

Conditional Rezoning: 1<sup>st</sup> Avenue Villas (P24-86-CZD)

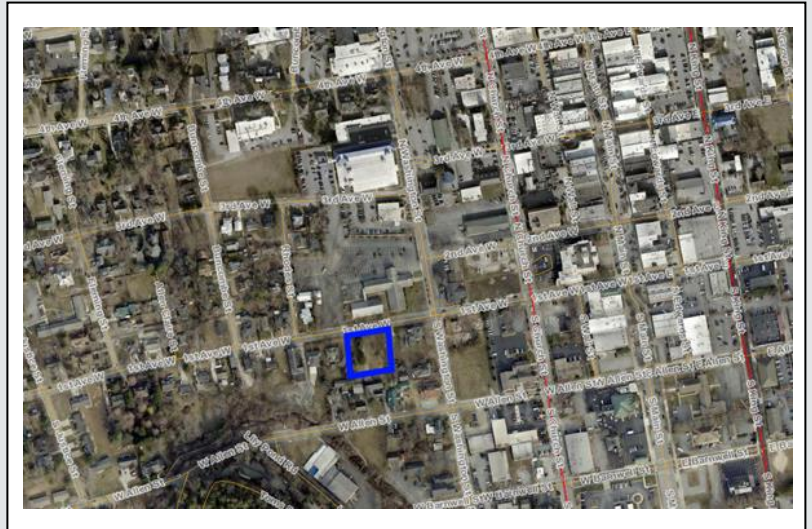
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - First Ave Villas
  - P24-086-CZD
  
- Applicant & Property Owner:
  - Sarah McCormick [applicant]
  - Rafique Charania of ARY Development LLC [Owner]
  
- Property Address:
  - 320 1<sup>st</sup> Ave W, Hendersonville, NC 28792
  
- Project Acreage:
  - 0.57 Acres
  
- Parcel Identification (PIN):
  - 9568-77-1057
  
- Current Parcel Zoning:
  - CMU-CZD - Central Mixed Use Conditional Zoning District
  
