

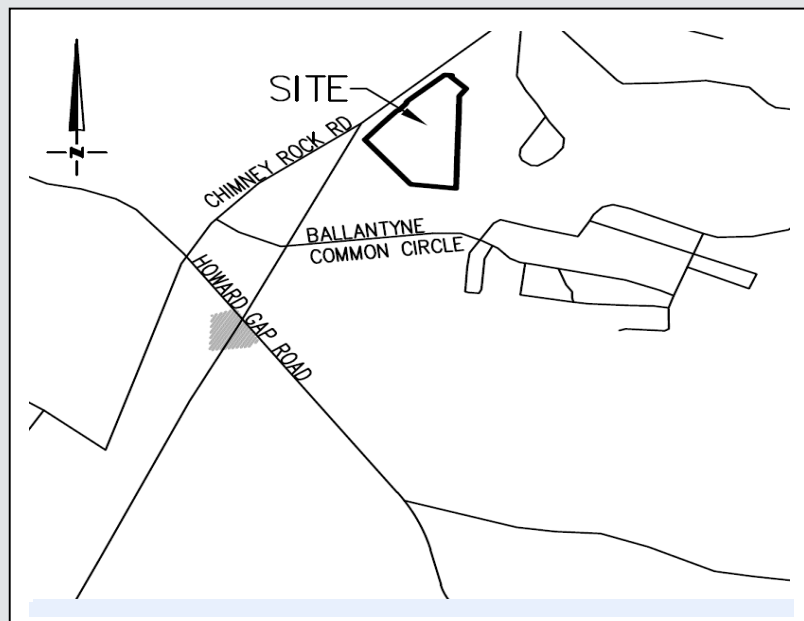
REZONING: CONDITIONAL REZONING- WHITE PINE VILLAS (P22-13-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
 - White Pine Villas
 - P22-13-CZD
- Applicant & Property Owner:
 - Dennis Tharrington and Stephen Drake, WDT Development LLC. [Applicants]
 - Beth Ann Laws Russell, Angela L. Jones, and Regina G Veach [Owner 9670-70-6498]
 - Jeffery Donaldson and Jennifer McCarson [Owner PIN: 9670-70-8607]
 - Jeffrey and Donna Donaldson [Owner PIN: 9670-70-8864]
- Property Address:
 - 2620 Chimney Rock Road
- Project Acreage:
 - 4.64 Acres
- Parcel Identification (PINs):
 - 9670-70-6498
 - 9670-70-8607
 - 9670-70-8864
- Current Parcel Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Future Land Use Designation:
 - Neighborhood Activity Center
- Requested Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
 - Residential dwelling, multi-family
- Neighborhood Compatibility Meeting:
 - February 18th, 2022



