

REZONING: CONDITIONAL REZONING – FIRST AVE VILLAS (P24-026-CZD)

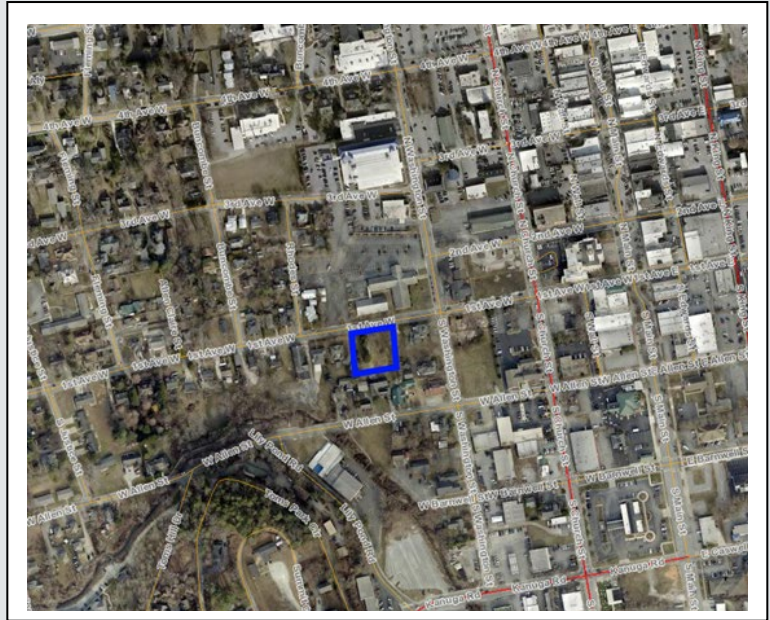
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
 - First Ave Villas
 - P24-026-CZD
- Applicant & Property Owner:
 - Sarah McCormick [applicant]
 - Rafique Charania of ARY Development LLC [Owner]
- Property Address:
 - 320 1st Ave W, Hendersonville, NC 28792
- Project Acreage:
 - 0.57 Acres
- Parcel Identification (PIN):
 - 9568-77-1057
- Current Parcel Zoning:
 - CMU-CZD - Central Mixed Use Conditional Zoning District
- Requested Zoning:
 - CMU-CZD – Central Mixed Use Conditional Zoning District
- Future Land Use Designation:
 - Downtown
- Neighborhood Compatibility Meeting:
 - June 6, 2024



