

## HAWKINS POINTE APARTMENTS (P22-16-CZD)

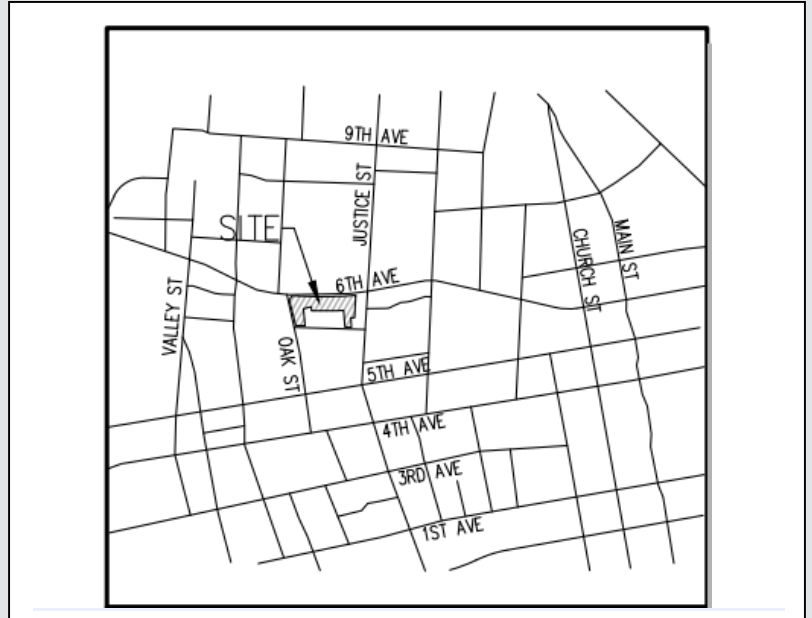
### CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Hawkins Pointe Apartments
  - P22-16-CZD
- Applicant & Property Owner:
  - Dr. Leon Elliston (Regional Properties ANC General Partnership) and Nicholas J. Iosue (Castles and Cottages LLC) [Owners]
  - David Cooper Jr, Woda Cooper Companies, Inc. {Applicant/Developer}
- Property Address:
  - 714, 728, 738, 746 Sixth Ave West, Hendersonville, NC
- Project Acreage:
  - 1.66 Acres
- Parcel Identification (PIN):
  - 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860
- Current Parcel Zoning:
  - MIC (Medical, Cultural, Institutional) Zoning District
- Requested Zoning:
  - UR-CZD (Urban Residential - Conditional Zoning District)
- Future Land Use Designation:
  - Urban Institutional
- Neighborhood Compatibility Meeting:
  - February 28, 2022



