

**Minutes of the Planning Board
Regular Meeting - Electronic
April 11, 2022**

Members Present: Jim Robertson, Chair, Neil Brown, Tamara Peacock, Barbara Cromar, Frederick Nace, Peter Hanley, Hunter Jones, Stuart Glassman

Members Absent: Jon Blatt (Vice-Chair)

Staff Present: Matthew Manley, Planning Manager, Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Angela Beeker, City Attorney and Terri Swann, Administrative Assistant III

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Brown asked that Item B be moved to the end of the agenda. Mr. Manley stated Item F has been withdrawn. Mr. Brown moved for the revised agenda to be approved. The motion was seconded by Mr. Hanley and passed unanimously.***
- III Approval of Minutes for the meeting of March 14, 2022. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of March 14, 2022. The motion was seconded by Mr. Brown and passed unanimously.***
- IV Old Business**
- V New Business**
- V(A) Conditional Zoning District – Hawkins Pointe (P22-16-CZD). Mr. Manley gave the following background:**

The city is in receipt of an application for a Conditional Zoning District from David and Clay Cooper of Woda Cooper Companies, Inc., Applicant and Dr. Leon Elliston of Regional Properties ANC General partnership and Nicholas Iosue with Castles & Cottages, LLC, Property owners. The applicants are requesting to rezone the subject properties PIN's 9568-58-3734, 9568-58-4911, 9568-58-2974, 9568-48-9996, 9568-58-1916 and 9568-48-9860 from MIC, Medical Institutional Cultural to UR CZD Urban Residential Conditional Zoning District for the construction of a 49' 5", 52-unit affordable housing tax credit apartment building on approximately 1.66 acres The UR district does not have a density cap.

A Neighborhood Compatibility meeting was held February 28, 2022. Concerns and questions related to impacts to the historic character, noise, stormwater runoff, privacy, buffering, traffic, congestion and existing trees.

The current zoning along with the current land use and zoning were discussed in is included in the staff report.

Site photos were shown. Trees were discussed along with the preservation of the White Oak.

The Future Land Use is Urban Institutional. The uses surrounding the property were discussed and are included in the staff report.

Comprehensive Plan Consistency was discussed. Each chapter is included in the staff report. Mr. Manley stated this project is consistent with each of the Land Use chapters.

Mr. Manley stated this property falls in the West Side Historic District which is a National Register District.

This is infill development that will use the existing city infrastructure.

General Rezoning Standards were discussed from the staff report. The height of the building was discussed and the compatibility with the historic district. The National Register Historic District is a factor that suggests a development of this scale and design would be incompatible, however, the portions of the site plan that are within the National Register district do not contain any proposed structures.

A draft of the Comprehensive Plan Consistency Statement was shown in the presentation and staff report along with the Rezoning Reasonableness Statement.

The site plan was shown and explained by Mr. Manley. Urban Residential requires design standards and a proposal of the building was shown.

Staff analysis and conditions were presented in the presentation and included in the staff report.

Mr. Manley stated the Stormwater Administrator had one condition. The city is requesting that the developer provide retention for one-year 24-hour storm event to help mitigate additional runoff from the site.

The Transportation Consultant deferred the TIA until after the rezoning.

Chair asked about the disturbance of over an acre and he thought that triggered a 10-year event on most of the projects. Lew Holloway, Community Development Director stated stormwater on redevelopment sites is not required.

Mike Huffman, Stormwater Administrator stated recent changes in the state regulations on redevelopment, the developers are not required to treat or do anything for stormwater. Mr. Huffman explained a 10-year event and a one-year 24-hour event. He talked about the intensity of storms and the amount of rainfall here normally being an inch or less in a 24-hour period. This proposed system would be sized smaller than a 10-year event.

Ms. Cromar asked about the impervious surface. Mr. Huffman stated most of the impervious surface has returned to grass and is considered pervious, however, there is gravel underneath those grassy areas. The areas considered impervious will be combined and will not increase the impervious surfaces.

Ms. Cromar asked if the access would be one-way in and one-way out. Mr. Manley stated this will be two-way traffic in and out. He pointed out the loading/unloading zone on the site plan.

There were no further questions for staff.

Clay Cooper, 500 S. Front Street, Columbus, OH stated he is the applicant, and he is with Jeff McCluskey, Charlotte NC, engineer for the project. He stated Cooper Companies operate in 16 states. They do development, construction and management. They are long term holders of their properties. In 31 years, only one development has been sold. This is a 52-unit, three and four-story building with a one-to-one parking ratio. They will have a planting strip on both sides of the fence, and they will save as many trees as possible.

Mr. Cooper talked about Chapter 2.3 and the growth rate for senior populations. This development meets all the goals in 2.3. There is a need for affordable housing. There is an inadequate supply of affordable housing in this area. These units will be 100% affordable and rent to 30% up to 80% median income. This property is 1.66 acres and is a much better use of the property than what was there. The infrastructure is already there. They carry an energy star certification, and all appliances will be energy efficient. They provide better insulation as long-term holders for better maintenance.

Mr. Cooper stated the MIC zoning would allow for a 50,000 sq. ft. office building by right and they would not have to go through the public meeting process, therefore he feels this multi-family use is a better use and will fit in with the residential uses. This will be less intense for the neighbors as the traffic analysis showed 16 a.m. trips and 27 p.m. trips. There would be more trips with an office building. The original plan showed 60 units and four stories. They are down to three stories and 52 units due to the neighbors' concerns. He has met with neighbors and given out his cell phone number to them. He is trying to be a good neighbor.

Jeff McCluskey stated the state changed the criteria for stormwater and they will have less impervious with less run off than before. This is a great site for walkability with the YMCA across the street. Mr. Cooper stated this is the only application with a 60+ walk score. That is the highest you can get.

Chair asked if there were questions for the applicants.

Ms. Cromar asked where the elevator would be located. Mr. Cooper stated in the middle of the building. She asked what the construction materials would be. Mr. Cooper stated hardy panel with brick. Ms. Cromar asked if the two-way access would be 24 feet. Mr. McCluskey stated there will be full access on both sides with 26-foot lane. Ms. Cromar asked if they would have one parking space for each unit and 52 parking spaces. Mr. McCluskey stated they have additional on-site parking and this will not be assigned parking. Ms. Cromar asked about the historic portion of the property. Mr. Cooper stated it will be just parking, no structure will be on the historic portion. Mr. Manley pointed the portion out on the site plan. Ms. Cromar asked what the height of the fence would be. Mr. Cooper stated six feet.

