

**Minutes of the Planning Board
Regular Meeting - Electronic
November 14, 2024**

Members Present: Peter Hanley, Tamara Peacock (Vice-Chair), Donna Waters, Kyle Gilgis, Jim Robertson (Chair), Laura Flores, Bob Johnson

Members Absent: Chauncey Whiting

Staff Present: Tyler Morrow, Current Planning Manager, Lew Holloway, Community Development Director. Matthew Manley. Long Range Planning Manager

I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.*

II Approval of Agenda. *Mr. Hanley moved to approve the agenda. The motion was seconded by Ms. Peacock and passed unanimously.*

III(A) Approval of Minutes for the meeting of September 12, 2024. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of September 12, 2024. The motion was seconded by Ms. Gilgis and passed unanimously.*

III(B) Approval of Minutes for the special-called meeting of October 24, 2024. *Ms. Gilgis moved to approve the Planning Board minutes of the special-called meeting of October 24, 2024. The motion was seconded by Mr. Hanley and passed unanimously.*

Ms. Waters arrived.

IV Old Business

IV(A) Zoning Text Amendment – Alignment of Urban Village and Urban Residential with the Gen H Comprehensive Plan (P24-66-ZTA). Mr. Manley gave the following background:

Chair briefly explained the agenda and stated public comment would be limited to three minutes.

Mr. Manley stated this item was presented to the Board in September and it was continued due to noticing issues for the public hearing. He gave a brief background of the application and the proposed amendment to Urban Village and Urban Residential which is included in the staff report and presentation.

Chair asked if there were any questions for staff.

Mr. Johnson stated in 5-26-6 you can longer have a single-family detached neighborhood. Mr. Manley stated you cannot have a single family detached neighborhood under Urban Residential at all anyway. Staff is introducing single family detached as a permissible use but limiting it to 50% of a development. Mr. Manley explained that this is a conditional zoning district and the city does not have any Urban Residential districts. This would be strictly for developers that meet the requirements for a mix of housing. Currently it only allows multi-family.

There were no further questions for staff.

Chair opened the meeting for public comment.

Lynne Williams, Chadwick Avenue was concerned about no real protection for the historic character for older neighborhoods that this could be placed upon. Urban Village type zoning does not honor the history of the neighborhood that is there. She doesn't have solutions but this is her concern.

Chair closed the public comment.

Mr. Manley stated this is conditional zoning district and would have to be applied for by an applicant. It is not a base zoning district that we are going out and applying. There would be a full process where a development would be proposed and it would go through the legislative process and have to meet the standards that are proposed. They are not going out and applying Urban Residential to historic areas. This would be applicant driven.

Ms. Gilgis moved Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. 'Urban Village Conditional Zoning District Classification (UV)' and Section 5-25. 'Urban Residential Conditional Zoning District Classification (UR)', and City of Hendersonville Subdivision Ordinance, Section 1.07 - 'Relationship to other laws and policies' as presented by staff and based on the following: 1. 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 proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions. 2. 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: 1. Urban Residential and Urban Village Zoning Districts were outdated. 2. The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive Plan. 3. The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan. Mr. Hanley seconded the motion which passed unanimously.

V New Business

V(A) Conditional Zoning District – Brooklyn Townhomes (P24-62-CZD). Mr. Manley gave the following background:

Mr. Manley stated this is a conditional zoning district application for Urban Residential zoning on three parcels at the corner of Brooklyn Avenue and Old Spartanburg Road. The applicant is Zach Grogan and the property owners are the Holbert family. Most of the surrounding properties are currently zoned R-15 and are located in the ETJ. They are proposing a 60 unit townhome development on 6.33 acres which is 9.5 units per acre.

A Neighborhood Compatibility meeting was held August 27, 2024. This project came to the city last year and a previous NCM was held but the project was put on hold and didn't move forward for a while. A number of topics and concerns were discussed related to the impacts of development.

Site photos were shown and are included in the staff report and presentation.

A site plan was shown and is included in the staff report and presentation.

Elevations were shown and are included in the staff report and presentation.

Developer proposed conditions were discussed and are included in the staff report and presentation. Staff is agreeable to the conditions. Mr. Manley went over the conditions.

A city proposed condition was shown and is included in the staff report and presentation. The neighbors were happy about this and the developer seemed agreeable to it but it is not shown on the site plan.