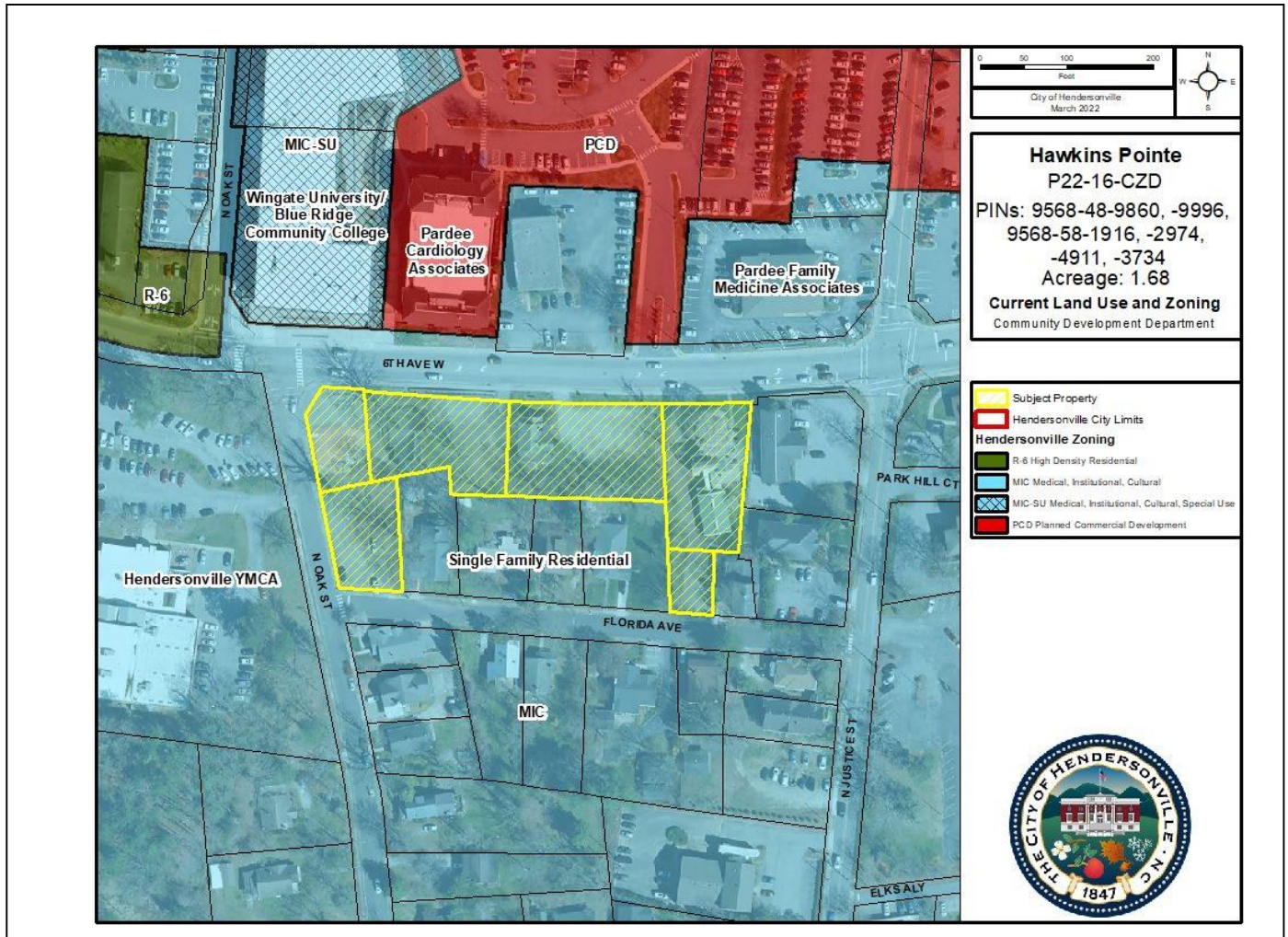
SITE VICINITY MAP

*The City of Hendersonville is in receipt of an application for a Conditional Zoning District from David & Clay Cooper with Woda Cooper Companies, Inc (applicant) and Dr. Leon Elliston with Regional Properties ANC General Partnership and Nicholas Iosue with Castles & Cottages, LLC, (property owners). The applicants are requesting to rezone the subject properties (PINs 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860) from MIC (Medical Institutional Cultural) to UR-CZD (Urban Residential – Conditional Zoning District), for the construction of 49' 5" tall, 52-unit affordable housing tax credit apartment building on approximately 1.66 acres (Density = 31.3 units/acre). The UR district does not have a density cap.*

*There is one 3/4-story split building proposed with a total of 55,500 Sq Ft (Gross Floor Area). The stated use of the site is residential, multi-family.*

*This is a redevelopment project. The site is currently vacant with the exception of 1 building. It was previously occupied by multiple buildings.*

## EXISTING ZONING & LAND USE



### City of Hendersonville Current Zoning

The subject parcel is within a MIC zoning district that encircles the Pardee Hospital Campus. South of US 64, the MIC district encompasses all of the properties to 5<sup>th</sup> Ave (including the properties south of 5<sup>th</sup> Ave) and primarily extends from Fleming St to N Oak St from east to west. The YMCA campus west of N. Oak St is also included in the MIC zoning district.

There are several institutional, medical, educational, and recreational uses in vicinity of this site. In closest proximity are the Wingate University building and Pardee Hospital north of 6<sup>th</sup> Ave, the Elks Lodge to the east and the YMCA to the west. Additionally, Hendersonville Elementary, Middle and High School are less than ½ mile walk from the site. Main St is also less than ½ mile from the site.

A portion of the subject property is within the West Side National Register Historic District. The parcels included in the designation are vacant and no longer contain structures. This National Register District extends south of the subject property towards 3<sup>rd</sup> Ave and extends east to west from Buncombe St to Blythe St.