Ms. Peacock asked if they do not receive the tax credits would the project still move forward. Mr. Cooper stated he feels good about their application but if they do not receive the tax credits, they will not move forward with the project.

Mr. Brown asked if approved could all the units be 80% AMI or less. Could this be a binding condition to the rezoning? Mr. Manley stated this condition is attached to the site plan. A market rate developer could come in and build this, but they would have to agree to affordable housing or go back through the process.

Mr. Glassman asked who would be living in the apartments. Mr. Cooper stated people aged 55 and up which could be retirees or hospital workers, etc. Mr. Glassman was concerned that one elevator would be a problem. Mr. Cooper stated one elevator would be sufficient. Mr. Glassman stated there needs to be a traffic light at Oak and 6th Avenue. Chair stated sometimes the TIA will trigger a signal light. Mr. Glassman stated with schools in the area and the hospital it is a high traffic area. Mr. Cooper stated the trip generator report stated they fall below the NCDOT standards to require a TIA. They had two reports done by two engineers and both said the same thing. They ask that the TIA be deferred until after the rezoning due to cost.

Mr. Brown asked if they would accept a condition for fully shielded lighting on all exterior lights. Mr. McCluskey stated the lights will be full cut-off fixtures and Duke will do a lighting plan with zero spill over at the property line. There will be foot candles.

Chair stated in 2015 the impervious surface was 49,000 on all parcels combined. They are showing 44,000 which is less than what is there now, and he doesn't see it. Mr. McCluskey stated based on the

existing parking lot and putting in more green space, there will be less impervious surface than what is there now. Ms. Peacock stated they are counting 12,200 sq. ft. gravel area also. Mr. McCluskey stated gravel is considered impervious.

Chair asked if there were any further questions. There were no further questions.

Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street (Zoom) stated the basic issues are clear. This will have an impact on the adjacent neighbors. MIC has a mix of uses but most buildings are one or two stories. He had concerns about inserting the Urban Residential into this area. This project is overwhelming in its incompatibility. This will alter the character of this corridor. They do need affordable housing, but this project has a dysfunction of inadequate parking. It will create hazardous conditions. Residents will be using Florida Avenue and the narrow streets to navigate parking. This will be stressful for the neighbors. This project in its size, mass and height is incompatible with this location.

Ginny Faust, 727 Florida Avenue stated she worked as a City Planner for the City of Hendersonville back in the 70's. She has lived here since 1985. She will be speaking on behalf of some of her neighbors. Her statement is below:

I appreciate the opportunity to be here today and share my thoughts about the Hawkins Pointe project. I am speaking on behalf of several other property owners and residents in the area, and they have agreed to give their time to speak to me. Another property owner, Ellen Keates, supports my statements, but as she has additional concerns she will be speaking on her own behalf.

The job of the Planning Board involves a balancing act, as you consider the benefits of proposed projects and weigh them against potential impacts. You have a difficult, and at times, thankless job, and I would like to express my appreciation for all you are doing.

In addition, as the city continues to experience an avalanche of development, the planning staff is challenged every day to review proposals while ensuring the Comprehensive Plan and all applicable ordinances are followed. Thank you for your dedication and hard work.

I appreciate the efforts of the applicants to listen to the concerns of the neighbors. In some cases, they have made adjustments to their plans in order to address these concerns.

Let me emphasize that I agree there is a great need for affordable housing in our community, and this site would be an excellent location for the right project.

However, the proposed project is not a good fit for this location because the site is small, and its shape does not lend itself to the most efficient use of the available land. These constraints mean it is not possible to meet all the Ordinance requirements and be consistent with the Comprehensive Plan with the height and large building – almost the length of a football field – that is proposed. In other words, instead of “development,” this is “overdevelopment.”

I realize some of these points have been covered in the detailed report prepared by planning staff. However, I have further thoughts I would like to share.

Number 1. Section 5-25-5.1 of the Urban Residential Conditional Zoning District in the Zoning Ordinance states,

“Urban Residential developments shall be oriented around one or more significant open spaces, such as parks or plazas.” I believe one reason this requirement was included in the regulations for the Conditional Zoning District is because there is no density limit specified, and in return, the significant open space required in the project will provide a benefit to the wider community, not just to the residents.

(note to self – point out space on colored aerial site plan) The open space provided for this project is in a long strip behind the building; people who do not live in the building will likely have no desire to use it or even be aware that it exists. In my evaluation, the proposed project fails to meet the requirement to provide a significant open space.

***** (Show picture “WodaCooperHsqExample” (1905 KB))** This is a great example of a development with a “significant open space” that comes from the applicants’ own literature. It won an award and has 44 units; it is located in Georgia. A plaza like this would be a visible, usable, welcoming space for the residents AND the community. What an asset a space like this could be for our city. It would set an example to follow for future rezonings to the Urban Residential District. However, this site is not big enough to allow for such a space.

Number 2. A Strategy of the Comprehensive Plan (Strategy PH-1.4) states that placing higher intensity uses on major arterials helps to keep traffic away from local residential streets. The parking arrangement for this project does the exact opposite.

- There are two separate parking lots, one on each side of the building. They are not connected with an internal driveway because there is not enough room for a driveway and the required open space.

- Parking is not evenly divided between the two lots – 42 spaces are on the Oak St. side and 14 are on the Justice St. side.
- The applicants have said they do not see the need to assign parking spaces to the residents.
- If residents look for a parking space on the Justice Street side of the building using the Florida Ave. entrance and don't find one, because there is no internal driveway, they will have to **leave the site** by exiting on Sixth, take a right on Justice, take a right on Florida, drive down the block to Oak Street, take a right on Oak, and try their luck in that lot.

This will create completely unnecessary trips on Sixth Ave., Justice, Florida, and Oak as people drive around the block to look for parking. These trips should take place on the site itself, but they can't. However, if this project is approved as proposed now, traffic will be forced to use local residential streets to travel between the two lots to find parking. This is not consistent with the Comprehensive Plan.

Number 3. Section 5-25-5.13 of the Zoning Ordinance states, "...internal streets shall have sidewalks...."

- There is no sidewalk provided for 16 of the spaces at the south end of the lot near Florida Avenue. This means people will have to walk in the driveway in this area.

