



PLANNING BOARD RECOMMENDATION  
LEO AT HENDERSONVILLE (25-48-CZD)  
MEETING DATE: DECEMBER 11<sup>TH</sup>, 2025

PETITION REQUEST: Rezoning: Planned Residential Development – Conditional Zoning District (PRD-CZD)  
APPLICANT/PETITIONER: Scott Weathers – Advenir Azora Development [Applicant] & Jeffrey Justus [Property Owner]

**PLANNING BOARD ACTION SUMMARY:**

The Planning Board voted 6-0 to recommend denial of this petition and adopted the following motion:

**PLANNING BOARD MOTION:**

*Ms. Gilgis moved the Planning Board recommend City Council to deny an ordinance amending the official zoning map of the City of Hendersonville, changing the zoning designation of the subject PIN number, or PIN 9569-22-9206 from R-15 to PRDCZD, Planned Residential Development. Conditional Zoning District based on the following.*

*The petition is found to be inconsistent with the City of Hendersonville's Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing.*

*Because the petition proposes duplexes, triplexes and quadplexes, which does not align with Future Land Use designation of Family Neighborhood Living.*

*2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing, and because:*

*1. The proposed development does not provide adequate site access for emergency services and lacks interconnectivity.*

*2. The proposed development is incompatible with the surrounding developments.*

*3. The subject property is not conducive to the intensity of proposed grading, which will significantly alter the natural environment on the site, and could negatively impact some of the neighborhood property.*

*Ms. Rippy seconded the motion which passed unanimously (6-0).*

## OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES

The Planning Board convened on this project for **2 hours**.

Planning staff presented the revised Conditional Zoning District application for the LEO at Hendersonville project, noting that the Board had previously reviewed the request two months earlier and that the current review focused solely on changes made since that time. The proposal involves 180 residential units on Haywood Road, with existing R-15 zoning and a requested rezoning to a Planned Residential Development Conditional Zoning District (PRD-CZD).

Staff highlighted revisions to the site plan, particularly the reduction and relocation of several retaining walls. Walls along the perimeter were lowered in height and moved farther from property lines, with one retaining wall reduced from approximately 40 feet to 8 feet. Roadway slopes were adjusted to allow a maximum 12% grade with Fire Marshal approval, which contributed to reduced wall heights. A former stormwater retention pond area was reconfigured to open space with relocated units, and the amenity area was consolidated to increase usable open space.

Staff noted that the City's sole proposed condition requires certain retaining walls to be set back at least 25 feet from property lines, which the revised plan satisfies. Despite these changes, staff concluded that the proposal remains inconsistent with the Comprehensive Plan, citing the Future Land Use designation of Family Neighborhood Living and the inclusion of duplexes, triplexes, and quadplexes, as well as the absence of a conservation design tradeoff for reduced lot sizes. Draft rationales for both approval and denial were included in the staff report.

The applicant and development team stated that the project was redesigned in response to Planning Board and staff feedback, emphasizing reductions in retaining wall heights, increased setbacks, expanded open space, and enhanced tree preservation. The developer argued that the proposal provides fewer units and lower density than what could be constructed by right under R-15 zoning, while preserving significantly more open space and tree canopy.

The developer highlighted that the project would include approximately 5.7 units per acre, preserve over 60% open space, and retain approximately 45% of existing trees—exceeding ordinance minimums. They emphasized clustering development to reduce environmental impacts, protect wetlands, and maintain a large central ecological corridor. The developer also described traffic improvements required by the approved Traffic Impact Analysis, noting that NCDOT and the City's third-party traffic engineer found minimal traffic impacts and required only turn-lane improvements along Haywood Road.

Additional topics addressed included emergency access, stormwater management exceeding minimum standards, provision of pedestrian connections and greenway dedication, and consistency with the goals and guiding principles of the Gen H Comprehensive Plan. The developer asserted that the project represents a context-sensitive transition between surrounding developments and warned that denial could result in a more intensive by-right development with fewer environmental protections.

## OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES CONTINUED

### PUBLIC COMMENTS:

*Numerous residents and representatives of nearby neighborhoods spoke in opposition to the revised proposal. Speakers generally stated that the changes did not address the Planning Board's original reasons for denial, particularly concerns related to density, compatibility with surrounding single-family neighborhoods, and consistency with the Comprehensive Plan.*

*Public comments raised concerns about traffic safety along Haywood Road, emergency access on steep internal roads, school impacts, stormwater runoff, erosion, and the visual and environmental impacts of large retaining walls. Several speakers emphasized the site's steep topography and argued that substantial grading would still be required despite revisions. Others criticized the proposal's approach to tree preservation, stating that mature hardwoods would be removed while only trees within regulated areas would remain.*

*Multiple commenters asserted that the proposed unit density represents a significant and incompatible increase compared to adjacent neighborhoods and that the development would fundamentally alter neighborhood character and quality of life. Speakers urged the Planning Board to reaffirm its prior unanimous recommendation for denial.*

### BOARD ACTION:

Motion:

- Kyle Gilgis

Second:

- Lauren Rippy

Yeas:

- None

Nays:

- Donna Waters, Jim Robertson (Chair), David McKinley, Laura Flores, Kyle Gilgis, Lauren Rippy

Absent: Bob Johnson, Betsey Zafra, Tamara Peacock (Vice-Chair), Mark Russell

Recused: None