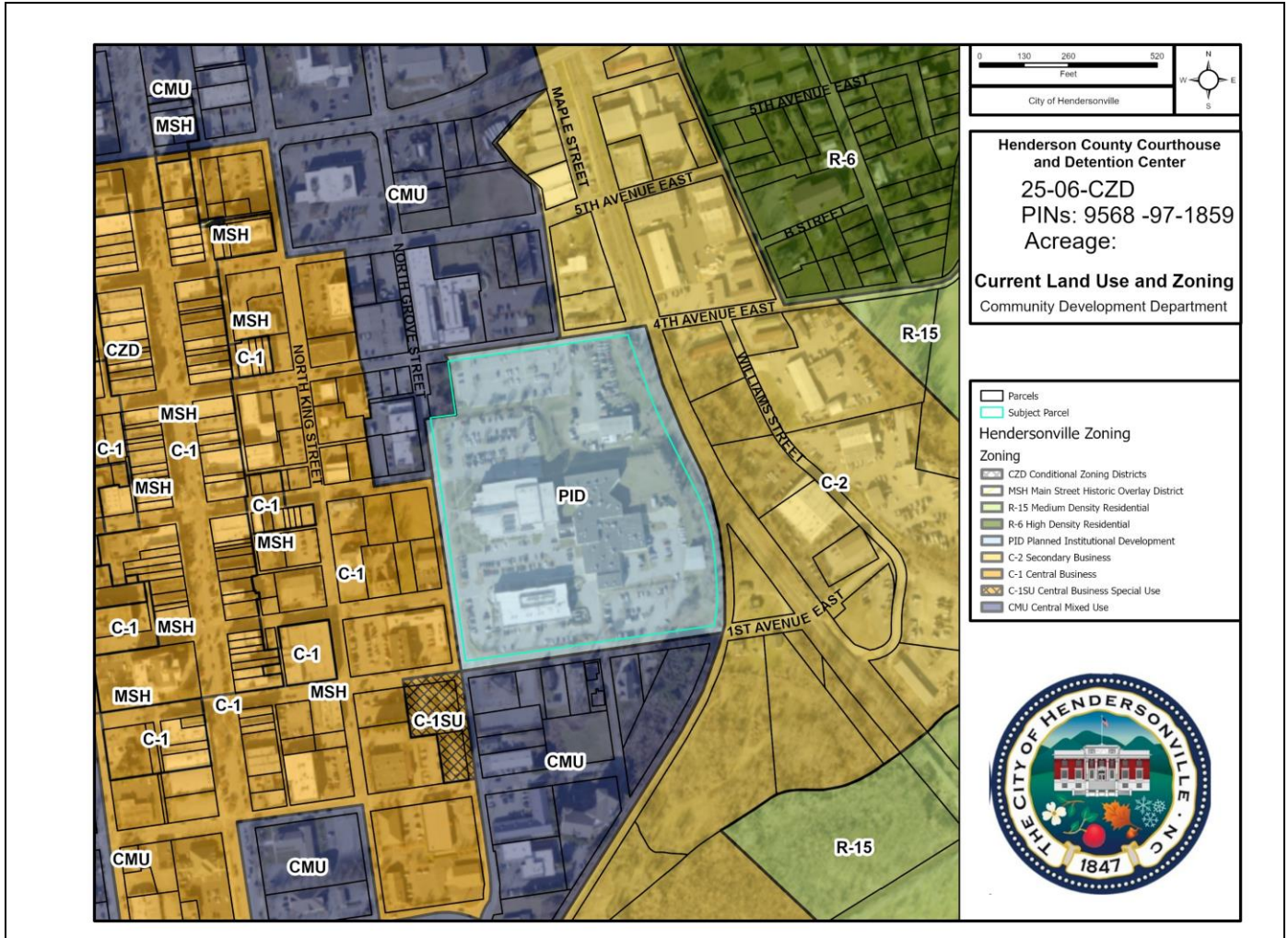


REZONING: CONDITIONAL REZONING –HENDERSON COUNTY COURTHOUSE
AND DETENTION CENTER EXPANSION (25-06-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is a law enforcement/judicial campus for Henderson County, making it the only Planned Institutional Development in the immediate area. Located on the edge of downtown, the property's surrounding land uses and zoning reflect this positioning. To the west, properties are zoned C-1, which encompasses the City of Hendersonville Historic Downtown. Portions of downtown are also part of a local historic district, offering additional protection to its historic character.

