

**Minutes of the Planning Board
Regular Meeting
August 14, 2025**

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

Members Absent: Mark Russell, David McKinley, Lauren Rippy

Staff Present: Sam Hayes, Planner II, Matthew Manley, Long Range Planning Manager, 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. The agenda was changed regarding the update on the interlocal agreement. That item was moved to the top of the agenda. *Ms. Gilgis moved to approve the amended agenda. The motion was seconded by Ms. Waters and passed unanimously.*

III(A) Approval of Minutes for the meeting of June 12, 2025. *Ms. Gilgis moved to approve the Planning Board minutes of the meeting of June 12, 2025. The motion was seconded by Ms. Peacock and passed unanimously.*

IV Other Business

John Connet, City Manager gave an update regarding ongoing discussions with Henderson County and the Interlocal Agreement.

V New Business

V(A) Zoning Text Amendment – Triplex & Quadplex (25-41-ZTA) Mr. Manley gave the following background:

Mr. Manley stated the General Assembly has done a series of changes to the state law. He explained the changes to the Board concerning the residential building code. The zoning district impacted are the mixed use zoning districts. The project background is included in the staff report and presentation.

The proposed amendment for C-1 and CMU was discussed and is included in the staff report and presentation.

The proposed amendment for mixed use districts was discussed and is included in the staff report and presentation.

The proposed amendment for the fee in lieu of sidewalks fee amount was shown and is included in the staff report and presentation.

Comprehensive plan consistency was discussed and is included in the staff report and presentation.

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

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

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

Chair asked if there were any questions for staff.

Chair asked about design standards for the length of driveways. Mr. Manley stated staff did not change any design standards. He stated the length of a driveway is not a design standard. Staff has required a deeper setback for front facing garages.

Chair asked about design standards for multiple units. Mr. Manley stated it is the building code and would be based on the building. It is not a development code. It is not looking at the total number of units being built on a site it is looking at the building. Each building would be built under the residential building code making them exempt from design standards.

There were no further questions for staff.

Chair opened public comment.

Ken Fitch, 1046 Patton Street (zoom) asked if there were any projects which have been approved to which this would have some impact. And another question, if you have a development that has different buildings with different numbers of units, for example one building has eight units and another building has four, would one building be required to have standards and the other not?

Chair closed public comment.

Chair asked if there have been any projects approved that they have applied design standards to. Mr. Manley stated not that have applied since July 1st.

Mr. Manley stated site design standards apply to all the buildings that are in zoning districts that have site design standards. The architectural design standards meaning building materials, required offsets, required main entrances facing the street and some of these other things that we have require certain architectural, you have to have at least three architectural elements from a list of options. Things like that you could not apply to that quadplex. But to the building with eight units they would have to comply with all of those architectural standards, but as far as how they relate to the site, how they interact with the street, how they connect or interconnect, things like that are not site related.

Ms. Waters asked if that would eliminate height limitations. Mr. Manley stated no, height limitations is not an architectural limitation. We can limit height in single family, two family, three family and four family.

Mr. Johnson stated so what this is doing is it's allowing triplexes and quadplexes to not have to be reviewed, right? The tendency is triplexes and quadplexes are generally pretty ugly. As you do multiple, you just don't see as much and now we are taking that out off the market so once we get five and better we are going to start seeing some better looking units. Now our triplexes and quadplexes have a propensity towards being less attractive because attractive buildings have a lot to do with the cost of materials. That's where we are headed, right? Chair stated as it is there's only two zoning districts that have design standards. Mr. Manley stated there is four or five. Mr. Johnson stated it seems like this is going to increase more ugly buildings.

Discussion was made on the aesthetics and the modern designs.

Ms. Peacock moved Planning Board recommend City Council adopt an ordinance amending the official zoning code of the City of Hendersonville Article V. – Zoning District Classifications, Article VI. General Provisions, Article VII. Development Review, & Article XVIII. Mixed Use, to align with NC General Statute and updates to the City Fee Schedule based on the following: 1. The petition is found to be consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because: The proposed amendments aligns with the Gen H Comprehensive Plan 'Goals & Guiding Principles' 2. Furthermore, we find this petition in conjunction with the recommendations presented by staff to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by relieving 3-&4-Family Dwellings from Building Design Standards. 2. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by providing site design standards for all uses in Mixed Use Districts. 3. The proposed changes provide clarity to the provisions for Fee-in-Lieu of Sidewalks. Ms. Gilgis seconded the motion which passed unanimously.