In addition, there is no room for a turn-around where the lot ends at Florida Avenue, which is the area without sidewalks. When vehicles enter the lot and turn right towards Florida to look for a space, if there are none, they will have to back up and then back into the driveway to be able to turn left and try the part of the lot towards 6th. This could cause potential safety issues if people are walking in the driveway at the same time.

Number 4. According to Section 5-25-2 of the Zoning Ordinance, this use is not permitted in this proposed rezoning district because this area is designated Urban Institutional in the Comprehensive Plan and is therefore not included as an area for the Urban Residential District. The applicants have requested that relief be granted from this provision. However, the proper procedure is to amend the Zoning Ordinance.

Number 5. These next several issues relate to this project being adjacent to the West Side National Historic District. The District includes the north side of Florida Avenue. Both the Population and Housing, and Cultural and Historic Resources sections in the Comprehensive Plan refer to the importance of preserving and enhancing historic and older neighborhoods.

I am concerned that the very large building on this small site makes it difficult to achieve these goals, for the following reasons.

The first reason is privacy. Section 5-25-5.1 of the Urban Residential Conditional Zoning District in the Zoning Ordinance states, "Structures shall be placed... so as not to adversely affect adjacent property. Adverse effects shall include...unreasonable loss of privacy."

- The building will be, in some cases, approximately 70 feet from several of the homes to the rear, resulting in a complete loss of privacy in the backyards for these residents and for people staying at the Air B&B. In other words, the people using their backyards will be the "view" of the people living in the apartments.
- This is an example of what a six-foot privacy fence will look like from the backyards of some of the adjacent houses. The picture was taken at approximately the same distance the proposed building is from the rear of these homes. As you can see, this fence will provide no privacy for these homes.
 - Privacy could be improved if the building could be moved further away from the rear property lines, but there is no room on the site to do this.

The second reason is preserving vistas, which is discussed in this same Section in the Zoning Ordinance.

The only view some of these homes will have is of the rear wall of the building, with all the windows looking into the homes and backyards of the people who live there.

The third reason is scale.

This relates to a Strategy in the Population and Housing Section of the Comprehensive Plan related to promoting compatible infill development. The issue of scale is also noted in the Zoning Ordinance. The proposed building is larger than any other buildings in the area. For instance, the College/Wingate University building on the other side of 6th Ave. is approximately one-half the length of the proposed apartment building. Imagine two of them side by side to get an idea of the size of the proposed building on this site. This seems out of scale with not only the neighborhood on Florida Avenue, but also with what we see on 6th Avenue.

Instead of one very long building, three and four stories tall, directly adjacent to the homes in the historic district and visible from Florida Avenue, a more compatible use would be two or more buildings with smaller footprints that would be more in scale with the adjacent single-family homes, have less of an effect on privacy, allow for vistas, and not completely dominate the views of Florida Avenue residents. Such a project could allow for a plaza between the buildings, and serve as the "significant open space" the ordinance requires. This space would be a visible benefit to the community, and a place for many people to enjoy.

At this time, I would like to address some other concerns I have for the future residents related to parking that are not related to Ordinance requirements.

- The applicants have said parking does not need to be assigned because since this is an affordable development for seniors, not everyone will own a car, so that means there will be plenty of empty parking spaces.
 - This assumes that people who don't own a car will have no one coming to help or visit them on a regular basis, so the space for that apartment will be empty most of the time. Speaking from personal experience, this is simply not the case. I have an adult special needs family member who lives independently here in Hendersonville in an apartment out 191, about 1 and one-half miles from downtown. He walks to many places for errands. This

proposed project would be a wonderful location for him and his roommate, who is disabled. They have a parking space for their apartment now, and although neither one of them drive or own a car, the space is used constantly by health care workers coming to help his roommate throughout the day and into the evening. I use the space when I visit my family member.

- *However, even if spaces were to be assigned, it will be very inconvenient for people living on the Justice Street side of the building when their space is on the Oak Street side. How long does it take to walk the length of a football field? What will it be like to carry multiple loads of groceries from the parking space to the apartment?*
- *Another concern relates to whether there is space on the site for the transportation van which will be parked for several minutes while passengers are getting on and off for medical and other trips, without blocking the internal driveways.*

My final point is this. It is important to note that this is the first rezoning to this Urban Residential Conditional Zoning District.

It will set a precedent for future rezonings to this District, and if it is approved as proposed, future applicants will be able to point to this project and argue that they do not need to follow important requirements. Let's make sure we set the right tone now for what we want to encourage in this District in the future. In other words, is this what we hope to see?

Chair took a count of the neighbors in the room that were agreeable with Ms. Faust statement. There were five. When no one else wanted to speak, Chair closed the public comment.

Mr. Cooper stated the Wingate building is 100,000 sq. ft. and it does not look out of place, and they are only half that size. He stated a commercial office building would be permitted by right in the MIC zoning district. He stated they comply with most every requirement in the UR district. The only change would be the pitch roof.

Chair asked if this was the first time anyone has applied for Urban Residential. Mr. Manley stated there was a property that had been previously zoned Urban Residential but was rezoned to PCD. This zoning does exist in the zoning code.

Chair had questions about adding conditions. Mr. Holloway stated the developer has to agree to the conditions and they must offset the impacts of the project. Mr. Holloway stated if the conditions are not addressing the impact from the development, turning the development down for not agreeing to the conditions is not appropriate.

The Board discussed the height of the building not fitting into the neighborhood, age 55+ is appropriate for this area, the project is in too small of a space, parking is a big issue and the need for affordable housing. Chair also discussed the 10-year storm system and how it is needed and the parking issues turning Florida Avenue into a roundabout. Mr. Holloway stated the Board cannot require a 10-year storm system because the state statute does not require this for redevelopment.

Mr. Cooper stated he could accept the stormwater condition but splitting the building would not be feasible.

Chair stated the goal of this Board is to make a good recommendation to City Council. Ms. Cromar stated she does realize affordable housing is needed but they don't always need it the way it is proposed. They don't have to accept it as proposed.

Ms. Cromar moved the Planning Board recommend the denial of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9568-58-3734, 9568-58-4911, 9568-58-2974, 9568-48-9996, 9568-58-1916 and 9568-48-9860 from MIC, Medical, Institutional, Cultural to UR CZD, Urban Residential Conditional Zoning District based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public and institutional uses

and office) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4. Chair asked what Urban Institutional has to do with multi-family when it is zoned MIC. Mr. Holloway stated it is the Comprehensive Plan designation. **Ms. Cromar stated we do not find the petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing because: 1. The petition proposes a building mass that is out of scale with the abutting single-family homes to the south of the site. Mr. Brown seconded the motion.**

Chair stated he is concerned if the Board does not list all the negative aspects of the project City Council will look at the need for affordable housing only. They should list all problems so that it is brought out and let City Council address them. Mr. Holloway stated the list of impacts are at this Board's discretion.