To the north and south of the subject property, parcels are zoned CMU (Central Mixed Use), a zoning district common throughout downtown that provides a transition between the C-1 district and other areas.

To the east, properties are zoned C-2 (secondary business), a zoning designation typically found along railroad-adjacent properties within the City.

SITE IMAGES



View of Sheriff's Office impound lot (to be removed)



The blueline stream, which runs along the eastern boundary of the property, is in need of a cleanup effort to improve its condition.

SITE IMAGES



The mature trees along the eastern boundary, at the rear of the existing detention center and Sheriff's Office, are largely covered in English ivy, which may require management to maintain their health and appearance.



The rear of the existing detention center.

SITE IMAGES



The existing public parking lot at the rear of the Sheriff's Office, near the detention center, is proposed to be reconfigured.



The existing courthouse parking lot entrance, located across from 3rd Ave and to be retained, will be used as part of the public drop-off area in front of the new courthouse.

SITE IMAGES



The front half of the existing courthouse parking lot is proposed to be replaced with the new courthouse structure.



View of the 1995 courthouse.

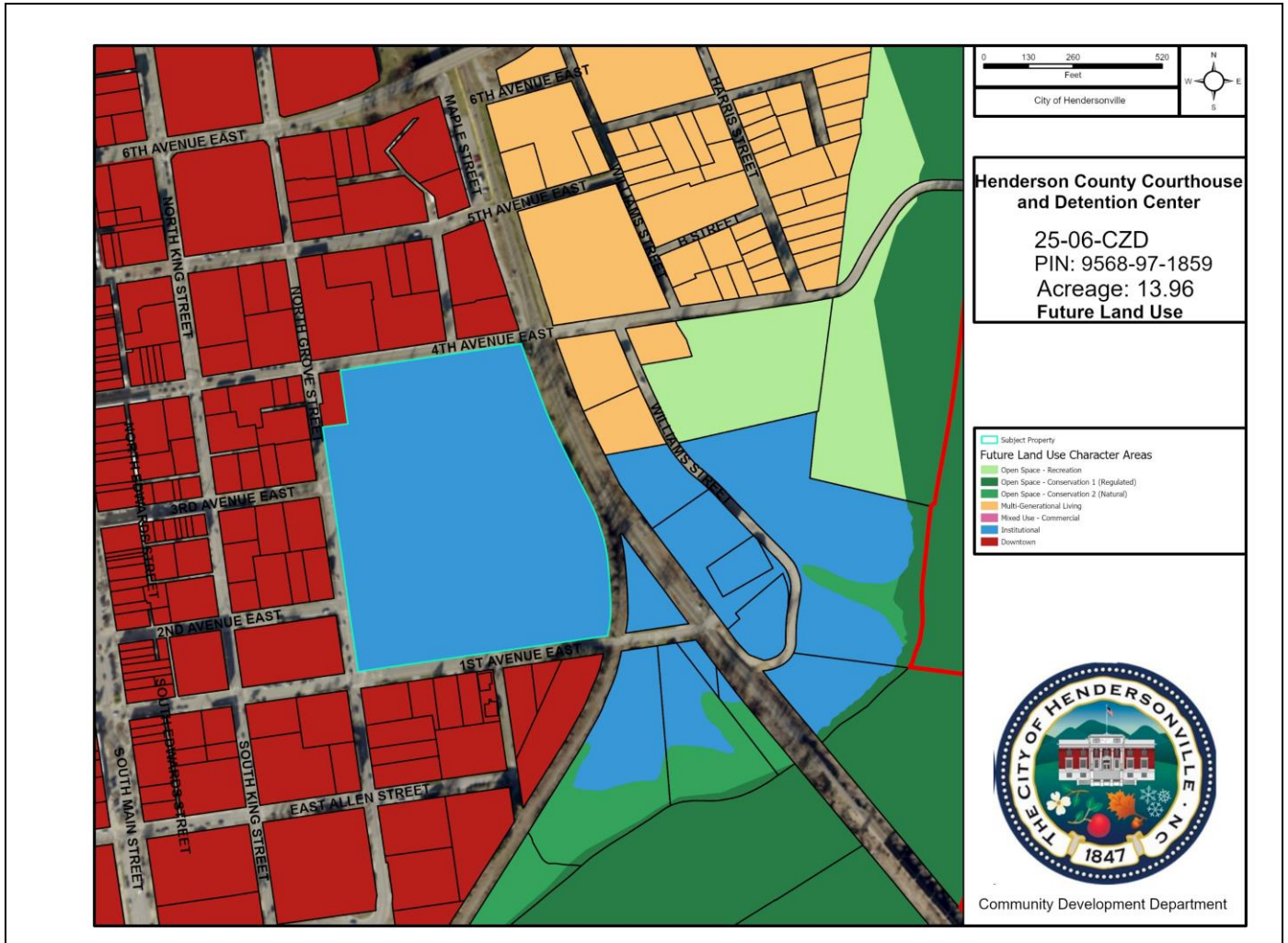


View of the existing overflow parking lot at the courthouse to be retained and expanded.



View of existing parking lot entrance near the intersection of 4th Ave and Grove Street.

