Zoning" does outline the process. Initial renderings for the proposed Tru Hotel were reviewed by staff with comments provided on corrections that are required to bring the project into compliance. Neither corrections or a request for alternative compliance were received prior to the June 8th Planning Board meeting. The applicant chose to have their preliminary review for the site plan only without the design review aspect.

Staff has now received elevations of the project as an alternative design request, Staff is recommending that the project use the preliminary site plan and building design review process in accordance with Section 18-3-1 joint site plan design and review. As noted above, this requires that the Planning Board review/reaffirm their decision concerning the site plan review approval from June 8th with the added requirement that the Planning Board review and make a decision on the alternative design request for the building design plan.

The applicant is proposing several deviations from the standards within CHMU. Alternative designs are permitted within our ordinance. It is the intention of alternative design to provide a means for creative design approaches to develop within the mixed use corridors so long as the design of a project advances the goals of Article 18. Applicants who choose not to comply with the design standards in any mixed use zoning classification are free to design or develop their project in an alternative fashion so long as the proposed design of the project meets the general design considerations contained in Article 18-6 and will result in a project design which is as good or better than the resulting design standards.

The Planning Board can determine three possible outcomes; approval of the preliminary site plan as presented, approval of the preliminary site plan with conditions, or the Planning Board can vote to deny the application but must provide the reasoning for denial and specifically state which sections of the ordinance are not being met which must be included in the denial motion. The Planning Board must provide the reasoning for denial and state the section of the ordinance that is not being met.

A background of the project was given in the presentation and is included in the staff report.

The current Zoning and Land Use Map was shown and is explained in the staff report.

Site photos were shown and are included in the staff report.

The preliminary site plan was shown and is included in the staff report along with the preliminary site plan comments. This was reviewed and approved with conditions at the June 8th meeting. Staff is recommending the Planning Board to reaffirm the approval at today's meeting and that language is included in the approval in the staff report.

Preliminary site plan conditions were shown and included in the staff report. Mr. Morrow pointed out the highlights.

The preliminary building design was shown and is included in the staff report.

The proposed alternative design was shown and explained and is included in the staff report. Mr. Morrow explained the proposed alternative design and the developer's responses.

The City of Hendersonville Alternative Design Committee made a motion to recommend granting preliminary alternative design approval based on the requirements within Article 18. It was determined that the alternative design plan does advance the goals of Article 18 and is as good as, or better than, the ordinance design standards. This approval shall allow alternative design measures as shown in the elevation included in the packet which allows for deviations to the following sections: 5-27-4.1.6 Building façades, 5-27-4.1.8 Building scale, 5-27-4.1.10 Building materials and 5-27-4.3.4 Roofs. That motion carried 3 to 0.

Chair asked if there were any questions for staff.

Mr. Hanley asked if the developer and builder reviewed the guidelines prior to this request. Mr. Morrow stated this project, the parcel itself was originally zoned PCD which was attached to a Special Use Permit which has since expired. It is his understanding that the hotel was originally designed with PCD in mind. Once they wanted to develop it, staff told them from a city side they would have to rezone it because the property couldn't be developed under previous zoning and when it was rezoned, it was rezoned to CHMU, which does have these design standards.

Mr. Morrow stated it is a standard CHMU zoning district. Chair asked if a hotel this size was permitted by right. Mr. Morrow stated yes it is permitted by right and due to the size of the building preliminary site plan approval is required.

Ms. Peacock stated she believes the Holiday Inn Express did not meet any of these requirements because it is zoned PCD. Mr. Morrow stated correct, the hotel across the street on Upward Crossing is zoned PCD.

Chair asked if this was approved prior to CHMU zoning. Mr. Morrow stated he was not sure but this development was zoned PCD and the only thing that was built was the Bojangles and the hotel. It was slated for a restaurant and retail also and that never got built.

Ms. Cromar asked about lighting conditions on the previous approval. Mr. Morrow stated they will have to go through final site plan approval which requires a lighting plan now. .

There were no further questions for staff.

Chair asked if there were any questions for the applicant.

Joe Seipel-Parks and Laura Heafner were in attendance from Isom Ham Design Group. Mr. Seipel-Parks stated Mr. Morrow had eloquently explained why this does not meet any of the standards. When this project was initially developed and designed these design standards were not a consideration. Chair asked if part of the push back on the standards is the Hilton having a look and wanting to be recognizable from the highway without even looking at the sign. Mr. Seipel-Park stated yes, that is every corporations goal.

Mr. Hanley asked if they were doing any landscaping between the hotel and the interstate. Mr. Seipel-Park stated they are not the civil engineers but there is a landscape plan that has been submitted and reviewed. He stated this is a 1.5 acre site and they don't normally build a building this size on less than 2 acres. The Holiday Inn Express across the street is larger than this building and there are very little setback requirements between the building and the drive and the tree requirements for landscaping make everything a little challenging.

Chair asked if there were any further question for the Design Team. There were no further questions.