V(B) Administrative Review – Preliminary Plat/Major Subdivision – Wilmont Estates (25-53-SUB). Mr. Manley gave the following background:

Chair stated preliminary site plans get reviewed by this Board and city staff. That is it. This is an administrative review. We are going to review the preliminary site plan and if it meets all the standards and all the conditions that were placed on the project when it got its conditional zoning, then it is incumbent upon the approval

Mr. Manley stated this one is the Wilmont Estates and was previously referred to as the Washburn tract when it was going through the approval process. He stated these preliminary plat reviews and approvals that come to the Planning Board are required as part of the major subdivision review process which applies to subdivisions that result in eight or more lots and it's an administrative review as opposed to a legislative review, which your rezonings and things like that are considered legislative, where there's a lot more discretion. And this administrative review is essentially an extension of staff. Staff is administering the code and so your job is, does this meet the code or not. That is the authority that is granted to the Planning Board in this case.

Mr. Manley gave a brief background of the project that is included in the staff report and presentation.

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

Mr. Manley gave a CZD project approval summary which is included in the staff report and presentation.

Mr. Manley showed the final site plan and stated it has not been approved yet. This is included in the staff report and presentation. He stated the plat has to be approved before the final site plan can be approved.

The preliminary plat was shown and discussed and is included in the staff report and presentation. Mr. Manley discussed the lot sizes and stated it is all single family residential.

Mr. Manley stated the development is required to provide 500 square feet of parkland per lot for a total of 64,500 square feet. They are proposing to dedicate 67,000 square feet with parking, a view platform and trail improvements. He stated lots 102, 103 and 104 at the end of the cul-de-sac had to meet the city's steep slope standards and they have done this. Open space standards are required to be 60% of the area and they are meeting that standard. The internal streets will be built to public standards and then dedicated to the city. Mr. Manley also discussed the turn lanes.

Mr. Manley stated staff reviewed this and it went to DRC and some necessary changes were made. He stated based on staff's review, we find it is compliant with the major subdivision standards in the subdivision ordinance.

The Board has three options if they find it complaint they can make a motion for approval. If you find a deficiency you can make a motion for approval with a condition that the deficient item be corrected or if you find it non-complaint you can make a motion for denial and you would have to state which part of the subdivision ordinance that it was non-compliant with.

Mr. Manley discussed the process once the plat is approved. He stated six lots will be purchased by HAC.

Chair asked if there were any questions for staff.

Mr. Johnson stated he mentioned Jackson Park and does it in any way connect to Jackson Park? Mr. Manley stated they are required to construct a bridge that will get you to the park. It will connect into the park. Mr. Johnson asked if there was any way to safely get to downtown from there. Mr. Manley stated going over that bridge through Jackson Park. That will be a great way to connect.

Ms. Gilgis asked is it SOP for them, the petitioner to submit their declaration of covenants, conditions and restrictions. Mr. Manley stated the standards say they need them and that's required for a final plat but they're not going into effect until the final plat.

Ms. Flores asked how many units are affordable and how do they determine what's affordable? Mr. Manley stated they set a price of \$40,000 per lot as the sales price and it's these six at that front. That was an agreement in the conditions. HAC is the builder and they are the ones who are going to ensure that it is restricted to income eligible folks who would be buying.

Discussion was made on the connections and the roads.

Discussion was also made on the parking. Chair asked how they came up with four spaces and is that enough. Mr. Manley stated it has to be accessible to the right-of-way essentially. He explained the parkland and how there are different variables.

Chair asked if they take public comment for administrative reviews. Mr. Manley stated the Board has taken public comment but you have very clearly stated that the comment has to be relevant to an ordinance standard that is or isn't being met.

Chair asked the City Attorney, Angela Beeker if public comment was required on these administrative reviews. Ms. Beeker stated it is not required but you can take it. Chair stated they have allowed public comment in the past so do they need to continue to do that. Ms. Beeker stated that is their prerogative. Chair stated they will take public comment but it has to center around compliance or noncompliance.

Chair opened public comment.