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated as Institutional, a designation shared by several nearby properties, primarily owned by government entities.

Surrounding areas to the north, south, and west are designated as downtown, encompassing a wide range of properties and zoning classifications.

To the south of the subject property, there are open spaces designations, largely comprising floodplain areas and stream buffers associated with Mud Creek.

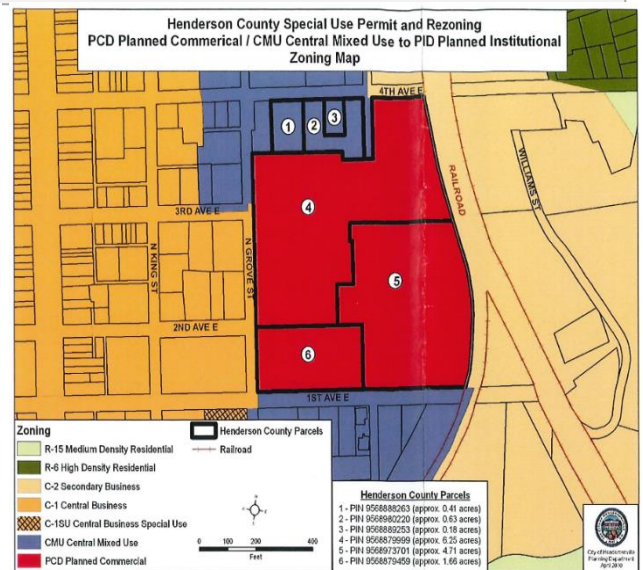
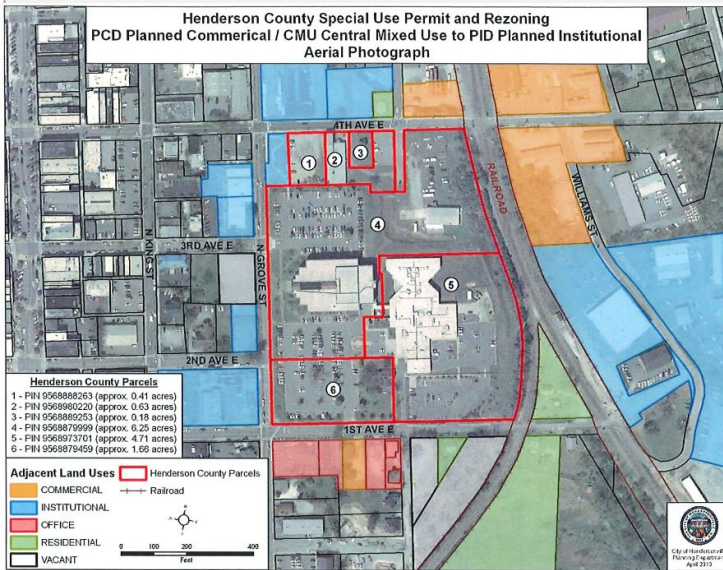
Residential areas to the northeast are designated for multi-generational living.

REZONING HISTORY

Prior Rezoning (PI0-12-SUR)	Summary of Prior Petition	Status
6-3-2010 (PCD & CMU to PID SU)	14.66 acre development for the construction of a 3 story 63,000 square foot Law Enforcement center and separate parking lot	Active

Courthouse Campus History

- May 4th 1993:** City Council issues a Special Use Permit to allow the construction of the Henderson County Courthouse which is 96,084 square feet.
 - Meeting Minutes: <https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9c6deb10729>
- August 19th 1999:** City Council approved a Special use Permit to allow the construction of a 208 bed 53,000 square foot detention facility.
 - Meeting Minutes <https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9c70b7b31bf>
- June 3rd 2010:** City Council rezoned 6 parcels from CMU and PCD to PID and issued a Special use Permit to allow for the construction of a 3 story 63,000 square foot law enforcement center with parking and separate parking lot on 4th Ave E.
 - Meeting Minutes <https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9a581446034>



PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
 - Public & quasi-public buildings

- Building:
 - **Existing:** Sheriffs Office 63,000 Square Feet.
 - **Existing:** Detention Center 60,361 Square Feet.
 - **Existing:** 1995 Courthouse Building 99,116 Square Feet.
 - **Proposed:** Detention Center Addition 53,443 Square Feet
 - **Proposed:** Courthouse Addition 90,859 Square Feet
- **Totals:**
 - Sheriffs Office: 63,000 Square Feet
 - Detention Center: 113,804 Square Feet
 - Courthouse: 189,975 Square Feet
- Height
 - **Definitions:**
 - Building, height of: The vertical distance measured from the average grade to the highest point of the coping of a flat roof.
 - Average Grade: Is determined by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50' apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building's "average grade"

 - PID Max Allowable Height: 50'
 - Gen H Downtown Edge Character District Height Guidance: 64' (4 stories)
 - **Proposed:** Courthouse Addition 92.75' to the top of the roof coping
 - **Proposed:** Detention Center Addition 25.5'
 - **Existing:** Sheriffs Office: Approximately 50' (per near map measurement)
 - **Existing:** Detention Center: Approximately 26' (per near map measurement)
 - **Existing:** 1995 Courthouse Building: Approximately 45' (per near map measurement)

 - **Other Comparable Buildings Downtown**
 - 1st Citizens Bank Building (539 N. Main Street)
 - Approximately 75' (per near map measurement)
 - It is worth noting that Main Street is at a 21' higher elevation

(2,149' above sea level) than 200 N. Grove Street (2,128' above sea level).

- The Skyland (N. 538 Main Street)
 - Approximately 70' on the Main Street facade. (per near map measurement)
 - Approximately 76' on the rear façade. (per near map measurement)
 - It is worth noting that Main Street is at a 21' higher elevation (2,149' above sea level) than 200 N. Grove Street (2,128' above sea level).
- **Session Laws on Building Height in the City of Hendersonville (64')**
 - **Session Law 2006-126 & House Bill 2688**
 - “The maximum building height on any building within the corporate limits of the City of Hendersonville shall not exceed 64 feet. For purposes of this section, building height shall mean the vertical distance measured from the average grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. The height limitation created by this subsection does not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. No variance to this subsection may be granted. This subsection does not apply to buildings erected prior to the effective date of this section.”
 - **Session Law 2006-259**
 - SECTION 38. Section 3(a) of S.L. 2006-126 reads as rewritten:
 - SECTION 3.(a) The maximum building height on any building within the corporate limits of the City of Hendersonville shall not exceed 64 feet. For purposes of this section, building height shall mean the vertical distance measured from the average grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. The height limitation created by this subsection does not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