SITE VICINITY MAP

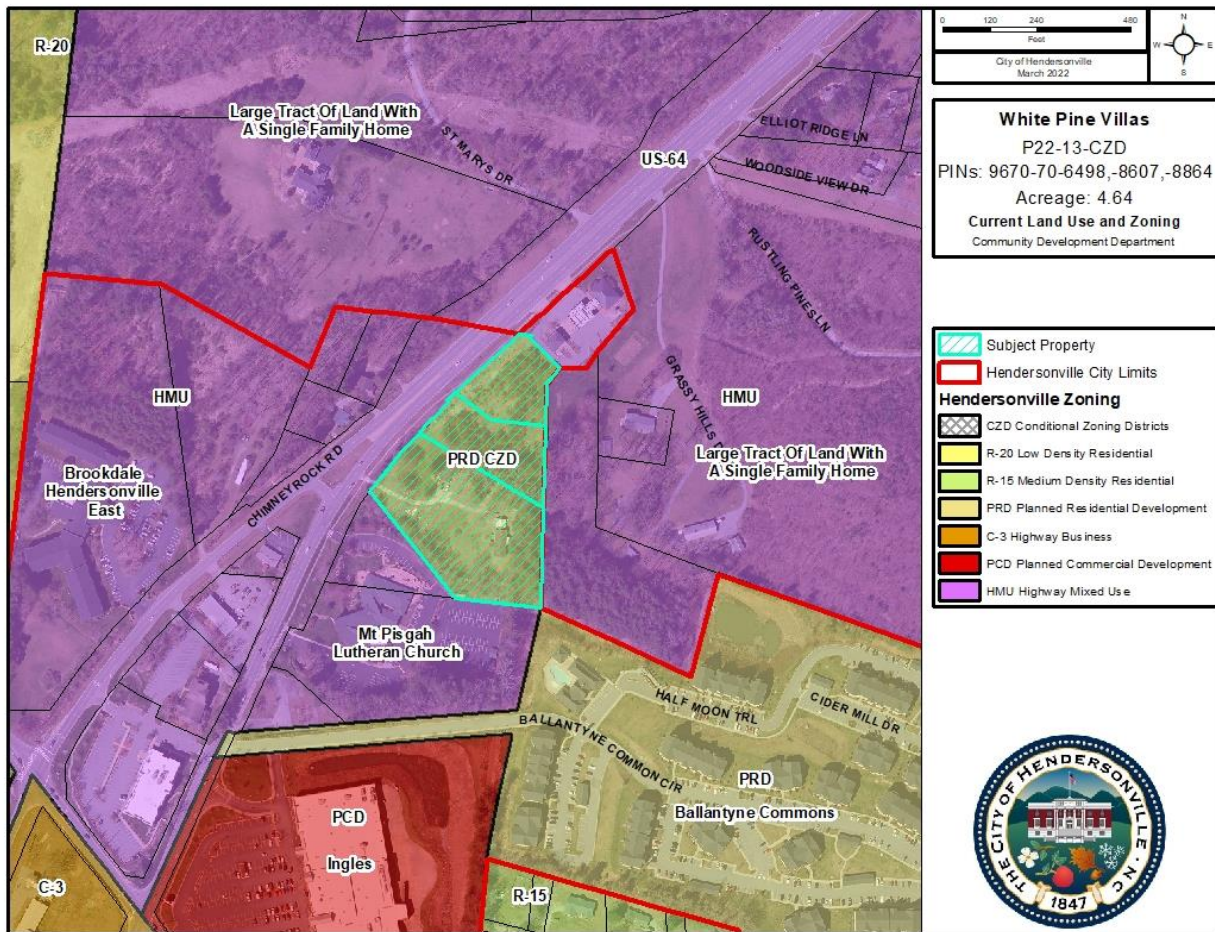
The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Tharrington and Stephen Drake of WDT Development, LLC. The applicants are requesting to rezone the subject properties identified as PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864 and located at 2620 Chimney Rock Road. from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a four-story, 88,500 sq. ft. apartment building with 78 units on approximately 4.64 acres.

The underlying zoning on the site currently permits a 78-unit apartment building with a height of 34' 11" to the midpoint of the roof.

The developer is proposing a 78-unit 55+ senior living apartment building with a height of 50' to the midpoint of the roof.

The request for increased height, reconfiguration of the vehicular use area, and the reduction in building footprint are the main deviations from the previously approved site plan.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned PRD-CZD, Planned Residential Development Conditional Zoning District.

The parcel is surrounded by HMU, Highway Mixed Use zoning. Some of the uses present in this area are a religious institution, laundry mat, senior living multi-family and single family homes on large tracts of land that could be redeveloped.

The subject property shares a property boundary with the Ballantyne Commons Apartments. Ballantyne Commons is a multi-family development of 360 units on 29 acres that is also zoned PRD, Planned Residential Development.

Other districts that are in the general area of the subject property are Planned Commercial Development (Ingles), C-3 Highway Business, R-15 Medium Density Residential and R-20 Low Density Residential.

SITE IMAGES



View of the blueline stream and existing sidewalk looking north.



View from the northern tip of the property looking south.

SITE IMAGES



View of large mature trees near the 2 residences on site.



Interior view of the property looking eastward.

SITE IMAGES



Interior view of the parcel looking southward.