Lynne Williams, Chadwick Avenue (zoom) stated so it is about compliancy and she just wanted to say from the perspective of the public, what appeared to us on the front half may be compliant on the back half but she wanted to touch on how what appeared to them that was going to be complaint seems to be a little different. One thing she wanted to point out when she was over there last week the roads on Wilmont are completely torn up. It wasn't torn up before, now they are torn up. She feels that this is not being a good neighbor and at what level is the developer required to maintain this responsibility. She does not know if that is part of the ordinances but the road itself that people have been traveling on for the community is destroyed with huge potholes and she urges the city to take action and try to get that fixed. The stress and

externalities of this massive project has been a huge headache for neighbors. You know what happened with the flooding during Helene. This project, no doubt, contributed to the flooding of the Four Seasons Boulevard at the convergence of Bat Fork, Mud Creek, Johnson's Ditch and Devil's Fork. The grading for the apartments completely removed the tops of the ridges, which is completely deplorable and given the hydrology and the stormwater mitigation function of the natural stormwater collection bowl, to us this was not apparent. When these plans were given, yes we saw apartments were going to go on top there but once it was built, literally the mountain ridges were removed. The way it was presented to the community, she was completely shocked to see this happening with the grading. Maybe you should have a review of that and make sure it complies because it was pretty shocking to see that mountaintop removed. Also the trees were decimated along Wilmont and she doesn't remember that being clearly shown on the diagram either. That was not clear to the public that it was going to happen. The stormwater runoff for a 25-year event, given Helene. She just wanted to comment that she understands that's part of what we put in here and it's more than the 10-year they agreed to but it is still not going to be enough. She doesn't see the slippery slope on Wilmont being resolved either. During freezes people will slide down onto Tracy Grove Road. And to the Chair's point, she agrees that the public park space isn't going to be enough. Those two spots next to the trail will definitely not be enough. Also those houses that Washburn is going to put aside for HAC at \$40,000 a lot is still very high in her opinion, considering it is going to be affordable housing. She would urge him to lower those prices to give opportunity for our community organizations to create affordable housing.

Ken Fitch, 1046 Patton Street (zoom) stated he had questions for clarification. Regarding the six lots, that would be sold to Housing Assistance at what point would that transfer take place? Does the sale include the infrastructure and the utility lines that are going to be needed to which these properties would connect? Is that part of the understanding with the sale of those lots? Are the Housing Assistance units part of this larger project in any other way with shared amenities or other infrastructure or are they separate from this larger plan that we see? Will there be one HOA for the entire project? He discussed the retention plans and the stormwater.

Chair closed public comment.

Chair asked if the amenities would be shared in the development concerning the six HAC lots. Mr. Washburn stated no they are not. They have asked to be excluded from the HOA so they don't have HOA fees and so that does not mess up their expenses. They have been trying to buy these lots since last August because they have a timeline. They would have access to the trail and the dedicated park but not the other amenities.

Chair asked if there were any concerns by city staff. Mr. Manley stated no none. Everything has been satisfied. The parkland was scrutinized and evaluated very closely and they spent some time working on the parkland dedication but they have worked to satisfy all of this.

Ms. Waters moved that the Planning Board grant preliminary plat approval based on the requirements of the City of Hendersonville subdivision ordinance with primary consideration of Section 2.04H Major Subdivision for the Washburn Tract Phase II Wilmont Estates development with no conditions. Mr. Johnson seconded the motion which passed unanimously.

V(C) Administrative Review Preliminary Plat/Major Subdivision – Mabry Woods (25-47-SUB). Mr. Manley gave the following background:

Mr. Manley stated this is the same process as last time. You may recall this one as the Brooklyn Townhomes. It was approved as a CZD. The applicant Zach Grogan is here. It involves three parcels off of Brooklyn Avenue for a total of almost seven acres. It was rezoned to Urban Residential, which is a conditional zoning district.

Site photos were shown and are included in the staff report and presentation. Mr. Manley discussed the vegetated area for the parkland dedication and he also explained the stormwater management and run off.

Mr. Manley stated the CZD was approved last December and was approved for 60 townhomes. There were a number of conditions applied. Most of those conditions are going to be satisfied through the final site plan approval process. The final site plan has been submitted but not approved.

The preliminary plat was shown and discussed and is included in the staff report and presentation.

The parkland dedication is required to provide 500 square feet of parkland per lot for a total of 29,500 square feet. They are proposing 61,986 which is 1.423 acres well over what is required. The tree canopy preservation overlaps with the parkland dedication area. All the streets will be in the 45 foot public right-of-way and will be built to public street standards.

Mr. Manley stated as he mentioned they are offering 1.4 acres and they are only required to do .67 acres or pay a fee in lieu of parkland. This is all about public parkland. That is the only outstanding deficiency. So they can dedicate .67 acres or they can pay a fee in lieu that is based on a .67 acre equation. The city has reviewed their submittal as it relates to the standards that are outlined in the subdivision ordinance under Section 3.09 and we are offering our staff opinion on that to the Planning Board. The Planning Board as part of your preliminary plat approval process, does review whether you think it meets that standard or not. That is a decision you make. If you say yes, it meets the standard then they would move forward with their project and get to the point where they would plat and record the final plat. That would create that lot and create that dedication to the city. Whether or not we want to accept the dedication and take on ownership and responsibility for the land, that decision is a separate step, and that step is under the authority of City Council. That is their discretion as to accept it or not. We are determining does it meet the standards or not.