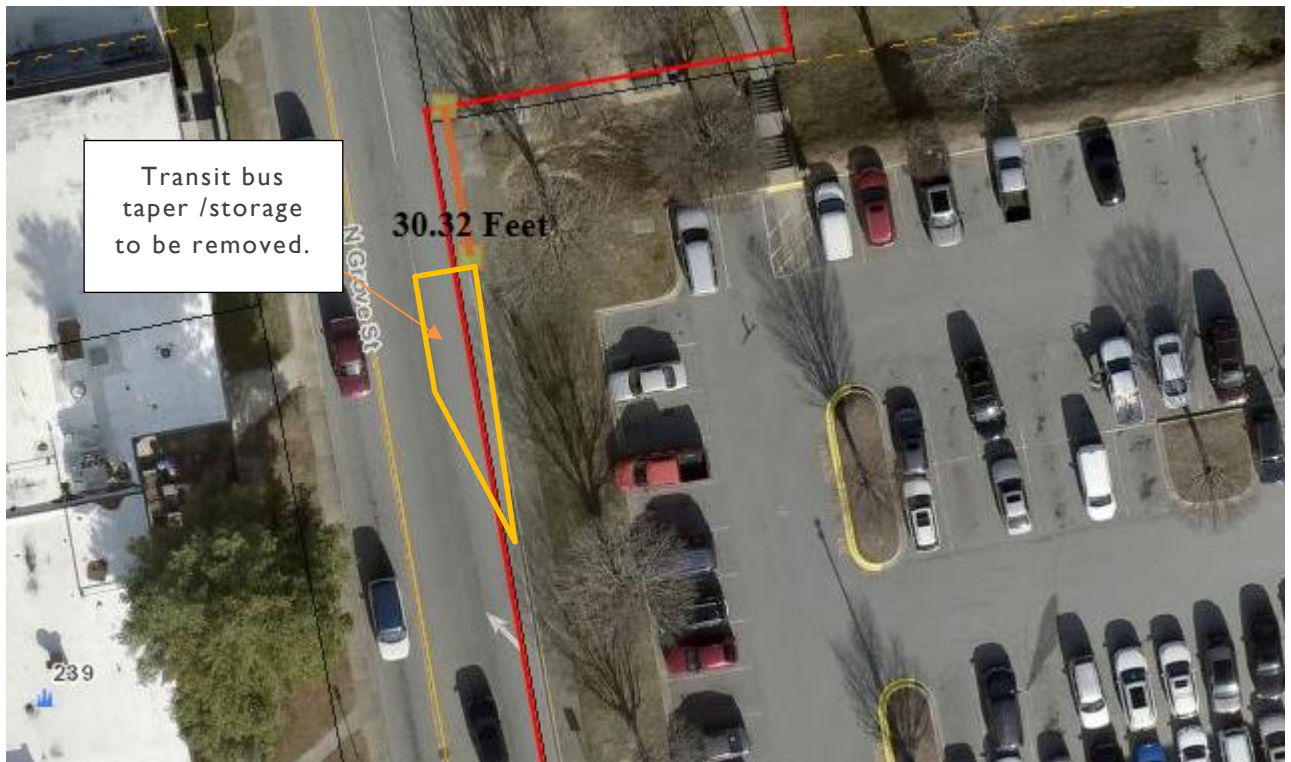
No variance to this subsection may be granted. This subsection does not apply to hospitals, churches, cultural performing arts centers, government buildings, or buildings erected prior to the effective date of this section.

- **Session Law 2007-257 & Senate Bill 649 (Current Law)**
 - SECTION 1. Section 38 of S.L. 2006-259 is repealed, thus removing four exemptions from the limit on the height of structures in the City of Hendersonville as enacted by Section 3 of S.L. 2006-126.
 - SECTION 2. Section 3 of S.L. 2006-126 is amended by adding a new subsection to read:
 - "SECTION 3.(c) This section applies only to the following described area within the corporate limits of the City of Hendersonville, with all calls being from the centerline of the road:
 - Beginning at the intersection of South Main Street and South Church Street, thence north on South Main Street to its intersection with South King Street, thence North on South King Street to its intersection with East Barnwell Street, thence east on East Barnwell Street to its intersection with South Grove Street, thence North on South Grove Street and North Grove Street to its intersection with 7th Avenue East, thence Northeast on 7th Avenue East to its intersection with Locust Street, thence Northwest on Locust Street to its intersection with North Main Street, thence South on North Main Street to its intersection with 9th Avenue West, thence West on 9th Avenue West to its intersection with Oakland Street, thence South on Oakland Street to its intersection with 8th Avenue West, thence East on 8th Avenue West to its intersection with Buncombe Street, thence South on Buncombe Street to its intersection with 4th Avenue West, thence West on 4th Avenue West to its intersection with Buncombe Street, thence South on Buncombe Street to its intersection with 1st Avenue West, thence East on 1st Avenue West to its intersection with South Washington Street, thence South in South Washington Street to its intersection with Kanuga Road, thence East on Kanuga Road to its intersection with South Church Street, thence South on South Church Street to its intersection with South Main Street, the point and place of beginning."

- This property is outside of the area described above and is **not** included in the session law height restriction of 64'. See Map below for the height restricted boundary.



- Transportation:
 - The site will have one new access onto N. Grove Street. This new access is approximately 30' from the property line shared with Martin Luther King Jr. Park. As shown in the photo below. This access will reduce the taper/storage lane for the Apple Country Transit stop. However, it has been relayed to the City by the site engineer that this change will not impact the transit stop function.



