

**Minutes of the Planning Board
Regular Meeting - Electronic
February 14, 2022**

Members Present: Jim Robertson, Chair, Neil Brown, Tamara Peacock, Barbara Cromar, Jon Blatt (Vice-Chair), Stuart Glassman, Frederick Nace

Members Absent: Peter Hanley, Hunter Jones

Staff Present: Matthew Manley, Planning Manager, Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Angela Beeker, City Attorney, Alexandra Hunt, Planner I 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. Blatt moved for the agenda to be approved. The motion was seconded by Mr. Nace and passed unanimously.*

III Approval of Minutes for the meeting of January 10, 2022. *Mr. Brown moved to approve the Planning Board minutes of the meeting of January 10, 2022. The motion was seconded by Mr. Glassman and passed unanimously.*

IV Old Business – Comprehensive Plan: 2022 RFP Discussion. Mr. Holloway gave the following update:

Mr. Holloway stated there are three major documents used for guidance on the Comp Plan. The Comp Plan is a guiding document, and you don't have to follow it but it sets goals and strategies. With the adoption of 160D they now have a ten-year timeline to update the Comp Plan. The current 2030 Comp Plan was adopted in 2009. Mr. Holloway went through the seven chapters and discussed Chapter 8. He went over the categories in each of the chapters. He discussed having the Long Range Planning Committee work on this update. There was no action taken on this item.

V New Business

V(A) Zoning Map Amendment – Standard Rezoning. N Harper Drive (PIN's 9569-26-2653 & 9569-26-3517) P21-84-RZO Mr. Morrow gave the following background:

The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Charles and Sheryl Osteen of AMJESS, LLC. The applicant is requesting to rezone the subject property from R-15, Medium Density Residential to R-10, Medium Density Residential. The subject parcels are identified as PIN's 9569-26-2653 and 9569-26-3517 and are located on N. Harper Drive. The property is approximately 0.68 acres in total. If approved all permitted uses within the R-10 zoning district would be allowed on the site.

An aerial view of the property was shown. The property is surrounded by single-family on most sides. There is a duplex development to the right of the property which is zoned R-10. The R-10 and R-15 zoning districts are the prominent districts in this area. They work as a gradual transition between the highly commercial C-3, Highway Business and the R-20, Low Density Residential zoning of the ETJ.

Existing conditions of the site were shown. The property was a wooded lot but has been clear cut. There is a Blueline stream on the property and the Stream Buffer requirements must be met.

A comparison of the R-10 and R-15 zoning district were shown and explained. The zoning is similar except for one Special Use. Cemeteries are a Special Use in the R-15 zoning district but not in the R-10 zoning district. The dimensional requirements differ slightly. The minimum lot size for single-family for the R-15 district is 15,000 sq. ft. In the R-10 district the minimum lot size for single-family is 10,000 sq. ft. The setback differs also.

The 2030 Comp Plan designates this parcel as Medium-Intensity Neighborhood and Natural Resource/Agricultural. All surrounding residential parcels are designated as medium intensity neighborhood. The natural resource/agricultural designation in this area runs along the 100-year floodplain. Any parcel under this designation has floodplain present.

Mr. Morrow went over the Comprehensive Plan Consistency goals and strategies. He also went over the general rezoning standards.

Mr. Morrow stated the smaller parcel does not meet the minimum lot size requirements in the R-15 zoning district. If the property is rezoned, it will bring both of the lots into compliance. They could not make two conforming lots in the R-15 zoning district.

Chair asked if there were any questions for staff.

Mr. Brown asked when the FEMA floodplain regulations were designated in this area. Mr. Morrow stated in 2008. FEMA is working to make updates to their map.

Mr. Blatt stated another option would be to apply for a variance and not rezone it. Mr. Morrow stated yes but they could not build anything other than a single-family home on the lot. They could not build anything higher with a variance.

Mr. Morrow stated the applicant is here to answer any questions. Chair asked if the applicant would like to speak. Mr. Osteen stated no, but he can answer any questions they have. Chair stated if rezoned, all the permitted uses would be permitted by right on the property.

Chair opened the public comment and asked if anyone in the room would like to speak. No one spoke. Chair asked if anyone via Zoom would like to speak.

Mr. Morrow stated they did receive one pre-submitted comment.

Ronald Mullen commented via Zoom. He stated changing the zoning from R-15 to R-10 would have been more favorable to the neighbors had the owner not clear cut the property. The change is "in your face" now to the neighbors by having the property cut. He asked about the larger lot staying R-15 and the smaller one being rezoned to R-10. He is just suggesting a compromise.