Ms. Cromar amended the motion to include: 2. The petition is partially located in a National Register Historic District and proposes a design and site size which is out of character with abutting properties and the West Side Historic District. 3. Other permitted uses in the MIC zoning district which contain a residential component have additional limitations which would not permit the scale or density of the proposed project – limitations on 3 of bedrooms/acre, minimum lot side, etc. 4. The Urban Residential Zoning district requires that only parcels designated as Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center shall be considered for Urban Residential. 5. Because of the lack of community green space availability and, 6. The lack of a 10-year stormwater requirement. Mr. Brown seconded the amended motion which passed seven in favor and one (Chair) opposed.

The Board took a five-minute recess at 5:50 pm reconvening at 5:55 pm.

V(B) Conditional Zoning District – White Pine Villas (P22-13-CZD). Mr. Morrow gave the following background:

The city is in receipt of an application for a Conditional Zoning District from Dennis Tharrington and Stephen Drake of WDT Development, LLC. The applicants are requesting to rezone the subject properties identified as PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864 and located at 2620 Chimney Rock Road from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a four-story, 88,500 sq. ft. apartment building with 78 units on approximately 4.64 acres.

The underlying zoning on the site currently permits a 78-unit apartment building with a height of 34'11" to the midpoint of the roof. The developer is proposing a 78-unit 55+ senior living apartment building with a height of 50' at the midpoint of the roof. The request for increased height, reconfiguration of the vehicular use area and the reduction in building footprint are the main deviations from the previously approved site plan.

A Neighborhood Compatibility meeting was held February 18, 2022. Two members of the public were in attendance. One person attended virtually. Questions centered around the TIA, entrance requirements and parking and the age of the tenants. Concerns were stormwater runoff.

Mr. Morrow explained the current land use and zoning and stated some uses in the area such as Ballantyne Commons, Ingles, and single-family homes.

Site photos of the property were shown.

The property was rezoned on April 2, 2020 from HMU. Highway Mixed Use to PRD CZD, Planned Residential Development Conditional Zoning District. The rezoning was tied to a Low-Income Tax Credit

Application. The request was for a 78-unit three-story 55+ multi-family building on approximately 4.64 acres. The project did not receive tax credits. The preliminary site plan was approved by City Council, but staff never received the final site plan.

The Future Land Use is Neighborhood Activity Center.

Comprehensive Plan Consistency was discussed. Each chapter with the goals and strategies were listed in the staff report.

The General Rezoning Standards were discussed and are listed in the staff report.

A draft Planning Board Comprehensive Plan Consistency Statement was shown in the presentation. A draft Planning Board Reasonableness Statement was also shown.

The site plan was shown along with the tree survey.

Due to the increase in height a sun study was required and done. The building will not block sunlight or shade adjacent properties.

There were no staff proposed conditions and this development did not trigger a TIA. The Tree Board has three proposed conditions. The developer was agreeable to two of those conditions but countered with a condition.

1. *All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use as tree credits. [developer agreed]*
2. *An additional 25 large and medium canopy trees, 2 ½" or larger caliper, beyond those shown as preserved (10) on the site plan reviewed by the Tree Board, must be planted throughout the site. [developer agreed]*
3. *Implement a vegetative planting plan that will enhance the banks of and a 20-foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland and wetland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses can be used. [developer does not agree]*

Developer Proposed Counter:

Implement a vegetative planting plan that will enhance the banks of and a 20-foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. [developer agreed]

Mr. Brown stated he has no problem with the development but has concerns about setting a precedent on the height requirement.

Chair discussed the creek. Mr. Morrow stated it is a pretty small creek and the stream is piped. Chair stated a condition was imposed on the development next to this one for a 50-year storm system requirement because of the culvert, would this kind of condition not be appropriate for this development?

Mr. Morrow stated there are different slopes on these developments. The other development had a very steep slope that involved the floodplain, this one does not.

Mr. Morrow stated there are fire codes on access points and 100 units is the trigger. This one falls below the 100 unit trigger. The building will be sprinkled.

There were no further questions for staff.

Stephen Drake, 195 Rockridge Road, Mills River stated he has done affordable housing for about 10 years now. The demand for affordable housing is great. They will provide seniors with quality affordable housing. White Pine Villas was approved two years ago as a PRD CZD. It will be for ages 55+. The biggest alleviation is going from three stories to four stories. They are wanting to have full access around the building for fire access. The building will be sprinkled, and they will add a fire hydrant. Full access around the building is very important. This is a much better layout as they want to make a better product. This is a great area. It is walkable to Ingles and Blue Ridge Health. They are hoping to get the tax credit this year.

Mr. Jones asked if he plans to have open green space and trails for the residents. Mr. Drake stated they will have a sidewalk around the building. The topography is a challenge. They may try to have a picnic area and a gazebo outside. They will have a fitness center, computer room and an arts and crafts room.

Ms. Cromar discussed the first plan and how the hose could not go all the way around the building. Mr. Drake stated with this change the 200-foot hose will be able to reach all areas of the building. Mr. Drake stated the size of the apartments basically stayed the same. Each apartment will have their own storage unit.

Mr. Glassman asked how many elevators this would have. Mr. Drake stated two.

Discussion was made on what separates this development from Ballantyne Commons. The properties only touch corners. Mr. Holloway stated there is no change being required because of the building height. HMU allows for four-story apartment buildings.

Chair opened the public comment. There was no one in the room that spoke.

Ken Fitch, 1046 Patton Street (Zoom) stated he wanted to commend the developer on the improvements because the fire access is very important. There are still flooding issues in this area. City Council has expressed concerns on height issues. Would the applicant move forward with the first approval if City Council denies this one? A lot of the trees are being removed and he feels like they should give more consideration to keeping the larger trees.

Chair closed the public comment.

Mr. Glassman asked if they turn down the height would he still move forward. Mr. Drake stated he would not because he would be concerned about a violation with the Fire Code. If left with only three stories, there would be no fire access and that would be placing the seniors in jeopardy. They are only adding 10 feet to the height. The lot line drops down 15 feet, and you will not see much of the building.

