



PLANNING BOARD RECOMMENDATION  
715 GREENVILLE HIGHWAY MULTI-FAMILY (P24-39-CZD)  
MEETING DATE: NOVEMBER 14<sup>TH</sup>, 2024

PETITION REQUEST: Rezoning: Urban Residential - Conditional Zoning District (UR-CZD)

APPLICANT/PETITIONER: Travis Fowler, First Victory Inc. [Applicant] & Richard Herman of South Market LLC. [Owner]

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 3-3 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9568-83-4302, 9568-83-2474 and, 9568-83-2082) from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District, for the construction of 185 multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 11-4-24] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses.
  - a. Permitted Uses:
    - i. 1. Residential Dwellings, Multi-Family
2. 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 the Future Land Use and Conservation Map Designations of Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.
3. We 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:
  - a. The petition proposes to provide additional housing to offset local rental demand.
  - b. The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail.
  - c. The site plan clusters development impacts out of the floodway portions of the site.

## OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES:

The Planning Board convened on this project for **56 minutes**.

Ms. Gilgis stated the developer had said he was going to build up the land, how high are you going to go?

John Kinard, project engineer stated they will be at least three feet above the Base Flood Elevation and on average the site is getting raised up four or five feet more than what it is now. Chair stated it has already been elevated in the past. Mr. Kinard stated correct. Chair stated you are going four or five feet higher than that. Mr. Kinard stated yes. Ms. Gilgis stated water still has to go somewhere even when you elevate your property, water is going to have to go somewhere.

Ms. Gilgis stated Walgreens built up, Publix built up, Fresh Market built up and there is obviously a flooding problem in that area. Are you going to make it better or are you going to make it worse? Mr. Kinard stated he does not think their site will impact the flood elevations at all. They are just going up above the flood waters. There is a mitigation project behind them to help with that flooding situation and they are providing access to the site and helping them in any way they can with that mitigation project. Ms. Gilgis asked if they would have any kind of retention ponds. Mr. Kinard stated yes, they will have underground storm tech retention chambers. It does several things, one is water quality so it treats the first one inch of runoff, solids, oils that kind of thing in accordance with state regulations. In addition to that they are retaining the two and ten year storm, which is a Hendersonville requirement.

Ms. Peacock stated the site was previously paved and now there is some dirt over it and they are only going up but since the asphalt that is probably underneath that dirt is not permeable, are you budgeted to remove the old asphalt? Mr. Fowler stated there is no asphalt under there. Mr. Kinard stated it sounds like it has been removed already. When they did the filling they removed it. Mr. Fowler stated they have done analysis on the property and there is not asphalt, it has all been removed.

Ms. Peacock asked if it would be feasible to add more pervious parking, could you make most of the parking pervious? Mr. Fowler stated they can talk about it and see what they can work out. He feels it is not really financially feasible though. They are trying to keep a high quality product at a lower price. He would rather try to retain the water with a storm tech system than have pervious paving.

Mr. Hanley asked if Publix is higher than they will be when they are done. Mr. Fowler stated they will be higher than Publix.

Ms. Peacock asked in what ways do you think this development will improve the drainage in that area. Mr. Fowler stated this is a previously developed site, it is not a pristine open field, it is not a beautiful canopy, it use to be a parking lot so the soils that are out there now are not organic soils and the water that falls out of the sky is not falling on organic ground and it absorbs that water not at a normal rate. It doesn't perk at a normal rate. The water that leaves the site now is not treated. It falls on the ground, it runs through the dirt of a previously developed site that is not perfect soil and it goes straight into Mud Creek behind them. So what they are going to do is they will catch all of that water and they will retain the first inch and treat it. It will clean up the water that will leave the site. They will not make the flood not happen. Mother nature will have her way. They will not make the flood not happen. Ms. Peacock stated the water from other areas flows through their site. Mr. Fowler stated they are raising their site up so the water that is in the road will stay in the road. The water over at Chadwick will not come onto their site. If it falls on their site they will treat it and release it, which is not happening right now.

## OVERVIEW OF BOARD DISCUSSION FROM MINUTES:

The Board had a discussion on the project. Chair found this irresponsible in a sense. You have people that went to bed that night not living in a floodplain and now they are gone. We are going to put 450 people in a floodplain. It is irresponsible. Right now the timing of this is very insensitive. Mr. Hanley stated once they raise the dirt up it will be outside of the floodplain. Chair stated the water has to go somewhere. The reason this piece of property is green on the 2045 Comp Plan is because it needs to be a cornfield. If a cornfield floods you buy off on your insurance, nobody dies. Chair stated they can make a motion but he finds this irresponsible and insensitive. Ms. Waters stated her concern is access and how they will be able to get to a hospital. Mr. Hanley stated he drives this area everyday and the access they are putting up on Greenville Highway, you will be able to get in and out of. Chair stated that does not change his mind

## PUBLIC COMMENTS:

**Ken Fitch, 1046 Patton Street** stated the flood images and photos may prove more eloquent as the star witness than any other comments that have been made. He was concerned with the history of the flooding in this area is it logical to place this development in this location. It would seem to defy common sense to do this. He talked about the issues of access to the area as a huge concern during flooding. He was concerned about the impact on first floor uses. Access to local amenities won't happen when it floods. He talked about these being condos or rentals, that was something people would want to know. He understands wanting to utilize the property but mother nature still has a claim here.

**Lynne Williams, Chadwick Avenue (zoom)** stated the photo submitted during Helene was actually taken by her family because this is actually very real for them. They cannot get to the hospital because they are on Chadwick Avenue and it is an island. They have to take swift water boats to get there, This is why this conversation is completely absurd. Publix was supposed to make the flooding better, how did that go? Notice how Publix was not flooded at all but how about the surrounding areas, how did they look? The water went all the way from South Rock Grill to chest height at the front of Fresh Market, do you understand that? This project was going to go before the Planning Board earlier this year but it was pulled because the whole property was flooded in January. The pictures and the comments that were submitted then are still relevant even though she does not believe they have been submitted here. The entrances and exits were under water. And during Hurricane Helene they were under water for over a day. It did not just dissipate in a few hours. She has been warning both the Planning Board and the Council that Chadwick and South Main would become an island and that is exactly what happened. Our public safety was completely at risk. The only way to the hospital was by swift boat from Grove Street. This will be built in the floodplain. There is no affordable housing and there are no other buildings like this towering nearby. She was very concerned about the height of the buildings and raising the site plus having a three to four story building on the site. She stated 73.5% to be built in the floodplain. She is not sure why we are even having this conversation. This is absolutely shocking. If Southgate had been built it would have been completely flooded, The public interest is that we are not interested. We find this to be a slap in the face. We ask you to reject this. This has everything to do with public safety. This is not the perfect location.

**BOARD ACTION:**

**Motion:**

- Peter Hanley

**Second:**

- Tamara Peacock (Vice Chair)

**Yeas:**

- Tamara Peacock (Vice Chair), Peter Hanley, Laura Flores,

**Nays:**

- Jim Robertson (Chair), Donna Waters, Kyle Gilgis

**Absent:** Bob Johnson, Chauncy Whiting

**Recused:** None