Chair read the following comment from Ronald and Julie Mullen, 320 Comet Drive:

In consideration of the standard rezoning on North Harper Drive, we think an aspect that should be considered is the existing look of the neighborhoods. As one turns onto North Harper Drive from Stoney Mountain Road, one will notice the stark difference between R-10 zoning on the left and R-15 zoning on the right. R-15 zoning supporting large yards and room for mature trees versus the more densely packed R-10 housing with smaller yards and no trees. If the initial intent of the current landowner was to change zoning from R-15 to R-10, they did themselves no favors by clear cutting the properties. Knowing owners of surrounding R-15 properties are not wanting to see adjacent properties rezoned to R-10, having a natural buffer of trees surrounding the subject properties would have helped the case of rezoning. But

clear cutting the properties puts R-10 zoning right in their faces which is not tolerated well. Knowing growth is inevitable for Hendersonville, as a compromise and in consideration of the existing zoning and property sizes, we support the following: 1. Property, PIN 9569-26-3517, the smaller of the two properties, more closely resembles the property sizes consistent with Cornerstone Way. This property frontage is split between North Harper and Cornerstone Way. We would support this property to be rezoned to R-10. 2. Property, PIN 9569-26-2653, the larger of the two properties, more closely resembles the property sizes consistent with North Harper. Therefore we do not support rezoning of this property and it should remain R-15.

Chair asked about the two parcels being a viable consideration for the Board. Mr. Morrow stated yes, the buildability of the smaller lot is in question without the rezoning. He is not sure how buildable it is with the stream.

Chair closed the public comment.

Mr. Blatt stated he knows they cannot say what they plan to do on the property, but would he consider only rezoning the smaller lot to R-10.

Ed Osteen, 2367 Brannon Road stated his preference is to rezone both properties to R-10. Mr. Blatt asked if he was aware of the streambank requirements before he clear cut the lot. Mr. Osteen stated yes, he was. He removed the large pile of bamboo, one side still remained natural.

Chair asked about the ditch and if they were planning to do away with it. Mr. Osteen stated they are working with NCDOT, and they plan to put in a catch basin and put in a pipe that will be covered and not look as ugly as the ditch does.

Ms. Cromar moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs 9569-26-2653 & 9569-26-3517) from R-15 Medium Density Residential to R-10 Medium Density Residential. Finding that 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 Medium Intensity Neighborhood designation calls for Single Family Residential as a primary land use and the proposed map amendment aligns with the locations listed under LU 6.1. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public comment, and because 1) The petition would be an extension of the adjacent R-10 zoning district. 2) The petition allows for both parcels to become conforming lots meeting the minimum lot size for the R-10 district. 3) The petition creates the opportunity for compatible infill development [Strategy PH-1.] Ms. Peacock seconded the motion which passed unanimously.

- V(B) Conditional Zoning District – Application for a conditional rezoning from John Kinnaird of Brooks Engineering and Mike Washburn. The applicants are requesting to rezone the subject property, PIN 9579-11-8417 and 9578-39-5229 and located off Tracy Grove Road., from PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family/single-family development consisting of 300 apartment units and 160 single family homes on approximately 161.47 acres. (P21-68-CZD). Mr. Manley gave the following background:**

The property is located at 240 Wilmont Drive. The existing zoning is PRD CZD, and the proposed zoning will be PRD CZD. The acreage is approximately 162 acres. The proposed use will be single and multi-family. This will be a 300-unit apartment complex with 160 single-family homes. This density is 2.8 units per acre. Two Neighborhood Compatibility meetings were held for this project due to a noticing error. There were a number of issues raised at both meetings such as traffic, impact on the environment, noise and congestion among other concerns. The current land use and zoning on Tracy Grove Road is R-15 and

the residential density is 1.86 units per acre. The area adjacent on US 64 is zoned, C-3, CMU and PCD. Jackson Park is also adjacent to this property and an area that is zoned by Henderson County (R1) which permits 4 to 12 units per acre.

Site photos of the property were shown.

The previous zoning was R-15 and C-3. The approved rezoning was PRD SU and that rezoning was approved February 7, 2008. The area was 28.47 acres, and the uses were skilled care, assisted living, independent living, condos and duplexes. The total building square footage was 204,732 sq. ft. The project details were 4 – four-story buildings, 2 -three-story buildings, 2 – two-story buildings and 5 one-story duplexes. A total of 305 units.

The Future Land Use is Natural Resource / Agriculture, Medium Intensity Neighborhood, High Intensity Neighborhood and Regional Activity Center. Comprehensive Plan Consistency was discussed concerning the development guidelines, primary land uses and secondary land uses both for the Natural Resources/Agricultural and the Medium Intensity Neighborhood. Mr. Manley explained the six criteria for the Comprehensive Plan Consistency. Mr. Manley stated Tracy Grove Road is a minor thoroughfare and 64 is a major thoroughfare.

Mr. Manley stated there are natural resource areas on the property with a biodiversity rating of 8. The natural resource areas connected along this corridor are Bat Fork, Jackson Park wetlands, Ewbanks swamp, Mud Creek wetlands and north Mud Creek wetlands. There is nothing relevant to the Cultural and Historic Resources.

A TIA was performed. Mr. Manley went over the five factors in the rezoning criteria. Mr. Manley stated they plan to utilize Wilmont Drive to access the site. Tracy Grove could be used as an exit only, emergency access. There will be no development in the low-lying areas. No structures will be in the 100-year floodplain.