*View from the existing sidewalk on Chimney Rock Road
looking eastward.*

REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
April 2 nd , 2020 (P20-07-CZD) Rezoned from Highway Mixed Use to Planned Residential Development Conditional Zoning District.	The rezoning was tied to a Low-Income Tax Credit Application. The request was for a 78-unit 3-story 55+ multi-family building on approximately 4.64 acres. The project did not receive tax credits.	Preliminary Site plan was approved by City Council-Final site plan was never submitted to staff.

Minutes from the City Council meeting:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-4ab50b18954346f49ac79b2f04368be2.pdf>

White Pine Villas

Building- 78 units. 16.81 Units per acre.

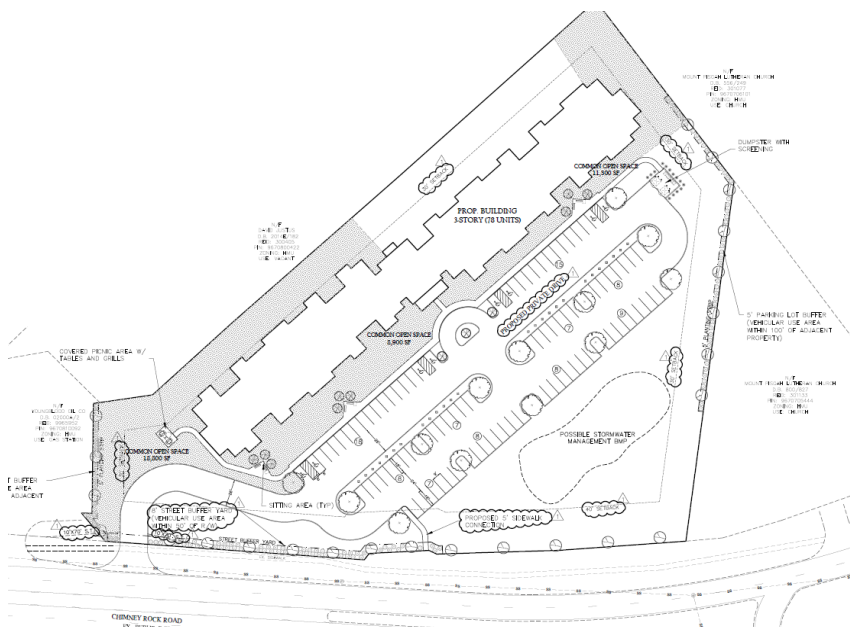
- One 3-story multi-family building.
- 31,900 SF footprint
- 34' 11" to the midpoint of the roof
- 95 Parking Spaces (8 handicap accessible)

Conditions of Approval:

- Complete petition for annexation submitted to the City of Hendersonville.

Uses:

Residential dwellings, multi-family



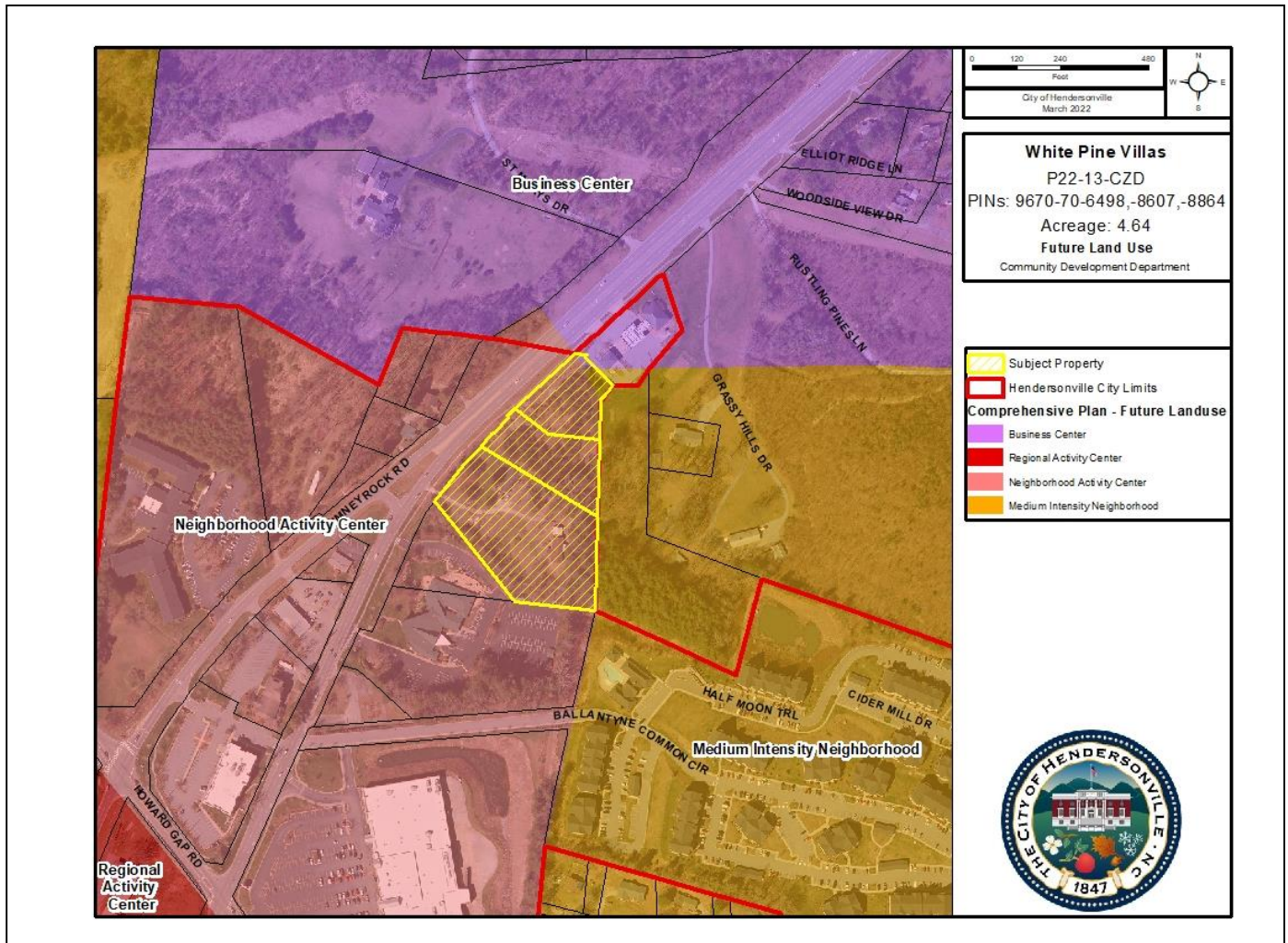
PROPOSED UNITS: 78 UNITS
 - 36 (1) BR UNITS
 - 42 (2) BR UNITS
 PROPOSED DENSITY: 16.8 DU/AC
 PROPOSED BUILDING HEIGHT: 34'-11" (GRADE - MIDPOINT OF ROOF)

REQUIRED PARKING: 117
 - 1.5 SPACES PER 1-2 BEDROOM UNITS
 - 2 SPACES PER 3+ BEDROOMS UNITS
 REQUIRED PARKING (REDUCED): 94
 - REQUESTING 20% REDUCTION IN ENTRY CORRIDOR
 PROPOSED ON-SITE PARKING: 95
 - HANDICAP PARKING: 8 (4 VAN ACCESSIBLE)

FRONT SETBACK: 40'
 SIDE YARD: 30'
 REAR YARD: 30'

OPEN SPACE/FOOTPRINT REQUIRED
 - MAXIMUM ALLOWABLE FOOTPRINT: 40,000 SF
 - PROPOSED FOOTPRINT: ±31,900 SF
 - REQUIRED MINIMUM OPEN SPACE: 60% (121,271 SF)
 - PROPOSED OPEN SPACE: 60% (121,271 SF)
 - PROPOSED ASPHALT AREA: ±49,000 SF
 - PROPOSED SIDEWALK AREA: ±4,400 SF
 - REQUIRED MINIMUM COMMON OPEN SPACE: 39,000 SF
 (500 SF PER UNIT WITH 78 UNITS TOTAL)
 - PROPOSED COMMON OPEN SPACE: 39,000 SF
 (HATCHED AREA INDICATED COMMON OPEN SPACE)

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The site is designated as Neighborhood Activity Center.