- The eastern entrance to the 4th Ave parking lot will move further eastern from its current location and will no longer line up with Pine Street.
- All other accesses will generally be in the same position as they are today.
- Sidewalks
 - Sidewalks already cover most of the property boundary, except a small section on 4th Ave near the railroad right-of-way (R/W). The county plans to replace any removed sidewalks during construction.
 - Additionally, the county will install sidewalks across driveway aprons as per the City's standards.
 - Internal sidewalks will connect from public street sidewalks to the main entrances of both the detention center and Courthouse expansion buildings.
 - 5' wide sidewalks are required for new construction from property line to property line. The site would be required to provide these sidewalks from where they currently terminate on 4th Ave. to their property line within the railroad R/W.
 - City staff is proposing a City initiated condition that states the following "The project shall extend their sidewalks along 4th Ave within the railroad right of way up to their property line. The sidewalk will maintain the same "park street" design of an 8' wide concrete sidewalk and 2' wide utility/planting strip as the existing sidewalk along this property frontage on 4th Ave." This condition was not agreed to by the developer. The developer countered by proposing to pay a fee in lieu of these sidewalks.
- Lighting
 - All site lighting will be required to conform to the City's lighting standards

for nonresidential developments as well as lighting for areas abutting stream buffers.

- Parking:
 - Courthouses, Detention Centers and Law Enforcement centers are not currently found in the City’s off street parking table.
 - The ordinance states that “For any use not specified in Table 6-5-2 or otherwise provided by ordinance, specific requirements shall be determined by the community development director and shall be based upon requirements for similar uses, expected traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.”
 - Henderson County is basing their parking requirements off of the following:
 - Detention Center: Based off of the City of Hendersonville parking table for employee/shift driven uses.
 - Sheriffs Office: Based off of Henderson County’s Land Development Code parking requirements for Commercial, Office, Institutional, and Civic Uses.
 - Courthouse: Based off of Per Fentress POR (Courthouse Planning & Needs Assessment) 2040 Projections
 - Existing
 - Detention Center: 28 spaces
 - Sheriff’s Office: 126 spaces
 - Courthouse: 308 spaces
 - Proposed
 - Detention Center: 43 spaces
 - Sheriff’s Office: 126 spaces
 - Courthouse: 410 spaces
- Natural Resources
 - According to the latest USGS topographic maps there is a blueline stream on the northeastern portion of the subject property. This blueline stream will require an undisturbed 30’ stream buffer and 20’ transitional area with no impervious surfaces.
- Landscaping and Tree preservation
 - The site will be required to provide the following landscaping:
 - Vehicular use area plantings
 - Common Open Space plantings
 - Street trees
 - The site currently has 58,515.58 square feet of existing tree canopy (9.63%) of the site.
 - The development is proposing to retain 13,304 square feet or 22.74%.
 - The applicants are choosing option 3 for tree preservation and will be required to plant at least 15% new canopy through tier II plantings.
-

- Public drop off area
 - The proposal to remove the public drop-off area was introduced by City Staff to Henderson County. The aim was to enhance alignment with the Gen H Comprehensive Plan, prioritizing pedestrian-friendly spaces, buildings situated closer to the street, and relocating vehicular areas to side and rear, thereby fostering a stronger sense of place. This change ensures that the courthouse design is better aligned with both the Historic Courthouse and the 1995 courthouse.
 - According to the Gen H plan, which outlines elements for the Downtown Edge, new opportunities for open spaces such as pocket parks. The intent is to design pocket parks as social hubs and incorporate placemaking amenities such as seating, landscaping, and public art.
 - (Gen H Comprehensive Plan, page 256).



Allowing for range within the Build-to-Zone allows for the inclusion of public spaces and other features that add to the public realm

- The removal of the public drop-off area also addresses a concern raised by the City's traffic consultant regarding the entrance's "protected stem." The entrance has a 29' protected stem, which the consultant identified as potentially problematic but ultimately is left to the discretion of the Public Works Director. With the removal of this access, the issue related to the protected stem is resolved.
- Public Works Director Tom Wooten notes that the exit from the public drop-off area would affect the Apple Country Transit taper/unloading lane, a concern that becomes irrelevant with the removal of the curb cut.

