TOWN OF FLETCHER

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Sidewalk Fee in Lieu Review Request
Burge Flex Warehouse
(26-06-FIL)

Planning Department Staff Report
Tyler Morrow, Planning and Zoning Director

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Project Summary



SITE VICINITY MAP

- **Project Name & Case #:**
  - Burge Flex Warehouse
  - 25-03-SPR
- **Applicant:**
  - Welda Investments LLC
    - Curtis Burge, President
- **Property Owners:**
  - Welda Investments LLC
    - Curtis Burge, President
- **Project Acreage:**
  - 2.87 Acres
- **Project overview**
  - New 9,000 square foot “flex space” warehouse building.
  - Existing 4,390 SF warehouse building to remain.

- **Property Address:**
  - 165 Cane Creek Road
- **Parcel Identification (PIN):**
  - PIN: 9653-91-5207
- **Current Parcel Zoning:**
  - M-1, Manufacturing
- **Requested Uses:**
  - Warehouse
  - Office
  - Retail
- **Heart of Fletcher Overlay Designation:**
  - Town Center Housing East

Site Photos:



This photo shows the property's road frontage along Cane Creek Road where the proposed sidewalk would be constructed. Existing topography presents challenges to constructing an ADA-compliant sidewalk. Additionally, there are no existing sidewalks in this area that would provide a safe pedestrian connection.



This photo shows the subject property as viewed from Cane Creek Road. As depicted, some grading and tree removal have already occurred on the site.

Site Plan Summary:

Building:

Floor Area

- New Building- 9,000 SF
- Existing Building- 4,390 SF

Building Design

- The first floor provides 65% transparency, which significantly exceeds the minimum requirement of 30%.
- No blank wall exceeds 20 feet.
- All exterior awnings have a minimum projection of 3.5 feet.

Height

- Main Building- 20' 3"

Transportation:

Access

- The site plan shows one access point onto the subject property.
- The only access will be from Cane Creek Road and will have to go through all permitting requirements of NCDOT during final site plan approval in order to obtain a driveway permit.

Parking:

Requirement per use:

Office- 2 spaces per 1,000 SF of floor area
Retail- 3 spaces per 1,000 SF of floor area

Total required- 24
Total provided- 25

Landscaping:

Landscaping provided for the site:

- Street trees
- Interior parking lot landscaping

All landscaping species will be chosen from the town's approved *list.*

Other Approvals:

The development will be required to obtain all applicable approvals from outside agencies prior to receiving final site plan approval from the Town. These approvals include, but are not limited to, NCDOT, MSD, City of Hendersonville Water, and Henderson County Site Development.

Lighting:

All on-site lighting will be required to meet the ordinance requirements for commercial lighting. A photometric plan and fixture cut sheets for the proposed lighting are included in the packet.

Sidewalk Fee in Lieu Process:

In cases where required sidewalk is potentially unsafe or impractical, the developer may request consideration from the Town for approval of payment of the financial equivalent (or "fee-in-lieu-of") for the required sidewalks.

Upon such approval by the Planning Board, the developer would then be required to pay the financial equivalent to the Town in order to develop sidewalks along other streets with pedestrian needs (as identified in the Town's Transportation Plan where possible) or greenways in accordance with the Town's Greenway Master Plan (subject to availability of easements for such trails).

The estimated costs of these sidewalks shall be provided by the project engineer and must include an itemized list outlaying project costs that include design, staging, mobilization, labor, and materials. This list will then be reviewed by the Town's consulting engineer, after which, the item will be placed on the next Planning Board agenda.

The financial sum paid to the Town shall be placed in a restricted fund that will be reserved for construction of sidewalks and/or greenways.

Sidewalk Fee in Lieu Request:

Curtis Burge, President of Welda Investments LLC, has submitted a request to pay a fee in lieu of constructing the required sidewalk improvements, as permitted by the Town of Fletcher Land Development Code. In support of this request, the applicant's engineer, Gary Davis of Davis Civil Solutions, provided a signed and sealed itemized cost estimate for sidewalk construction. Based on that estimate, the cost to construct the required sidewalk improvements is approximately $85 per linear foot. With approximately 305 linear feet of frontage along the subject property, the total fee in lieu amount would be $25,925. If approved by the Planning Board, these funds would be paid to the Town and allocated toward pedestrian infrastructure improvements in areas of greatest need.

Several factors have led to this request. First, the subject property contains significant grade challenges, which make the construction of an ADA-compliant sidewalk difficult. Based on the site's topography, installation of a compliant sidewalk would require substantial grading and likely the incorporation of multiple switchbacks in order to meet allowable ADA running slope requirements.

Second, the bridge at the intersection of Old Cane Creek Road and Cane Creek Road is currently slated for replacement by NCDOT. Because the final design of that project has not yet been determined, it remains unclear whether future roadway improvements associated with the bridge replacement could impact any newly installed sidewalk infrastructure. If sidewalk improvements were installed now and later affected by the NCDOT project, reconstruction could increase the overall cost of the bridge project.

Sidewalk Fee in Lieu Request Continued:

The proposed sidewalk would place pedestrians along a steep curve on Cane Creek Road with no existing sidewalk network to connect to on either end. This lack of connectivity, combined with the roadway geometry, raises concerns about whether installation at this location would provide a meaningful or safe pedestrian benefit at this time.

Lastly, this area currently lacks sidewalk infrastructure that would promote meaningful pedestrian connectivity. That said, the absence of existing sidewalks does not, by itself, justify approval of a fee in lieu request. If that were the standard, the Town's sidewalk requirements would have little practical effect. The broader intent of requiring sidewalks with new development is to gradually build out the Town's pedestrian network over time, allowing individual sections installed through development to eventually connect, or at minimum reducing the amount of infrastructure the Town would need to construct in the future to close existing gaps.

However, this particular location presents circumstances where meaningful connectivity may not be realistically achieved in the foreseeable future. The properties to the west, in the direction of US 25, are largely developed with single-family residential lots that are unlikely to redevelop at a scale that would trigger future sidewalk installation requirements. As a result, pedestrian connectivity through redevelopment in this corridor appears unlikely. The nearest existing sidewalk on this side of the roadway, in the direction of US 25, is approximately 2,700 feet away near Fletcher First Baptist Church.

When considered alongside the site's topographic constraints, the uncertainty surrounding the planned NCDOT bridge replacement project, and the safety concerns associated with placing pedestrians along a steep curve with limited connectivity, the applicant believes there is a reasonable basis for the Planning Board to consider approval of the requested fee in lieu.