Mr. Manley presented the Comprehensive Plan Consistency Statement: 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, and because: *The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.*

Mr. Manley stated the site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development and Site Plan Review. A sun study was required to provide support for a request to allow multi-family on-site to exceed the 35' height limitation by 11' feet for a total site specific height limitation of 46'. The sun study and the results indicate the project meets the criteria established for a height exemption, which may be granted by City Council at their discretion as established in Section 5-14-6.5 of the Zoning Ordinance. The site plan also meets the relevant and applicable standards established by the Subdivision Ordinance, apart from some standards associated with site access, which are still being finalized in concert with our transportation consultant.

The site plan accompanying this petition meets the standards established by the Floodplain Protection Ordinance, the Stormwater Ordinance and Zoning Ordinance. The site plan accompanying this petition increases onsite impervious services from less than a ½ acre of impervious surface to over 22 acres of impervious surface. The site includes over 100 acres of 100-year floodplain. No development is proposed within the floodplain.

The TIA as presented provides a reasonable representation of the traffic impacts associated with the proposed development on the adjacent street network. It is important to note that some of the

intersections, approaches, and movements do operate an unacceptable level of service under existing and background conditions without the proposed development. The proposed development will have a measurable impact on the subject intersections as well.

Based on a technical review of the TIA as submitted, it is my professional opinion in review of the TIA and according to NCDOT and City of Hendersonville guidelines the following mitigation is necessary to mitigate the impact of the proposed development: A left turn lane with 150 feet of storage and appropriate taper on Tracy Grove Road at Access 1. A right turn lane with 150 feet of storage and appropriate taper on Dana Road at the signal with Tracy Grove Road intersection. Extend the existing right turn on Tracy Grove Road from 100 feet to 200 feet with the appropriate taper. Relocate the proposed location of Access 1 to a point that creates further separation from Wilmont Drive.

Mr. Manley stated the TIA had to be revised and staff just received the revised TIA today. This has not been reviewed by staff yet.

The following technical revisions to the site plan are suggested to clarify the intent and nature of proposed on-site wetland restoration activities. Provide details regarding conservation easement with Conserving Carolina, including commitment from Conserving Carolina as a note on the site plan. Provide details on developer proposed restoration of on-site wetlands; delineating areas proposed for restoration as note on the site plan.

The following technical revisions to the site plan are suggested to further mitigate the impacts of the scale of additional impervious surface. Enhance the Stormwater run-off system to treat and retain, at a minimum a 25-year event. Treatment and retention are currently required for a 10-year event. Utilize Low Impact Development practices through the incorporation of bioretention ponds to retain and treat on-site stormwater.

The following technical revisions to the site plan are suggested to mitigate the impacts to transportation infrastructure surrounding the site as a result of the proposed development. Dedicate ROW along frontage of Tracey Grove Road. Commit to the construction of the following mitigation measures as identified in the Transportation Impact Analysis. A left turn lane with 150 feet of storage and appropriate taper on Tracy Grove Road at Access 1. A right turn lane with 150 feet of storage and appropriate taper on Dana Road at the signal with Tracy Grove Road intersection. Extend the existing right turn on Tracy Grove Road from 100 feet to 200 feet with the appropriate taper. A revised TIA has been received but not yet reviewed by staff.

Mr. Manley stated the Tree Board had a very long motion and list of conditions that were included in the staff report.

Mr. Manley asked if there were any questions.

Mr. Brown asked who looks at the silt and keeping it from going into the swamp area. Mr. Manley stated Henderson County addresses this through an erosion control permit. He asked how many inspectors the county has. Mr. Holloway stated he was not sure, but it is handle through their Engineering Department.

Ms. Cromar asked if Wilmont and Tracy Grove Road are city or state roads. Mr. Manley stated they are both state roads and improvements are approved by NCDOT.

Discussion was made on the access from Tracy Grove Road to be used as an emergency exit. Discussion was also made on the revised TIA that was submitted. Mr. Manley stated that revised TIA was only received today. He cannot speak to it as it has not been reviewed by staff.

Mr. Holloway stated Wilmont Drive is a city street.

Ms. Cromar asked if the second access could be made a condition. Mr. Manley stated it could, but they do not have the info on this yet. He explained that a second access is triggered when there are 31 units or more. No third access is required.

Mr. Brown had concerns about the driveways and a previous project where the Comp Plan discouraged garages in the front of the homes. Mr. Manley stated that would be addressed in the setback consideration. Mr. Morrow stated the setback can be reduced to 10 feet when on the side or rear. Mr. Manley stated side or rear parking only applies when an existing right-of-way exists.

Mike Washburn, 127 Summit Landing Drive stated the blue area on the site plan includes 120 acres that is part of the conservation easement. Conserving Carolina brought in engineers as there is a lot of wildlife such as ducks and certain types of fish. They are planning to do extensive tree planting and have walking paths to Jackson Park.