SITE IMAGES



*View of proposed parking drive aisle on east side of site*



*View along 6<sup>th</sup> Ave (Hwy 64)*



## SITE IMAGES



*View of adjacent single-family homes at rear of project site*



*View from center of site facing west. Existing structure to be demolished.*



## SITE IMAGES



*Large White Oak on site*



*Intersection of Florida Ave at N. Oak St*



## SITE IMAGES



*View along Florida Ave*



*Possible parking for neighboring uses currently utilizing site*



REZONING HISTORY –

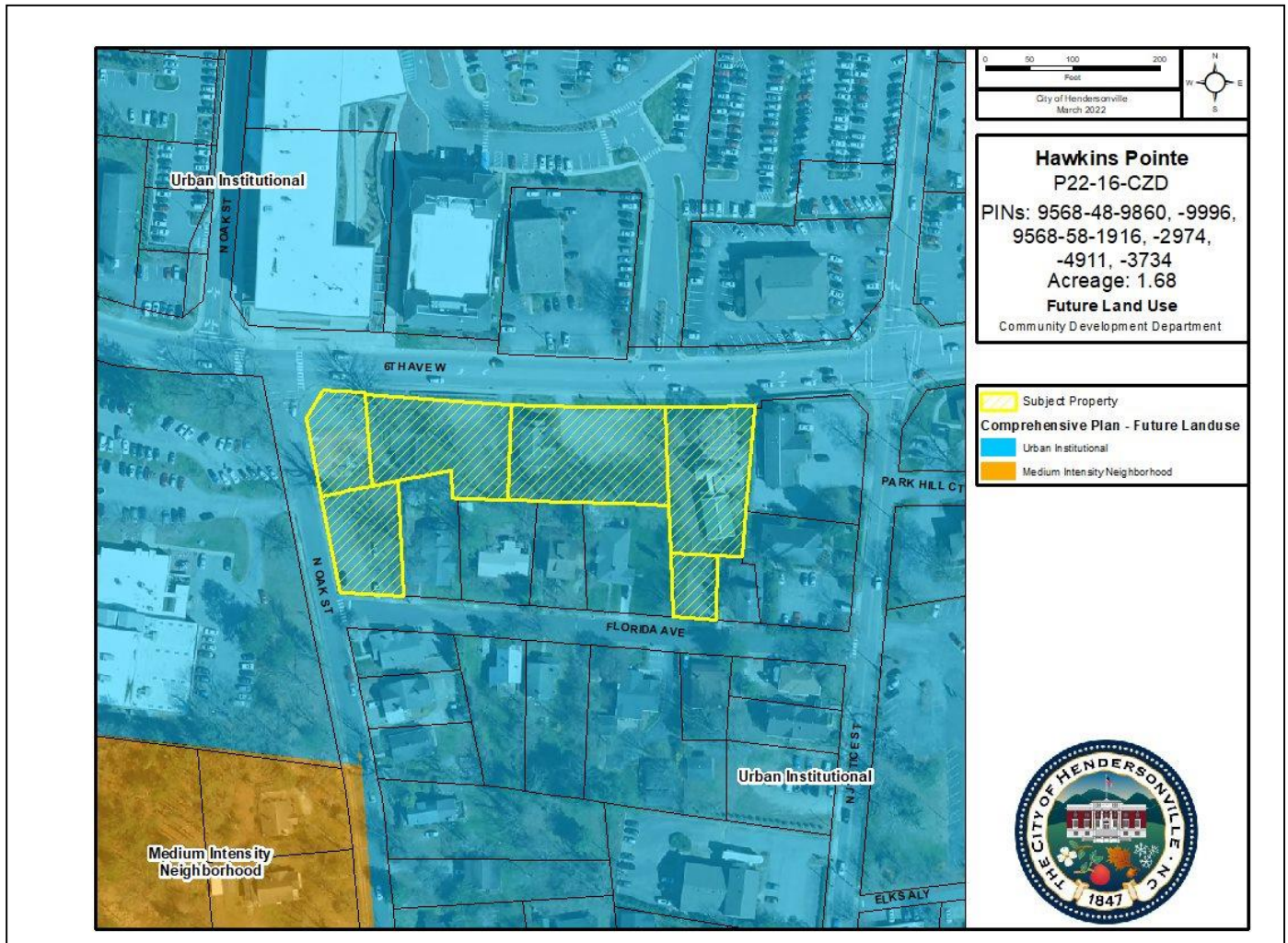
Prior Zoning	Summary of Prior Petition	Status
Unknown		
MIC	City-initiated creation of MIC District	Approved 3-4-65

The specific previous zoning for this currently vacant parcel is unknown but we do know that the site had previously been occupied by 5 buildings as recently as 2015.