Ms. Cromar asked if he had considered reducing the number of units and still be able to allow for the circular parking. Mr. Drake stated there would be a problem with less units because they cannot operate in the red. Mr. Holloway stated the petition was approved for 78 units and that approval still exists today.

Chair asked if they were losing more trees. Mr. Drake stated maybe a handful. They will be planting an additional 25 trees.

Mr. Brown asked about the rationale for the height increase. Mr. Holloway stated two years ago there were no Fire Marshal concerns. Now they have requirements to meet in the Fire Code. There is a height exemption allowed for PRD. He stated allowing the height exemption is not setting a precedent. It is allowed for PRD's in the Zoning Code.

Ms. Peacock moved the Planning Board recommend the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864) from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District based on the site plan submitted by the applicant, dated 3-31-22, and presented at their meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan. 2. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: Neighborhood Activity Center designates multi-family residential as a secondary recommended land use. The addition of more multi-family in this area further diversifies the mix of uses present while retaining Neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries. 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: The current underlying zoning on the subject property permits 78 multi-family units. This development will provide senior multi-family within walking distance (+0.15 miles) of Miracle-Ear Hearing Aid Center, Blue Ridge Health and Ingles/Ingles Pharmacy. The project is proposed to be 100% affordable (at 80% AMI or below). The subject property is identified as a priority infill area. Mr. Hanley seconded the motion which passed 7 in favor and 1 opposed (Cromar).

V(C) Conditional Zoning District – Southgate Apartments (P21-62-CZD). Mr. Manley gave the following background:

The City is in receipt of an application for a Conditional Zoning District from Suzanne Godsey of Sitework Studios, applicant and David W. Royster, III of Capitol Funds, Inc., property owner. The applicants are requesting to rezone the subject property (PIN 9568-75-5382) from C-2, Secondary Business to CMU CZD, Central Mixed Use Conditional Zoning District for the construction of a 60' tall, 70-unit apartment building on approximately 3.63 acres. The Central Mixed-Use district does not have a density cap.

Two Neighborhood Compatibility meetings were held due to technical issues at the first meeting. They were lightly attended. Questions centered around access on Israel Street and the widening of Israel Street. Tree removal and the control of the right-of-way between the site and Kanuga Road. Concerns were flooding and the building height.

The current land use and zoning were shown in the presentation and included in the staff report.

Site photos were shown.

The Future Land Use is High Intensity Neighborhood and Natural Resource/Agricultural with Neighborhood Activity Center and Downtown Support.

The Comprehensive Plan Consistency chapters were shown and discussed and are included in the staff report.

General Rezoning Standards were shown and discussed and are included in the staff report.

A draft Comprehensive Plan Consistency Statement was shown.

The site plan was shown and Mr. Manley pointed out details on the plan.

The elevations were shown along with a 3D view of the proposed apartment building.

Developer proposed conditions were shown and are included in the staff report. Staff analysis and conditions were also shown and are included in the staff report.

The Tree Board had three recommended conditions which the developer agreed to. Those are included in the staff report. The developer did not agree to the condition to eliminate the gate or to construct a sidewalk along the east side of Israel Street from the site entrance to Kanuga Road.

Chair asked if there were any question for staff.

Ms. Cromar asked what the pitch on Israel is. Mr. Manley stated he does not know what the slope is. She asked if there would be exits onto Israel Street. Mr. Manley stated right in and right out with no left turn. Israel Street is a city street but does not meet city standards. At some point it will need to be upgraded.

Mr. Manley pointed out the connection to the Ecusta Trail on the site plan.

Chair asked if the applicant would like to speak.

Craig Justus, Attorney with the Van Winkle Law Firm stated he was here with the development team for the project and introduced each member of the team.

Suzanne Godsey, Sitework Studios stated she is the architect for the project. She has worked with the Royster's before and they have a long history. In 2015 they envisioned a multi-family housing project on this property. There are 17 goals and strategies, and she believes they meet them all. This will be a walkable development and she really likes this project. She showed a photo of the latest site plan showing entrance improvements and the gated entrance. They plan to do more work on the right in and right out access. The building will be nestled into the landscape with the first floor being on the backside of Israel Street and not easily viewed because it will all be nestled into the slope of the land. There will be a retaining wall and store areas with a bike shop, fitness center, storage areas and a club room. They will have outside paths for recreation and are envisioning a dog park, residential garden space and outdoor seating. They will have 70 units and 97 parking spaces. They reduced the number of units to meet the code. She discussed the floodplain and how there are standards in the Floodplain Ordinance and the zoning code, and it can be a bit confusing. They plan to have one parking space per bedroom.

Mr. Brown asked about the dumpster space for the complex. Ms. Godsey pointed that out on the site plan.

Ms. Godsey stated there are 11 conditions proposed for the project and they are meeting 9 of those and all three of the Tree Board's recommendations. They are not agreeable to two of those conditions. Concerning the condition on the gates, they are concerned about the property becoming a cut through. The ramp area behind the Fresh Market is already a cut through for traffic. They don't want to encourage that. Also, there is a safety concern and trail head parking. They do not want this to become a public access for the trail and that is the reason for the push back on that condition.

The proposed look of the building was shown. Ms. Godsey stated 26 feet of the building will show above Israel Street and this will feel more appropriate and compatible to scale going down Israel Street.

There is 275 linear feet of trail, and they are proposing a fee in lieu of the sidewalk along Israel Street. There is no place to construct a sidewalk and they do not have the survey information for this area that appears to be right-of-way. They do not know if this is feasible to place a sidewalk here. The second reason is the Ecusta Trail runs parallel to it already. Mr. Justus stated the property owners do not control the land proposed for the sidewalk. There is only 16 feet of right-of-way on the street, and they do not have the right to that space.

Chris Day, Civil Design Concepts. 168 Patton Avenue, Asheville, NC stated he is the engineer for the project. They will comply with all stormwater requirements, and they are not asking for any deviation from the stormwater control measures. He discussed the bio retention cell and stated they plan to put stormwater control measures in there. The bio retention cell will offset the volume of water. They will commit to do a detailed flood analysis and study that will show there will be no impact and they will do this before final site plan approval. They are asking to fill the parking area that is right on the edge of the floodplain to provide adequate parking and handicap access spaces. This is 5,000 sq. ft. of area with only 7% of floodplain on the site. They have hired Andrew Bick do a more detailed analysis.