John Kinnard, Brooks Engineering stated they plan to take every precaution to keep the water runoff on site and have agreed with the condition to have a system for a 25-year storm event instead of a 10 year storm event. They are also fine with having two-way traffic.

Ms. Cromar asked about the height of the building and Comp Plan ensuring compatibility with the neighboring properties. The height is not compatible. Would he be willing to reduce that? Mr. Kinnard stated the apartments will not be above 46 feet and on the residential side it is 35 feet.

Mr. Brown asked when FEMA updates their data will they adhere to the existing requirements or the new ones. Mr. Kinnard stated they are not close to the 100-year floodplain, they are well outside of it. He also stated the apartments are three-stories on the back and four stores on the front.

Mr. Brown asked about the project being Dark Sky compliant. Mr. Kinnard stated they will comply with the lighting ordinance for the city. Mr. Manley stated the lighting ordinance is in the works. Mr. Kinnard stated they will use cut-off fixtures.

Ms. Cromar asked if the green space is part of the wetlands. Mr. Kinnard stated some of it but not all of it is in the wetlands.

Chair asked about the new TIA. David Hyder, Traffic Engineer (Zoom) read the new recommendation and stated it is similar to the old recommendation. Chair stated he walked the property and noticed the Shell Station being used as a cut-through for traffic. He felt this was very dangerous with people walking. Wilmont is not operating optimally now. It would operate better today if turn lanes were installed and extended. Mr. Glassman asked if the new recommendations would be able to handle 500 more cars. The intersection is terrible now. Mr. Hyder stated the TIA shows 280 cars going out. Mr. Glassman stated there will be 429 parking spaces so he believes more than 280 cars will be going out. Mr. Hyder stated the TIA will be sent to NCDOT this week. Mr. Blatt stated this is a big concern for him.

Chair stated they recently sent a project with 90 homes to City Council, and they placed a condition on that project to install a 50-year storm system on their site. They did not think a 10-year system would cut it. Would he be agreeable to a 50-year system as a condition? Mr. Washburn stated they would consider it.

Chair asked if the neighborhood on Wilmont would have access to their walking trail. Mr. Washburn stated yes.

Ms. Cromar stated the Tree Board made numerous recommendations. Mr. Washburn stated they have no

issues with those recommendations.

Mr. Blatt discussed the minimum parking spaces required. Mr. Washburn stated they eliminated more parking to save the trees.

Chair asked if an environmental study was done through Conserving Carolina. Mr. Washburn stated they were on site and he believes a study was done.

Chair stated he would open public comment. Each speaker will have two minutes.

Julie Conner, 106 Boyd Hill Drive stated her home backs up to lots 14, 15 and 16. She asked if there would be two entrances/exits. Mr. Washburn stated yes. She asked how far apart they would be. She asked where the access point would be for the Oklawaha Trail. She asked what improvements would be made to Wilmont. How will they make those improvements? Will the 100-year flood line run up to the apartments? Will the apartments be on the hill, or will they take out the hill? She was concerned about airplanes flying through this area from the Hendersonville Airport. Did the new TIA take into account the new stop signs at Airport Road and Tracy Grove Road? Did they consider the Duncan Terrace project that is within two to three miles? The traffic will increase by 690 more cars and not 500. With 154 apartments and 1.5 cars there could be potentially 921 more cars in this already congested area.

Stephanie Sawyer, 223 Wilmont Drive stated her main concerns are the number of cars being added. She stated the first site plan shows the road through the forest area but that changed after going to the Tree Board. She felt that was a better option than what has been presented now. She did not know they had changed the entrance. Wilmont is an unimproved older road, and it will not hold 900 cars. She would like them to go back to the original entrance with the road going through the woods. She stated she had a letter from one of her neighbors that is unable to speak, she would like it read into the record. Chair stated he would read the letter into the record.

Janet Moore, 305 Dellford Court stated the estimate of 500 cars is way too low. It is more like 800 or 900 cars. She doesn't care how many turn lanes they install; it will still be gridlocked. Is the developer willing to build a new road to take care of the increased traffic?

William Crumpler, 320 Tracy Grove Road was concerned that no matter how many turn lanes go onto a two-lane road the traffic will still be overwhelming with school busses. The walkability factor with kids and families is just not there. There is only about six inches you can walk in on Tracy Grove Road. This is not a good road. The density factor should be considered with only the buildable part of the property and not the whole parcel. The density is really off.

Gary Crist, 218 E. Dogwood Street stated he sees problems during the winter with cars pulling out and sliding. It is a very difficult area. They need to utilize the forest to reduce the steepness of the hill. This is just not going to work.

Mary West, 444/446 Tracy Grove Road explained different days when she has seen traffic very bad. Four Seasons is sometimes like a parking lot. The speed limit was reduced from 45 mph to 35 mph and traffic still does not abide by the speed limit. This is a dangerous area.

Chair asked if anyone via Zoom would like to speak.