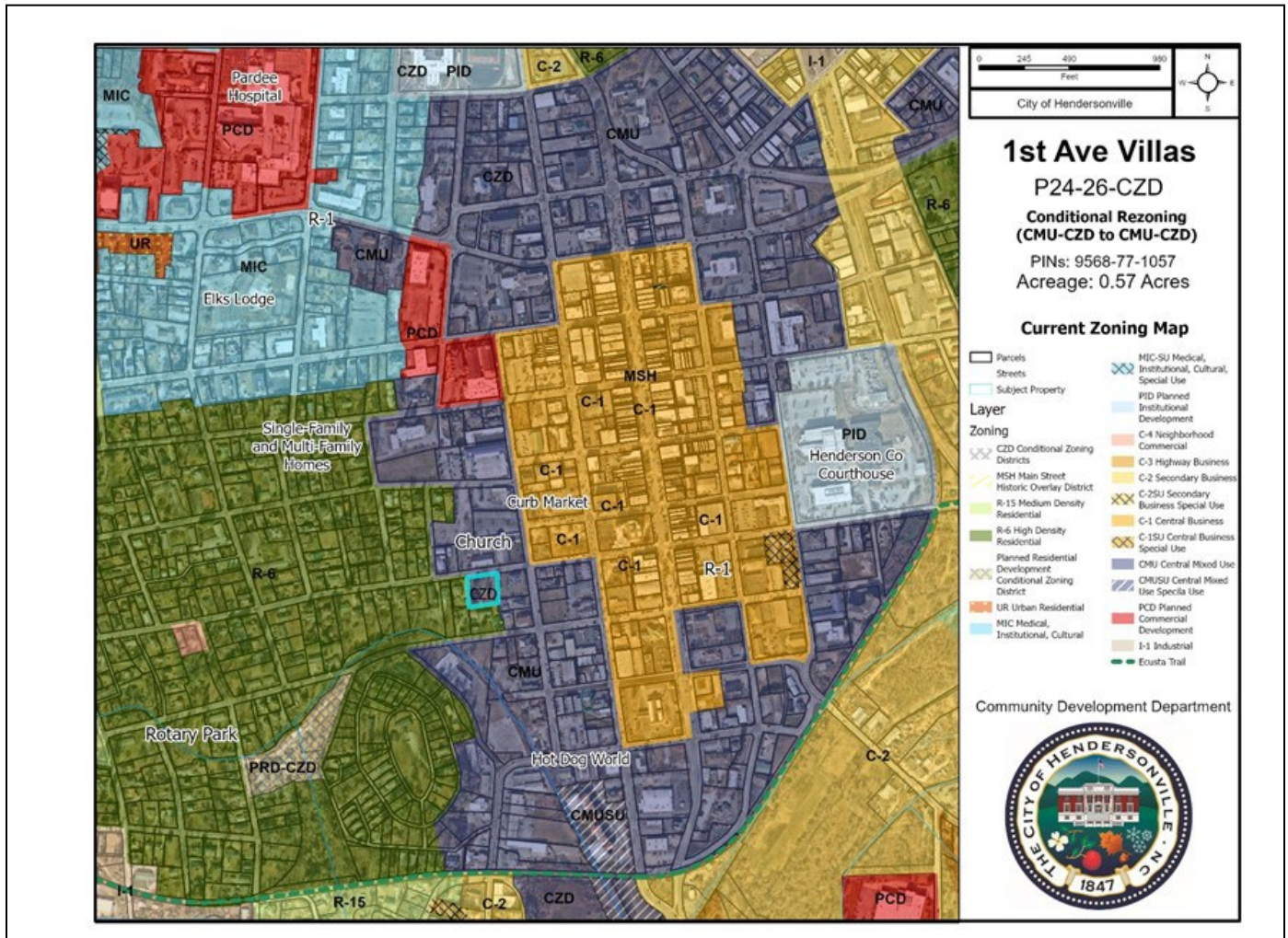
SITE VICINITY MAP

The City of Hendersonville is in receipt of a Conditional Zoning District application from ARY Development, LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is currently requesting to amend the existing CZD for the construction of 2 three-story buildings comprised of 16 residential units on a .57 acre parcel.

There will be open space located at the front of the property. The 19 parking spaces are located at the center and rear of the property while the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage.

The project was initially reviewed by Planning Board on July 11, 2024. The project was recommended for denial. The applicant has since adjusted their site plan to remove any portions that exceeded 3-stories; now reflecting a max height of 38'. The developer reduced the total unit count by 2 which reduced the overall density from 31.5 to 28 units/acre. They also adjusted the parking arrangement, the building materials and the roofline of the buildings.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned CMU - CZD and is located within city limits. The property is on the edge of the CMU zoning, which is located around the periphery of downtown. The CMU zoning is immediately adjacent to the east and north of the subject property. The CMU zoned property to the north of 1st Ave is the location of the 1st Church of the Nazarene. The property to the east at the corner of Washington St is an historic single-family home constructed circa 1882. A small portion of the lot at the very southeast corner is shared by another historic single-family home constructed in 1902. The adjacent parcels to the immediate south and west are zoned R-6. The R-6 property to the south is a multi-family property featuring 5 residential units. The R-6 property to the west is single-family structure built in 1910.

SITE IMAGES



View of subject property from First Avenue W (facing south). The building visible at the back of the property is a multi-family unit located on an adjacent property.