Parcels to the south and southwest are also designated as Neighborhood Activity Center. This area represents a node of Neighborhood Activity Center at the US 64 and Howard Gap intersection. This area has a wide range of nonresidential uses and lends itself to possible future redevelopment.

Parcels to the north are designated as Business Center. This area has a lot of large vacant lots that could be redeveloped into a campus like environment.

Parcels to the east are designated as Medium Intensity Neighborhood. This area is comprised of a couple of larger Planned Residential Developments (Ballantyne Commons and Half Moon Heights) as well as some single-family homes on large lots that could be redeveloped in the future for denser residential uses.

COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	<p>Goal LU-8. Neighborhood Activity Center: <i>“Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville’s neighborhoods.” [CONSISTENT]</i></p>
	<p>Strategy LU-8.1. Locations:</p> <ul style="list-style-type: none"> Emerging neighborhood activity center at US-64 and Howard Gap Road.
	<p>Strategy LU-8.2. Primary recommended land uses:</p> <ul style="list-style-type: none"> Neighborhood retail sales and services [INCONSISTENT]
	<p>Strategy LU-7.3. Secondary recommended land uses:</p> <ul style="list-style-type: none"> Multi-family residential [CONSISTENT] Pedestrian amenities (plazas, outdoor seating, etc.) [CONSISTENT]
	<p>Strategy LU-8.4. Development guidelines:</p> <ul style="list-style-type: none"> Minimal parking in front of buildings (no more than one to two rows) along thoroughfares, with remainder of parking located to the side or rear [CONSISTENT] Encouragement of buildings that are designed at a human scale, maximizing window coverage on ground floors and utilizing façade articulation [INCONSISTENT, ELEVATIONS ARE NOT A REQUIREMENT OF PRD] Provision of pedestrian connections to parking and other buildings/ properties [CONSISTENT]
Land Use & Development	<p>The property is designated as a “Priority Infill Area” on the Growth Management Map (Map 8.3a). “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>A portion of the project area is identified as a “Development Opportunity” in the Comprehensive Plan’s Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]</p>

COMPREHENSIVE PLAN CONSISTENCY	
Population & Housing	<ul style="list-style-type: none"> • Strategy PH-1.1.1. Promote compatible infill development. • Action PH-1.1.2. Implement zoning map and/or text amendments as needed in the Priority Infill Areas identified on the Growth Management Map in Chapter 8 • Action PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as “park streets” identified in Strategy CF-7.1 in Chapter 5.
	<ul style="list-style-type: none"> • Goal PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods • Strategy PH-2.2. Encourage provision of affordable housing units in new developments. • Action PH-2.2.1. Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income.
	<ul style="list-style-type: none"> • Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services
Natural & Environmental Resources	<ul style="list-style-type: none"> • Goal NR-1. Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat • Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat. • Action NR-1.2.2 Continue to enforce and improve upon the City’s Stream Buffer Protection Standards
	<ul style="list-style-type: none"> • Strategy NR-2.3. Promote preservation of woodlands. • Action NR-2.3.2 Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects
	<ul style="list-style-type: none"> • Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management.
Cultural & Historic Resources	<ul style="list-style-type: none"> • N/A- No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	<ul style="list-style-type: none"> • Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.
Water Resources	<ul style="list-style-type: none"> • Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff • Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	<ul style="list-style-type: none"> • Strategy TC-3.4. Improve roadways as needed to implement the land use vision and meet level-of-service requirements, as illustrated on Map 7.3a (Includes this section of Chimney Rock Road)

