

**Minutes of the Planning Board
Regular Meeting - Electronic
November 9, 2023**

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

Members Absent:

Staff Present: Tyler Morrow, Planner II, Alexandra Hunt, Planner I, Matthew Manley, Strategic Project Manager, Lew Holloway, Community Development Director (Zoom)

- 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 agenda. The motion was seconded by Ms. Robinson and passed unanimously.***
- III Approval of Minutes for the meeting of October 12, 2023. *Ms. Waters moved to approve the Planning Board minutes of the meeting of October 12, 2023. The motion was seconded by Ms. Cromar and passed unanimously.***
- IV Old Business**
- IV(A) Zoning Text Amendment – Additions of Definitions (P23-080-ZTA). Ms. Hunt gave the following background:**

This is a staff initiated zoning text amendment aimed to add definitions to existing, permitted uses in the current zoning ordinance. This text amendment addresses 22 missing definitions of existing uses and is part of a larger zoning ordinance audit or “clean-up” project to address things such as missing definitions for existing uses, removing text that is no longer applicable such as uses that were taken out of the ordinance by a text amendment; and adding new uses that have come up or have been regularly discussed by staff, applicants, property owners etc. All 22 missing definitions were addressed at the October 12th Planning Board meeting and it was during that meeting that the Board asked to continue two of the 22 definitions, Camps and Parks, to the following meeting in order for staff to take re-visit those definitions using the feedback that was given during the October meeting.

The staff recommended changes for “Camps” is: Establishments consisting of one or more permanent buildings (not including recreational vehicles or mobile homes) used for temporary, seasonal accommodation of individuals, typically providing programmed activities including outdoor recreational or educational opportunities.

The staff recommend changes for “Parks” is: Land that is publicly owned or controlled for the purpose of providing recreation or open space for public use.

Staff also recommended removing “Garage Apartments” from the list of permitted uses in both Sections 5-9-1 and 5-19-1 of the City’s Zoning Ordinance. Section 5-9-1: C-4 Neighborhood Commercial Zoning District list of Permitted Uses. Section 5-19-1: CMU Central Mixed Use Zoning District list of Permitted Uses.

Some discussion was made on accessory dwelling units.

The changes to these two sections did not make it into the motion during October's meeting and they have been added into the motion today.

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General amendment standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

Rationale for approval and denial were included in the staff report.

Chair asked if there were any questions for staff.

Chair stated at the last meeting a recommendation was made for the definitions but further discussion was needed for "parks" and "camps". Today the discussion should center around those two terms because they have already made a recommendation.

Mr. Brown asked about permitted uses and deleting private clubs from that list. Chair stated it was part of the removal. Discussion was made on the permitted use of a private club. Chair explained the term "private club" was discussed and was removed from the Zoning Ordinance. The Board felt the state could determine if it was a private club or not. Mr. Manley talked about creating nonconforming uses such as the Elks Lodge by erasing the term "private clubs" from the permitted uses.

Chair stated private clubs were popular back when and then there was an amendment made to private clubs about the distance they could be apart because there was a shooting. And so they said they have to be a certain distance apart. Mr. Manley stated that was also required by state law when they didn't serve a certain amount of food. He thinks some of laws have changed for the state and he thinks that was some of the background on this conservation.

Mr. Holloway stated he thinks we are removing it from the definitions because there is no longer the ABC "private club" which previously, basically was the only way you could have a bar. So now you have bars, some of which may be clubs and some may be not clubs but the underlying use would be a bar or restaurant. He stated Matt is raising a good point but he doesn't think it is a reason to keep "private clubs" in there it just may be a reason to look at how bars align with private clubs. The reality is we may not have bar in there because previously under the ABC law you couldn't have just a bar, it had to be a club or a restaurant. It may be they want to revisit how that aligns. He doesn't think there is a downside to removing private clubs at this point. If anything they will have to add a use back that is more broadly defined anyway. Or define a new use that captures what a private club is along with anything else that definition may entail. The goal for this round was to define what we already have and get rid of anything they didn't have anymore. We have a round where we need to add uses in and that will be round two and they could look at specific uses then. He thinks the Board can proceed.

The Board discussed both definitions.

Chair opened for public comment.