Mature trees located on subject property (view from First Avenue W facing southeast).

SITE IMAGES



View of adjacent property to the west.



Tree buffer to adjacent property (facing east).

SITE IMAGES



View of right of way looking east.



View of right of way looking west.

SITE IMAGES

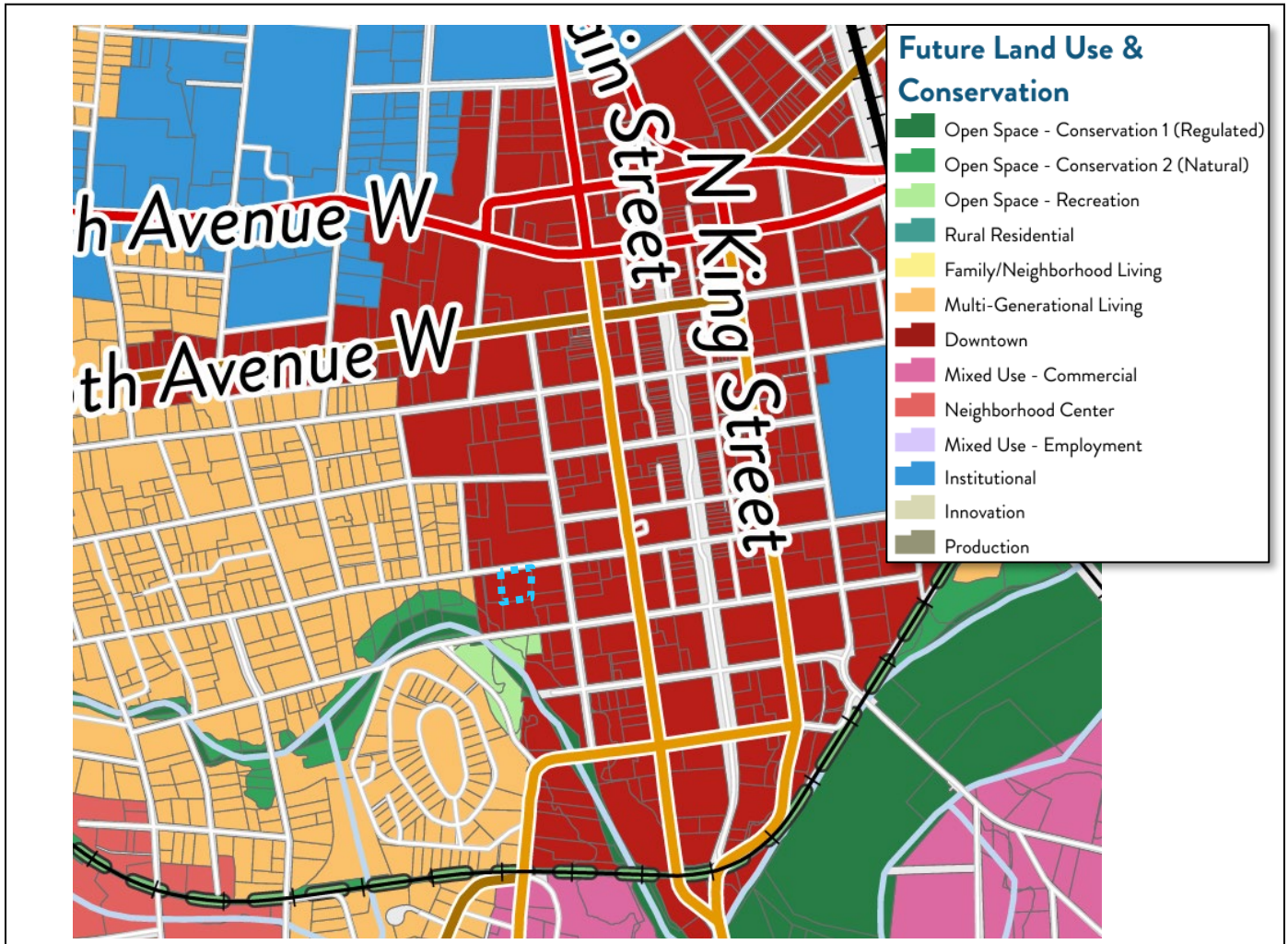


Existing driveway running through property.