David Hyder, JT Engineering, 1155 N. Main Street, Waynesville NC stated there is an issue why the connectivity to Main Street, Kanuga Road is a bad idea. The trucks serving Publix back in there and moving the ingress through the parking lot just works better. Israel Street is a narrow street, and it has been that way for years. It is currently a two-way street that is not striped and would work best as a one-way street. Under the City's guidance a TIA is not required but the developer did one anyway.

Mr. Justus stated normally inner connectivity is between blocks and there is a parking lot there. Having an opened area, not gated puts a liability on them and could create issues.

David Royster, owner and President of Capitol Funds stated they have been in Hendersonville for over 60 years. They have reinvested and put back into the community and would like to improve the quality of life for Hendersonville with this multi-family development. They are looking to move forward with this project and appreciate the Board's time.

Chair asked if there were any questions for the applicants.

Mr. Jones asked if the elevation runs with the property line. Mr. Manley stated there is sewer line there and a swell. Ms. Godsey stated there is a grade change there that has been difficult to overcome.

Mr. Glassman asked about the purple line on the site plan. Mr. Justus stated there is a connectivity issue and they are proposing connectivity to the Ecusta Trail to provide connectivity and creating a public easement. All the purple area is public dedicated to the city as greenway.

Ms. Cromar asked about accessibility for the fire trucks. How does it accommodate the code? Ms. Godsey stated there will be 26-foot drive aisle throughout the site. The Fire Marshal's comments have been addressed and the building was shrunk down from the original size. Mr. Justus stated Israel Street is a public street and the Fire Department could use it.

Ms. Cromar asked about the retaining wall and how high it would be. Mr. Hyder stated it is a basement wall and you will not see a wall there. They are pushing the building into the slope.

Mr. Day stated they are committing to a detailed hydraulic analysis of the site that states per city rules and FEMA rules they will not impact those waters from where they are today. Mr. Nace asked if the final site plan would come back to the Planning Board for approval. Mr. Holloway stated no.

Mr. Nace asked how many times in the past 10 years has the property been impacted by flood waters in the stores? Mr. Royster stated they have never had any water in the stores at Southgate in 60 years. Mr. Nace stated he would have to dispute that.

Chair opened for public comment.

Kelly McClendon, 309 White Street stated she was opposed to this development. They need to consider the highest and best use of the property and determine what that is. Has an environmental assessment been done? Could the city exercise their right to do eminent domain to preserve the land? According to Tom Fanslow at Conserving Carolina half of the parcel is located in the 100 year and 500-year floodplain. He also stated the parcel in question meets the definition of a wetland which is different from a floodplain or a bog. On March 10, 2021, the definition of a wetland as used by the Army Corp of Engineers and the US Environmental Protection Agency (since the 1970's) says it is areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life under these conditions. The vegetation that is already in place has adapted itself over time to accommodate the fact that there is water that gathers in this area. She doesn't know what Publix had to do but Ingles is in the floodplain, and they had to raise themselves up. They are converting all this water and she is concerned about where it is going to go. Water is unpredictable. On June 24, 2019 a seven foot wide 40' deep sink hole appeared at 101 Merrimon Avenue, Asheville after a 28" drain pipe that runs under the property failed. Two hundred tons of sediment was washed away by July 12th. You cannot divert water without causing problems. As for the traffic, they are still diverting traffic through a shopping center and the other access is on a one-way street. She had concerns about traffic going in and out on a one-way street and if they do not widen it there will be a lot of issues. They technically do not have access from any street. This project is like putting a square peg in a round hole and jamming it all in one small space.

Mona Groban, Davis Street stated she owns three homes on Davis Street and lives in one of them. There is no room to walk in this area much less drive. She understands housing is needed but this will cause a lot of issues with traffic. The city needs to look at Israel Street.

Ken Fitch, 1046 Patton Street (Zoom) stated this project generates the question of why build in the floodplain. There is a dysfunction in the area already concerning the floodplain. What happens when there is a flood in this area at this site? How will this development function? EMS will need to have a safe route for evacuation. Who is responsible for the upgrade to Israel Street? There is an incompatibility with Israel Street neighborhood. He also had concerns on the connection to the trail head.

John Hernandez, 150 Long John Drive stated he owns property on Willow Road and is not in favor of this project. With the Ecusta Trail coming he can see a potential major traffic problem and safety issue. What will happen to their property values? This is not adding value to his property. The best use of the land needs to be looked at and this is not the best use for this property. They should dedicate this property for a park for public use. The largest complex is not always the best design.

Chair closed the public comment portion of the meeting.

Mr. Justus stated they will answer some of the questions. Concerning environmental studies, being in a floodplain does not mean the property is a wetland. If this property is a wetland, it will come out when the study is complete. They will be doing a flood study showing there will be no increase or added harm to the area with this development. That is part of their conditions. They believe this is the best and highest use of the land. The C-2 zoning as it is now could permit a high intense commercial use. They are asking for residential as the use. This would put people within walking distance of downtown. They believe this is the highest and best use of the property.

Chair asked about reconvening the meeting. Mr. Holloway stated the Board can make that decision. There is one last item, a text amendment that City Council would like to hear in May. He encouraged the Board to continue but the Board has the authority to reconvene the meeting if they would like.

The Board took a five-minute recess at 8:20 pm and reconvened at 8:25 pm.

Chair asked if the Board had any further questions.

Chair stated someone mentioned a bond, but he does not know how you determine who caused the flooding down there because there is so much flooding going on from previous development. Mr. Justus stated there is no way to create such a condition. They are a very, very small component of that watershed. At the end of the day, they are doing a study to show that when they are done, they will not have a negative impact to flooding there. He doesn't even know how they would implement such a thing.

Chair asked whose idea was it to submit for the fee in lieu of the sidewalk on Israel Street. Was that the developer or staff? Mr. Justus stated that is at their request and it is a standard provision of the zoning code when faced with a situation when sidewalks may not be practical. They have a street with a right-of-way of 16 feet. You can't do a street and a sidewalk on 16 feet. They are providing pedestrian access in other ways in addition to providing money to the city to utilize a sidewalk in other places where it makes sense. There is no place to put a sidewalk on their property. Ms. Peacock stated the city can ask for a dedicated right-of-way. Mr. Justus stated he does not think there will be enough room on their side because 16 feet is barely enough for vehicular access.