Lynne Williams, Chadwick Avenue stated this project is not in line with the Comp Plan LU-4 which encourages preservation of agricultural land. She stated Bo Thomas wanted to prevent building on the ridge top and she asked the Board to comply with that. She walked the property with Debbie Roundtree and was concerned about the white squirrels they saw. She was also concerned about the fish. She felt

like the hilltop should be preserved and discussed the bog area. She asked that an environmental study be done before approval of the project. She stated to please protect the character of this area.

Ken Fitch, 1046 Patton Street stated the traffic infrastructure is inadequate for a project this size. There are serious issues with the traffic. This will cause Wilmont Drive to have 1,000 cars a day on it. The Board needs to protect existing neighborhoods. This project is not enhancing the neighborhood. He had concerns about the ecosystem and the stream. This area is a unique habitat and has endangered species living in it. This is the last remaining agricultural tract, and it should be preserved. This project is unsustainable and unacceptable.

Lynne Williams stated the intersection of all the waterways come together on this property and she asked that the Board look at the 1982 flood lines. She is very concerned about the flooding.

No one else spoke via Zoom.

Chair read the letter from Will Beam, 213 Wilmont Drive into the record.

Chair closed the public comment.

The Board discussed the actual amount of acreage that would be built on. Mr. Kinnard stated it is around 62 acres. The entire property is not being built on. The density was discussed. Two entrances will be required. Mr. Washburn discussed giving the conservatory easement to Conserving Carolina and how they have been in talks for about six months. Ms. Cromar asked who maintains the wetlands. Mr. Washburn stated they will have a conservation agreement and the natural conservatory will take over the maintenance of the wetlands. Chair asked how far away from the 100-year floodplain they would be. Mr. Kinnard stated at least six or seven feet away. Chair asked about the hill. Mr. Kinnard stated they are not grading more than five or six feet in any one spot. Chair asked about the new stop signs and the Duncan Terrace project. Mr. Holloway stated both of those are outside the scope of the TIA.

Mr. Brown stated he was ready to make a motion to deny based on three things. Pollution, more traffic than the area can handle, and this project does nothing to address affordable housing. Mr. Glassman agreed. Ms. Peacock asked about postponing the application for the TIA report to be reviewed. If they had more information it may not kill the project. Mr. Brown stated he would still make a motion to deny because they will never restore the wetlands. Ms. Peacock stated they could have an environmental person address how serious it is.

Mr. Brown stated what the city needs is affordable housing, and the Comp Plan is clear on this. This project just doesn't make it. Ms. Cromar stated she is concerned about the density, and it is not compatible with the surrounding neighborhood, especially the height of the apartments. Mr. Blatt stated they do have a right to develop their land, but he is very concerned about the access road and felt like the Board needed more information. He stated he is sympathetic to the developer. Mr. Nace stated the traffic infrastructure does not support the environment. This will drastically impact the streams and change the water quality. Chair discussed talking with the developer about conditions. If this were all single-family dwellings it would be different. Improvements would still be needed but the impact would not be as great. Mr. Brown asked about making the motion. Mr. Holloway stated if a recommendation was made, the project would have to move forward to City Council. They would have to hold a public hearing on the application. Mr. Holloway stated the applicant can withdraw the application. Angela Beeker, City Attorney stated the applicant can withdraw his application at any time.

Mr. Washburn withdrew his application. Mr. Manley stated the application has been withdrawn and the applicant will need to start the process over.

Chair took a five-minute recess at 6:35 pm.

Chair called the meeting to order at 6:41 pm and stated Ms. Peacock had secluded herself and left due to her company being involved with the next project.

- V(C) Conditional Zoning District – Application for a Conditional Zoning District from Joey Burnett of The Tamara Peacock Company, Brett Barry, applicant and Hunting Creek Associates, LLC, property owners. The applicants are requesting to rezone the subject property, PIN 9568-92-1924 and located at 904 Greenville Highway, from GHMU, Greenville Highway Mixed Use to GHMU CZD, Greenville Highway Mixed Use Conditional Zoning District for the construction of a multi-family development consisting of 80 units on approximately 2.25 acres. (P21-78-CZD). Mr. Manley gave the following background:**

The property is located at 904 Greenville Highway. The existing zoning is GHMU, Greenville Highway Mixed Use. The proposed zoning is GHMU CZD. The parcel is approximately 2.25 acres. The proposed use is multi-family residential consisting of 80 units in three four-story buildings. (117,600 sq. ft.) The density is 35.6 units per acre. The Future Land Use Designation is High Intensity Neighborhood.

A Neighborhood Compatibility meeting was held November 15, 2021. Concerns that were raised were density, public safety, traffic, parking, noise, etc. One comment was in full support of the project. This is a transitional area and is just outside the walkable business district. There are three large supermarkets located within walking distance of this project.

Site photos were shown. The property was an existing mobile home park with 13 mobile homes on it. The remnants of the former use remains onsite. An aerial photo from 1984 shows the mobile homes on the lot. The GHMU zoning was approved on October 9, 2003.

The Future Land Use is High Intensity Neighborhood. It is a transitional area containing Neighborhood Activity Center, Activity Node and Medium Intensity Neighborhood.