View of 1st Church of the Nazarene and 1st Ave from frontage of subject property

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated a “Downtown” in the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map. The Downtown Character Area encompasses all of the properties to the east of the subject parcel. The first two parcels to the west of the subject property are designated as Downtown. The designation then transitions to Multi-Generational Living as you move westward. Open Space – Conservation 1 (Regulated) is to the south of the subject property following the Wash Creek floodplain.

West Ave Villas Proposal Timeline:

August 2020 – Conditional Rezoning (R-6 to CMU-CZD) - 10 Units (Two 1,742 Sq Ft Buildings + Two Garage Apts) – APPROVED

August 2021 – Conditional Rezoning (CMU-CZD Amended) - 11 UNITS (Two – 1,742 Sq Ft Buildings + Three Garage Apts) 340 Sq Ft Total Increase – APPROVED

Note:

With the adoption of the new Gen H Comprehensive Plan, the future land use for this property is now considered Downtown.



Full Minutes from City Council Meeting:

August 2020 Adoption of CMU-CZD Rezoning:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvInc-pubu/MEET-Minutes-742cc7de0f094b0f9d6754d8941c3eeb.pdf>

August 2021 Update to CZD:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvInc-pubu/MEET-Minutes-3cb3462df8a840ff9b290d0d871faa1d.pdf>

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Use: Residential, multi-family
- Total Dwelling Units: 16
- Site: .57 Acres
- Density: 28 Units / Acre
- Buildings:
 - Building 1 - 2,432 Sq Ft (footprint)
 - Building 2 - 2,432 Sq Ft (footprint)
 - Gross Floor Area - 18,832 Sq Ft
 - Height:
 - Mid-point of gable between ridge and eaves (height by definition) = 44'
 - Height of Ridge for 3-Story portion = 40'
 - Height of Ridge for 4-Story portion = 48' (highest point)
- Open Space: 1,181 Sq Ft of Urban Open Space
- Impervious Paver Area: 3,861 Sq Ft
- Transportation:
 - 1 centrally located vehicular access point off of 1st Ave
 - The projected Average AM Peak Trips = 9.18 (Threshold for TIA = 100)
 - The projected Average PM Peak Trips = 11.16 (Threshold for TIA = 100)
 - The projected Daily Trips = 118 (Threshold for TIA = 1,000)
- Sidewalks:
 - Staff is proposing that a Fee-in-Lieu of sidewalk be provided given the existing continuous sidewalk on the north side of 1st Ave and the right-of-way limitations for providing a continuous sidewalk on the south side of 1st Ave.
- Lighting:
 - All site lighting will be required to conform to the City's lighting standards for multi-family developments. The lighting plan is a component of the final site plan review.
- Parking:
 - Off-Street Parking
 - Required: 1 per unit (1&2-bedroom units) = 18 spaces
 - Provided: 19 spaces
 - 1 ADA
 - On-Street Parking
 - 12 -13 on-street parallel parking spaces provided on north side of 1st

- Ave to alleviate concerns of under parking and to provide buffer for pedestrians.
- Drive Aisles
 - The center drive aisle is 26' wide.
 - The parking lot drive aisle is 24' 9"
- Landscaping:
 - This development will be required to provide:
 - Vehicular Use Landscaping
 - Interior parking lot plantings (Sec. 15-9 a))
 - Planting strip to buffer from rear property (Sec. 15-9 b))
 - Street Trees (Sec. 15-15)
 - Urban Open Space landscaping (Sec. 5-19-3.3 f) 3))
 - A detailed Landscaping Plan will be provided at final site plan
- Building Design:
 - 3-Story design with a 4-Story step-up on portion of building furthest from the street
 - Building Materials - Additional Information needed
 - Some heavier stone materials placed on lower portion of 1st story
 - Balconies proposed for 2nd and 3rd floors on front façade
 - Balconies and patios proposed for all floors on side facades
 - Roof line features a variety of gables and false gables
- Floodplain: N/A
- Stream Buffer: N/A

