

**Minutes of the Planning Board
Special Called Meeting - Electronic
October 24, 2024**

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

Members Absent: Tamara Peacock (Vice-Chair), Beth Robertson, Chauncey Whiting

Staff Present: Tyler Morrow, Current Planning Manager, Sam Hayes, Planner II, Lew Holloway, Community Development Director

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 with the addition of the approval for the location change for the November and December meetings. The motion was seconded by Ms. Gilgis and passed unanimously*

III Approval of Minutes - None

IV Old Business - None

V New Business

V(A) Notice for the location change for the Planning Board meetings for November 14th and December 12th, 2024 to be held at City Hall, 160 6th Avenue East.

Ms. Gilgis moved the Planning Board to accept the location change to City Hall for the November and December meetings. Ms. Waters seconded the motion which passed unanimously.

V(B) Administrative Review – Preliminary Site Plan – Berkeley Mills Sports Complex (A24-68-SPR). Mr. Morrow gave the following background:

Chair clarified that this application is just a review to make sure whatever being proposed at this location meets the Zoning Ordinance requirements for I-1.

Mr. Morrow stated the city has received a preliminary site review from Henderson County for the Berkeley Mills Sports Complex project. Mr. Morrow stated this is an Administrative Review and our ordinance defines that as decisions made in the implementation, administration or enforcement of the Zoning Ordinance that involve the determination of facts and the application of objective standards in the Zoning Ordinance. The Planning Board must determine if the project meets all applicable requirements and if the project does the Planning Board must grant approval. The Planning Board can determine three possible outcomes for today's determination. Approval of the preliminary site plan as presented, Approval of the preliminary site plan with conditions, (those conditions must revolve around any way the site plan is not meeting the current ordinance) or denial of the application but the Planning Board must provide the reasoning for the denial and specifically state which sections of the ordinance are not being met.

Preliminary plan review is required of all development undergoing Site Plan Review for the following:

- **Addition of more than 30 parking spaces.**

Planning Board must administratively review the preliminary site plan to ensure compliance with the zoning ordinance. Approval of a preliminary site plan **shall not** entitle the applicant to the issuance of a zoning compliance permit. The developer will be required to submit final site plan to staff for review.

Mr. Morrow stated a development this size in I-1 is permitted by right and does not require a rezoning. The City of Hendersonville was petitioned by the Henderson County government to construct this sports complex. The property is not owned by the City of Hendersonville and is not a City of Hendersonville project. The property is owned by Henderson County government and will be constructed if approved by Henderson County government. The city is required to review this project in accordance with the zoning ordinance just like we would for any other project proposed by a property owner within the City's jurisdiction. Outside of ensuring the plans are within full compliance with the zoning ordinance the City of Hendersonville does not have input on the layout, make-up or use of the property outside normal land use regulations.

Mr. Morrow stated the property is located at 47 and 69 Balfour Road. The applicant is Henderson County. The property is zoned I-1, Industrial and is approximately 38.39 acres. The proposed and existing use is a park.

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

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

The preliminary site plan was shown and is included in the staff report and presentation. Mr. Morrow stated the historic baseball field and stands will remain.

Mr. Morrow stated based on the review by staff, the submitted preliminary site plan for the Berkeley Mill Sports Complex Project meets the Zoning Ordinance standards established for this type of project within the I-1 Industrial district and Preliminary Site Plan Review (Section 7-3-3.2).

Mr. Morrow stated Chris Todd, Assistant County Manager was in attendance along with the site designers and Mr. Morrow would be happy to answer any questions.

Ms. Gilgis asked what tier two landscaping was. Mr. Morrow stated the bare minimum that you are allowed to save on a site such as this is 20% of the existing tree canopy with the intent that saving 30% would be ideal and for any development that does not protect that 30% they have to plant additional plantings to take them above the 30% of new canopy.

Ms. Gilgis stated 314 parking spaces, what are they going to be composed of? Will they be asphalt? Mr. Morrow stated to his knowledge yes, the specifics of the make-up would be better suited for the design team to answer. The city doesn't have a requirement that it be anything other. Ms. Gilgis felt pervious pavers would be really good.

Mr. Johnson stated the ballpark that is already there is a little rough, does this project encompass fixing that up at all? Mr. Morrow stated this might be a better question for the site designers but to his knowledge he does not know about renovating the existing ballfield. We do know that it will remain and likely not be demolished through this project. Mr. Morrow did not know if it would be renovated.

There were no further questions for staff.

Chair stated the applicant is Henderson County and asked that they come up and speak.