- Requested Zoning:
  - UR-CZD - Urban Residential Conditional Zoning District
  
- Future Land Use Designation:
  - Downtown
  
- Neighborhood Compatibility Meeting:
  - December 12, 2024



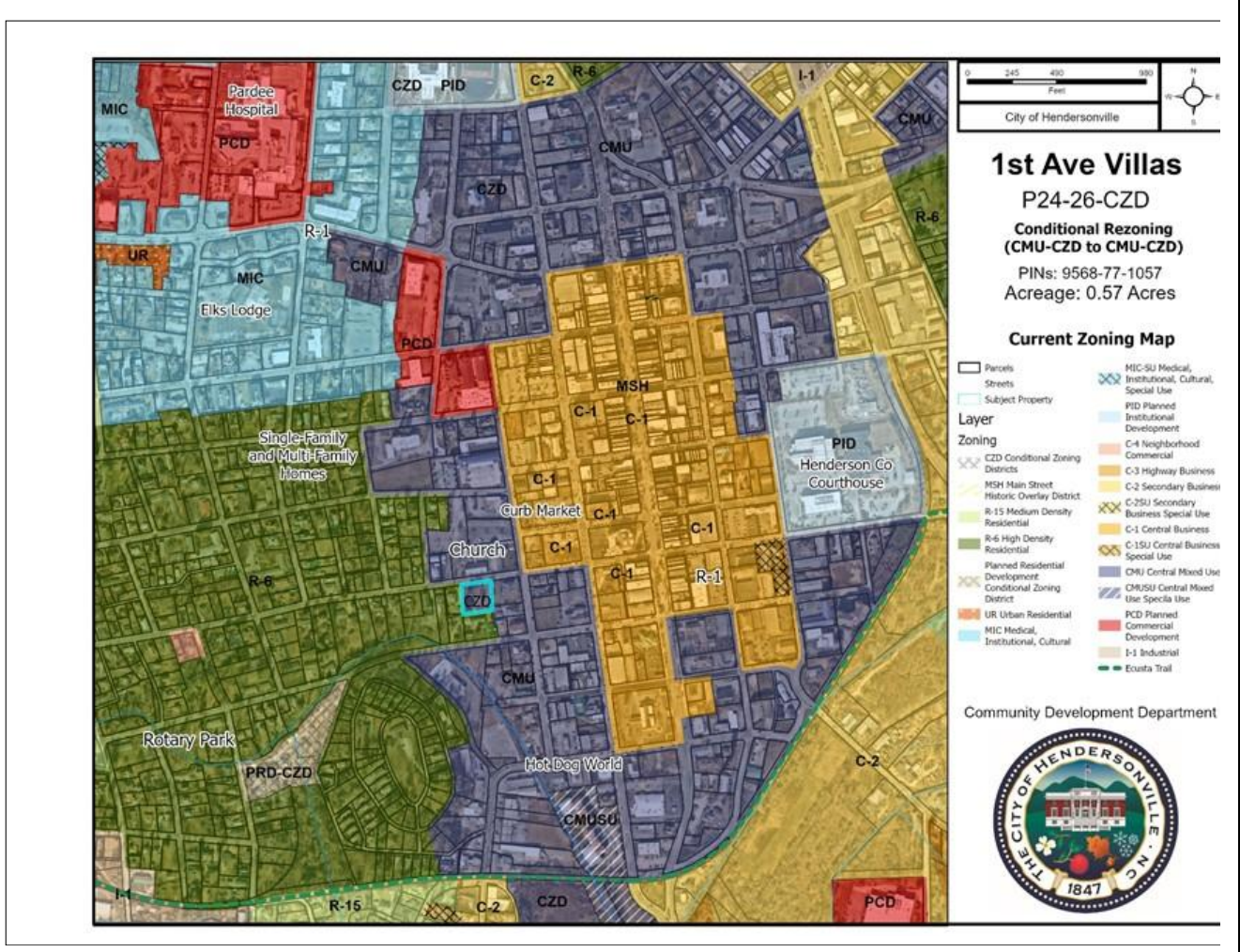
SITE VICINITY MAP

*The City of Hendersonville is in receipt of an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is requesting to rezone the property to Urban Residential Conditional Use District (UR-CZD).*

*There will be open space located at the front of the property. The parking is located at the rear of the property and along the street, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage. The project is two stories and has twelve units.*

*This site received Central Mixed Use, Conditional Zoning District (CMU-CZD) approval in August 2020 with an amendment in August 2021. The property sold to a new owner, who initiated a new request for CMU-CZD in 2024, which city council denied in November 2024.*

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned CMU - CZD and is located within city limits. The property is on the edge of the CMU zoning, which is located around the periphery of downtown. The CMU zoning is immediately adjacent to the east and north of the subject property. The CMU zoned property to the north of 1<sup>st</sup> Ave is the location of the 1<sup>st</sup> Church of the Nazarene. The property to the east at the corner of Washington St is an historic single-family home constructed circa 1882. A small portion of the lot at the very southeast corner is shared by another historic single-family home constructed in 1902. The adjacent parcels to the immediate south and west are zoned R-6. The R-6 property to the south is a multi-family property featuring 5 residential units. The R-6 property to the west is single-family structure built in 1910.



SITE IMAGES



*View of subject property from First Avenue W (facing south). The building visible at the back of the property is a multi-family unit located on an adjacent property.*



*Mature trees located on subject property (view from First Avenue W facing southeast).*