Chair stated they are tasked with making a recommendation to City Council. Mr. Morrow stated the Alternative Design Committee, they were the ones making a recommendation. The Planning Board would be making the decision and this would not go before City Council. Once the Board votes it is for approval and if approved the project will got through final site plan approval. Chair stated so this is not a recommendation to City Council. Mr. Morrow stated no, this is an approval or denial to what is being proposed. The way the motion is written it references the Planning Board's decision at the June 8th meeting for the site plan. For the alternative design, the sections have been referenced in the motion.

The Board had discussion on the application concerning the design standards and this being a minor change.

Mr. Hanley moved that the Planning Board regrant preliminary site plan approval for this project in accordance with the approved June 8th preliminary plans and all conditions thereto. I further move that the Planning Board grant preliminary building design approval based on the requirements of 5-27 Commercial Highway Mixed Use and in accordance with Article 18. It is determined that the alternative design plan does advance the goals of Article 18 and is as good as, or better than, the ordinance design standards. This approval shall allow alternative design measures as shown in the elevation included in the packet which allows for deviations to the following sections: 1.5-27-4.1.6 Building façades. 2.5-27-4.1.8 Building scale. 3. 5-27-4.1.10 Building materials. 4.5-27-4.3.4 Roofs. Ms. Robinson seconded the motion which passed unanimously.

V(B) Zoning Text Amendment – Small Scale Multi-Family in MIC– (P23-49-ZTA). Mr. Manley gave the following background:

Mr. Manley stated the City is in receipt of an application from Dee Gambrell to add multi-family as a use in the MIC zoning district. Ms. Gambrell was not in attendance.

Mr. Manley gave the project background with proposed changes and the rationale for those changes. This is included in the staff report.

This text amendment is supported by the Comprehensive Plan. It is compatible with the surrounding land uses and this proposal also aligns with the zoning text amendment priority ranking that was done earlier this year.

A zoning map was shown and explained concerning the land use and the MIC zoning text amendment. This was included in the staff report.

Mr. Manley discussed traditional neighborhood design and stated part of the MIC zoning district is in the West Side Historic District. Mr. Manley stated the MIC zoning district allowed multi-family when it was first adopted in 1965 and was later removed as a permitted use in 1988.

Mr. Manley gave a complete overview and analysis for the text amendment. This is included in the staff report.

Site photos were shown of examples of different sites in the MIC zoning district. This is included in the staff report.

Photos of setbacks in the MIC district were shown and are included in the staff report.

Staff recommended changes were explained and defined and are included in the staff report and presentation. Mr. Manley discussed adding “Residential dwellings, small scale multi-family to the permitted uses and how it would be subject to the supplementary standards contained in Section 16-4. He also discussed the changes to the dimensional requirements. These changes are included in the staff report and the presentation.

Mr. Manley stated staff had brought this to the Planning Board (a staff initiated text amendment) to allow multi-family in MIC about a year ago. They went back and staff worked on some design guidelines and ultimately a decision was made to table that. When staff received this application they picked up where it was left off from there and refined to the point where they are presenting it today.

The supplementary standards were explained for small scale multi-family and are included in the staff report.

Architectural Design Standards were also explained and are included in the staff report.

Mr. Manley discussed the roof designs. He discussed the requirements of a pitched roof and stated you can have a flat roof, 42 feet high or you can do a pitched roof. If you do a pitched roof you have to do those pitches between 5:12 and 12:12 and if you do the pitch you have to have an eave with a one-foot projection. That is why they lowered the height requirement from 50' to 42' because you could do a flat roof and if we left it at 50' you could get four stories which the Legislative Committee was not inclined to have four stories based on the discussion they had at the Legislative Committee. That was a staff change between that meeting and this meeting.

Mr. Manley continued to discuss the Architectural Design Standards, which are included in the staff report.

Mr. Manley discussed parking and stated for small scale multi-family only and not for any other use in MIC, they are screening parking in these standards. If they want to do that district wide it is a different conversation. Does a dentist office need to move up to the road and put their parking in the rear, it would not be part of this just to make sure we are clear on that. If you want to pursue that we can do that at another time.

Mr. Manley had visuals for the Planning Board relating to the changes relating to this text amendment.. These are included in the staff report and presentation. Discussion was made on the visuals.

Mr. Manley stated the #1 priority on the 2022-2024 Text Amendment Priority List was Housing Strategies (short-term). #7 was Housing Strategies (long-term). Even though it was much needed it didn't get ranked very high due to waiting for the Comp Plan to be updated. However this text amendment would help with long term housing strategies only in MIC and this is something that needs to be addressed city wide. But at least for MIC we are addressing the #1 and #7 priorities.

Mr. Manley discussed the Legislative Committee meeting last year and discussing the zoning text amendment when it was staff initiated. This is included in the staff report. They met again this July and had changes and that is also included in 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.

A Draft Consistency Statement was shown and is included in the staff report.

Rationale for approval was shown in the presentation, as well as rationale for denial.

Chair asked if there were any questions for staff.

Mr. Brown stated he feels like they have been working on this for more than a year with the Legislative Committee and the planning staff has done a great job putting together their goals and objections and coming up with a zoning change that fits perfectly. He thanked staff for this.