Mr. Justus discussed walkability in this area and stated they are providing pedestrian access in the best way possible for their development, but they cannot do all things for all people. They do not have the means to do it.

Chair stated the comments about green space and common open space and the trail and how close it is to downtown; it is going to be fenced in so why would you want to put a gate at that access if this whole green space is not fenced in. Mr. Justus stated the greenway for the Ecusta Trail extension is a public way. The things you see about resident garden and outdoor seating is a private space, an amenity for the people there. It adds value to their development, if they were to dedicate that to the city for a public park that value would be eliminated. The development will be fenced. Ms. Godsey pointed out the open security fence on the site plan.

Mr. Day clarified the dashed bold line on the site plan and stated that is the floodplain and the entire building sits outside that elevation, outside of that line and that area sits outside the floodplain and two-feet above that Base Flood Elevation. Chair stated Mr. Fitch's questions were what happens when the property floods, and it will, where will the cars park and what about emergency services. Mr. Day stated that four feet of fill they referenced on the north side of the parking lot will allow them a foot to keep that up and there is access from Israel Street.

Chair asked about the size of the trail extension to the Ecusta Trail. Ms. Godsey stated they do not know what size the Ecusta Trail will be, but she thinks a lot of the Rails to Trails are eight to twelve feet wide and their trail is just not going to be that wide. It is not practical or feasible. It will be more like five feet. She pointed out that this parking lot field sits up higher than it is and is closer to the level of the first floor and is already sitting at a higher elevation. That is why there is no fill required in that parking field.

Mr. Jones asked about the number of units and bedrooms. Ms. Godsey stated there are 97 bedrooms and 97 parking spaces and 70 units. They have a mix of 1-, 2-, and 3-bedroom units.

Ms. Cromar asked if there was any concern about the traffic going out into the parking lot of the mall. Ms. Godsey talked about the roundabout proposed on Church Street and the access to the development would be from Church Street and will be reworked and improved.

Chair had questions about the requirement and the loading zone. Mr. Morrow stated the 12' x 40' loading space is required for every one of the districts except the C-1 district for deliveries and UPS and things like that. Chair asked the applicant why they needed to remove that? Ms. Godsey stated impervious surface is at a premium on this site and that is the reason for not having a loading zone. If they provide any type of loading, they will be going further into the floodplain and they will be losing parking for the project. She explained the process when someone is moving in or out. There is only one elevator in the knuckle of the building.

Board discussion: Mr. Brown could not get past the flood issues. Ms. Peacock stated they have to go through the engineers, and they will improve it. They discussed Publix and the problems on the Southside. Chair stated a request by an applicant to infill 25% when only 10% is allowed in an area already prone to flooding is a little questionable in his opinion. Mr. Nace also had the same concerns. He stated it has been a flood zone for the entire history of the city. If you look back to 1910 you can see photos of people taking a boat from Flat Rock to downtown. He had concerns about not seeing the flood study and the only ones that will see and approve the final plan is city staff. Chair stated the issue is the applicant wants to fill 25% of the flood area where only 10% is allowed in an area already prone to extreme flooding. Mr. Hanley stated the building itself is not in the floodway. They are just filling the parking lot. He stated it is not an issue for the building and there is access to both ends of the property. He drives behind The Fresh Market all the time and even in the worst of rains, it is still accessible. They have methodology in place to deal with it. They know what it does when it rains, we have been dealing with it for 50 years. It is an issue, but it is resolvable. It will be a fantastic improvement for that part of town.

Mr. Holloway clarified the condition that the developers have included as it relates to the flood standards, there is a request to fill four feet in the floodplain of an area that is 5,000 square feet for parking. He does not know that the fill area is equal to 5,000 square feet or if that is 5,000 square feet of parking and then the fill will appropriately slope up to that but that is the request and staff would presume that in approving that condition and the parking that is shown and any associated fill to it to obtain that parking as shown would be approved and there is another condition to develop another 25% of the floodplain area contained within the parcel as currently platted and is necessary due to the narrowness of the area developed outside of the floodplain. Chair stated and 10% is allowed and they are requesting to develop 25%. Mr. Holloway stated those are the two conditions and the developer may want to speak to that.

Mr. Justus stated conditional zoning is a tool that allows you some balancing, that you can't meet all your objectives, can't meet all your standards and sometimes there is a give and take. The Land Use Plan and thinks staff would agree, that you want to encourage infill development. You want the site developed. You don't want it to sit undeveloped. You want to put people close to the area. Conditional zoning allows you to modify certain standards. What they have to do is come to you and say when you do modify that, this is what they are doing. You will have professional engineers that will provide to your city staff, a study that says they are not going to negatively impact what is there predevelopment. That is their promise and they have to prove that to the city as a condition of this. And that is part of the give and take with conditional zoning. That you are able to modify that, those standards and conditions and that is why they are asking for it. Mr. Day stated there is staff and their job is to make sure these standards whatever they may be, erosion control, stormwater or FEMA standards, they are saying they will hold to those and make it not any worse than what is there today. They will not make it any worse. They are not going to build this project and make it any worse than what is there today, and they will do the flood analysis. They are committing to building the building out of the floodplain, building at least two feet above the Base Flood Elevation and that condition is placed on here so that staff can prove, and the developer cannot move forward unless they prove it will not be any worse.

Ms. Cromar has concerns about Israel Street and it cannot handle more traffic. She was also concerned about the height of the building.

Mr. Hanley moved the Planning Board recommend the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9568-75-5382 from C-2, Secondary Business to CMU CZD, Central Mixed Use Conditional Zoning District based on the site plan and list of conditions submitted by and agreed to by the applicant (dated 2/4/22) 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: Residential Dwellings, Multi-Family. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: There were no other conditions added. 3. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4. 4. 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. The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots. 2. The petition provides infill development utilizing existing infrastructure. 3. The petition provides additional housing in close proximity to downtown and the future Ecusta Trail and in close proximity to goods and services. 4. The petition provides a transition from uses of high intensity to lower intensity uses. 5. The existing C-2 zoning provides a wide range of high intensity commercial uses including car washes, automobile and farm equipment sales, hotels, animal hospitals, service stations, and small-scale manufacturing by right up to 50,000 square feet. The petition for multi-family housing in the CMU District provides greater compatibility with surrounding land uses than other potential by right developments. 6. The proposed development provides access from a major thoroughfare. Mr. Glassman seconded the motion.