The Future Land Use map was show and is included in the staff report and presentation.

The Comprehensive Plan Consistency was explained and is included in the staff report and presentation.

The Current Land Use and Zoning map was shown and is included in the staff report and presentation.

General rezoning standards were discussed and are included in the staff report and presentation.

A draft Comprehensive Plan Consistency statement was shown and included in the staff report and presentation.

A draft reasonableness statement was shown and included in the staff report and presentation.

Rationale for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Ms. Gilgis stated she was concerned about emergency vehicles. How is a fire truck going to get in and out of this site? Mr. Manley stated this was reviewed by the City's Development Review Committee which is an internal staff committee made up of all the various departments and that does include the Fire Marshal. The Fire Marshal has reviewed this and it meets the standards for the Fire Code and Appendix D according to them. It will also have to be reviewed again by them at the final site plan approval stage. If it happened to not be compliant it would have to be adjusted to be compliant. The developer may have more details.

Ms. Gilgis stated she noticed on the property it is tough to walk, she noticed there are wetlands and the developer is going to mitigate that with the retention pond? Mr. Manley stated they are staying away from those areas but are also required to provide stormwater detention. In terms of how that will function, the developer can speak more to that. The Stormwater/Floodplain Administrator is in attendance and might be able to weigh in.

They will be required to by the City's Subdivision Ordinance to have a Homeowner's Association in place.

Mr. Johnson asked about the sidewalk on Brooklyn Road and is this a public sidewalk. Mr. Manley stated it is a public sidewalk. The streets and the sidewalk will be city maintained and be for public access. Discussion was made about the five foot and seven foot sidewalks. Mr. Grogan stated on Brooklyn and on Spartanburg Road they are seven foot sidewalks. Mr. Manley stated they are only proposing five foot sidewalks internally. Mr. Manley stated there are no existing streets that the new streets will tie into. Mr. Johnson asked about sidewalks being on the left or right of the project. Mr. Manley stated there are no sidewalks on Brooklyn. Mr. Manley stated there may be opportunities to fill gaps where sidewalks are not located..

Ms. Flores asked what the condition was of the single family home. Mr. Manley stated he could not give a fair assessment especially post Helene. There are some on the site that are uninhabitable but there is one when he saw it that looked okay. We do have a tenant that is in that property and that home is proposed to be removed as part of this development.

Chair asked if the developer has agreed to the bamboo removal. Mr. Manley stated no.

There were no further questions for staff.

Chair asked the applicant to come up and speak.

Zach Grogan, 5 Jervey Road, Greenville SC stated they have been working on this project for a long time. They have tried to develop a project that fits with the Gen H Comp Plan. They are saving the environmentally vulnerable areas in the rear of the property and push all the development activities up towards the front. They feel like they have developed a plan that meets the requirements and hits all the high points on the conservation areas and the open space and the common open space, etc. They feel like they have put a plan together that people can be proud of. He can answer any questions the Board has.

Chair asked if there were any questions for the applicant.

Ms. Waters stated in the presentation there is no view of the rear of the units, is that part of what the city staff has seen? Mr. Grogan stated no, the way it is written in the zoning ordinance is to give an indicative rendering of the character of the units, that's what the requirement is. He feels like they have done that. He doesn't have anything on the rear.

Discussion was made on the units facing Brooklyn. Mr. Grogan explained how the units would sit.

Chair asked if these would be ownership or rental. Mr. Grogan stated these would be for sale for ownership.

Chair asked if they were staying out of the wetland area and how do you plan to protect it. Mr. Grogan stated there are very specific construction requirements they have to go through. There are two layers of fencing that is required. Mr. Manley stated silt fencing is required and tree preservation. Mr. Grogan stated the wetland will be aggressively protected.

Chair asked where the mailbox kiosk would go. Mr. Grogan stated it is in the rear and pointed it out on the site plan. The hatched area is a loading zone.

Chair asked if he had not agreed to the bamboo removal yet. Mr. Grogan stated they have no issues with the bamboo removal. Chair asked if he was agreeing verbally to that right now. Mr. Grogan stated yes. It is included in the tree canopy and factors into the math they see here. They would prefer not to do all of that math again. He agrees it should be removed. Discussion was made on the condition and adding the bamboo will be removed without doing all of the math.