SITE IMAGES



*View of adjacent property to the west.*



*Tree buffer to adjacent property (facing east).*



SITE IMAGES



*View of right of way looking east.*



*View of right of way looking west.*



SITE IMAGES

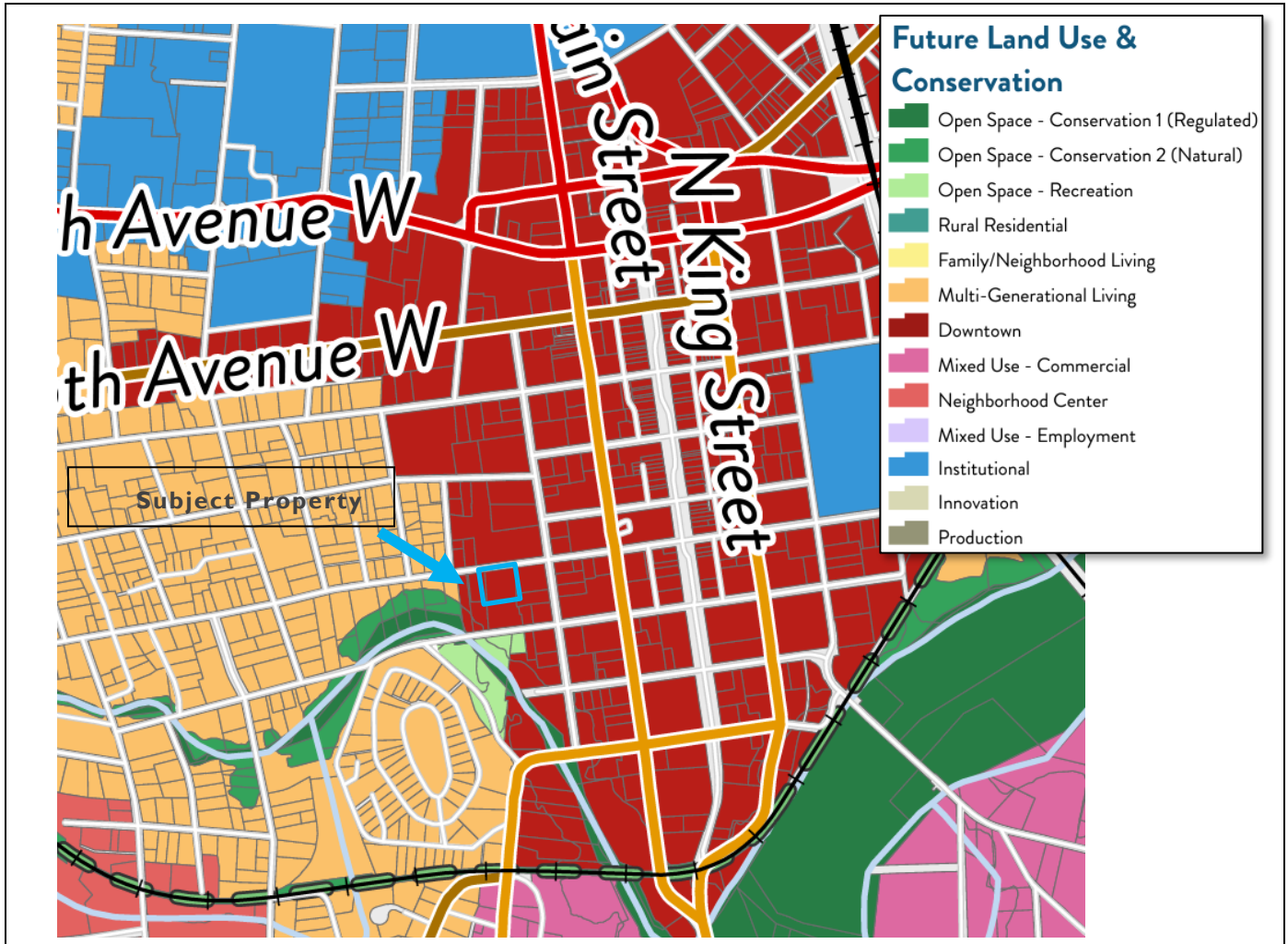


*Existing driveway running through property.*



*View of 1st Church of the Nazarene and 1st Ave from frontage of subject property*

FUTURE LAND USE



City of Hendersonville Future Land Use

*The subject property is designated as Downtown in the Gen H comprehensive plan. The Downtown designation encompasses all of the properties to the east of the subject parcel. Parcels to the west of the subject property are designated Multi-Generational Living. Open Space – Conservation 1 (Regulated) is to the south of the subject property following the Wash Creek floodplain.*



West Ave Villas Proposal Timeline:

**August 2020 – Conditional Rezoning (R-6 to CMU-CZD) - 10 Units (Two 1,742 Sq Ft Buildings + Two Garage Apts) – APPROVED**

**August 2021 – Conditional Rezoning (CMU-CZD Amended) - 11 UNITS (Two – 1,742 Sq Ft Buildings + Three Garage Apts) 340 Sq Ft Total Increase – APPROVED**

**November 2024 – Conditional Rezoning (CMU-CZD) – 16 UNITS (Two 2,432 Sq Ft Buildings, three stories tall) – DENIED**

Note:

With the adoption of the new Gen H Comprehensive Plan, the future land use for this property is now considered Downtown.