Christopher Todd, Assistant County Manager introduced his team. Mr. Todd gave a brief history of how they got here. He stated it has been 20 years that members of the community have been asking for better (specifically) soccer facilities. Over the past three years with the use of the ARPA Federal funding the Henderson County Board of Commissioners asked staff to go out and find a piece of land that would be suitable to have additional soccer fields. With that search a partner came forward which was the Henderson County Public School System. That partnership has been discussed publicly and voted on by both boards. It is an Interlocal Agreement signed by both boards. What that agreement says and what Henderson County and Henderson County Public Schools will do is build a park designed with all of these public amenities. Those amenities will included four full size soccer fields, a softball facility and six tennis courts with two specifically being designed to the North Carolina Athletic Association standard for the high schools. They will meet the needs of high school aged students here in out county and those that travel in. Additionally within that agreement it talks about the parking and additional amenities that will go along with that. They will be using federal dollars and the county intends to bid this publicly. In seven days they will release bids to the construction market because they are obligated to spend these federal dollars. They are obligated to use these federal dollars by the end of the year and have them expended in two years' time, so by December 31, 2026. He was thankful to everyone that has been involved with this project. He is happy to answer any questions.

Chair stated there was one question about the historic ballfield getting a facelift and is that in the plan. Mr. Todd stated the existing historic ballfield for a couple of reasons is getting very lightly touched. Specifically it is going to get new lighting. That lighting will be placed outside of the project area which is clearly defined in the site plan they have in front of them. They had to make sure they are working with the State of North Carolina since the property is on the National Register of Historic Places. They acknowledge that and have been working with the state since the beginning of this project. They have every intent as the county to preserve that historic character. He feels this project will bring a new light and a new generation to a historic place that has never used it before. They will have parking that is ADA, they will have restrooms that are ADA, they will have the ability to bring in larger amounts of concessions and food opportunities to support the use of all facilities on the property. They will be able within the next two years to breathe a new life into an old ballfield that is a cornerstone of this community and a significant part of our history.

Mr. Todd stated they will have walking paths and those are on the site plan. The property is a public park and the facilities will remain open to the public at large. There is a partnership with the Henderson County Public Schools and they will have priority of the baseball, softball and tennis facilities.

Chair stated Mr. Todd mentioned this going to both boards. Was that the Henderson County Commissioners and the School Board? Mr. Todd stated yes. Chair stated this has not gone before City Council and the only review would be this Planning Board and city staff? Mr. Morrow stated yes, this is not a rezoning and is only going through an administrative review.

Chair stated concerning the lighting, the city has a lighting ordinance where lighting cannot bleed onto other properties especially residential areas and he knows there are some homes that back up to the park. Have they made sure lighting will not bleed into that residential area? Jason stated yes, they are working with ballfield lighting consultants and the ballfield lighting and parking lighting do not seem to be impacting those areas at all. There will be some hoods and things of that nature. LED lights do not bleed at the ground level. They will be responsible in meeting all the ordinance requirements with regard to lighting, property lines, stream buffers and anything like that.

Chair asked if they feel like since this project has been fast tracked, have they dotted all the "i's". Three months ago there was an article in the paper and here we are today and he knows the money has to be appropriated by the end of the year and he thinks the general consensus in the community is we need these facilities but he wants to make sure because it was fast tracked that the county has spent time to make sure the requirements have been met. Mr. Todd explained the extra time and energy that the

engineers and city staff has put into this project to make sure they meet the rules because they intend to. He feels very confident in the engineering team and a dedicated city staff and a dedicated county staff that they will meet every intention of your ordinance and they will provide a high quality project which Henderson County and the City of Hendersonville will benefit from.

There were no further questions for the applicant.

Ms. Waters stated when Mr. Morrow explained what an administrative review was, does she understand that this board's only challenge or the only question to answer today is does the project meet the zoning requirements of the city. Mr. Morrow stated that is correct. That is the only task this board is undertaking today. Just confirming compliance with the zoning ordinance and regulations.

Chair stated he is going to open public comment however, he has heard there are some concerns like perhaps the Bearcat baseball team may not be able to play there next year because of the construction and that is something you will probably need to take up with the School Board or the County Commissioners because they will be developing this project. This is an administrative review. If tennis courts and soccer fields and baseball fields are allowed in I-1, which they are, so if you have a comment that you see something that this may not meet the ordinance and you have seen something that we may have not seen then come on up and tell us what you are thinking. But if it is regarding something other than that he would say there is really nothing they can do to help them, you really need to speak to your County Commissioners, to the County Manager or to the School Board.

Discussion was made on paving the parking lot with asphalt and having three stormwater retention ponds on site and an underground storage system as well. They also do not anticipate construction to start until spring. There is time for any conversations to be had concerning this project with the county or on the school level.