Chair asked about the property being on a slab. Mr. Grogan stated they are on a concrete slab. Chair stated the only storage would be the garage and he asked what the length of the driveway would be. Chair asked about a condition of having a 25 foot driveway at minimum. Mr. Grogan stated he would not agree to a 25 foot driveway. That would essentially push the development back into the wetlands.

Jesse Hamlin, the project engineer stated building with a sidewalk, they have left 18 feet beyond the sidewalk for the driveway and then on the other side without the sidewalk it is 18 feet as well. That is another reason they were asking for some relief on the sidewalks on both sides. Every time they start doing this it just keeps pushing things back and then they end up in the environmental area. Chair stated the cars are not going in the garage. It will be storage because there is no basement and nowhere else to store your stuff. The cars will end up in the driveways but they are only 18 feet long and you have two cars so one will end up in the street plus the back end of the car in the driveway will end up on the sidewalk. Chair asked if they could push the garages back. Mr. Grogan stated they could potentially do that. Chair

stated what they are talking about here are possible conditions to make the development more attractive and safer.

Mr. Hanley asked what the height in the garage would be. Mr. Grogan stated it would be a standard garage, he does not know the height.

Chair stated on the site plan there is a little road called C E Mabry Lane. Does anyone know who C E Mabry is? Mr. Grogan stated yes, they have folks here who can answer that question. Someone stated this was his property. The road and the name will stay.

Ms. Peacock stated if they would be willing to book match some of the driveways. In their rendering of the image of the front on the interior side you actually do show the driveways next to each other with the landscape piece and when you have each driveway and then the landscape literally that landscape ends up being 10' x 18' whereas if you book match the driveways and the landscape would be double size. Mr. Grogan stated he sees what she is saying. He doesn't think that would be an issue. Mr. Grogan stated so the driveways would touch and it would create a larger space and he stated he does not think that would be an issue.

Mr. Hamlin stated the internal streets would be city streets and if there are folks parking on the street illegally the city would have reason to deal with that if it becomes a problem. Discussion was made on having parking on one side of the street. Ms. Peacock asked if that would widen the street. Mr. Manley stated they can get with Public Works to weigh in on this.

Mr. Johnson stated he knows they agreed to take up the bamboo but he would assume it would be their responsibility to put something back in that space. Mr. Grogan stated he assumes that would become more sod area there. There are some large trees in that area.

Mr. Grogan stated regarding the street trees along Brooklyn Avenue being an outstanding issue and did they want to discuss that now. Mr. Manley stated that can be worked out with city staff.

Discussion was made on street trees and NCDOT's requirements.

Mr. Grogan was asked about the price point for the units. He stated he did not know. They will not be the builder.

There were no further questions for the applicant.

Chair opened public comment.

Lauren Chale, 1014 Brooklyn Avenue stated they are on the long side that is not Spartanburg Highway and it looks like they did add a couple of extra trees there and she feels like they need to preserve what is there. They did not buy into this neighborhood and they are building it close enough that it feels like they are in it. They do not want to live in a neighborhood like this. She would like to see the street not point at the end into their living room and point into her mother's bedroom. She would like to see more trees on the street. That is a big line of houses and they did not buy into this neighborhood. They could take some off the street or give them more land between them and this neighborhood that they do not want to be part of. If they do this, it will ruin them because it is not what they want to live like and it is not fair to bring this upon them.

Ken Fitch, 1046 Patton Street was concerned about the unresolved issues on the plan before the Board. Traffic impacts for the existing homes was also a concern. Local residents have expressed concerns since a TIA is not forthcoming. A TIA would be helpful. The elimination of interior sidewalks seems detrimental.

The function of the new public streets was also a concern. Having the two dead end situations without a turnaround was also a concern. Are these proposed public streets compliant with city standards? He was concerned about the street to the east being aimed at the adjacent property owner with no adequate buffering. He discussed headlights spilling onto the adjacent property. He discussed having a buffer and fencing between the properties. He also asked post storm, how did the wetlands function? Most wetlands in the city became lakes and larger tributaries. What happened here?