Full Minutes or Recording from City Council Meeting:

August 2020 Adoption of CMU-CZD Rezoning:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-742cc7de0f094b0f9d6754d8941c3eeb.pdf>

August 2021 Update to CZD:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-3cb3462df8a840ff9b290d0d871faa1d.pdf>

November 2024 CMU-CZD Rezoning:

<https://hendersonville-nc.municodemeetings.com/citycouncil/page/city-council-regular-meeting-54>

## PROPOSED REQUEST DETAILS

### Site Plan Summary:

- Proposed Use: Residential, multi-family
- Total Dwelling Units: 12
- Site: .57 acres
- Density: 21 Units / Acre
- Buildings:
  - Total Footprint – 9,620 SF
    - Building 1 – 4,810 SF
    - Building 2 – 4,810 SF
  - Height:
    - Mid-point of gable between ridge and eaves (height by definition) = max 29'
- Open Space: 7,972
- Common Open Space: 2,520
- Transportation:
  - 1 centrally located vehicular access point off 1<sup>st</sup> Avenue
  - The projected Average AM Peak Trips = 6.12 (Threshold for TIA = 100)  
The projected Average PM Peak Trips = 7.44 (Threshold for TIA = 100)
  - The projected Daily Trips = 79.08 (Threshold for TIA = 1,000)
  - A TIA is required for zoning compliance per Section 5-25-2.3.1.
- Sidewalks:
  - Staff is proposing that a Fee-in-Lieu of sidewalk be provided given the existing continuous sidewalk on the north side of 1<sup>st</sup> Ave and the right-of-way limitations for providing a continuous sidewalk on the south side of 1<sup>st</sup> Ave.
- Lighting:
  - All site lighting will be required to conform to the City's lighting standards for multi-family developments. The lighting plan is a component of the final site plan review.
- Parking:
  - Required: 1 per unit (1&2-bedroom units) and 1.5 per unit (3+ bedroom units) = 13 spaces
  - Off-Street Parking
    - Provided: 12 spaces
      - 11 spaces onsite and 1 ADA space onsite
  - On-Street Parking
    - 13 on-street parallel parking spaces provided on north side of 1<sup>st</sup> Ave to alleviate concerns of under parking and to provide buffer for pedestrians. The developer will denote these spaces on the street, however, they will *not* be reserved for the 1<sup>st</sup> Avenue Development.
    - A cross-parking agreement is proposed with the church on the opposite side of 1<sup>st</sup> Ave to provide 25 parking spaces.
  - Drive Aisle
    - The center drive aisle is 20' wide.
    - The parking lot drive aisle ranges from 20' to 26' 5".



- Landscaping:
  - This development will be required to plant:
    - Vehicular Use Landscaping
      - Interior parking lot plantings (Sec. 15-9a)
      - Planting strip to buffer from rear property (Sec. 15-9 b)
    - Street Trees (Sec. 15-15)
    - Common space plantings
      - Trees (Sec. 5-25-5.2b)
    - A detailed Landscaping Plan will be provided at the final site plan.
- Building Design:
  - 2-Story design
  - Building Materials – more information needed
  - Balconies proposed for 2<sup>nd</sup> floors on front facade
  - Balconies and patios proposed for all floors on side facades
  - Roof line features a variety of gables and false gables
- Floodplain: N/A
- Stream Buffer: N/A

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS:

**COMMUNITY DEVELOPMENT:**

**Preliminary Site Plan Comments:**

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for UR-CZD.
- These outstanding items shall be resolved at the time of Final Site Plan and/or Preliminary Plat.
  - Create a connection from the site's interior to the exterior through sidewalks extending to the street.
- The following comments need to be addressed to improve clarity or improve site design and function [Resolved/Unresolved]:
  - Correct or clarify discrepancies in site statistics table pertaining to building square footage.
  - Height in site statistics table should match what is shown on the elevation (29ft).
  - Acreage labeled as 57 acres. This should be corrected to reflect site size of .57 acres.