DEVELOPER-PROPOSED CONDITIONS:

- Developer proposed to exceed the maximum allowable building height (see building height summary on sheet CC-200 (Top of the roof coping height 92.75'. This is 42.75' taller than what is allowed in PID and 28.75' taller than what is recommended in the Gen H Downtown Edge Character District)
- Developer proposes to provide parking spaces as outlined in the parking summary on sheet CC-200.
- New landscape requirements and calculations are based on the new project area.
 - Examples
 - Vehicular Use Area Landscaping
 - If total vehicular use area for the entire parcel is counted- 229,102 SF
 - Required: 76 Trees and 152 Shrubs
 - If the new project vehicular use area is only counted- 158,252 SF
 - Required: 53 Trees & 105 Shrubs
 - Proposed vehicular use area landscaping per the plans.
 - 56 trees and 132 shrubs.
 - Common Open Space Plantings
 - Total common open space of the entire parcel- 64,379 SF
 - Required: 54 Trees & 268 Shrubs
 - New project common open space- 38,991 SF
 - Required: 32 Trees & 162 Shrubs
 - Proposed vehicular use area landscaping per the plans.
 - 44 trees and 162 shrubs.
- The developer intends to pay fee-in-lieu as outlined in the zoning ordinance of the installation of sidewalk specified by the City proposed condition. This equates to approximately 100 LF OF. **(Developer proposed counter to City proposed condition)**

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Institutional Developments (5-21) (minus any developer proposed conditions).
 - Comments that will be reviewed/addressed during final site plan review process and do not need to be addressed during the preliminary site plan review process:

- Landscaping:
 - Final determination on planting credits, species, locations, final quantity of required vs. proposed new plantings. The current plans show “areas to be screened, fenced, walled and/or landscaped” which is what is required at the preliminary site plan stage.
 - All final landscaping comments will be addressed as part of the final site plan approval between City staff and the project designer in accordance with the City’s ordinances.

Proposed City-Initiated Conditions:

- “The project shall extend their sidewalks along 4th Ave within the railroad right of way up to their property line. The sidewalk will maintain the same “park street” design of an 8’ wide concrete sidewalk and 2’ wide utility/planting strip as the existing sidewalk along this property frontage on 4th Ave.” **This condition was not agreed to by the developer.**

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 have provided only the relevant/outstanding comments / conditions below:

TRANSPORTATION CONSULTANT (KIMLEY HORN)

TIA Comments:

- The Traffic Impact Analysis for the development was submitted on February 7th, 2025. Below are the review comments from the City Traffic Consultant regarding the TIA. The primary feedback on the initial TIA focused on the necessity for turn lane warrants at unsignalized intersections. The City received the Version 2 TIA from the developer and the City received feedback on the Version 2 TIA from Kimley Horn between Planning Board and City Council. The Planning Board was made aware of the turn lane warrants being studied at their meeting and they did not mention any concerns with not seeing those findings. The current TIA recommended mitigations can be found below. The only intersections that warranted turn lanes were into the surface lot on 4th. Both of those drive accesses warranted right turn lanes. You can find justification and recommendations on those turn lanes below.

- The expected **new** trip generation for the proposed development is as follows:
 - 1,132 Daily Trips
 - 115 AM Peak Hour Trips
 - 94 PM Peak Hour Trips

TIA Proposed Mitigations:

- Grove Street at 4th Avenue
 - The intersection experiences LOS degradation for the overall in the AM and PM peak hours, as well as LOS degradation for the SB in the PM peak hour, and delay increase of >25% for the PM peak hour overall, SB and NB. However, as noted in the report, the site is proposed to have minimum impact and the intersection still performs acceptably. Therefore, no improvements are necessary.
- 4th Avenue at 4th Avenue Lot 1
 - **Recommended Mitigation**-50' right turn lane is warranted at the 4th Avenue Lot 2 Driveway. However, due to complications with the installation of turn lanes at this location, the TIA suggested the requirement for these be left to the City's discretion during the driveway permit application process. This recommendation appears reasonable given the complications as noted in the report.
 - **The complications referenced by the Traffic Consultant from the developer's TIA-**
 - "...these two locations present difficulties when considering the turn lane installations, such as the limited space between intersections, potential above- and below-ground utility conflicts, as well as requiring the sidewalk and crossings to be relocated, resulting in longer pedestrian crossing distances. This would also likely impact the number of parking spaces available to serve the public. Furthermore, the turning lane for the first driveway would cut into the Dr. MLK Jr. Memorial Park, which is owned by the City. As such, it is the suggestion of this report to leave the recommendation/requirement of the turn lane installations to the City as part of the driveway permit application process."
- Grove Street at 2nd Avenue/ 2nd Avenue Lot
 - The intersection experiences LOS degradation for the NB approach in the PM peak hour. However, this LOS degradation is from an increase in delay of 1.4 seconds which is minor and will have minor impact to the performance of the intersection.
 - **Recommended Mitigation**-75' right turn lane is warranted at the 4th Avenue Lot 2 Driveway. However, due to complications with the installation of turn lanes at this location, the TIA suggested the requirement for these be left to the City's discretion during the

driveway permit application process. This recommendation appears reasonable given the complications as noted in the report.