Glenn Lange, 623 Ferncliff stated he is a member of Hendersonville's Tree Board which is an advisory board to City Council. Reading the planning staff's comments there appears to be a large number of unresolved issues for this development. Particularly as it relates to landscaping plans and a larger number of issues than is normal at this point in time for developments under review. Reading through this it is hard to ascertain what the developer plans to do with tree preservation and tree planting. The document states that these issues will be resolved at a later time possibly not until a final site plan is approved by staff. Because of this he recommends that the Planning Board delay its review of the project until the landscape issues are resolved. He believes the Tree Board, the Planning Board and the public should be given a chance to comment on whatever resolution or accommodation is made with the developer before you make your recommendations to City Council. He believes any resolutions or accommodation should be made public before this goes to City Council next month. He believes it would be best for Planning Board to hear this next month to address the landscape issues.

Ms. Chale stated she understands that this project doesn't meet the requirement for a TIA but you also have to understand this is quarter mile road and it only fits 40 cars end to end. She did the math and 34 cars an hour does make a big difference. A traffic study seems pretty pertinent.

Wanda Ponder, Pace Road stated this is her families property and her grandfather developed it back in the 1930's. Her parents property is there and she was raised there and enjoyed Brooklyn Avenue but the time for that and the trailer park is gone. The trailer park did not conform to standards and it was let go into ruin and it is an eyesore. The two structures that are on it are also very problematic and they will be done away with. There are no sidewalks and a lot of foot traffic which comes from the trailer park down off of Runway Drive, they either walk in the street or walk all over her property to get to where they want to go. Now there will be a sidewalk for them and there will be trees and it will be really attractive to look at. There is only one neighbor that is complaining about it. This neighbor only bought this property a couple of years ago and her house is right on the edge of her property. Actually right now she drives on their property to get on her property. She is the one complaining and she understands that she will be affected the most but she just wanted them to know that the other neighbors in the area are thrilled. It will bring city facilities such as water and sewer that have never been available to them. Plus the sidewalks and the beautification of the project. She is a minority that is not happy with this and she is sorry about it for that. It is progress for the future and they are going to sale the property. She disagrees that they don't have their landscaping thought out and the tree canopy they will keep is substantial.

Peter Johnson, 924 Brooklyn Avenue stated he is the occupant of the last house on this property. The Holbert's were nice enough to let him occupy this property and his sense is that Brooklyn Avenue is not a shortcut to anywhere. It doesn't feel like they are dealing with an existing traffic situation and they have to have faith that they can deal with all of these people because we are not going to go back to the way it use to be. How do we accommodate the population growth? We also want to consider who will be living in these townhomes. It will be young professionals who are finding jobs in Hendersonville. We have to make sure that Magnolia is satisfying all of the requirements and there are some drainage requirements and they are resolvable. He feels the other side of Brooklyn Avenue is slated for development. He is in total support of this.

Martha Chale, 1014 Brooklyn Avenue stated she knows the people that own the property want to sale it and they are going to say how wonderful the project will be but to her the most important thing to do right now is a traffic study. That needs to be done and then you will see what they are talking about.

Natalie Rice, 1014 Brooklyn Avenue stated she is just a little worried about the project and she thinks doing a traffic study is very important. It is going to change how she gets to school and she only has four more years of going to high school and if this project goes through they will be surrounded by construction and obstructed by cars and vehicles sharing this two lane road. She thinks it is important to consider how this will impact the other people who live there.

Lynne Williams, Chadwick Avenue (zoom) stated to her this property has critical green infrastructure and her understanding is the neighbors are opposed to this. She is concerned about stormwater being held on the property. The front facing entrances will take away people's privacy. The TIA will be waived but people are saying they would like that. She was concerned about the removal of vegetation. It is on a local street and where do you see townhomes abutting on a local street like this. She doesn't see any affordable housing that will go in here. We all believe this is just too dense. Buffers will be needed. There was previous neighborhood comments that she is not seeing here and she feels that is important to hear. She was concerned about the tree canopy being destroyed and the bamboo that would be removed and covered with sod. How will that effect the wildlife? After the NCM how did the developer adjust his plan to meet the neighbors' concerns? She is not seeing any adjustments. How did the planning staff adjust the ordinances to make this development permissible? She did see some of those things happen so that the plan would meet the new requirements. Since the first NCM a lot of those requirements have changed. She hears a lot of opposition to this project.

No one else spoke.

Chair closed public comment.