Chair asked if there would opportunities for the public to make comments since this was fast tracked from the beginning. A member of the team stated this is the time to make those comments. Chair stated he would disagree. This is an administrative review and it is to make sure what is proposed meets the ordinance. It is not to talk about will the Bearcats playing ball there this spring. He knows that is a big concern. There are high school students here concerned about this and he gets that but an administrative review by the Planning Board is not the forum for those types of conversations. They need to happen but they haven't happened. The timeline is what everyone is concerned about.

Mr. Todd stated this has been an expedited project and government is typically slow but this project is unique and in a given time period where they had more time there would have been more meetings. One of the things the county has attempted to do is they have involved the School Board and its professional staff from the beginning. In their last conversation with them on September 16th, they all sat in a room with these folks as well and had that conversation. They expressed to them a desire to find a way to preserve as many of the seasons in that facility as possible and communicated to them that was going to continue to be an ongoing conversation. One thing that is still a frankly unknown is that they need to get a contractor on board and be able to work with those folks and build a relationship so they can be sure to design a space in a way that would hopefully not impact this upcoming season. The chance that it impacts the other two seasons, there is a chance that does exist. They are willing to have discussions with anyone that has concerns.

Mr. Todd stated this has been discussed publicly in public meetings with the Commissioners and with the School Board. It has been posted and was posted in the paper.

Lyn Milner, 159 Skyline Drive stated he has a senior at Hendersonville High School and he understands everything they are saying and they support this plan and it will be a beautiful facility for the people of Hendersonville and the county and for Hendersonville High School in the future but they were given no warning. They were told three days ago that they were out and gone and they would be going to a facility that is not ready to handle high school baseball with the floods. He personally reached out to people in power and authority and they were not even given a chance to speak. They understand the process of this board but they are begging for the opportunity to speak with these people to be able to say what they feel. They put a plan together to build a high school with students on site and Covid happened and changed everything and they got it done quicker. They have to be able to do what they can do at Berkeley Sports Complex but still give these students what they deserve. Before they had that park they had no JV program, before they had Berkeley they were winning one game a year. Since they moved to Berkeley they have built a JV team and qualified for the state playoffs two years in a row. This year they have the opportunity for a conference championship and host the playoff. Hendersonville High School has a beautiful school and all the other schools have beautiful schools and beautiful programs and Berkeley will be that for us. In the meantime they have to develop a plan to get these seniors and these juniors their home to play ball in as we move forward with this. He understands what they are saying has nothing to do with what this board and approving this but no one else gave them an opportunity to speak before. He discussed the maintenance of the park.

Ken Fitch, 1046 Patton Street stated he had submitted photos of the site. He stated the city policy for addressing National Historic sites is to follow the Secretary of Interior's Standards for the treatment of historic properties. That is in several of the ordinances. The request is here that those standards and guidance would be followed in this case. Following those standards would ensure the preservation of the ballpark which is the intent. He stated there were issues in the corner with two flights of stairs and a ramp and does that comply with the city ordinances. He discussed medical emergencies and EMS getting to the fields. How does a fire vehicle access the site? How the site functions is a concern. The stadium is part of history and should continue to be so.

David Dalton, 91 and 93 Balfour Road stated he was concerned about the lighting and if there will be a curfew on the lighting and when it will go off. He also asked about the highway and was concerned about the traffic coming through from the new development. This project will cause a lot of traffic issues. He has also complained about the water runoff from this property. He has lived here 22 years and there is a ditch/perineal stream back there and when it rains that water comes off that ballpark property and rushes down that stream pretty quick. After the flood he had 12 inches of clear water in his garage and it ruined a lot of stuff. It is from the water running off of that property.

Doris Nichols, 85 Balfour Road stated when she was a little girl (she has lived here all her life) it was called a pasture because they had cows and they are close to the pasture and she just wondered how they would like to have this complex next to them and their home.

Mr. Dalton stated no one asked them what they thought about it. Chair stated as long as it meets the zoning it is permitted to be there.

Chair closed the public comment.

Chair stated National Historic sites was that a consideration. Someone from the team stated that the ballfield would not be touched. All codes, ordinances and standards would be met. There are multiple areas for the EMS and fire vehicles to get in and grade locations where they could get in.

Mr. Morrow stated the city has seen a lighting plan and it is compliant with the city's ordinance. Discussion was made on the lighting.

Chair asked in staff's opinion does this site plan meet the current requirements of the ordinance for this location. Mr. Morrow stated yes, this project is compliant.

Mr. Hanley moved that the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-12 I-1, Industrial and 7-3-3 Review of Preliminary Site Plans) finding that the Berkeley Mills Sports Complex project is compliant with all applicable requirements. Mr. Johnson seconded the motion which passed unanimously.

Chair stated the public hasn't had much time to comment on the project and he recommended the county allow time for the public to speak. Mr. Todd stated he is happy to have any conversations and have a public forum.

VII Adjournment – *The meeting was adjourned at 5:21 pm.*

Jim Robertson, Chair