Ms. Cromar asked what is the minimum lot size. Mr. Manley stated 8,000 sq. ft. She asked if one building could be on an 8,000 sq. ft. lot. Mr. Manley stated no, they do not limit the number of buildings. She stated so on 8,000 sq. ft. they could have three buildings. Mr. Manley stated if physics allowed for it. Mr. Manley stated all the requirements would have to be met therefore they are not limiting the number of buildings but they will have to meet all the requirements; height, parking, landscaping, and that will dictate the number of

buildings that can be placed on the lot. And you also cannot have a building greater than 4,000 sq. ft. She stated if you have to park in the back and with the requirements will that allow enough room for one car in and one car out. Mr. Manley stated it would depend on the width of the lot and it would not be a public street, it would be a private driveway. Some fire requirements could come into play. He discussed some of the landscape requirements coming into play also. You will need 20' if you plan to have two-way traffic. It would depend on the width of the lot that you have to work with. The developer would be designing this to have an acceptable vehicular use area that would have to meet city standards.

Ms. Cromar asked if a porch was a requirement. Mr. Manley stated yes, you can have a porch or a stoop located on the front and/or side of the dwelling. She asked about common open space and Mr. Manley stated they are based on our basic common open space standards. Mr. Morrow stated the general common open space that is under the general provisions applies to nonresidential and PRD CZD. Mr. Manley stated they are taking those standards and applying them here in MIC for small scale multi-family. They don't have to meet open space requirements, just common open space requirements. It would be roughly 10% of the site.

Discussion was made on the right-of-way and where the setback starts.

Lew Holloway, Community Development Director discussed what a "highly urbanized area" means.

Varying from the setbacks was discussed. Mr. Manley stated any varying from a setback would require a variance from the BOA and a hardship to be proven. He stated the proposed changes would reflect the existing character.

Discussion was made on the setbacks and compatibility.

Ms. Peacock stated this would be a by right permitted use and would only go for site plan approval by staff. Mr. Manley stated yes, under 50 units, once you hit 51 units it automatically triggers a CZD.

Chair discussed this being a new definition added for small scale multi-family. Mr. Manley stated yes, this would be a new definition. He discussed adding footprint to the definition.

Chair discussed defining the front façade. Mr. Holloway stated the interpretation would be the front of the building (i.e. the front façade) cannot pass the 10' minimum setback.

Chair stated he would open public comment. There was no one in the room that wanted to speak.

Ken Fitch, 1046 Patton Street (Zoom) spoke for 5 mins and 30 seconds. He expressed concerns related to the incremental changes as presented in the proposal and the potential impact it may have on existing character. He expressed concern related to the need for additional parking and the potential loss of tree canopy.

Staff responded to some of the comments to explain that street trees were originally part of the staff recommendation, but those provisions were removed in an effort to defer to the Tree Ordinance which is currently being drafted by committee. Further, staff presented information related to Parking Minimums and the impact they have historically had on development patterns, not only in Hendersonville, but across the county.

Chair closed public comment.

The Planning Board discussed and showed support for the provisions presented by staff. Ms. Peacock provided comments that, due to Building Code constraints combined with the footprint limitations, it may be

unlikely that multi-family units would be developed in the MIC under these provisions. It was further expressed by Ms. Waters that if development/redevelopment does occur in the area, there is some likelihood that the units would be either Short Term Rentals or offered as a high-end, market-rate housing type. Ms. Peacock offered that she saw Townhomes as a viable option and that it was her opinion that this housing type was more likely to be developed under these provisions. Ultimately a majority of Planning Board members agreed that Small-Scale Multi-Family was an appropriate use in this area regardless of how the market may respond.

Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-10. ‘Medical, Institutional and Cultural Zoning District Classification (MIC)’ and Article XII. – ‘Definition of Terms’ and Article XVI. – ‘Supplementary Standards for Certain Uses’, 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 2030 Comprehensive Plan Land Use and Development Chapter calls for minimal front setbacks and recommends multi-family as a secondary use for properties within the Urban Institutional Future Land Use Designation. Goal PH-3 of the Population & Housing Chapter further supports the proposed Supplementary Standards for Small-Scale Multi-Family. 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 addition of multi-family residential as a permitted use will allow for greater infill development in a zoning district with a mix of intense land uses. 2,The addition of multi-family residential as a permitted use will place more residents within close proximity to goods and services. 3.The addition of multi-family residential as a permitted use will allow for a mixture of housing types at different price points. Mr. Hanley seconded the motion. The motion passed eight in favor and one opposed (Cromar).

- VI(C) Zoning Text Amendment – Transportation Standards in CHMU (P23-51-ZTA).** Mr. Manley stated due to time he suggested tabling this item. It is a staff initiated text amendment and can wait. Chair wanted to get it on the September agenda.

Mr. Hanley moved to table the CHMU Zoning Text Amendment. Ms. Peacock seconded the motion which passed unanimously.

- VI Other Business.** Mr. Manley gave a staff update on the Comp Plan.

- VII Adjournment – *The meeting was adjourned at 6:06 pm.***

Jim Robertson, Chair