The Board had discussion on the application. Stub outs for future connections were discussed. A Type C buffer was discussed. Mr. Holloway stated this is a pretty hefty buffer that is used in industrial zones. He stated a Type C buffer would be overkill. He would suggest either A or B. A fence could be added. Mr. Holloway stated they recently adopted Type A for separation of single family and multi-family so if you want to reference the zoning code and what was most recently changed to accommodate multi-family when placed next to single family residential we introduced a Type A buffer in those locations. It is designed to create security and privacy in between these two uses. This project is considered detached single family. This project will have to comply with the lighting ordinance.

Discussion was made on the traffic study. On the front page of the packet the numbers were explained. Mr. Grogan went over that.

Chair discussed conditions/concerns to be added to the motion.

Ms. Peacock 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: 9578-43-7077, 9578-53-0013, and 9578-43-9238) from R-15 (Medium Density Residential Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant [dated September 19, 2024]and presented at this meeting and subject to the following: 1.The development shall be consistent with the following permitted uses: a. Residential, Single-Family: 60 Townhomes 2. The development shall be consistent with the site plan, including the list of applicable conditions contained therein. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: Proposed City-Initiated Conditions: 1) Developer shall remove bamboo stand

at/near the corner of Old Spartanburg Road and Brooklyn Avenue to improve sight visibility, reduce future maintenance impacts on new sidewalks, and to reduce stress on other existing mature vegetation in that area (that shall be preserved). 3.. 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 because: The requested rezoning to Urban Residential Conditional Zoning District and the associated proposed development align with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Multi-Generational Living'. 4. We 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 would improve an underutilized property in close proximity to a major commercial corridor. 2. The proposed development would provide additional needed housing. 3. The proposed development is clustered to reduce pressure on environmentally-sensitive areas at the rear of the site. Additional conditions are: 1.The Mabry name remain on the internal street. 2. A Type A buffer be used on the property line between single family residential homes and the townhome project. 3. Delineate on-street parking as negotiated with Public Works requirements. 4. Recessed garages as required to ensure secondary parking spaces do not conflict with sidewalks and improve safety. Mr. Johnson seconded the motion which passed unanimously.

Mr. Johnson left the meeting.

V(B) Conditional Zoning District – 715 Greenville Highway (P24-39-CZD). Mr. Morrow gave the following background:

Mr. Morrow stated the city has received a conditional zoning application for the property located at 715 Greenville Highway. The property is made up of three individual parcels. The applicant is Travis Fowler of Victory, Inc. The property is currently zoned PCD, Planned Commercial Development. The applicant is requesting to rezone the subject property to UR CZD, Urban Residential Conditional Zoning District. The property is 9.01 acres and the applicant is proposing to construct 185 residential units on this property.

A Neighborhood Compatibility meeting was held on July 19, 2024. Eleven residents attended the meeting and seven public comments were received. Topics and concerns discussed were consideration of impacts from increased traffic, flooding impacts, no other four story buildings in the area, accident data on the nearby roads, affordability, stormwater concerns, stream buffers and their protection, density and the size of the building footprint.

Site photos were shown and are included in the staff report and presentation.

Site photos were also shown before and after Tropical Storm Helene. These ae included in the staff report and presentation.

Photos from January 9, 2024 were also shown and are included in the staff report and presentation.

A rezoning history was given and is included in the staff report and presentation. Mr. Morrow explained the rezoning history.

A floodplain and floodway map was shown and explained and is included in the staff report and presentation. Mr. Morrow explained this and the location of the proposed buildings.

Mr. Morrow stated historic imagery from 2002 shows the commercial uses that were once present on the site. This was included in the staff report and presentation. Upon reviewing historic aerial imagery and available documents. It appears the site has had quite an extensive amount of grading throughout the years. It also appears that fill has been placed on the site as well.

A site plan was shown and is included in the staff report and presentation.

A Traffic Impact Analysis was done and the trip generation results were discussed and are included in the staff report and presentation.

The developer proposed conditions were discussed and are included in the staff report and presentation.

The Future Land Use was discussed and is included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the staff report and presentation.

The Current Land use and Zoning map was shown and is included in the staff report and presentation.

General rezoning standards were discussed and are included in the staff report and presentation.

A draft Comprehensive Plan Consistency statement was shown and included in the staff report and presentation.

A draft reasonableness statement was shown and included in the staff report and presentation.

