

**Minutes of the Planning Board
Regular Meeting - Electronic
June 8, 2023**

Members Present: Barbara Cromar, Jim Robertson (Chair), Yolanda Robinson, Andrea Martin, Peter Hanley, Neil Brown

Members Absent: Tamara Peacock (Vice-Chair)

Staff Present: Matthew Manley, Planner III/Strategic Projects Manager and Tyler Morrow, Planner II

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of 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 May 11, 2023. *Ms. Cromar moved to approve the Planning Board minutes of the meeting of May 11, 2023. The motion was seconded by Mr. Hanley and passed unanimously.***
- IV Old Business**
- V New Business**
- V(A) Administrative Review (Preliminary Site Plan) – 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. 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 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 project is required to go through preliminary site plan review because the development exceeds 20,000 sq. ft. and is a commercial use. A hotel this size is a by right permitted use in CHMU and does not require rezoning. Approval of the preliminary site plan does not entitle the applicant to the issuance of a zoning compliance permit or final site plan approval. The developer will still be required to submit full construction drawings to staff for review as well as any other required approvals.

This project is located within the Commercial Highway Mixed Use zoning district which does have design standards for any project within that district excluding single and two-family homes.

Article 18 "Mixed Use Zoning" outlines the process that all projects located within a mixed-use zoning district shall undergo.

Staff received an initial rendering of the proposed Tru Hotel. Staff provided comments on the items needed in order to bring the building design into compliance with the ordinance; staff has not received a revised rendering. Due to not receiving updated elevations for the building design review, staff is processing this application in accordance with Section 18-3-1.1. Site plan review only. They will have to provide building design during the final site plan review process and that will be reviewed by staff.

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.

Zoning compliance was explained for the preliminary site plan and the building design is included in the presentation and the staff report.

Mr. Morrow stated concerning sidewalks, the requirement for sidewalks is triggered by this development. In the Waterleaf at Flat Rock Road extension plans provided to the city, sidewalks are shown on the opposite side of Upper Crossing Drive for that development.

Chair asked if there were any questions for staff.

Mr. Brown asked if staff would make sure that the sidewalks meet the code, and all requirements are met prior to release of the Certificate of Occupancy. Mr. Morrow stated yes, at the final site plan review all codes must be met. Mr. Manley stated the property would be inspected before the release of the CO.

The lighting is an aspect of the final site plan. Chair discussed the sidewalk and where Upward Crossing extends. A full road connection is not part of the Waterleaf project. There are a good amount of sidewalks that will be in this location once the projects are completed.

There were no further questions for staff.

Chair asked if there were any questions for the applicant.

Mr. Brown stated this is not required by any city ordinance, but do they have any plans to put in electrical charging units or conduits for future installation of the units?

Chris Cormier, 624 7th Avenue East stated that would be a brand requirement and he does not know if that is required at this point and time. At the last two projects he did for this hotel there were charging stations, but he did not want to speculate on this one.

There were no further questions for the applicant.

The Board discussed landscaping requirements. Mr. Morrow stated the preliminary site plan did meet the landscaping requirements and there were no comments on that.

Chair stated it is not required but if anyone has any comments or questions it must pertain to the site plan.

Lynne Williams, Chadwick Avenue stated CHMU allows for four stories. Is that what this will be zoned for? She discussed parking. She stated it is important for this project to comply with the ordinances as it does not require a conditional zoning. She had concerns about the open space and the traffic islands. She talked about having street trees. She was concerned about safe crossing in the area. Is there a better use for this space?

Ken Fitch (zoom), 1046 Patton Street stated do they need to provide more information on parking if they require a meeting space and restaurant? How will that be implemented?

There were no further comments.

Chair stated there were some concerns raised and this is just a preliminary site plan. Staff will review the final site plan and ensure that it meets the ordinance requirements.

Mr. Morrow stated with this process, it is a transparency process, that is what the preliminary process is. For these certain projects that reach a certain threshold, they deserve to have public eyes on them to ensure compliance and make sure staff is basically enacting the ordinance as it was written. That way these larger site plans are not reviewed by staff only. He explained the preliminary site plan process in detail.

Mr. Brown talked about having more parking spaces. Mr. Morrow explained the parking when it comes to conditional zoning and adding conditions and since this is a preliminary site plan review, it has the set standard of one space per room and that is what staff has to go by. Unlike conditional zoning, conditions cannot be applied to this. Chair stated this is a preliminary site plan review to see if it complies and if it complies with the one space per room requirement, then it is fine. Mr. Brown stated his concern is staff parking and if they are full during Apple Festival, where do staff park? Mr. Hanley stated none of these hotels are ever booked 100%. There is always parking somewhere on the property.