## FUTURE LAND USE



City of Hendersonville Future Land Use Map

*The subject property is located within an area designated as Urban Institutional. This designation encompasses an area that generally runs east to west from N Church St to Blythe St and south to north from 5<sup>th</sup> Ave to north of 9<sup>th</sup> Ave. Medium Intensity Neighborhood is the only other Future Land Use designation in proximity of the site and is found to the southwest of Florida Ave.*



COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	<p><b>Goal LU-12 - Urban Institutional:</b> Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown [CONSISTENT]</p> <p>Strategy LU-12.1. Locations:</p> <ul style="list-style-type: none"> <li>• Area surrounding Pardee Memorial Hospital [CONSISTENT]</li> </ul> <p>Strategy LU-12.3. Secondary recommended land uses:</p> <ul style="list-style-type: none"> <li>• Multi-family residential [CONSISTENT]</li> </ul> <p>Strategy LU-12.4. Development guidelines:</p> <ul style="list-style-type: none"> <li>• Similar development standards to Downtown Support</li> <li>• Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown [INCONSISTENT]</li> <li>• Development and maintenance of traffic calming improvements [LIMITED]</li> </ul> <p>Strategy LU-11.4 (Downtown Support) Development Guidelines:</p> <ul style="list-style-type: none"> <li>• Minimal front setback [CONSISTENT]</li> <li>• Rear or limited side parking only [CONSISTENT]</li> <li>• Façade articulation [CONSISTENT]</li> <li>• Ground-floor storefronts and/or architectural detailing on parking structures [INCONSISTENT]</li> </ul>
Land Use & Development	<p><b>Growth Management</b> (Map 8.3a):</p> <p>Primarily designated as a “<b>Priority Infill Area</b>” - Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties [CONSISTENT]</p> <p>Southern portions are designated as “<b>Historic Preservation Area</b>” - National or local historic districts in which the City should uphold policies that preserve historic integrity and character [INCONSISTENT].</p> <p><b>Goal LU-1.</b> Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.</p> <p>Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a. [CONSISTENT]</p> <p><u>Infill development:</u> Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land.</p> <p>-Centers for Disease Control and Prevention, Healthy Places Terminology</p> <p>Examples of opportunities for infill development include:</p> <ul style="list-style-type: none"> <li>• Scattered vacant lots</li> <li>• Underutilized commercial properties</li> </ul>
Population & Housing	<p>Strategy PH-1.1 – Promote compatible infill development [CONSISTENT]</p> <p>Strategy PH-1.4 - Allow redevelopment and/or reuse of single-family homes that directly front on arterials into office or high-density residential uses in coordination with the Future Land Use Map. As development increases along an arterial, properties with frontage on the arterial increase in value and become more desirable locations for higher-intensity uses such as multi-family residential and commercial uses. Furthermore, placing these uses on major arterials helps to keep traffic away from local residential streets and provides needed visibility and access for commercial uses [CONSISTENT]</p>



	Strategy PH-2.2 – Encourage provision of affordable housing units in new developments. [CONSISTENT]
	Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services. [CONSISTENT]
Natural & Environmental Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Cultural & Historic Resources	Two parcels included in the rezoning process along Florida Ave are included in the West Side National Register Historic District <b>Goal CR-1</b> - Preserve the viability and individuality of Hendersonville’s historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.
Community Facilities	Strategy CF-1.3. Encourage location of community facilities in mixed-use community centers with excellent multimodal access.
	Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.
Water Resources	The proposed project would be serviced by City Water and Sewer.
	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management. Low Impact Design (LID) is an innovative approach to stormwater management that mimics natural hydrological processes and focuses on both the quality and quantity of stormwater.
Transportation & Circulation	The project is located on a Major Thoroughfare (6 <sup>th</sup> Ave) according to Map 7.3a.
	Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Strategy TC-3.1. Continue to develop and require a <u>connected</u> street grid.
	Strategy TC-5.1. Incorporate aesthetic improvements such as landscaped medians and street trees along roadways.