Rationale for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Ms. Gilgis asked what are they going to do with all of that water. This site constantly floods. Mr. Morrow stated that is not a question for the city but more for the developer. If you do have any questions concerning stormwater or floodplain from a city perspective, Mike Huffman is here and he is the Floodplain Administrator.

Ms. Gilgis asked if they knew what was on this property before since it is a redevelopment. Mr. Morrow stated there were a couple of different things. Chair stated there was a restaurant among other things. Ms. Gilgis stated she just wondered if anyone knew the history of this property and why it has been vacant for so long. Mr. Morrow stated it appears there has been quite a bit of fill on the property. Our ordinance basically treats established development and grading and filling as development so you don't actually have to have a structure to be considered development. Land disturbance and filling is also considered development and there are standards for that as well. Judging by the documents staff has, the majority of this site has been developed in some way or another through the years. He doesn't really have a lot of information on the previous development.

Ms. Peacock asked about the 1,900 units that have been approved in the city and stated that less than half of those have moved forward. Mr. Morrow stated there is probably a good deal of those that are moving forward. Some of the larger projects like Universal at Lakewood and the Highland at Lakewood are under construction. A lot of the larger developments are under construction. There are some like Southgate that we consider inactive because we have not heard from them. Ms. Peacock stated the tax credit projects if they do not get their funding or start construction then they do not move forward. Mr. Morrow stated correct. She stated it is a bit deceptive because in truth we have not approved as many housing projects as we need. Mr. Morrow stated the project on Chadwick did receive their tax credits and will move forward.

There were no further questions for staff.

Chair asked if the applicant would come forward to speak.

Travis Fowler, applicant stated if they do not intensify density in downtown areas and previously developed sites especially those that have good access to local trails, such as the Ecusta Trail, it is new and it's change and something we are not use to seeing in the past, if we don't do that then the folks that want to live in this area are going to live in an apple orchard where we are going to have a lower density. Where the impact on long travel into town will be much, much worse instead of living downtown where we already have intensive traveled roads. So it will have a localized impact on travel, on daily traffic that is for sure. If you want to get to downtown you have maybe a quarter mile walk but living in Edneyville you would have to drive into town, your friends would drive into town and there would be six of you looking for one parking space and those are the things that haven't changed about what we do in the development world.

Mr. Fowler stated what has changed about the development and this site is about a month ago we had a historic flood in the area, he's heard 1500 year he has heard medieval, he has heard all kinds of things. It is amazing how much water we had in the area and there is no doubt that the site did take some water, there is no question about that. They went out and evaluated the elevation of the flood waters and what they would imagine is hopefully the only time we will see that much water in Hendersonville in our lifetime. They went out and evaluated that elevation then they took a look at their site plan and guess what is new? Their site because they are raising the elevation, won't flood anymore. How do they handle the water? They make sure the site doesn't flood. Back in January when the originally pulled this petition, they didn't know that. But it is new information and they do know that now. They are ensuring that the site will not flood. One of their entrance ways will have water on it and they met with DOT and have a traffic engineer here to help with that conversation. From a life safety standpoint, from an EMS standpoint they will be able to service the site. People may be inconvenienced for a short period of time. Greenville Highway and Johnson's ditch may have some water right there at the gas station. They know they might see that again but the site will stay dry. Cars in the parking lot won't have water over their windshield, that is not going to happen. This will be another 185 doors and he knows Chadwick does flood and they have some problems there. The tenants will be able to walk down the road, hop on the Ecusta Trail, and be able to walk the town and go to any of the four grocery stores. They are redeveloping a piece of property that was already developed. Those are all the things he wanted to highlight. He knows they are going to talk about traffic, flooding and stormwater and how they are going to retain it. We are all accustomed to hearing those things Let's make sure we highlight an additional 185 doors coming to town. Even though the project across the street received their tax money, he has a project in Brevard that also has tax money but they are one million dollars over budget. It is a construction cost problem. They are getting the affordable housing tax credit project done but it is not a simple deal, just because you have tax credit dollars it doesn't mean it is going to move forward. He doesn't want to miss a chance to build more market rate apartments in a city that doesn't have enough market rate apartments. It is the perfect location. They don't have to cut down any trees, that is very new. That is extraordinary actually. He has the consulting engineer that designed the site and the landscape architect here. There floodplain guy is here that can help answer questions related to that. The guy that did the TIA is here and the TIA actually shows a decrease in traffic from 18 months ago.