DEVELOPER PROPOSED CONDITIONS: None

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT:

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for CMU-CZD with the following exceptions [Resolved / Unresolved]:
 - Additional information needed on Building Materials [Resolved]
 - Update Land Disturbance delineation. Appears to encompass entire parcel. [Unresolved]
 - Provide calculations for landscaping requirements. In table form, provide the area or length of required buffers, vehicular use area, urban space, etc, and provide the planting calculations required based on the zoning standards, provide the total plantings for each planting requirement. Consider separate preliminary landscaping plan on separate sheet [Unresolved]

- Type A Buffer Plantings as depicted are insufficient on west side property boundary. Alternative Compliance may be achieved on east property boundary at Final Site Plan. [Unresolved]
- Placement of 38' tall buildings located 8' from the property lines of adjacent single-family homes, could be considered "unreasonable loss of privacy" as is referenced in Section 18-6-1 and revisited under Sec 18-6-4.4. Further, it would have impacts to the existing neighborhood as is given consideration under Chapter 8 of the 2030 Comprehensive Plan under LU-3.5 "Minimize negative impacts from growth and land use changes on existing land uses"
- The following comments need to be addressed to improve clarity or improve site design and function [Resolved/Unresolved]:
 - Discrepancies exist between square footage totals shown on site plan for each building vs those shown in the "Site Statistics" table [Resolved].
 - Clarity is needed on potential discrepancies between footprint square footage and gross floor area [Unresolved]
 - Provide canopy area and indicate trees to be removed vs trees to be preserved on the "tree survey". [Unresolved]
 - Parking Spots 14 and 7 appear encumbered by building columns [Resolved]
 - Parking Spot 11 is encumbered by a proposed tree to be preserved [Unresolved]
 - Loading Zone appears difficult to access / limited in use [Unresolved]
 - Improve clarity of building footprint where surface level parking is provided under the 2nd floor [Unresolved]
 - Add note that this will meet the screening requirements of 5-19-3.3 c). [Resolved]
 - Dumpster location appears difficult to access for trash removal [Unresolved]

Proposed City-Initiated Conditions [Zoning Compliance]:

- In order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved. [Developer has not agreed]
- Alternatively, remove balconies/patios facing external to site and relocate to courtyard (interior of site). [Developer has not agreed]

DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consist of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff has provided only the relevant/outstanding comments / conditions below:

FIRE MARSHAL

Site Plan Comments:

- Please make sure that this surface shall be capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. [Resolve at Final Site Plan]

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- For on-street parking:
 - Add dimensions showing the width of the road [Resolve at Final Site Plan]
 - Remove the mid-block crosswalk [Resolved]
 - Close the 17' 10" gap in the parking spaces [Resolved]
 - Show the drive entrance on the west end of the building as well to make sure we have the setback from that entrance/exit. [Resolve at Final Site Plan]

Proposed City-Initiated Conditions:

- None

TRANSPORTATION

Staff Comments:

- A TIA was not required for this project due to the low expected trip generation. The City's triggers of 100 Peak Hour Trips and 1,000 Daily Trips were not met.
- The trip generation for this project is 28 AM Peak Hour Trips, 28 PM Peak Hour Trips and 191 Daily Trips

Proposed Condition:

- None

GENERAL REZONING STANDARDS

1) COMPREHENSIVE PLAN CONSISTENCY	<p><u>LAND SUPPLY, SUITABILITY & INTENSITY</u> The subject property is located on a vacant or underutilized property in the Land Supply Map. It ranks as “Highly Suitable” for residential development in the Suitability Assessment. The subject property is in a Focused Intensity Node centered at the intersection of Greenville Hwy & Spartanburg Hwy.</p> <p><u>FUTURE LAND USE & CONSERVATION MAP</u> Designation: Downtown Character Area Description: Consistent Zoning Crosswalk: Consistent Focus Area Map: N/A</p> <p><u>LONG-RANGE PLANNING COMMITTEE RECOMMENDATION</u> The Long-Range Planning Committee reviewed the proposal for Comprehensive Plan Consistency at their meeting held on July 30, 2024. The LRPC supported the staff analysis for comprehensive plan consistency and concurred that the proposed conditions for Rezoning Criteria found below would alleviate areas of inconsistency.</p>
2) COMPATIBILITY	<p>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</p> <p>In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to “compatibility”. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project is located within the boundaries of the Downtown Master Plan, staff evaluated the project according to the Design Guidelines found in Chapter V of the Gen H Plan.</p> <p><u>EXISTING CONDITIONS</u> The subject property is currently vacant. It is surrounded by single-family and multi-family residential homes. Directly across 1st Avenue from the subject property is Hendersonville First Church of Nazarene. To the northwest of the property is the West End National Register Historic District, which primarily consists of single-family homes on varying sized lots. There are also a mix of multi-family units in small apartment buildings or in homes that have been converted into multi-family. To the east of the property is Downtown - the city’s core commercial business district.</p> <p><u>GEN H COMPREHENSIVE PLAN GOALS</u> (Chapter IV) Vibrant Neighborhoods: Consistent Abundant Housing Choices: Consistent Healthy and Accessible Natural Environment: Somewhat Consistent Authentic Community Character: Somewhat Consistent Safe Streets and Trails: Consistent</p>

	<p>Reliable & Accessible Utility Services: Consistent</p> <p>Satisfying Work Opportunities: N/A</p> <p>Welcoming & Inclusive Community: Consistent</p> <p>Accessible & Available Community Uses and Services: N/A</p> <p>Resilient Community: N/A</p>
	<p><u>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</u> (Chapter IV)</p> <p>Mix of Uses: Consistent</p> <p>Compact Development: Somewhat Consistent</p> <p>Sense of Place: Somewhat Consistent</p> <p>Conserved & Integrated Open Spaces: Somewhat Consistent</p> <p>Desirable & Affordable Housing: Consistent</p> <p>Connectivity: Consistent</p> <p>Efficient & Accessible Infrastructure: Consistent</p>
	<p><u>DESIGN GUIDELINES ASSESSMENT</u> (Chapter V)</p> <p>Key compatibility concerns for an infill development of this scale can be addressed through the application of design guidelines such as those found in Chapter 5 of the Comprehensive Plan. Primary areas of concern for compatibility are site design, building height and architectural design.</p> <p><u>Site Design</u> - Many aspects of the site plan align with the Design Guidelines in Chapter 5 of the Comprehensive Plan including: building placement, landscaping, parking and on-site open space. One area of concern is the buildings do not parallel the street edge.</p> <p><u>Height</u> - the applicant has revised the proposal to reduce the overall height to 38' which aligns with the Downtown Design Guidelines in Chapter 5 of the Comprehensive Plan for both maximum height and residential transitions. It is also not out of scale with existing adjacent residential structures.</p> <p><u>Architectural Design</u> - while many aspects of the building design align with the design guidelines, notable shortcomings involve the activation of the ground-floor through the provision of functioning stoops/porches and pedestrian entries on primary frontage.</p>
3) Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p>
	<p>The property has previously been rezoned to accommodate 11 units on the property.</p> <p>Additionally, the Ecusta trail, which will be partially completed by the end of this year, is a new transportation and recreation facility located less than 1/2 mile from the subject property.</p>
4) Public Interest	<p>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 -</p>
	<p>The status of the region's affordable housing crisis is well documented from reports such as the Bown Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue.</p>
	<p>The provision of 16 additional housing units on a relatively small, infill parcel will put residents within close proximity to employment, shopping, recreation, etc. The proposed development would utilize existing infrastructure and city services.</p>

