

City Council Memo

TO: Honorable Mayor and City Council
FROM: Community Development Department - Planning Division
RE: Neal Lechtner Mini Warehouses Conditional Rezoning – from R-20 (Low Density Residential) to C-3 CZD (Highway Business Conditional Zoning District)
FILE #: P21-08-CZD
DATE: May 6, 2021

PUBLIC HEARING CONTINUATION – MEMO UPDATE

In reviewing the April City Council proceedings which included a conversation about Comprehensive Plan Consistency, staff have continued conversations with the City Attorney about how to offer additional guidance to City Council regarding their options in light of the Planning Board's assessment that the project is not consistent with the Comprehensive Plan.

City Council may adopt an ordinance rezoning a parcel even in situations where the proposal is determined to be inconsistent with the Comprehensive Plan. In these situations, the adoption of the Zoning Map amendment through its adoption amends the Future Land Use Plan. We have adjusted the approval motion to reflect this option should Council choose to proceed with the approval this Conditional Rezoning.

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Neal Lechtner and North Main Street Properties of Hendersonville, LLC. for the development of a 3-story mini storage facility on approximately 1.83 acres. The subject property is identified as parcel number 9569-96-4276. The lot is currently vacant and wooded. Additional detail regarding this application can be found in the attached Staff Report compiled for the Planning Board.

PLANNING BOARD

The Planning Board considered this application at their meeting on March 8. They voted 4-1 recommending City Council not approve the rezoning. The reasons for recommending denial were compatibility with surrounding uses and the Board's belief that the project is not consistent with the comprehensive plan:

Mr. Blatt moved the City Council not adopt an ordinance rezoning the subject property for the following reasons: compatibility to surrounding uses, which are primarily residential and he does not believe it is consistent with the Comprehensive Plan as it stands today. Ms. Peacock seconded the motion which passed 4 in favor and 1 opposed.

The entire Planning Board minutes for this project is in your packet.

TREE BOARD

The Tree Board considered this application at their meeting on March 2. They voted unanimously to support the proposal by the developer to save the trees as shown and the developer proposed condition of reducing the buffer requirements for a section of the property shown in appendix H of the staff report. The motion and summary of discussion by the Tree Board is provided below:

- a) Neil Lechtner Mini Storage – This is a vacant lot, mostly wooded with 37 trees. They are proposing to save 19 trees and hope to save an additional three trees. Motion by Mark Madsen to accept the developer's recommendations for trees and the buffers. Roll call vote – all Ayes.***