Chair asked if any of the conditions listed that have not been taken care of yet, are those things huge or insurmountable? Mr. Morrow stated in general he did not foresee any of them being a huge unsurmountable obstacle. He stated parking would be the most difficult thing to address and he doesn't think that will really be very difficult to address. He doesn't see anything insurmountable that could not be addressed.

Chair asked about not seeing a lighting plan. Mr. Morrow stated that was a given. It wasn't an aspect of the preliminary site plan review, but they will have to be in conformance with the lighting ordinance. And that is approved at final site plan approval.

Mr. Hanley moved that the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-27 Commercial Highway Mixed Use and 7-3-3 Review of Preliminary Site Plans) for the Tru Hotel project subject to the following conditions: The 12x40 loading/unloading space needs to meet the required 14' of overhead clearance. Parking calculations need to be updated to take into account any "public meeting area and restaurant area" into the required parking calculations and reflected on the plans. Any areas meeting these criteria need to be included in the required parking calculation and reflected on the plans. Sidewalks that are shown to the northern property line that states it will be "by others" will be the responsibility of the property owner and developer to ensure

that these sidewalks are built in accordance with this project and that the requirement for these sidewalks are a requirement of this project. To symbolize areas meeting the open space and common open space requirements. These areas must meet the criteria outlined in the ordinance. Provide clarification and notes concerning 5-27-4.1.4 Common space standards including. Adding a note stating all service connections shall be underground. Showing and calling out areas meeting requirements outlined in section d) seating and e) amenities. The motion was seconded by Ms. Cromar and passed unanimously.

V(B) Standard Rezoning (Zoning Map Amendment) – Blue Ridge Commerce Center – (P23-46-RZO). Mr. Morrow gave the following background:

Mr. Morrow stated the City is requesting that initial zoning be placed on this property that was annexed at the City Council meeting last week on June 1st. The location of the property is off McMurray Road. There is an internal street, McAbee Court. The applicant is the City of Hendersonville and owner is Asheville Industrial Owner, LLC I and II. The existing zoning on site is Henderson County Industrial. City Staff is proposing I-1, Industrial which is the City's equivalent to the county zoning. The property is 65.31 acres. Any use within the I-1 district would be permitted. The Future Land Use Designation is Business Center and Regional Activity Center.

A map was shown with the subject property in red. This was included in the staff report.

The Future Land Use Map was discussed and is included in the presentation and the staff report. The Upward Road Planning District was shown in pink on the map.

A dimensional requirement comparison was shown in the presentation for the I-1 zoning and Henderson County Industrial zoning. Mr. Morrow explained the comparison in detail.

Site photos were shown and explained and are 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.

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

Chair asked if there were any questions for staff.

Ms. Cromar asked with the tree buffer already in place and minimal, would they have to plant a thicker buffer? Mr. Morrow stated the existing buffer that is left is along I-26. He didn't think there was any requirement to buffer from an interstate. They would have to meet the buffering requirements of the zoning district they are in. Ms. Cromar stated the setback from the interstate is 20 feet. Mr. Morrow stated yes if that is the rear it would be 20 feet. Mr. Morrow explained the Comp Plan being a guide and that the Zoning Ordinance requirements would be enforced. He explained that the frontage is off of McMurray Road.

Mr. Morrow stated the small buildings are a commercial use. It is a small industrial park along Reeds Way that goes into a cul-de-sac.

Chair stated when Henderson County permitted the project that is currently occurring, did it show a giant septic tank, or did they know they would be connecting to city sewer all along? Mr. Morrow stated he did not know the answer to that. Chair stated the county knew that the city would end up getting involved but it was only annexed recently.

Chair asked if anyone knew how many acres are zoned I-1 in the city. Mr. Morrow stated he did not know. Chair stated he guesses it is less than 65 acres and this project is 65 acres. Some discussion was made on the I-1 areas.

Ms. Cromar stated it is a huge piece of property, but it would be creating employment for the area.

Chair stated any future development other than the two that have already started would have to comply with the city ordinance as far as disturbing stream areas and buffering, etc. Mr. Morrow stated anything outside of what is vested would have to go through the city's review process.

Chair stated it is the City Planning Department that is recommending I-1. Mr. Morrow stated that is correct.

Chair stated the city is the applicant, so he didn't believe there was anyone that wanted to speak.

Chair stated he would open public comment, but it would be limited to three minutes.

Ken Fitch, 1046 Patton Street stated there is mention of Blueline Streams on the property and going forward it would be important to know their location as it may affect activity on the site and impact on adjacent properties. It is important to understand the county approvals are in place as Mr. Morrow described. He stated concerns about the property located in a voluntary agricultural district and that the property would no longer have this agricultural district once the rezoning is approved. He stated we are just approving something that was already approved.