5) Public Facilities	<p>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</p> <p>The subject property will be served by City of Hendersonville services. The subject property is located within the City's existing interconnected street grid, which facilitates the disbursement of additional automobile traffic, and is in close proximity to the Ecusta trail, and less than a 5-minute walk to historic Main St, both of which facilitate a reduction in typical per household vehicular miles traveled.</p>
6) Effect on Natural Environment	<p>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> <p>Mature Trees: There are a number of mature trees and vegetation around the subject property. Tree canopy in the center of the property is proposed to be removed. Some of the trees on the east side of the property are proposed to be removed while others will be preserved and incorporated into the required buffer.</p> <p>Stormwater: Stormwater management standards are not triggered by this development due to the disturbed area being less than 1 acre. The developer proposes to utilize pervious pavers for the center drive aisle and parking area.</p>

REZONING CRITERIA STAFF ANALYSIS & CONDITIONS

Staff Analysis

- 1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be generally consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
- 2) Compatibility - Staff finds that the general location of the project and its proximity to a mix of land uses is compatible with the city's overall growth strategies. Areas of inconsistencies arise when considering the compatibility of the design of the project through the lens of the Goals, Guiding Principles and Design Guidelines found in Chapter IV & V of the Gen H Plan. The compatibility issues relate to design elements of the proposed structures and how they interface with the street frontage. These inconsistencies are addressed by the conditions proposed by staff outlined below.
- 3) Changed Conditions - Staff finds that the changed conditions related to construction of the nearby Ecusta Trail supports increased density in areas located in close, walkable proximity to off-street trails.
- 4) Public Interest - Staff finds that the provision of additional higher density housing facilitates the provision of increased housing stock.
- 5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure. Staff would highlight that the existing interconnected street grid, pedestrian facilities and nearby off-street trails combine to create opportunities to disperse automobile traffic and reduce vehicular trips.
- 6) Effect on Natural Environment - While some tree removal and an overall reduction in pervious area is proposed, the proposal does include the preservation of some mature trees and shrubs and proposes to utilize pervious pavers to reduce the overall use of

impervious materials.

Proposed City-Initiated Conditions [Rezoning Criteria]:

- Provide fully functioning upper-floor balconies and first-floor patios on front façade with front entrances connected to right-of-way. [Developer has not agreed]
- Provide sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle. [Developer has not agreed]
- Align building façade parallel with street edge along 1st Ave. [Developer has not agreed]
- Provide fenestration on front facing façade of rear elevator/stairwell [Developer has not agreed]
- Enclose the rear and front stairwells in order to better blend with surrounding neighborhood. At a minimum use fenestration on street-facing sides to provide light and design consistency. Fenestration on front, street-facing façades should align horizontally throughout the development - i.e. windows on elevator/stairwell should align with windows on residential units. [Developer has not agreed]
- Provide delineated on-street parking on north side of 1st Ave to address parking concerns expressed at NCM, to help buffer the sidewalks and to help achieve Strategy LU-6.4 and Action PH-3.1.1 of the 2030 Comp Plan and Sec. 5-19-3.3 of the Zoning Code - [Developer Agreed]

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.

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 petition incorporate a mix of housing types into an existing urban neighborhood*
- *The petition provides an efficient use of property in the core of the city*
- *The petition would place residents within an area of existing city services and infrastructure*
- *The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.*

DRAFT [Rationale for Approval with Staff-Initiated Conditions]:

- *The petition provides walkable neighborhood design characteristics*
- *The petition proposes to have a vibrant interface with the public realm*
- *The petition limits the unreasonable loss of privacy on adjacent properties*

DRAFT [Rational for Denial]

- *The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.*
- *The petition proposes a density that is out of character with the surrounding neighborhood*
- *The petition would generate excessive traffic, noise and light in an existing residential neighborhood.*
- *The petition would cause an unreasonable loss of privacy*