Outstanding plat comments concerning the public parkland were shown and discussed and are included in the staff report and presentation.

Mr. Manley discussed the deficiency with the preliminary plat and stated the Planning Board has three options. You cannot concur with staff and find that it is compliant and you would make a motion for approval with no conditions. You could find that it is deficient, still make a motion for approval but at the end of that motion you would add conditions and specifically state which part of the subdivision ordinance needs to be addressed and which deficiencies need to be improved upon. In that case the developer could then go back, address those deficiencies and resubmit, address those deficiencies and that's reviewed by staff and approved and the process moves forward. The third option is that there are deficiencies and you make a motion for denial. In that case the applicant would have to go and address those deficiencies, resubmit to staff and then staff would bring them back to the Planning Board for consideration, given that those changes have been made.

Mr. Manley discussed the motion and stated they could do a conditional approval where you approve what they have submitted, except for the fact that it is deficient on the public parkland and that they come back or that they address that deficiency either by addressing their parkland, the land itself that is being offered for dedication or they are addressing that standard by paying a fee in lieu. If they address the parkland dedication and make changes to their site plan and their plat to address parkland and that results in a major modification to what you are otherwise approving with this motion then that would have to come back to you anyway. The only way that they could really satisfy an approval with a condition is if they paid a fee in lieu. The motion as written covers that.

Chair asked if there were any questions for staff.

Ms. Gilgis stated the parkland dedication, if they meet that, does that address the not well drained stormwater management issue? Mr. Manley stated we would have to see what they came up with to meet it. We are telling them that they are deficient and how they are deficient so it doesn't necessarily address the stormwater issue. We are not providing a solution, we are saying you are not meeting our standard and that's it. Mr. Manley stated he has not heard any issues from the Stormwater Administrator concerning the stormwater plan.

Discussion was made on the fee in lieu. Ms. Beeker stated that decision is made by the City Manager as well as the amount of the fee. And we do not know what that would be yet. Ms. Beeker stated the first decision the Board would need to make is whether they find the parkland compliant or not and get that as a separate motion and then make your motion to approve, the one to approve and meet it or deny it because it is not compliant. That way there has been a finding on record of whether you find that to be compliant or not, because that is really the question. Chair stated usually in every other case, when an administrative review of a preliminary plat comes before this board, he asks the question of city staff, in your opinion does this meet the standards and the is always yes that is why it is in front of you, we are ready to move forward. In this case you are bringing one that it is on the agenda but it does not. You are saying that according to 309A.36, the parkland that they are proposing does not. It is not usable, it has to do with usability. Mr. Manley stated that is because you asked staff. If you asked the applicant, he is going to tell you that it does meet the standards.

Discussion was made on the parkland area. Mr. Manley explained the parkland dedication and the process for this and the approval. He also discussed the fee in lieu. He explained what the fee is for and where that money could go.

Chair opened public comment.

Lauren Shale, 1014 Brooklyn Avenue stated her two questions were first, she didn't realize how much water runoff that area got and adding all of this will that put that runoff in her yard? Are they going to have extra runoff coming to them because of this development? That's not really fair. Another question is when we did the compatibility meeting, he said they were two-story houses and those pictures are three-story houses which was not shown in the compatibility meeting.

Zach Grogan, 5 Derby Road, Greenville, SC stated he is the applicant. He stated he wanted to focus on the drainage issue and the standards that are set in the ordinance and then also reference some of the things that are in the master plan. The primary goal for that was the protection of natural space. As part of the parkland dedication from the master plan it highlights six different types of parks that the city wants to see in town. Neighborhood, pocket, community, open space. NRPA is the National Recreation and Park Association. They define all of these different types of parks. They use open space and open lands interchangeably. He stated what they are proposing to dedicate clearly qualifies for open space or open land as defined by the NRPA. Also, one of the recommendations in the master plan is to increase the required dedication from the current 500 feet per dwelling up to 1,000, which is what they are doing. That's consistent with where the city would like to see this parkland dedication program go to in addition to expanding it to commercial development as well, which it does not currently. He stated one of things Matt mentioned just before he was done is the expandability potential of this area where it's positioned and the likelihood of the development review committee has determined that it, over time, it is likely that the area to the east becomes developed over time. He pointed out the different areas on the aerial view.

