

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9578-43-7077, 9578-53-0013, 9578-43-9238 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT) TO UR (URBAN RESIDENTIAL - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9578-43-7077, 9578-53-0013, 9578-43-9238
Addresses: 914 & 924 Brooklyn Ave
Brooklyn Townhomes: (File # P24-62-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant Zach Grogan of MPG Shelby, LLC. and property owners Eugene Holbert, John Holbert, Edgar Holbert, & Wanda Ponder, for the development of 60 single-family attached residential units on Brooklyn Ave; and

WHEREAS, the Planning Board took up this application at its regular meeting on November 14, 2024; voting 7-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 5, 2024 and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 5th, 2024,

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: 9578-43-7077, 9578-53-0013, 9578-43-9238, changing the zoning designation from R-15 (Medium Density Residential Zoning District) to UR (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 **September 19, 2024**, 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, Single-Family - 60 Units
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - i. Developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave. The removal of bamboo canopy shall not adversely affect canopy preservation calculations.
 - ii. The Mabry name shall be represented on internal streets
 - iii. Developer shall construct a privacy fence across the width of the street at the portion of the property boundary where the street stub out is located. A sign stating "FUTURE ROAD CONNECTION" shall be placed on the fence in accordance with the Subdivision Ordinance
 - iv. Developer agrees to provide on-street parking as shown on the northern portion of the site near the mail kiosk.
 - v. Developer shall design secondary parking spaces (driveway) to meet or exceed Section 6-5-5.1 and 6-5-5.3, motor vehicle parking space design requirements.
 - vi. Developer shall be allowed to plant one medium tree (instead of large canopy tree) every 40' to meet street tree requirements along Brooklyn Ave due to NCDOT requirements, topography and public sewer considerations. See landscaping plan. [5-25-5.17]

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 be 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 this 5th day of December 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, 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: 9578-43-7077, 9578-53-0013, 9578-43-9238
 Addresses: 914 & 924 Brooklyn Ave
 Brooklyn Townhomes: (File # P24-62-CZD)

Applicant/Developer: <u>Zach Grogan</u>	Property Owner: <u>Eugene Holbert</u>
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title: _____	Title:_____
Date:_____	Date:_____
Property Owner: <u>John Holbert</u>	Property Owner: <u>Edgar Holbert</u>
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title:_____	Title:_____
Date:_____	Date:_____
Property Owner: <u>Wanda Holbert</u>	
Signature:_____	
Printed Name:_____	
Title:_____	
Date:_____	