Ken Fitch, 1046 Patton Street (Zoom) stated the definition is basically good but perhaps for camps you need clarification of what is dedicated as a camp. He stated there are a lot of gray areas when it comes to camps and he suggested putting them under "SS" Supplementary Standards. He talked about having licensing for camps. He discussed having different kinds of camping and also glamping that is coming up. He discussed different types of camps and programs. You have to have standards in place to make it work. He also discussed parks and having preserves.

Ms. Robinson stated that North Carolina regulates anything that is non-hospital based that deals with a specific group. They couldn't do that under camps. The Health and Human Services would come swooping right on in and they like to do lots of big fines.

Chair closed public comment.

Chair stated there was a comment about camps being licensed. Ms. Cromar stated this is just the definition. Ms. Hunt stated staff could look into reflecting per state regulations and add that as part of the definition. Mr. Manley stated this is a land use not the organization that is behind it. Ms. Cromar stated the state would enforce certain types of camps regardless. The Board discussed preserves and if that was needed in the definition along with open space. Mr. Hanley stated no if it is a preserve it would already be set up as one. Some of the Board members felt a preserve might not be a park. Park is for a public use and a preserve is not.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2 Definition of Commonly Used Terms and Words; and Section 5-9-1 and Section 5-19-1 Permitted Uses by adding definitions for existing uses and removing unneeded 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 petition aligns with the Comprehensive Plan's goals to promote conformance and consistency between the City's Zoning Ordinance and Comprehensive Plan (Strategy LU-3.6). 2. We [find] this petition, in conjunction with the recommendations presented by staff, 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 text amendment provides clarification for the uses listed in the zoning ordinance. 2. The proposed text amendment promotes transparency and better customer service for the public. Mr. Brown seconded the motion which passed unanimously.

V New Business

V(A) Zoning Map Amendment– Standard Rezoning – Living Savior Church (P23-085-RZO). Ms. Hunt gave the following background:

The City of Hendersonville received an annexation request from Living Savior Evangelical Lutheran Church (property owners) for a parcel located at 200 Upward Road, that possesses a PIN of 9578-90-1278. City Council voted to annex the subject property during their meeting on October 5, 2023. The applicant has not requested zoning and therefore the city is initiating the zoning for this parcel from Henderson County CC, Community Commercial to City of Hendersonville CHMU, Commercial Highway Mixed Use.

The Future Land Use Designation was discussed and included in the staff report and presentation.

Site photos of the property were shown and included in the staff report and presentation.

The City's Future Land Use Map was shown and deemed the subject property as High Intensity Neighborhood. This is included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General amendment standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

Rationale for approval and denial were included in the staff report.

Chair asked if there were any questions for staff.

Mr. Hanley asked if the church paid property taxes. Ms. Hunt stated she does not have any knowledge of that.

Chair asked what the rationale for City Council was to annex this parcel. Mr. Morrow stated they requested annexation for when they do develop the property they will want to connect to sewer and this is a preemptive step they took for that. Their engineer did reach out to Mr. Morrow so he assumes they are in some development phase for the property. It is no secret the church owns the property because they have a rather larger sign out there. One could assume what they are planning to build but all that aside, as far as why they annexed he is assuming for sewer. They did not request a particular zoning district so by state law the city does have to zone it under our jurisdiction and to follow with trends and previous Council policy decisions, staff is recommending CHMU.

Mr. Hanley stated all that infrastructure will be paid for by his tax dollars. Mr. Morrow stated sewer extensions are paid for by the development it serves. If they are extending sewer they would be the ones paying for that extension.

Ms. Waters stated with the multi-family coming to that area it would be good to have a church. Chair stated what they have to consider with a rezoning is all of the uses that could occur on that parcel with any kind of recommendation made to City Council. CHMU was designed for the Upward Road corridor and it seems to be working pretty well out there as far as the development goes.

There were no further questions for staff.

Chair opened the meeting for public comment. No one spoke.

Chair closed public comment.

Ms. Peacock moved 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 (PIN: 9578-90-1278) from Henderson County CC, Community Commercial zoning district to City of Hendersonville CHMU (Commercial Highway Mixed Use) 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 proposed zoning provides design standards which align with most of the design and development guidelines outlined under Strategy LU-7.4 of the City's 2030 Comprehensive Plan. 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 Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area. 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area. 3. The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan. Ms. Martin seconded the motion which passed unanimously.

VI Other Business.

VII Adjournment – *The meeting was adjourned at 4:44 pm.*

Jim Robertson, Chair

DRAFT