GENERAL REZONING STANDARDS	
Compatibility	Is the proposed rezoning compatible or incompatible with surrounding uses?
	<p>The underlying conditional zoning district permits 78 multi-family units. Senior living multi-family is present in this area across US 64 at Brookdale Hendersonville East. Brookdale Hendersonville East was constructed in 1988 and operates as an independent living community. Unit count/density is unknown for this development.</p> <p>Ballantyne Commons to the rear of this property is an age unrestricted multi-family development. It is a 29-acre development with 360 dwelling units and a density of 12 units per acre. Per the site plan for the Ballantyne develop, the max building height is 36'.</p>
Changed Conditions	Highlight any changed conditions, on surrounding property, etc. that suggest a rezoning is appropriate.
	<p>The underlying zoning on the subject property permits senior living 55+ multifamily and 16.81 units per acre. The project is required to go through the conditional zoning district review because the applicant is requesting a height limitation exemption from City Council. The previously approved height was 34' 11".</p>
Public Interest	Are there public interests or benefits that would be derived for the greater population from the rezoning?
	<p>According to the latest census data 26% of Henderson County is 65+. This development will provide additional affordable housing options for this age group. The 2030 comprehensive plan notes that Hendersonville continues to see a large number of retirees make the city their home.</p>
Public Facilities	Are there public facilities that can support the proposed rezoning, water, wastewater, fire and police, schools, and transportation?
	<p>The development will be served by City of Hendersonville water and sewer service. Chimney Rock Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. Internal drive aisle will be privately maintained.</p>
Effect on Natural Environment	Would the proposed amendment result in “significantly adverse impacts” on the natural environment?
	<p>Site is mostly a greenfield, new development reflects a significant increase in impervious surfaces.</p>
	<p>The site currently has 62 trees 12” or greater DBH on site. The developer is proposing to remove approximately 52 trees and retain 10 trees 12” or greater DBH. The applicant is also proposing to plant 68 new trees.</p>

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:

Neighborhood Activity Center designates multi-family residential as a secondary recommended land use. The addition of more multi-family in this area further diversifies the mix of uses present while retaining Neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries.

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 current underlying zoning on the subject property permits 78 multi-family units.*
- *This development will provide senior multi-family within walking distance (+-0.15 miles) of Miracle-Ear Hearing Aid Center, Blue Ridge Health and Ingles/Ingles Pharmacy.*
- *The project is proposed to be 100% affordable (at 80% AMI or below).*
- *The subject property is identified as a priority infill area.*

DRAFT [Rational for Denial]