Board discussion: Mr. Nace thought #6 was not true. The development does not provide access to a major thoroughfare. Mr. Hanley stated once the traffic circle is installed it will have access from Church Street. Mr. Hanley stated he would remove #6 from the motion.

Mr. Hanley amended the motion to remove 6. The proposed development provides access from a major thoroughfare. Mr. Glassman seconded the amended motion.

Chair stated the only way he could support this motion with his vote is if the developer would agree to only develop the 10% allowed in the floodplain. They are asking for a special request to develop 25% of the floodplain in an area already prone to flooding. They are asking for something in addition to something that is already allowed and what is allowed is 10% and they are asking for 25% in an area prone to flooding. The other thing that city staff asked them to do is remove those gates and the only way he could support this is the 10% of the floodplain gets developed and not 25% and they remove the gates otherwise he is going to have to vote no. Chair asked Mr. Hanley if his motion would include any of those conditions. Mr. Hanley stated no, he does not think they are reasonable. Mr. Glassman asked if this development could move forward with only 10% infill. Mr. Justus stated no they could not due to the parking. Chair stated the required parking is based on the units and not the number of bedrooms so they could reduce the number of parking spaces required, especially since it is super pedestrian friendly. Mr. Glassman stated with those caveats, it's all over. Chair stated it is to remove those gates and only develop 10% of the floodplain but they are asking for another 15% in an area already prone to flooding. Removing the gates will cost them less money and they don't have to have 90 something parking spaces they could get by with 70. Mr. Hanley stated this is Hendersonville and the times are the times. A security gate is no big deal. Chair stated then why did city staff ask them not to put the gates in. Mr. Holloway stated it was a request related

to connectivity. Mr. Justus asked to speak. Chair stated any conditions they place on the development whether they agree to them or not, it will just be a recommendation by this Board. Mr. Justus stated he wanted to clarify the parking. Chair stated they had asked staff a question first. Mr. Manley stated 18.6-4.6 addresses circulation and access within the mixed-use zoning districts. "This ordinance encourages the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing urban fabric of the City". "Streets shall interconnect within a development and shall be designed with regard due to designed corridors shown on the City transportation Plan. Streets shall be designed as the main public space of the City and shall be scaled to the pedestrian. Applicants are encouraged to design streets so that they interconnect with adjacent properties." This is primarily focused on streets but certainly encouraging interconnectivity. With the unique circumstances of this development staff thought this was applicable as well between the two streets it connects to. Mr. Justus stated obviously the connectivity issue through a parking lot, they already commented on.

Chair called for the vote. The vote was 3 in favor of the motion and 5 opposed to the motion. Those opposed were Robertson, Nace, Cromar, Brown and Jones. Motion failed.

Chair asked if someone wanted to make another motion. Mr. Holloway stated they will need to make another motion and adopt the consistency statement, which goes to Council and is a requirement for the Conditional Rezoning. Chair stated he only voted no because those conditions were not in place. Several Board members stated they would vote no again with the conditions added. Mr. Glassman stated they are never going to get housing here if they keep denying it. Mr. Jones still has issues with the flooding even though there is green space beside it. Chair stated he didn't understand why they can't just send this to City Council. Mr. Holloway stated they need to adopt a consistency statement with the Comp Plan whether it is consistent or inconsistent you need to adopt and send to City Council a statement on the consistency or inconsistency of the development with the Comprehensive Plan because the rezoning will move forward whether you recommend denial or approval to City Council and one of the requirements that City Council must do is to consider the Planning Board's recommendation on Comprehensive Plan Consistency and a statement of reasonableness.

Mr. Brown moved the Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9568-75-5382 from C-2, Secondary Business to CMU CZD, Central Mixed Use Conditional Zoning District based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: 1. The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4. 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 petition would add an additional 67,225 square feet of buildings, parking lots and streets to a parcel currently utilized for flood storage. This would make 48.7% of the site impervious. 2. The petition proposes parking and grading of 25% of the site's 100-year floodplain which exceeds that which is permitted by the City's Zoning Ordinance. 3. The petition is requesting to add fill to the 100-year floodplain at a level which exceeds that which is permitted by the City's Zoning Ordinance. 4. Israel Street is a substandard local street which is not designed to accommodate additional traffic. Mr. Nace seconded the motion. The vote was tied 4 to 4. Motion failed.

Mr. Holloway stated the motion failed and it will move on to City Council.

V(D) Zoning Text Amendment – Conditional Zoning District Rezoning Required Triggers. (P22-25-ZTA).
Mr. Holloway gave the following background.

Following a recent development project within the City of Hendersonville's Greenville Highway Mixed Use District (GHMU), staff were directed to investigate a zoning text amendment that would require Conditional Rezoning for development or redevelopment of 50,000 square feet or greater that would apply to all zoning districts classifications.

It appears this could best be accomplished with an amendment to Article 4: Sec. 4-5 to establish a development and redevelopment threshold, alongside individual clarifying amendments to the "mirror Conditional Zoning Districts" within Article V: Zoning District Classifications.

The requirement to rezone once a project reaches a certain threshold is applicable, in practice, only to R-40, R-20, R-15, R-10, R-6, C-1, C-2, C-3, C-4, MIC, I-1, RCT, CMU, GHMU, HMU, CHMU, each has a mirror "CZD" district.

This would apply to all the districts, subject to exemptions established within Article V. If adopted, this amendment would leave the only exemption within Article V as certain uses within the Industrial (I-1) zoning district.

Mr. Holloway went over the staff report and the research with the other zoning districts. This was looked at by the Legislative Committee. Mr. Brown stated he had looked at this and it is solid.

Mr. Jones moved the Planning Board recommend adopting an ordinance amending the official City of Hendersonville Zoning Ordinance, Article IV – Section 4-5 and Article V – Sections 5-1-4; 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-5; 5-10-4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 & 5-27-5 based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing (Chair opened public comment to see if anyone would like to speak on the text amendment. No one spoke and Chair closed the public comment.) and because: The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the adjustment of review procedures to accomplish this goal as needed. 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: The petition addresses our existing zoning ordinance regarding the standard review process required of projects of a particular size. The text amendment will permit the community to address potential short-term incompatibilities caused by new development, particularly infill development. Mr. Hanley seconded the motion which passed unanimously.

VI Other Business. None.

VII Adjournment – *The meeting was adjourned at 9:15 pm.*

Jim Robertson, Chair