Lynne Williams, Chadwick Avenue had concerns about the building not being built yet and they could switch up the use if allowed in zoning. You can't reference the 2043 Comp Plan because it is not completed. It has not had community input. The R2R zoning and R1 zoning has historic county farms such as the Lyda Farm. They do not get to comment on this because they are not in the city but the county. That's not fair and that is not transparent. As citizens of the city the only right they had to comment on was the annexation and by that point it was too late. This is going to get shoved down our throats without an input. The site is horrendous. She talked about open space. She stated there was toxic pond on the property. She talked about protecting the streams and the animals and how that is gone now. The property has been destroyed. Buffers to the woods are needed on all sides. She discussed tree requirements and parking. She talked about zoning it to CHMU. This is a huge loss for our residents.

Chair closed public comment.

Chair asked about the open space requirement for I-1. Mr. Morrow stated a general I-1 open space requirement does not exist. There is a common open space requirement and that is 10% for commercial or industrial use. The CHMU has a separate open space requirement. Chair asked if CHMU allows for light duty manufacturing. Mr. Manley stated light manufacturing yes, but this list of manufacturing is not permitted. Chair asked if the city considered CHMU because it was designed for the Upward Road corridor. Mr. Morrow stated city staff looked at the current zoning. This Board has made it an emphasis that staff does not zone something that is out of character with the county. Staff thought I-1 reflected what the county had currently zoned that property and also aligned it with their current Comprehensive Plan and future Comprehensive Plan. Mr. Hanley asked if their Comp Plan was finished. Mr. Morrow stated it is not.

Chair asked would the buildings that are permitted already and under construction, would they comply with CHMU? Mr. Morrow stated he does not have an answer for that. Chair asked if they know what the use is. Mr. Morrow stated no.

Ms. Cromar stated it is a barren wasteland to look at. Mr. Morrow stated there are different buffer requirements for bordering residential but there is nothing for bordering an interstate. This is not impacting

NCDOT. No one is looking at this from the interstate. Buffer requirements are for people actually living and working in this area to make sure they are buffered from it. There are vehicular use area landscaping requirements as well.

Ms. Martin asked if the only way to turn out of this is to go right or can you take a left onto Upward Road. Mr. Morrow stated coming out of McMurray Road you can only turn right because there is a median.

Chair stated personally he could go either way, but CHMU is what they set aside for the Upward Road corridor when we annexed properties. Ms. Cromar suggested citing the difference between CHMU and I-1.

Mr. Hanley stated some industrial has already been approved and you can't go back and do anything about that if the property gets zoned CHMU. Chair stated only a portion has been permitted for this type of industrial use by the county. There is still more development that will take place on the 65 acres in the future. If the city zones it CHMU, those two parcels that have already been permitted by the county, we have to allow that. But the rest of the development would have to follow CHMU instead of I-1 which has different uses and design standards. Chair thought it would give the city a little more control.

Mr. Manley stated they could make that recommendation and City Council could consider it. The applicant could weigh in. They could begin development and then realize they may not be able to do this under the CHMU zoning and they could come back here and ask to rezone it. Chair stated or they could get a conditional zoning. Mr. Manley stated yes, if it triggered that.

Chair stated he could go either way, but he feels the CHMU would give the city a little more control for future development.

The Board asked about sewer lines. Mr. Morrow stated the city is extending the sewer line for this property.

Sewer was discussed in this area. Mr. Manley stated discussion about the sewer will be made during discussions with the Comp Plan. Those discussions are coming.

Chair stated this property has to be zoned within 60 days or something happens. Mr. Morrow stated his understanding from the City Attorney is the property becomes unzoned after 60 days. He stated "unzoned" means you can't do anything. Chair stated he can't imagine City Council doing that, but they are looking for a recommendation from this Board.

Mr. Brown stated if he makes a motion it will be CHMU.

Chair took a poll on the vote. It was a tie with three members wanting CHMU and three members wanting I-1.

Mr. Manley stated you can have a split vote. Mr. Hanley stated this project is already moving forward now. It would be different if it wasn't.

Mr. Morrow stated Duke Energy goes out and identifies potential industrial sites for future development and this site was picked as one for Henderson County.