Mr. Manley gave a brief overview of the Comprehensive Plan Consistency chapters and described each one. There is local landmark nearby, but this project will not impact it. He gave the standards for the rezoning.

Comp Plan Consistency Statement: 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 all development guidelines listed under LU 7.4.*

The site plan was shown. A TIA was not triggered but did require one because of the location. There is no floodplain on the site, but it is in close proximity to a floodplain area. The driveway is to be relocated further away from the intersection. A 26' driveway access is needed per the Fire Marshal. They plan to shift the building somewhat but are limited due to the parking. The loop will be similar to the layout that was used for the mobile home park.

Elevations of the building were shown.

Site plan staff analysis: The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Greenville Highway Mixed Use (Section 5-23), Mixed Use Zoning (Article XVIII) and Site Plan Review (Section 7-3). With the following exceptions: *Provision of Seating in Common Areas 5-22-4.1.4.d), Provide Additional Amenity per Section 5-22-4.1.4.e) and Preliminary Lighting Plan required Section 18-3-3. d) 11.*

The site plan accompanying this petition meets the standards established by the Floodplain Protection Ordinance, the Stormwater Ordinance and Zoning Ordinance. The site plan accompanying this petition increases onsite impervious services from less than a ½ acre of impervious surface to over 1.33 acres of impervious surface. The site does not include a mapped stream with a 100-year floodplain. The site does include a natural drainage or wet weather conveyance along the northern boundary.

The site plan accompanying this petition meets the standards established by the City Engineering Dept. with the following comments to be addressed at Final Site Plan. Show how the proposed sidewalk will connect to existing sidewalk at property edges. Driveway entrance aprons should conform to current City standards. Sidewalk along Chadwick should be designed with consideration to City's plans to widen Chadwick Avenue. Existing driveway cut on Greenville Hwy should be removed and sidewalk made continuous as required.

The site plan accompanying this petition meets the standards established by the City Fire Dept. with the following comments to be addressed at Final Site Plan. *Relocate fire hydrant.*

The project will generate 434 Daily Trips = below the City's threshold. The TIA as presented provides a reasonable assessment of the traffic impacts associated with the proposed development on the adjacent street network. The report text and figures should be revised as noted herein for completeness and correctness. In addition, the following recommendation was made: *Consideration should be given to moving the driveway on Chadwick Avenue as far back from the intersection with Greenville Highway as practically possible. As shown, the current location could impact the operations of the intersection. Furthermore, pushing the driveway back will allow for a future installation of a left-turn lane at the signal with Greenville Highway. In its current location and with the installation of a left turn lane the driveway could be limited to right-in/right out operations at some point in the future.*

The following technical revisions to the site plan are suggested to address urban design considerations: *Additional Architectural detail at corner of building located at Greenville Hwy and Chadwick Ave per Section 18-6-4.5 "On corner lots, the applicant is encouraged to provide a building entry, additional building mass, and distinctive architectural elements at corner of buildings."*

- The following technical revisions to the site plan are suggested to provide for appropriate Transportation & Circulation needs: *Driveway location needs to be shifted as far from the intersection as possible. ROW Dedication along Chadwick Ave – All areas from the back of sidewalk to the existing ROW will be dedicated to the City. Final details of width needed will be coordinated with Traffic Consultant and Public Works Director.*

The following technical revisions to the site plan are suggested to mitigate the impacts increased impervious surface: *Require developer to use open greenspace around parking areas for green infrastructure: bioswale, bioretention, rain garden. Ensure developer preserves or improves the existing natural drainage way along the eastern boundary of the parcel.*

The Tree Board recommends the developer protect the trees along the edge of the parking lots and the stream according to Article XV, Section 15-4(C) of the Zoning Ordinance.

There were no questions for staff.

Brett Barry, 1638 Canty Lane, Charleston, SC stated he is the developer, and their goal is to create a project that is compliant with the Comp Plan. He knows the Dark Sky ordinance is still in development, but they are willing to incorporate that into the project.

Joey Burnett, The Tamara Peacock Company stated they wanted to create a unique development that will blend in well with Hendersonville. The architecture is what you would see off of Greenville Highway. They plan to push the building back and will have a safe buffer of trees. They also plan to plant newer street trees. They will have 60 two-bedroom, two bath units and 20 one-bedroom units. They will preserve as many trees as possible and have a nice buffer between the residential and parking. They will be in line with the city's planting list. The utility stormwater plan has been submitted but they have not received any comments back. He pointed out the yellow stormwater pipes and stated they are installed to prevent overwhelming the existing system. He discussed the TIA. There are several DOT projects in the area to improve traffic. The site is designed to preserve trees. They plan to keep the erosion under control. They are working on the site lighting and being Dark Sky compliant and they are working on the design of the new driveway. They will have elevators. The building is stone-based to provide low maintenance for the lower-level parking and craftsman style architectural features. It is designed to fit in with Hendersonville.