▪ **The complications referenced by the Traffic Consultant from the developer's TIA-**

- “...these two locations present difficulties when considering the turn lane installations, such as the limited space between intersections, potential above- and below-ground utility conflicts, as well as requiring the sidewalk and crossings to be relocated, resulting in longer pedestrian crossing distances. This would also likely impact the number of parking spaces available to serve the public. As such, it is the suggestion of this report to leave the recommendation/requirement of the turn lane installations to the City as part of the driveway permit application.”
- Grove Street at 1st Avenue
 - The intersection experiences delay increase >25% for the overall, NB, and SB approaches in the PM peak hour. However, this is from an increase in delay of 1.3 seconds at most and each approach listed and the intersection as a whole is expected to operate at LOS A. Therefore, no improvements are necessary.
- 1st Avenue at 1st Avenue Lot 1/Pine Street
 - Turn lane warrants were not performed and need to be to evaluate the need for turn lanes into the site at this access.
 - The EB approach experiences delay increase >25% in the AM and PM peak hours. However, this is from an increase in delay of 0.8 seconds at most and each approach is expected to operate at LOS A. Therefore, no improvements are necessary due to capacity.
- 1st Avenue at 1st Avenue Lot 2
 - Turn lane warrants were not performed and need to be to evaluate the need for turn lanes into the site at this access.
 - The EB approach experiences delay increase >25% in the PM peak hour. However, this is from an increase in delay of 0.3 seconds at most and the approach is expected to operate at LOS A. Therefore, no improvements are necessary due to capacity.
- 4th Avenue at 4th Avenue Lot 2
 - Turn lane warrants were not performed and need to be to evaluate the need for turn lanes into the site at this access.

GENERAL REZONING STANDARDS	
1) Comprehensive Plan Consistency	<p>Land Supply, Suitability & Intensity The subject property is not listed on the land suitability or supply maps due to it being developed.</p>
	<p>Future Land Use & Conservation Map- See Gen H appendix.</p> <p>Designation: Institutional Character Area Description: Somewhat Consistent Zoning Crosswalk: Consistent</p>
2) Compatibility	<p>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</p> <p>Since the 1990s, the property has functioned as a courthouse campus. Over time, it has expanded to include a detention center, Sheriff’s office, and additional surface parking lots, evolving to accommodate the growing needs of the County. The latest plan involves further expansion of this longstanding judicial campus.</p>
3) Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p>
	<p>The Henderson County Commissioners have determined that an expanded judicial campus is necessary to better serve the residents of Hendersonville and Henderson County.</p>
4) Public Interest	<p>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 -</p>
	<p>The current Courthouse accommodates essential offices that serve the residents of Henderson County. This expansion would provide the County with the space necessary to operate more efficiently and potentially enhance the services already offered to its citizens.</p>
5) Public Facilities	<p>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</p>
	<p>The site will continue to be served by City water and sewer service. N. Grove Street, 1st Ave and 4th Ave are all City maintained streets.</p>

<p style="text-align: center;">6) Effect on Natural Environment</p>	<p>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 -</p>
	<p>According to the 2008 floodplain maps, no part of this property is located within the floodplain or floodway. The most recent USGS topographic maps, along with a wetland and stream delineation completed by Clearwater Environmental and confirmed by the Army Corps, show a blueline stream along the northeastern property boundary. This stream is subject to protection under the zoning ordinance. As indicated in the site plans, the development currently contains 58,515.58 square feet of tree canopy, covering 9.63% of the site. The proposed development is retaining 13,304 square feet, or 22.74%, of the existing tree canopy.</p>

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of 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]

- *This expansion would give the County the additional space needed to improve operational efficiency and enhance the services currently provided to its citizens.*
- *The proposed expansion of the detention center and courthouse builds upon a longstanding use established at this site for over three decades.*
- *Expanding the courthouse is a long-term investment in the community, ensuring that the infrastructure is capable of handling future needs without requiring another expansion in the near future.*

DRAFT [Rational for Denial]

- *The proposed development's height and scale are inconsistent with the surrounding area's character and do not align with several design guidelines in the Gen H Comprehensive Plan that would help make the development more compatible with the City's vision for the future.*