Mr. Manley stated this is going to move forward even with a split vote. Chair stated it is not really a recommendation with a split vote, but it represents the community.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs 9588-31-1844, 9588-22-8495, 9588-23-9432, 9588-23-3192, 9588-13-8975) from Henderson County Industrial to City of Hendersonville I-1, Industrial Zoning District 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 Regional Activity Center and Business Center designations Recommended Primary and Secondary Land Uses generally align with uses permitted in the I-1 zoning district and the property is located in an area designated as a priority growth area. 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 proposed I-1 zoning district is compatible with the current Henderson County Zoning and Future Land Use Designations. 2. The proposed I-1 zoning allows for a wide range of uses that align with similar types of developments in this area. 3. The proposed I-1 zoning provides the city with industrial zoning fronting the I-26 corridor. Ms. Cromar seconded the motion. The vote was three in favor (Hanley, Cromar, Martin) and three opposed (Brown, Robertson, Robinson) to the motion.

Discussion was made on a new motion and if anyone would change their mind if the motion was for CHMU zoning. The vote would still remain a tie.

The dissenting votes were in favor of the CHMU zoning.

VI(C) Administrative Review (Preliminary Site Plan) – Asheville U.S. Army Reserve Center (A22-56-SPR). Mr. Manley gave the following background:

Chair stated the Federal Government, which the U.S. Army is a branch of, does not have to meet with local zoning ordinance compliance but we can always ask. Mr. Manley stated that is correct, this is a voluntary review. He stated this project is greater than 20,000 sq. ft. but less than 50,000 sq. ft. so it hits this process.

The City of Hendersonville is in receipt of an application for preliminary site plan review from the U.S. Army Corp of Engineers for the construction of a 45,122 sq. ft. Army Reserve Center to serve the Asheville region. This is an Administrative Review, and the Federal Government is not subject to zoning requirements. They have voluntarily submitted this application.

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

The current Land Use and Zoning was included in the presentation and the staff report.

Site photos were shown and included in the staff report.

The Preliminary Site Plan was shown and explained and is included in the staff report.

Zoning Compliance was explained and is included in the presentation and staff report along with consideration of conditions.

There were several comments from staff which have been addressed. They have come into compliance on most everything except the installation of sidewalks. The developer's comment was appropriated federal money for this project cannot be used for future development. With no existing sidewalk in place on Crest Road they felt that the sidewalk is considered future development.

Chair asked if there were any questions for staff.

Ms. Cromar asked if it would just be open on weekends. Mr. Manley stated the weekends are when it would mainly be used.

Mr. Manley stated it was annexed for sewer. It is very far from the rest of the city.

Ms. Cromar asked if the three things listed in the presentation were considerations or conditions. Mr. Manley stated they would be conditions for approval because all of them pertain to the ordinance requirements and are the types of conditions that can be placed on a site plan review.

There were no further questions for staff. The applicant was not in attendance.

Chair opened public comment and limited it to three minutes.

Lynne Williams, Chadwick Avenue stated keeping the buffer around the perimeter is super important. Will they get a tree study before everything is destroyed? Will the EPA review this project? They are not compliant on sidewalks or landscaping. How can we promote this? She was concerned about the fence disrupting the animal habitat. Can they calculate the impact?

Wendy Ramey, 646 Crest Road stated she is going to be majorly impacted. She pointed out her property on the map. Her bedroom is 50 feet from the corner piece of the 20-foot buffer. She heard about the 20-foot buffer, but she doesn't know. It is heavily vegetated now. What kind of fence? She is going to see huge buildings on each side. She had concerns about not knowing what they plan to do there all night. She is used to nothing but woods for 50 to 100 years there. This is going to be totally different. Lighting and all of that is a concern because she has livestock in the back. The buffer is her biggest concern. Ms. Cromar stated that is one of the conditions that they would put forward. Ms. Ramey asked about what kind of fencing would be there. It would deter wildlife. Mr. Manley stated he will try to get more information on the activity and the fence material and relay that to her.

Ms. Robinson stated since she is a long-term property owner there, they tend to respond better so she suggested writing them a letter with her concerns and requests.

Ken Fitch, 1046 Patton Street asked would bringing the fence closer to that corner help the adjacent property owners.

Discussion was made about moving the fence to better suit the adjacent property owners.

Mr. Manley stated the site plan is either compliant or it's not.

Chair closed public comment.

Mr. Hanley moved the Planning Board grant preliminary site plan approval based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of Sections 5-12 Industrial Zoning and 7-3-3 Review of Preliminary Site Plans) for the Asheville U.S. Army Reserve Center project with the following conditions: 1. Demonstrate how alternative compliance is being satisfied per Landscaping Requirements for Vehicular Use Area. 2. Pay Fee-in-Lieu of the construction of sidewalks. 3. Install security fence around entire perimeter of site on Reserve Center side of buffer. 4. Where disturbance occurs within the provided buffer, the area disturbed will be revegetated according to buffer requirements with no use of tree credits. 5. Comply with City's Lighting Ordinance. Ms. Cromar 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 5:44 pm.*

Jim Robertson, Chair

DRAFT