



PLANNING BOARD RECOMMENDATION

Project #: P21-62-CZD

May 5, 2022

PETITION REQUEST: Conditional Rezoning – Southgate Apartments (PIN 9568-75-5382)

APPLICANT/PETITIONER: Suzanne Godsey, Site Work Studios (Applicant) & David Royster, Capitol Funds (Owner)

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. Planning Board considered this item for 2 hours and 10 minutes. The main topics discussed by the Planning Board members related to development within the floodplain and issues related to access and specifically the conditions on Israel St.

The following members of the development team were present and provided information related to the proposed apartment complex: Craig Justus, Attorney with Van Winkle Law Firm; Suzanne Godsey, Landscape Architect with Sitework Studios; Chris Day with Civil Design Concepts; David Hyder with JM Teague Engineering; and David Royster, owner and president of Capitol Funds.

The development team discussed the developer's proposed conditions to pay a fee-in-lieu of sidewalks, fill in the floodplain and utilize 25% of the floodplain for the development. They also highlighted that they are agreeing to 9 of the 11 conditions proposed by the City. The two conditions they did not agree to are: 1) to remove the proposed gates at the access points of the development and 2) to construct sidewalks from the Israel St access point to existing sidewalks on Kanuga Rd. The reasoning for not agreeing to the conditions related to concerns of "cut-through" traffic and lack of control of land to build sidewalks along Israel St.

Four members of the public spoke in opposition to the development:

- Kelly McClendon of White Street spoke at length about her concerns related to development in the floodplain and concerns that the site is a "wetlands". She questioned whether the city should exercise eminent domain to preserve the land.
- Mona Groban of Davis Street expressed concerns about the impact that traffic will have on the neighborhood.
- Ken Fitch of Patton Street spoke of concerns related to flooding and the substandard condition of Israel St in relation to additional traffic generated by the proposed project.
- John Hernandez of Long John Drive questioned potential conflicts with traffic and users of the Ecusta Trail and impact to property values. He proposed that the site be dedicated as parkland.

Planning Board members expressed concerns related to flooding, emergency response access, proposed parking in the floodplain and the amount of parking being in excess of the minimum required by code.

The Planning Board made two motions, both of which failed. The first motion was a motion to Approve as presented. The vote for this motion failed 3 to 5. The second motion was a motion to Deny the request. The vote for the second motion failed 4 to 4. The Comprehensive Plan Consistency Statement was the same for both motions and was stated as follows:

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS 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 High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4.

MOTION TO APPROVE: The first motion provided the following reasonableness statement which failed 3 to 5:

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

1. *The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots*
2. *The petition provides infill development utilizing existing infrastructure*
3. *The petition provides additional housing in close proximity to downtown and the future Ecusta Trail and in close proximity to goods and services*
4. *The petition provides a transition from uses of high intensity to lower intensity uses*
5. *The existing C-2 zoning provides a wide range of high intensity commercial uses including car washes, automobile and farm equipment sales, hotels, animal hospitals, service stations, and small-scale manufacturing by right up to 50,000 Sq Ft. The petition for multi-family housing in the CMU District provides greater compatibility with surrounding land uses than other potential by-right developments.*

BOARD ACTION FOR MOTION TO APPROVE:

- **Motion/Second:** Peter Hanley / Tamara Peacock
- **Yeas:** Hanley, Peacock, Brown, Robertson, Nace
- **Nays:** Cromar
- **Absent:** Jon Blatt
- **Recused:** N/A

After the first motion failed, the Board was advised by staff that a recommendation including a Comprehensive Plan Consistency Statement was needed and that a new motion should be made. A Motion to Deny the petition was then made. The Comprehensive Plan Consistency Statement in the second motion was the same as in the first.

MOTION TO DENY: The motion to Deny provided the following reasonableness statement:

We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Denial]

1. *The petition would add an additional 67,225 Sq Ft of buildings, parking lots and streets to a parcel currently utilized for flood storage. This would make 48.7% of the site impervious.*
2. *The petition proposes parking and grading of 25% of the site's 100-Year floodplain which exceeds that which is permitted by the City's Zoning Ordinance.*
3. *The petition is requesting to add fill to the 100-Year floodplain at a level which exceeds that which is permitted by the City's Zoning Ordinance.*
4. *Israel St is a substandard local street which is not designed to accommodate additional traffic.*

BOARD ACTION FOR MOTION TO DENY:

- **Motion/Second:** Peter Hanley / Tamara Peacock
- **Yeas:** Hanley, Peacock, Brown, Robertson
- **Nays:** Cromar, Glassman, Jones, Nace
- **Absent:** Jon Blatt
- **Recused:** N/A