Mr. Glassman asked how many units. Mr. Burnett said 80 units. Mr. Glassman asked how many parking spaces. Mr. Burnett stated 80 parking spaces. He stated they do meet the parking requirements. It is close to downtown, and they plan to ensure other modes of transportation. He discussed having bike racks and how they plan to encourage more urban type living. There are a lot of local shops within walking distance.

Ms. Cromar stated the height is like an albatross in the area. Have they consider possibly reducing the height? Mr. Burnett stated they are following the height requirement. If they cut off a floor, they will be sacrificing about 24 units. This is an opportunity for a gateway project. The number works for financial reasons.

Mr. Brown stated he loves the idea but how do you enforce a walkable community if someone wants to move in with two cars. Mr. Burnett stated they will be told this apartment may not be for them. They will have to understand that their unit comes with one space.

Mr. Blatt asked about visitor parking and how that will work. Mr. Burnett stated they could double load some spaces and have visitor parking. They can convert the site to double load and look at a couple of options. He stated the zoning allows one spot per unit.

Mr. Barry stated they could have assigned parking and push walkability. The parking will have to work for their tenants. They plan to target local workforce people and make sure they are the ones in the building. Ms. Cromar asked since they are looking at a walkable development, have they looked at a place for bicycles and where they can be locked? Chair stated if they are promoting a walkable community then the site should include a bicycle garage or carport rather than just a rack. Would he be agreeable to this as a condition? Mr. Barry stated yes. Ms. Cromar asked if they have space for this. Mr. Burnett stated yes.

Mr. Blatt asked about garbage. Mr. Burnett pointed out the space to be relocated for the trash pick-up. There will be one dumpster on site for the tenants. Mr. Blatt was concerned about there only being one parking spot for tenants and how they plan to address plumbers, mail carriers, etc. that may need access to a parking spot. Mr. Burnett stated the lanes will be 26 feet wide and he does not anticipate stop and go traffic. Mr. Blatt stated he feels like this is flawed plan. One parking spot for the tenant, you can't make a rule that they cannot have any guests. There is a density issue here.

Mr. Nace stated it would not be possible to ask them to park somewhere else. There are no sidewalks on Chadwick and the ones on Greenville Highway are in horrible shape. This is not a good location for a walkable community. Mr. Burnett stated there is an option to add an additional 30 spots under the building. The two-bedroom units could get a double loaded spot. This would free up spots for other visitors.

Ms. Cromar stated Chadwick is a city street and would there be improvements made to that street. Mr.

Burnett stated this has been brought to the City's attention and there does need to be improvements made.

Mr. Nace spoke about the traffic impact this would have to the other streets such as Garden, Flanders, etc. in the area that will be used as a cut thorough. There are no lane markings on some of those streets and children and families are out in their neighborhoods. This could be a safety issue.

Chair opened the public comment time.

Nedra Moles, 1024 Carousel Lane stated she appreciates their plan, but this is not the right place for this development. Chadwick is already a dangerous place. There are no sidewalks and no known bike lanes. It is not a safe place for bikes or pedestrians. Brookdale has young children playing and people walking their dogs and this will be used for a cut through and make a very unsafe situation. One building would be wonderful but this is too many and the real issue is safety.

Lizzie Huber, 1003 Park Place Trail stated there was major feedback at the last meeting and this project is too large for this area. This does not meet the goals for neighborhoods and having this type of workforce housing makes the area less safe. She is opposed to this project.

Paul Harris, 1020 Carousel Lane stated the height is a concern and traffic is already unbearable. Having Publix and Ingles nearby creates cut throughs that are unsafe to the neighborhoods on Chadwick. He was concerned about the traffic when festivals are in town and was also concerned about the flooding issues in the area. He was concerned about the noise from adding 80 units to the property. There will be more police activity in the area with 80 more units. The size of this project is too large for this parcel. It does not fit the land.

Janet Bradford, 1023 Carousel Lane stated she is worried about the flooding. They are going to have more water in the area pushing into the ditch. There will be more run off going downhill. She has lived here for 11 years, and she has yet to walk to one of the stores. People just do not walk. No one talks about affordable housing. How much will these rentals be? We need affordable housing. Parking is a problem.

Joe Stancar, 1015 Carousel Lane stated a one-story building would fit better. This project is too tall. The height is a huge concern. There will be problems with the commotion at South Rock and the residents. The developer will build this and leave. This is just too tall.

Chair opened up comments on the Zoom call.

Sandy Williams, 309 Chadwick Avenue stated she grew up here in town and things have really changed. She is opposed to this complex for many reasons. It is not safe for families and children living in the area. There will be issues with the buses dropping off and picking up school children. These apartments are being built on two roads that are already dangerous. The increased traffic on Chadwick will be very dangerous. Crossing the intersection will not be safe. Is the entrance off of Chadwick? Chair stated yes it will be off Chadwick. She saw another site plan that had the entrance coming off of Greenville Highway. No one will walk to town. The weather from November to March will prevent walkers. The complex won't fit the surrounding neighborhood. There are no other four-story buildings in the area. She does not approve of this zoning change.