**Proposed City-Initiated Conditions:**

1. Within the center driveway accessing the site, the developer shall install a differentiated pervious material, color, or pattern for the outer 5' along both building edges to establish a pedestrian zone and distinguish it from the primary drive lane. This will achieve the goal and intent of 5-25-5.13.
2. The sidewalks leading to the front porches on the front façade shall extend

- to the street edge. This will achieve the goal and intent of 5-25-5.15.
3. With the exception of invasive species, the developer shall attempt to preserve all existing vegetation within the proposed Type A Buffer along the eastern side of the property. This existing vegetation will be allowed to be used as credits towards the required buffer plantings. Additionally, if any of those trees are not able to be protected by the standards in 15-4d, then the developer agrees to replace them at the rate specified in Sec. 15-4b if any of those trees die within 10 years post-construction.

**DEVELOPMENT REVIEW COMMITTEE COMMENTS:**

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control, and the City’s Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff has provided only the relevant/outstanding comments/conditions below:

**PUBLIC WORKS:**

**Preliminary Site Plan Comments:**

1. Trees in the right of way
  - If the trees are allowed to be placed in the right of way, they should be placed at the back edge of the right of way to allow for future sidewalk/future utility improvements/repairs. (Resolve at Final Site Plan)
2. Parking
  - Clarification on the number of parking spaces and where they will be located. (Resolved)
  - The developer must install the on-street parking per City specifications. (Resolve at Final Site Plan)
  - The site plans should show the drive entrance into the church. There appears to be a conflict with the parking and the drive. They should show a measurement between the last space and the drive showing that any separation required by ordinance is met. (Resolve at Final Site Plan)

**Developer Proposed Conditions**

1. Developer to pay Fee-in-Lieu of 7’ Sidewalks in accordance with Sec. 6-12-3 and Sec. 5-25-5.15 of the Zoning Code.
2. Developer to be granted relief to provide a 12’ front setback instead of 14; front setback required per Sec. 5-25-4 of Zoning Code.
3. The developer requests a waiver for the TIA requirement.

The developer has proposed absorbing the city-initiated conditions into their conditions.

REZONING STANDARDS (ARTICLE 11-4)

**GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY**



<p>1) COMPREHENSIVE PLAN CONSISTENCY</p>	<p><b><u>LAND SUPPLY, SUITABILITY &amp; INTENSITY</u></b>  The subject property is located on an underdeveloped property in the <u>Land Supply Map</u>.  It ranks as “Highly Suitable” for residential development in the <u>Suitability Assessment</u>.  The subject property is in a Focused Intensity Node centered at the intersection of Greenville Highway and Spartanburg Highway</p> <p><b><u>FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Character Area Designation:</b> Downtown  <b>Character Area Description:</b> Consistent  <b>Zoning Crosswalk:</b> Consistent  <b>Focus Area Map:</b> N/A</p>
<p>2) COMPATIBILITY</p>	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p> <p>In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to “compatibility”. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project is located within the boundaries of the Downtown Master Plan, staff evaluated the project according to the Design Guidelines found in Chapter V of the Gen H Plan.</p> <p><b><u>EXISTING CONDITIONS</u></b>  The subject property is currently vacant. It is surrounded by single-family and multi-family residential homes. Directly across 1st Avenue from the subject property is Hendersonville First Church of Nazarene. To the northwest of the property is the West End National Register Historic District, which primarily consists of single-family homes on varying sized lots. There are also a mix of multi-family units in small apartment buildings or in homes that have been converted into multi-family. To the east of the property is Downtown - the city’s core commercial business district.</p> <p><b><u>GEN H COMPREHENSIVE PLAN GOALS</u></b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Somewhat Consistent  <b>Authentic Community Character:</b> Somewhat Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent  <b>Satisfying Work Opportunities:</b> N/A  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p> <p><b><u>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</u></b> (Chapter IV)  <b>Mix of Uses:</b> Consistent</p>