Chair asked if there were any questions for the applicant.

Ms. Gilgis stated he 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. They are however working with the city. 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. Waters stated the Walgreens at Greenville Highway and Spartanburg Highway intersection is much higher than what you are proposing to go and they are still closed. Do you have any idea why they are still closed? Mr. Kinard stated he believes it is actually lower than their site because they are raising their site more but he is not familiar with that site.

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.

Chair stated so all the asphalt is gone. Mr. Fowler stated they drilled in all of those areas and did not find any asphalt.

Ms. Waters asked if the structure would be required to carry flood insurance. Andrew Beck, Floodplain consultant stated he thinks the plan going forward is to do a survey after all the grading is done and have that building pad and building removed from the Special Flood Hazard Area because it will be elevated and be above the Base Flood Elevation. So the answer is no, no flood insurance would be required in that case.

There were no further question for the applicant.

Chair opened public comment.

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 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% is 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.

Chair asked if anyone else would like to speak. When no one else spoke, Chair closed public comment.

Mr. Hanley asked if these would be for sale or rent. Mr. Fowler stated rentals.

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. Gilgis asked how big the tank would be in the storm tech system. Mr. Fowler explained how that is calculated and he was not sure how many gallons that would hold. It is engineered to the standards so that it will work.

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 cannot make the flood not happen. Mother Nature will have her way. No they will not make the flood not happen. Ms. Peacock stated but 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.

The Board had 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 every day 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.

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. Permitted Uses: 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: 1. The petition proposes to provide additional housing to offset local rental demand. 2. 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. 3. The site plan clusters development impacts out of the floodway portions of the site. Ms. Peacock seconded the motion. The vote was three in favor (Flores, Peacock, Hanley) and 3 against (Robertson, Gilgis, Waters). The motion did not pass with a tie vote. No other motion was made.

V(C) Zoning Map Amendment - Standard Rezoning – 329 Signal Hill Road - Givens (P24-71-RZO). Mr. Holloway gave the following background:

Mr. Holloway stated this is standard rezoning and not a CZD and does not include a site plan or a specific use. All uses in the proposed zoning district should be considered and no proposed intentions of the site are up for discussion. The location of the property is 329 Signal Hill Road.

Mr. Holloway discussed the location of the property and pointed it out on the screen.

The acreage is .42 acres and the current zoning is RCT, Residential Commercial Transition. The proposed zoning request is for C-2, Secondary Business.

Site photos were shown and are included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the staff report and presentation.

General rezoning standards were discussed and are included in the staff report and presentation.

The Current Land use and Zoning map was shown and is included in the staff report and presentation

A draft consistency statement was shown and is included in the staff report and presentation.

A draft rationale for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Chair asked if there was a chart comparing the land uses for RCT and the land uses for C-2. Mr. Holloway stated he did not have that in the presentation. He does not know if that was included in the staff report. Chair stated it is in the staff report. Mr. Holloway discussed those.

Ms. Peacock asked if staff is proposing any text amendments for C-2. Mr. Holloway stated at this point, no.

Ms. Waters asked what size septic system would they need. Mr. Holloway stated there is development already on the site and he presumes it has an adequate system septic. Septic's and their approval is done through the Henderson County Health Department.

There were no further questions for staff.

Chair asked if the applicant would like to speak. The applicant was not in attendance.

Chair opened the public hearing.

Ken Fitch discussed the septic and sewer. He asked what the process was to connect to sewer.

Chair stated if the applicant wanted sewer the closest is the Signal Hill Apartments. Mr. Holloway stated they would submit an availability request and depending on what that is, the cost to connect is on the developer and they have to build to city standards and agree to annex.

Chair stated there is no other C-2 in this area and it does not make sense to him. C-2 and C-3 really needs to be looked at for the Comp Plan.

No one else spoke.

Chair closed the public hearing.

The Board discussed the application.

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 (PIN: 9579-06-4126) from RCT, Residential-Commercial Transition to C-2, Secondary Business, based on the following: 1. 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 because: The proposed zoning of C-2 aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Innovation'. 2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. C-2 Zoning would allow for greater economic use of the subject property. Ms. Flores seconded the motion. The vote was four in favor and two against (Robertson, Waters). Motion passed.

VI Other Business.

VII Adjournment – *The meeting was adjourned at 7:07 pm.*

Jim Robertson, Chair