Lynne Williams, Chadwick Avenue stated her family has been here for 70 years and the lots use to be completely wooded behind their home. Chadwick was once a gravel road. She is concerned about public safety and increased flooding in the Johnson ditch. There are major flooding issues that will only increase if this is built. She asked the TIA be looked at for accuracy. She was concerned about the number of units, height of the buildings, affordable housing and how this will affect the character of the area and the quality of life. Her main concerns were density, the culvert, flooding and speeding issues. She asked the Board to

reject this.

Jake Ashman, 1012 Park Place Trail stated he is opposed to this because it will only connect to Chadwick. Chadwick is a small road that will be significantly impacted. It already has traffic issues. He is concerned about parking and concerned about affordable housing because no one has said what the prices will be. This project is not compatible.

Tammy Combs, 103 Brookdale Avenue stated she is echoing everyone's concerns. Workforce housing with one vehicle is not conducive. Most middle-class people require both to work and therefore both need vehicles. She wants safe streets, and this project is very worrisome.

Noah Rose, 400 Balsam Road stated this project is a travesty. She is totally against it. The traffic cut though is so bad that she was almost hit at her mailbox. They need to find somewhere else to build this. Please vote against this.

Chair closed the public comment.

Mr. Glassman stated there are a number of concerns, cost, flood etc. Can the applicant address these?

Mr. Barry stated they are still trying to figure out what they can build and that will determine what the cost will be. They need to know what they can build before they pinpoint a cost. They understand their concerns but they are able to meet the ordinance requirements.

Ms. Cromar discussed making \$15 an hour and being able to afford an apartment. Did he think someone making \$15 an hour could afford a one-bedroom apartment on what they will gross? Mr. Barry stated he just doesn't know what the price will be yet because he does not know what they will allowed to build. This will affect the price.

Mr. Blatt stated the developer has never said this will be affordable housing.

Mr. Glassman stated there is a flooding issue. Mr. Burnett stated they are not oblivious to the flooding in the area. They will have a stormwater system in place, and they plan to retain the water on site and manage it with stormwater pipes underground. They plan to do their part to ease the stress.

Chair stated there are height concerns and traffic concerns.

Adam Fisher stated traffic is always a concern but based on the TIA and the national standards the trip generator shows 28 am and 36 pm peak trips. There is one trip in the peak hours every two minutes and that is not a lot of impact. Mr. Burnett stated there is walkability in the area. Mr. Glassman asked about a sidewalk on Chadwick and stated there is no place to walk on Chadwick. Mr. Burnett pointed out where the sidewalks will go.

Chair asked about height and stated it is not compatible. Mr. Burnett stated the zoning guidelines specify 42 feet in height and they meet that requirement. There are taller buildings across the street and about three blocks down.

Ms. Cromar asked about reducing the height. Mr. Burnett stated to reduce the height would make a depreciation of about 1/3 to cover the construction cost. They need to recapture their construction costs to have a successful project.

Mr. Manley stated concerning the height, they could have a 12,000 sq. ft. building that was 42 feet in height by right. A four-story building could be constructed by right. Since this was over 50,000 sq. ft. it triggered

the CZD.

Ms. Cromar was worried about how much worse the cut through would be after the project gets built. Mr. Glassman stated they could put in speed bumps to help.

Mr. Blatt stated there has never been an application such as this when traffic did not come up. Greenville Highway is a good place for apartments.

Mr. Nace stated he is in favor of good in-fill projects but there are some issues such as traffic and parking that really concern him.

Mr. Brown stated he wants to like this project, but it is not designed for working people and a percentage needs to be affordable.

Mr. Blatt stated there are enough concerns that he asked if the applicant was willing to reconsider their proposal. Concerns such as height, density, traffic and parking may cause this application not to pass.

Pat Barry, developer stated when talking about affordability and cutting an entire floor off, he doesn't want to be a hard head but cutting four stories to three doesn't make sense when they are compatible with the zoning ordinance. He thought this would be an easy process.

Chair stated this is a large size development and the traffic in the area is already bad. There needs to be a bicycle garage. He understands the property was a mess with trash and vagrants, but they have heard a lot of concerns. Mr. Burnett stated at a certain point this development will become walkable. You have to approve projects like this to get them started. The developer is willing to put the money in this. He stated they have room for improvements such as double loaded parking spaces and accommodating more bikes than cars.

Mr. Blatt stated regretfully he is going to move the Planning Board to recommend the City Council deny the petition for this project as they submitted it tonight to amend the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-92-1924) from GHMU, Greenville Highway Mixed Use to GHMU-CZD Greenville Highway Mixed Use Conditional Zoning District based on the following: he does not find this petition to be reasonable and in the public interest based on the information in the staff analysis at this public hearing and due to the density and the current lack of adequate parking. Mr. Brown seconded the motion. The vote was 5 in favor and 1 opposed. Motion passed.

VI Other Business. None.

VII Adjournment – *The meeting was adjourned at 8:33 pm.*

Jim Robertson, Chair