	<p><b>Compact Development:</b> Somewhat Consistent  <b>Sense of Place:</b> Somewhat Consistent  <b>Conserved &amp; Integrated Open Spaces:</b> Somewhat Consistent  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p> <p><b>DESIGN GUIDELINES ASSESSMENT</b> (Chapter V):  Key compatibility concerns for infill development of this scale can be addressed through the application of design guidelines such as those found in Chapter 5 of the Comprehensive Plan. Primary areas of concern for compatibility are site design, building height and architectural design.  <u>Site Design</u> - Many aspects of the site plan align with the Design Guidelines in Chapter 5 of the Comprehensive Plan including: building placement, landscaping, parking and on-site open space. One area of concern is the buildings do not parallel the street edge.  <u>Height</u> - the applicant has revised the proposal to reduce the overall height to 29' which aligns with the Downtown Design Guidelines in Chapter 5 of the Comprehensive Plan for both maximum height and residential transitions. It is also not out of scale with existing adjacent residential structures.  <u>Architectural Design</u> - Many aspects of the building design align with the design guidelines, notably the inclusion of an activated front stoop.</p>
<p>3) <b>Changed Conditions</b></p>	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p> <p>The property has previously been rezoned to accommodate 11 units on the property.  Additionally, the Ecusta trail, which will be partially completed by the end of this year, is a new transportation and recreation facility located less than 1/2 mile from the subject property.</p>
<p>4) <b>Public Interest</b></p>	<p><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></p> <p>The status of the region's affordable housing crisis is well documented from reports such as the Bowen Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue.  The provision of 12 additional housing units on a relatively small, infill parcel will put residents within close proximity to employment, shopping, recreation, etc. The proposed development would utilize existing infrastructure and city services.</p>
<p>5) <b>Public Facilities</b></p>	<p><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></p> <p>The subject property will be served by City of Hendersonville services. The subject property is located within the City's existing interconnected street grid, which facilitates the disbursement of additional automobile traffic, and is in close proximity to the Ecusta trail, and less than a 5-minute walk to historic Main St, both of</p>



	which facilitate a reduction in typical per household vehicular miles traveled.
6) <b>Effect on Natural Environment</b>	<p><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></p> <p><b>Mature Trees:</b> There are a number of mature trees and vegetation around the subject property. Tree canopy in the center of the property is proposed to be removed. Some of the trees on the east side of the property are proposed to be removed while others will be preserved and incorporated into the required buffer.</p> <p><b>Stormwater:</b> Stormwater management standards are not triggered by this development due to the disturbed area being less than 1 acre. The developer proposes to utilize pervious pavers for the center drive aisle.</p>

REZONING STANDARDS ANALYSIS & CONDITIONS

**Staff Analysis**

- 1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be generally consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
- 2) Compatibility - Staff finds that the general location of the project and its proximity to a mix of land uses is compatible with the city’s overall growth strategies.
- 3) Changed Conditions - Staff finds that the changed conditions related to the construction of the nearby Ecusta Trail support increased density in areas located in close, walkable proximity to off-street trails.
- 4) Public Interest - Staff finds that the provision of additional higher-density housing facilitates the provision of increased housing stock.
- 5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure. Staff would highlight that the existing interconnected street grid, pedestrian facilities and nearby off-street trails combine to create opportunities to disperse automobile traffic and reduce vehicular trips.
- 6) Effect on Natural Environment – While some tree removal and an overall reduction in pervious area is proposed, the proposal does include the preservation of some mature trees and shrubs and proposes to utilize pervious pavers to reduce the overall use of impervious materials.

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

*The petition is consistent with the Future Land Use and Conservation Map Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.*

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 petition incorporates a mix of housing types into an existing urban neighborhood.*
- *The petition provides an efficient use of property in the core of the city.*
- *The petition would place residents within an area of existing city services and Infrastructure.*
- *The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.*
- *The petition provides walkable neighborhood design characteristics.*
- *The petition proposes to have a vibrant interface with the public realm.*

*DRAFT [Rational for Denial]*

- *The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.*
- *The petition proposes a density that is out of character with the surrounding neighborhood.*
- *The petition would generate excessive traffic, noise and light in an existing residential neighborhood.*