Mr. Grogan stated if this were accepted or kind of tabled prior to acceptance that it would be available to the city to expand at a later date and he thinks that should be a key factor. He showed the updated landscape plan and stated they have kind of beat the well-drained portion pretty well and that's the primary issue, siting the wet areas that are on the site. In the ordinance he can have 25% of the parkland

dedication area be water area. What they are proposing to dedicate, only 3% of that is wet. He stated he thinks Mr. Robertson to answer your question as to why there's a little bit of difference of opinion and why it's probably in front of you and not cut and dry. He thinks holding that portion against him when they are allowed up to 25% of the dedication area to be wet is tough. He stated the generally accepted public park development standards are set by the NRPA. What is in the master plan was not adopted to be those things. Mr. Grogan showed a checklist of things that are standards for a neighborhood park and that is only one of the types of parks that the city would like to incorporate into its park space. Nobody's open space is ever going to meet every checkpoint on that list for a neighborhood park. He doesn't think that checklist should be used in any way to set the generally accepted public park development standards for all six desired parks that the city would like to have. That checklist is kind of an aspirational goal of a starting point to become a standard. It wasn't presented in the master plan as a checklist. He thinks this situation is probably a little bit different than most. Whether the city decided to approve this area or we go the fee in lieu process, our site plan does not change. You know that area is either going to be available for dedication or it is going to stay mostly as it is. They are open to either avenue.

Lynne Williams (zoom) stated Mabry Woods to her is a little confusing why the previous Washburn project was approved with barely any parking to provide access to a public park viewing platform or public trail and then we are having this conversation here. To her, that project also did not meet a functional parkland or trail hand access with needs for accessibility but that was approved. She stated to speak on behalf of the public, she just wants to say we want parkland dedication on this site, at least from her perspective. She can't speak for the neighbors. This is part of the negotiations, the conservation and the agreement to the overdevelopment of this property. Perhaps bring back a solution to the Planning Board for further consideration. She personally does not want to see a fee in lieu of option here. This backdoor would be an unacceptable compromise for our community. She gave a few options for the park space. Ms. Williams stated our town needs this park, especially in the shade on this side of town. Her questions were where would the access points be in the parking area. Of course you wouldn't want to take away, as the neighbor across the street mentioned, the stormwater capability. Those would be important points. She stated it was an interesting point that the applicant made about the open space and how there's little concern about flooding because if you look at the city's own parks, Patton Park floods constantly and the city's proposed Southside Park is proposed in a floodway. The county has parks that flood as well such as Jackson Park. She also wanted to say for the record that it feels a bit unfair to allow the applicant to give public comment with a full presentation when the general public she doesn't think has ever been allotted this opportunity. She is hearing this is a pre-annexation so does that mean the county residents, once again, do not get a voice or representation in this decision of development. She stated please preserve our greenways.

Natalie Rice, 1014 Brooklyn Avenue (zoom) stated she is the adjacent property to this project. She stated she is concerned with a development like this, a lot of green space is going to be pushed away so you are reducing almost seven acres of land to one and a half. That is going to push a lot of wildlife and water over to her property which is right next to it. She is offended that two of the people who have given presentations today have implied that our land is area for expansion of this park. She was also disappointed to hear that there might not even be enough room for a park because that was one of the few things she was excited for this project for.

Chair closed public comment.

Ms. Beeker stated the applicant does have a right to present their application.

The Board discussed if this proposed dedication was usable or not. It is going to get preserved because it is a tree canopy. The Board gave their thoughts on if this 1.4 acres met the standard for the parkland dedication. The Board discussed the fee in lieu. Discussion was made with the City Attorney about the standards. The access was also discussed.

Stormwater and drainage was also discussed with the applicant. Ms. Flores asked if there was a solution to the drainage problem. Mr. Grogan stated there is no problem with drainage.

The Board discussed different options. Mr. Grogan stated he is open to the option of a fee in lieu.

Ms. Peacock moved the Planning Board grant preliminary plat approval for the Mabry Woods subdivision ordinance subject to the following conditions: The development shall meet all requirements for the public parkland dedication in accordance with Section 3.09, whether being through dedication of land or the payment of fee in lieu in ordinance Section 2.06. The plat as shown currently does not meet the dedication ordinance Section 3.09. The plat currently does not meet the standard because of usability. Ms. Flores seconded the motion which passed unanimously.

Chair asked the applicant to speak with the neighbor concerning the buffer.

VI Old Business. None.

VII Adjournment – *The meeting was adjourned at 6:05 pm.*

Jim Robertson, Chair