GENERAL REZONING STANDARDS	
Compatibility	<p><b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -</b></p>
	<p><u>Compatibilities:</u></p> <ul style="list-style-type: none"> <li>- Given the wide range of intense uses that are present in the surrounding area and permitted within the MIC zoning district, the proposed project could be considered compatible. The MIC Zoning District permits similar residential uses such as Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities.</li> <li>- Given the level of traffic and classification of 6<sup>th</sup> Ave / US 64 as a Major Thoroughfare, the project could be considered compatible.</li> <li>- The massing of the building refers to the aggregate size of a building, or the total height, width, and depth of all its parts. The massing of the proposed building is 45' 9" tall, 63' deep x 264' wide. The massing is in scale with the other medical / institutional uses in the vicinity of the project: Wingate – 3-story, 133'x300'; Pardee Medical Office – 2-story, 100'x170'; YMCA – 2-story, 155'x185' etc.</li> </ul> <p><u>Incompatibilities:</u></p> <ul style="list-style-type: none"> <li>- The current and surrounding zoning of MIC does not permit multi-family residential uses. Minor PRD is permitted at a rate of 5.5 units/acre which would only allow 9 townhomes on this site. Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities, though similar to the proposed use, are only permitted in the MIC District on sites with a minimum of 3 acres.</li> <li>- The height of the proposed project is significantly taller than the 1 - 1.5-story single-family homes found along Florida Ave. The massing of this building (3/4-story split and 63' x 264') is out of scale with the surrounding single-family neighborhood.</li> <li>- Additionally, the National Register Historic District is a factor that suggests a development of this scale and design would be incompatible. However, the portions of the site plan that are within the NR District do not contain any proposed structures.</li> </ul>
Changed Conditions	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p>
	<p>Affordable housing needs continue to be a significant concern as housing demand far surpasses housing supply in our area. The need for housing within close proximity of the Medical, Institutional and Cultural uses in this district has not been addressed by recent housing projects as the MIC zoning district does not permit multi-family housing.</p>

Public Interest	<b>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 -</b>
	The proposed 52 residential units would provide much needed additional housing while making efficient use of land (under 2 acres) within walking distance to a number of opportunities for employment, recreation, education and shopping.
Public Facilities	<b>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 -</b>
	As an infill project, city services and facilities are in place to serve the project without costly extensions or new maintenance requirements. A Water / Sewer Availability Request has not been submitted for this project. US 64 is a NCDOT maintained road while Florida Ave and N. Oak St are both local streets maintained by the City of Hendersonville. US64/6 <sup>th</sup> Ave is designated as major throughfare with sidewalk facilities. The project is sited along existing Apple Country public transportation routes (red and white routes).
Effect on Natural Environment	<b>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 -</b>
	This site was previously developed and is proposed to be redeveloped. Some exiting mature urban canopy trees would be lost as result of this project (8 of 16 to be removed. New plantings, including street trees, would provide canopy trees (10), small shade trees (20), and shrubs.



The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

*The Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public & institutional uses and offices) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4.*

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:

*DRAFT [Rationale for Approval]*

- The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots*
- The petition provides infill development utilizing existing infrastructure*
- The petition provides additional housing in close proximity to large employment opportunities, medical needs, shopping and educational centers.*
- The petition proposes affordable homes for those aged 55+*
- The petition is in scale with other large medical, institutional, and educational along 6<sup>th</sup> Ave/US 64 major throughfare corridor.*
- The MIC zoning district permits hospitals and office buildings by-right up to 50,000 Sq Ft. The proposed multi-family development is less intense than these other permitted uses.*
- The MIC zoning permits Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities.*
- Portions of the site plan that are within the National Register Historic District do not contain any existing or proposed structures.*

*DRAFT [Rational for Denial]*

- The petition proposes a building mass that is out of scale with the abutting single-family homes to the south of the site.*
- The petition is partially located in a National Register Historic District and proposes a design and site size which is out of character with abutting properties and the West Side Historic District.*
- Other permitted uses in the MIC zoning district which contain a residential component have additional limitations which would not permit the scale or density of the proposed project – limitations on 3 of bedrooms/acre, minimum lot size, etc.*
- The Urban Residential Zoning District requires that only parcels designated as Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center shall be considered for Urban Residential.*

## STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

### PROPOSED REQUEST DETAILS

- Site Plan Summary:
  - The site plan accompanying this petition contains the following provisions:
    - 52-Unit Apartment Development on 1.66 Acres (Density = 31.3 Units/Acre)
    - 1 – 3/4-story split building (45' 9" Height)
    - 51,500 Sq Ft of Gross Floor Area
    - Access on Major Thoroughfare
- Proposed Uses:
  - Residential, Multi-Family
- Developer Conditions:
  - Developer Proposed Concessions:
    - As noted in the development summary the proposed development is actually a net decrease in the impervious coverage on the property. However, due to existing stormwater issues in the Florida Ave and the Wash Creek subwatershed the developer agrees to provide stormwater retention for the 1 year – 24-hour storm event to help mitigate runoff issues from the site. The proposed system will consist of an underground system that provides stormwater quantity controls only.
    - Proposed development is LIHTC (low-income housing tax credit) with all (52 units) of the units at or below 80% AMI. Proposed development will provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.
    - Developer will contract a third-party professional to monitor the existing home foundations during the construction process. This is limited to the following 4 adjacent properties (Parcels 9568580820-Keates, 9568581873-Faust, 9568582843-Faust and 9568582758-Smolksi/Crabtree).
    - Developer will contract with an arborist to evaluate the existing 48" oak on 6th Ave and the 60" maple on Oak St to determine the existing health of the trees and the viability of them surviving the proposed development and improvements. If the arborist feels the trees are in good condition and will survive developer will take the necessary precautions to protect the trees during the construction process. If the arborist does not believe that the trees are in good health and will not survive the construction process the trees shall be replaced with large canopy trees.
    - Developer shall provide evergreen shrubs and landscape planter at intersection to provide buffer screen for proposed parking.



- Developer proposes to increase visual interest with varied heights of the parapet along each facade as well as the heights of the wall projections.
- All preserved trees will have english ivy removed from the trunks and limbs.
- Developer Proposed Conditions:
  - Developer request that relief be granted from Section 5-25-2 of the Zoning Code as it relates to Future Land Use Designation of Urban Institutional not being listed as a permitted designation for Urban Residential zoning.
  - Based on the site constraints and the project being affordable housing the developer request to keep the building facade projections to 1'. Since this building does not have a hipped roof, increasing the depth of the projections along the façade does not add a significant amount of variation to the elevations. To help increase visual interest, we have varied the heights of the parapet along each façade as well as the heights of the wall projections. Since the site is very tight as is, we would like to propose keeping the projections at 1' instead of 2', as we believe the elevations provide enough variation and visual interest as is.
  - Developer shall provide tree protection during construction process. As discussed during the tree board meeting, the proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible.
  - Developer has provided a preliminary Trip Generation Memo Comparison from JM Teague to the City but request that the full Traffic Impact Analysis be deferred and performed after the rezoning is approved.
  - Developer request to reduce the width of the Type "B" buffer from 10' to 8' along the side yards for PINS 9568-58-2758 and 9568-58-3783. Due to the narrowness of the property it is not feasible to provide the minimum required width of 24' for the driveway and 5' for the sidewalk. The proposed plantings will remain the same.

## **OUTSTANDING ISSUES & PROPOSED CONDITIONS**

### **COMMUNITY DEVELOPMENT**

#### **Site Plan Comments:**

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Urban Residential (5-25), Mixed Use Zoning (Article XVIII) and Site Plan Review (7-3) with the following exceptions:

- Per 5-25-2 – The Urban Institutional Future Land Use Designation is not one of the listed FLUDs that permits Urban Residential zoning. Those permitted include: Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center. [see proposed developer condition]
- Per 5-25-5.4 & 18-6-4.8 - Vinyl Siding would not be considered compatible with the architectural vernacular of the region nor similar to the materials already being used in the neighborhood. [resolved]
- Per 5-25-5.6 / 5.8 Consider “street wall” (brick or wrought iron with brick columns) at the corner of 6th Ave and N Oak St to offset lack of building edge and to create a comfortable pedestrian realm. Also see Section 15-9 b) of Landscaping Chapter for info on walls adjacent to streets. [resolved]
- Per 5-25-5.12 - Provide details on Elevations to address the standards required under b) 1,2,3. [unresolved – see developer proposed condition]
- Per 5-25-5.13 - Provide sidewalk connection to Florida Ave on east side of site. Provide crosswalk and sidewalk connection in the bump-outs in the parking area on the west side parking lot. [unresolved]
- Per 5-25-5.15 - Existing sidewalks need to be increased to 7' along the perimeter of the site. At a minimum the sidewalks on 6th Ave shall be widened to 7'. See 5.17 for information on street trees if they would be impacted as proposed. [resolved]
- Per 5-25-5.18 - Ensure that no parking space along the Keats property is more than 45' from a tree. Ensure Section 15-9 c) is met as required by 5-25-5.18. [resolved]
- Per 5-25-5.20 e) - An additional amenity is required [resolved]
- Provide Landscaping calculations [resolved]

**Proposed City-Initiated Conditions:**

- None

**CITY ENGINEER**

**Site Plan Comments:**

- None

**Proposed City-Initiated Conditions:**

- None

**WATER / SEWER**

**Site Plan Comments:**

- Need back-flow prevention on fireline - will need to apply and have approval from city before install

**Proposed City-Initiated Conditions:**

- None

**FIRE MARSHAL**



**Site Plan Comments:**

- The location of the FDC is important. If on the front of the building and want use the hydrant on North side of 6th Ave, then 6th Ave will be shut down. If FDC is on East side of building a hydrant will be required since maximum distance between hydrant and FDC is 100 feet. If hydrant on Oak Street used for FDC a hot box will be required to keep the distance less than 100 feet. A standpipe system will be required due to height of building.

**Proposed City-Initiated Conditions:**

- None

**STORMWATER ADMINISTRATOR****Site Plan Comments:**

- There are known stormwater infrastructure issues on Florida Ave and along the Wash Creek subwatershed in general.

**Proposed City-Initiated Conditions:**

- The City is requesting that the developer provide retention for 1yr-24hr Storm event to help mitigate additional runoff from the site. While there is no increase in pre. vs. post development impervious area, it should be noted that none of the previous properties had stormwater controls in place and this development provides an opportunity to address those existing deficiencies. [developer agreed]

**FLOODPLAIN ADMINISTRATOR****Site Plan Comments:**

- None

**Proposed City-Initiated Conditions:**

- None

**PUBLIC WORKS****Site Plan Comments:**

- Trunks of new tree plantings are not permitted within 35' of intersection [resolved]
- Encroachment permits are needed for the two driveways: Oak Street and Florida Avenue.

**Proposed City-Initiated Conditions:**

- None

**NCDOT****Site Plan Comments:**

- No Street Tree trunks permitted within the Sight Triangle on 6th Ave/US64. Shift center of tree outside of sight triangles. [resolved]

- Driveway Permit needed for two access points on 6th Ave (US 64). Submit site plan to NCDOT.

**Proposed City-Initiated Conditions:**

- None

**TRANSPORTATION CONSULTANT**

**Site Plan Comments:**

- The Urban Residential District has the following statement:
  - 5-25-2.3.1 Traffic impact analysis. A traffic impact analysis developed in compliance with section 6-19 below is required for all urban residential developments and shall be submitted with the application for the urban residential development. The city may defer the traffic impact analysis until after a rezoning to a conditional zoning district is approved for the project only in those circumstances where city council, in the absence of a traffic impact analysis, finds that the existing public road system has adequate capacity to handle projected traffic flow as required by section 7-11, below.

**Developer Proposed Condition Response:**

- The City's consulting Transportation Engineer makes the following recommendation:
  - In looking at this section of 6th Ave, there is approximately 14,000 vehicles per day. 6th Ave has a theoretical capacity of 18,000 to 20,000 vpd +/- . So theoretically we are at a volume to capacity ratio of 0.7 or 70%. The proposed development only adds around 300 vpd so it will not exceed the v/c ratio or capacity of the develop, This may be used as justification for deferring the TIA according to the provisions of the Zoning Ordinance.

**TREE BOARD**

**Site Plan Comments & Recommended Conditions:**

- See attached Tree Board Summary