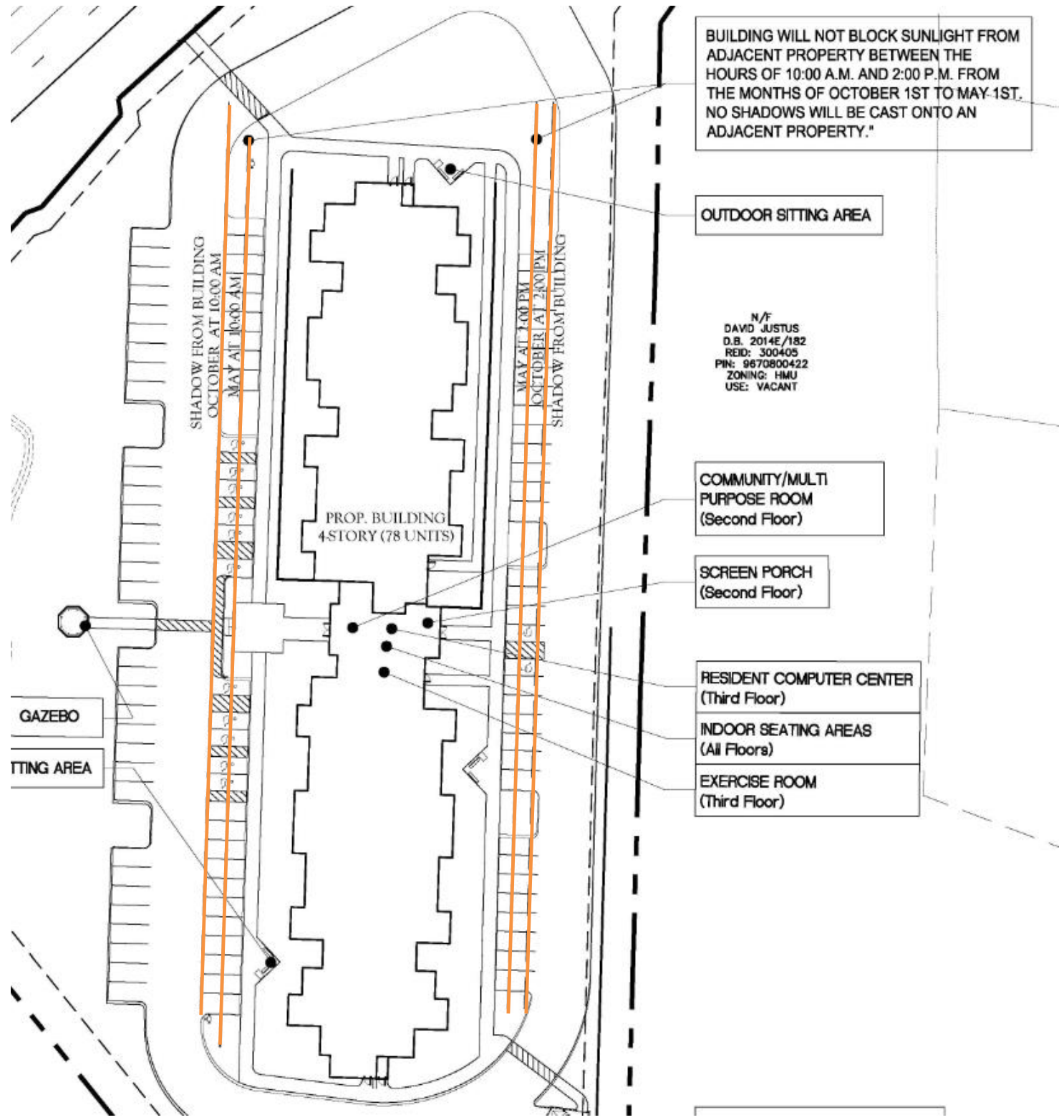
- *The development does not meet the requirements for a height limit exemption in accordance with section 5-14-6.5 of the zoning ordinance because (please state your reasons).*

PROPOSED REQUEST DETAILS

- The site plan accompanying this petition contains the following provisions:
 - 78-Unit Adult 55+ Apartment Development on 4.64 Acres (Density = 16.81 Units/Acre)
 - 1 4-story building
 - 50' to the midpoint of the roof
 - 25,500 Sq. Ft. building footprint
 - 88,500 Sq. Ft. of Gross Floor Area
 - Bedroom units
 - 36 1-Bedroom Units
 - 42 2-Bedroom Units
 - Requested Uses: Residential, Multi-Family
- The developer is requesting a density bonus. City Council can grant a density bonus if the following standards are met.
 - The property on which the development is proposed to be situated shall be located in close proximity to a thoroughfare designated as such in the Comprehensive Transportation Plan;
 - Chimney Rock Road is designated as a boulevard on the Comprehensive Transportation Plan
 - Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan;
 - Chimney Rock Road is designated as a boulevard on the Comprehensive Transportation Plan
 - The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service of such roadway;
 - NCDOT stated “we do not foresee this senior adult housing development causing any significant degradation in the LOS of US 64 Chimney Rock Road and the number of trips generated are nominal”
 - The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;
 - Sidewalks are existing at the front of the property. The sidewalk leads to Ingles/Ingles pharmacy. The developer is showing a connection to this sidewalk.
 - The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the

common open space required by Section 6-16-2, below, or 1% of the land area of the development for each dwelling unit per acre proposed.

- The developer is providing 19.3% of the development as common open space.
- Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre.
 - The developer is proposing a density of 16.81 units per acre.
- The developer is requesting a height limitation exemption. City Council can grant a height limitation exemption if the following standards are met.
 - Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.
 - (See Sun Study Below, Page 15)
 - Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.
 - Hendersonville Fire Department reviewed this project as a member of the Development Review Committee and had no comments concerning the height of the structure.
 - The developer is not proposing to exceed 50'.
 - The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.
 - The site plan shows a 45' side and rear setback to meet this requirement.



GAZEBO
TING AREA

SHADOW FROM BUILDING
OCTOBER AT 10:00 AM
MAY AT 10:00 AM

PROP. BUILDING
4-STORY (78 UNITS)

SHADOW FROM BUILDING
MAY AT 2:00 PM
OCTOBER AT 2:00 PM

BUILDING WILL NOT BLOCK SUNLIGHT FROM
ADJACENT PROPERTY BETWEEN THE
HOURS OF 10:00 A.M. AND 2:00 P.M. FROM
THE MONTHS OF OCTOBER 1ST TO MAY 1ST.
NO SHADOWS WILL BE CAST ONTO AN
ADJACENT PROPERTY."

OUTDOOR SITTING AREA

N/F
DAVID JUSTUS
D.B. 2014E/182
REID: 300405
PIN: 9670800422
ZONING: HMU
USE: VACANT

COMMUNITY/MULTI
PURPOSE ROOM
(Second Floor)

SCREEN PORCH
(Second Floor)

RESIDENT COMPUTER CENTER
(Third Floor)

INDOOR SEATING AREAS
(All Floors)

EXERCISE ROOM
(Third Floor)

- **Comparison between P20-07-CZD (approved) and P22-13-CZD (proposed)**

	P20-07-CZD	P22-13-CZD
Height	34' 11"	50'
Units	78	78
Use	Residential dwellings, multi-family	Residential dwellings, multi-family
Parking	95 spaces (8 ADA)	97 (13 ADA)
Building Footprint	31,900 SF	25,500
Common Open Space	39,000 SF	39,000 SF
Bedrooms	36 1-Bedroom Units 42 2-Bedroom Units	36 1-Bedroom Units 42 2-Bedroom Units

- **Developer Conditions:**
 - **Developer Proposed Concessions:**
 - Proposed development is a Low-Income Housing Tax Credit project with all 78 units at or below 80% AMI. Proposed Development will provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.
 - **Developer Proposed Conditions:**
 - The developer is requesting that a height limitation exemption be granted by City Council for this project in accordance with section 5-14-6.5 Building Height of the Zoning Ordinance.
 - The developer is requesting that a Density Bonus be granted by City Council for this project in accordance with section 5-14-5 Density Bonus of the Zoning Ordinance.

OUTSTANDING ISSUES & PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) and Site Plan Review (7-3).

Proposed City-Initiated Conditions: None

CITY ENGINEER

Site Plan Comments: None

Proposed City-Initiated Conditions: None

FIRE MARSHAL

Site Plan Comments

- The location of the FDC may require an additional hydrant. Would not approve FDC connection at entrance with hot box as it would limit access from both directions.

Proposed City-Initiated Conditions: None

STORMWATER ADMINISTRATOR

Site Plan Comments: None

Proposed City-Initiated Conditions: None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments: None

Proposed City-Initiated Conditions: None

PUBLIC WORKS DIRECTOR:

Site Plan Comments:

- Will they be cutting the sidewalk to install the driveway? if so, they will need an encroachment permit for the sidewalk cut?

Proposed City-Initiated Conditions: None

NCDOT

Site Plan Comments:

- We do not foresee this senior adult housing development causing any significant degradation in the LOS of US 64 Chimney Rock Road and the number of trips generated are nominal.
- The site has some concerns as far as sight distance and the speed of the vehicles coming from the west. This can be addressed during the driveway permit review.

Proposed City-Initiated Conditions: None

TRANSPORTATION CONSULTANT

Site Plan Comments & Recommended Conditions: None

- Jonathan Guy with Kimley Horn did not review this project since a TIA was not triggered by the zoning ordinance and NCDOT did not relay any traffic concerns to the City.

TREE BOARD

Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary