

**Minutes of the Planning Board  
Regular Meeting  
October 9, 2025**

**Members Present:** Jim Robertson, (Chair), Tamara Peacock (Vice-Chair), Donna Waters, Bob Johnson, Mark Russell, David McKinley, Kyle Gilgis, Lauren Rippey, Betsey Zafra

**Members Absent:** Laura Flores

**Staff Present:** Sam Hayes, Planner II, Matthew Manley, Long Range Planning Manager, Lew Holloway, Community Development Director, Angela Beeker, City Attorney

**I** **Call to Order.** *The Chair called the meeting to order at 4:00 pm. A quorum was established.*

**II** **Approval of Agenda.** *Ms. Gilgis moved to approve the agenda. The motion was seconded by Ms. Peacock and passed unanimously.*

**III** **Approval of Minutes for the meeting of September 11, 2025.** *Mr. Russell moved to approve the Planning Board minutes of the meeting of September 11, 2025. The motion was seconded by Mr. Johnson and passed unanimously. (The minutes were approved at the end of the meeting.)*

**IV** **Old Business**

**V** **New Business**

**V(A)** **Zoning Map Amendment – Standard Rezoning – Locust Street Small Area Rezoning (25-58-RZO)** Mr. Manley gave the following background:

Mr. Manley stated this presentation is identical to the one that you heard last month related to the properties on Locust Street which were petitioned to be rezoned from I-1 to CMU, so he is not going to give the presentation again. All we are simply doing is, there is an additional group of properties that were invited to participate and they have given their consent. They gave their consent after the deadline for the last meeting so we shifted them to this meeting and those will move forward to City Council as well.

A project background was show of the properties with the suite numbers. This is included in the staff report and presentation.

The Current Land Use and Zoning map was shown and discussed and is included in the staff report and presentation. Mr. Manley pointed out the properties that were requesting rezoning today.

Chair asked if there were any questions for staff.

Mr. Johnson asked if there was anyone that was being left out. Mr. Manley stated no one is being left out. The folks who are choosing not to consent are directly in the center of the block that extends from Lynn Street to 8<sup>th</sup> Avenue. You can see that hole in the middle and that property owner was actually at the Planning Board meeting last month that spoke. He ultimately opted to not give consent and the property owner that is ProSource Plumbing was also given the opportunity but did not consent. But all the others were included.

There were no further questions for staff.

Chair asked if any of the property owners consenting to the rezoning would like to speak. No one spoke.

Chair opened public comment.

Someone in the room asked for clarification on where this rezoning is located. Chair explained it was on Locust Street where the old Coca-Cola building was located.

Chair closed public comment.

***Ms. Peacock moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of properties possessing PINs 9569-80-4214 and 9569-80-2387 and 9569-80-4629 from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning District 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 zoning of the CMU alliance with the Gen H 2045 Comprehensive Plan Future Land Use and Conservation Map and the character area description for downtown. 2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis public hearing and because: 1. CMU zoning is more compatible than I-1 zoning due to the differences in dimensional standards and permitted uses. 2. CMU zoning better protects existing character and the built environment and supports recent reinvestment in the economic vitality of the 7<sup>th</sup> Avenue District. 3. CMU zoning will protect against incompatible industrial uses . Ms. Gilgis seconded the motion which passed unanimously.***

- V(B) Zoning Map Amendment– Standard Rezoning – 1207 Kanuga Road (25-59-RZO).** Mr. Manley stated this one will be continued to next month.

Mr. Manley stated this one has some other properties that may be considered as well. So, similar to the other one, we are looking at a small area rezoning and we need some additional time to do that. No need to open the public hearing or continue it. We are going to re-notice everything so we are shifting it to next month.

Chair stated no motion would be needed to table it.

- V(C) Conditional Zoning District – LEO Hendersonville (25-48-CZD).** Mr. Hayes gave the following background:

Mr. Hayes stated the City is in receipt of a conditional rezoning application for a project called LEO at Hendersonville. The project is 180 two, three and four family units on Haywood Road. The project address is 1741 Haywood Road. The applicant is Scott Weathers with Advenir Azora Development and the property owner is Jeffrey Justus.

Mr. Hayes stated the existing zoning is R-15, Medium Density Residential and the applicant has requested to rezone the property to Planned Residential Development Conditional Zoning District. The property is 21.25 acres. The project density is 8.47 units per acre. However utilizing the City's new half-unit density calculations for units under 1,200 square feet, the project comes in at 5.74 units per acre. The project is proposed to be rentals, however, just to note, per state law, the City is not able to regulate rentals versus owner-occupied dwellings so we have no purview over if it is owner-occupied or rentals. The Future Land Use Designation is Family/Neighborhood Living.

Site photos were shown and discussed and are included in the staff report and presentation. Mr. Hayes discussed the stream and stated when he took photos it did not have water running through it. However, during rainfall and storm events, it does. He noted on the site plan, the area is proposed to be piped by the developer.

Mr. Hayes stated there is a historic home on the property from 1906.

An aerial photo of the site was shown highlighted in blue. This is included in the staff report and presentation. Mr. Hayes overlayed the Floodplain onto this. There is 100-year and 500-year Floodplain that runs through the middle of the property. There is also wetlands on the property that has been noted on the site plan.

A Neighborhood Compatibility Meeting was held on June 30, 2025. At this meeting there were 115 people in attendance both in person and online. A continuation of that meeting was held August 19<sup>th</sup> at the Blue Ridge Community College, and there were 135 people in attendance at that meeting. No online option was offered. The topics of concern at both of these meetings were surrounding things such as traffic on Haywood Road, concerns over compatibility with the surrounding neighborhoods, questions about the affordability of the project, questions and concerns over the building setbacks, buffering of the property, the fencing that will be utilized in portions of the property and then also questions about the project stormwater retention. There were a lot of topics discussed at these meetings. An overview of those meetings are included in your packet and there are minutes available for both meetings.

The site plan was shown and discussed and is included in the staff report and presentation. One entrance is provided for the development. The only recommendation that was included in the TIA was for there to be a left turn lane onto the site. The city's traffic consultants reviewed the TIA and they included a right turn lane as one of their recommendations. Those are both included in the staff proposed conditions for the project.

Mr. Hayes stated the applicant has agreed to construct the road through the site to public road standards. It will not be dedicated to the city since this property is not being proposed to be subdivided. There is no subdivision that is going on in this process. All of these will remain one property and because of that no road dedication has to be done. Our zoning ordinance does not require that. In addition to that no second access is required of this project. If it were to be subdivided it would trigger a second access but because it's not it does not trigger that. The applicant has provided stub-outs. Those were pointed out on the site plan. The piped stream was also pointed out along with the wetlands. A greenway has been proposed through the property. One of the conditions clarifies the width of that greenway easement and that would be dedicated to the city.

Mr. Hayes discussed the retaining walls. Staff didn't have very many concerns with the project overall. One of the major concerns was the grading on the back portion of the property, the southern portion of the property. Several retaining walls have been proposed to help level out this back portion of the property. Mr. Hayes pointed out one of these and stated at its maximum point it is 40 feet tall but fluctuates as you get to different portions of the retaining wall. Another one was pointed out and this one is a maximum of 16 feet tall and the main concern for staff with this retaining wall is its proximity to the property line. It is currently sitting five feet off of the property line. In addition to having a very large retaining wall sitting very close to the edge of the property line, it is also sitting within a landscaping buffer which is required per our ordinance. Staff has spoken with the applicant about this and has suggested if they need to keep the retaining wall in this spot, that they would need to have a condition that would ask for relief from our buffer requirement. With that being said, staff has proposed a condition pertaining to retaining walls.

Lew Holloway, Community Development Director put together a drawing showing the existing elevation and how it will impact the terrain. This was shown in the presentation.

More discussion was made about the infrastructure and the retaining walls.

The landscaping plan was shown and discussed and is included in the staff report and presentation. The applicant is proposing to preserve a minimum of 40% of the existing tree canopy.

The developer proposed conditions were discussed and are included in the staff report and presentation.

The proposed conditions (agreed to by the developer) were shown and discussed and are included in the staff report and presentation. The fifth condition was for all retaining walls shall be set back from the property line 25 feet. The developer has not agreed to this one. This was proposed earlier today, so full disclosure came pretty late in the game but the city has proposed that and the development team can speak to why they have not agreed to it.

The Future Land Use Map was shown and discussed and is included in the staff report and presentation. The applicant has requested that the Future Land Use Designation be changed to Multi-Generational Living and in the staff analysis of the Comprehensive Plan Consistency, staff did deem it to be somewhat consistent with the Future Land Use Designation for Family Neighborhood Living but overall with the Comprehensive Plan, staff said it was inconsistent with the goals of the Comprehensive Plan.

General rezoning standards for Comp Plan Consistency were discussed and are included in the staff report and presentation.

The Current Land Use and Zoning map was shown and is included in the staff report and presentation. Mr. Hayes stated many of the properties along Haywood Road that are R-15 zoning utilize a previous zoning known as Planned Unit Development (PUD) which allowed multi-family townhome projects and higher density projects to be constructed by right. The Britton Creek development which abuts the property to the west has a density of 10 units per acre. Across the street at Plantation Walk, the density is 6.9 units per acre and the PRDCZD that is to the northwest of the property known as Blythe Commons has a density of 4 units per acre.

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

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

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.

Ms. Gilgis asked Mr. Hayes to point out the wetlands again.

Chair asked when the city received the current plan. Mr. Hayes stated the city received the most recent plan on September 24<sup>th</sup>. The city had sent comments to the applicant. The way this works is staff gets the plan submitted and it was submitted on time by the developer. Staff reviews it and sends back comments and then gives them a deadline to get those comments back to staff. They got it back on September 24<sup>th</sup>.

Mr. Russell stated so because this is staying as a one owner property, they don't have to meet the two egress that a subdivision would hit and what is a subdivision? How many units in a subdivision requires two points of egress? Mr. Hayes stated so it is 31 lots or more would require that.

Chair asked if the Fire Marshal has signed off on this. Mr. Hayes stated yes, this has been reviewed by the Fire Marshal and so another trigger for having a second access could be a fire related one. The alternative is to sprinkle your development, have sprinkler systems. The applicant is proposing to sprinkle all of these units.

Chair asked if the applicant would like to address the Board.

Justice Mullen stated he is a law partner with Romeo, Harrelson & Coiner and they have an office on King Street. Also here is Scott Weathers and Zak Swafford and they are representing Advenir. Also the experts, Austin Greenhalge and Simon Whiteside, he is a civil engineer and Alan Reed with Impact Designs, our traffic consultant. They hope to be able to answer all your questions here today.

Mr. Mullen stated what the city needs to ask themselves today is not whether this property is going to be developed but how they want this property to be developed. Advenir has worked very hard, has read extensively the Gen H plan that Hendersonville has developed and adopted in August of 2024 to ensure this development falls in line with the vision that the city has set for the Gen H plan. The city leadership and the people of Hendersonville have put into the plan that they want more affordable housing and they want a better system of planned developments than our neighbors in Asheville. We want to be able to have people be able to live where they work. The property in question today has already been zoned R-15. This is a zoning that allows for medium density development. The reason Advenir wants to adjust the development today is not because they want to increase the density of this development over what R-15 would allow. This is rather because they want to create a more sensible community that fits better in line with the goals that Hendersonville has set out in the Gen H plan. What Advenir has prepared under their proposed plan is a plan unit development. It's just a community that allows for generations to live together in a more affordable manner. As you know a plan unit development is unlike a general up zone. It is a promise between the city and the development company. A general rezone allows for a wide variety of developments and buildings whereas this, with a rezone like a plan unit development, you know exactly what you are going to get and you can make the plan all the way down to the number of windows and doors that each unit will have. This is not a rezone that Advenir can turn around and sell to another developer. They cannot say, we will build "X" and then go build "Y". You will be getting what you are going to see. This rezone is specific to them and their team and what they promise they must do with their development. Again, they are not asking for a general upzone today. First and foremost, we want you and the Hendersonville community to be informed about what the development is going to be and what it is going to look like and ensure that it fits with the vision that Hendersonville has for our city. Rezoning, the topic for today may sound scary to many people, and it can be a scary topic. We have all witnessed firsthand or at least heard stories of developers who have presented a plan to get better zoning and they turn around and sell the property to someone else for a profit. He wants to be clear, this is not something that you need to worry about with this development. Advenir is a long-term holdings developer. They are asking for a planned unit development specifically so that you do not have to worry about that happening. Again, what you see if what you are going to get.

Mr. Mullen stated he knows there have been some concerns that they are trying to put more units on the property than Hendersonville wants through their current planning because of the request for a zoning change. This is not the case. We are requesting the zoning modification not in order to change the rules, to differ from what the city has provided for with their zoning but instead we are asking to change the zoning so that we can better fit in with the community than what the current zoning allows. The city is not choosing here today whether it's going to be developed but how it's going to be developed. Someone could come and buy this property tomorrow and they could build under the current R-15 zoning requirements. We are asking primarily, with this rezoning, for the ability to build our units closer together to one another so that we can have a more compact design that is a nicer development for our residents and neighbors and to have a minimized impact on the environment. R-15 is a medium density zoning ordinance where you can build a 1,200 square foot or larger tract home with a 1,200 square foot accessory

dwelling attached. Advenir is planning to build 86 buildings on this site. Under R-15 zoning, 120 buildings could be built on this site tomorrow. We are planning on building 5.72 units per acre. Under the current R-15 zoning, 9 units per acre can be built on this lot tomorrow. Advenir has planned a stormwater overflow protection system that exceeds the R-15 requirements. Under R-15 a bare minimum stormwater overflow system could be built tomorrow. We are putting a 25-foot minimum setback on our build. Under R-15 units can be built five foot from lot lines tomorrow. We are preserving 62% of open space on the property. Under R-15 only 40% of the space needs to be preserved.

Mr. Mullen stated Advenir takes pride in preserving the beautiful tree line of this area. In fact, only 17% of the space on this lot will be actual building footprint. One of the primary reasons for this rezone is because in the type of community that Advenir likes to build, they want to preserve more open space for their residents. We are going to keep 45% of the trees on the property. Under R-15 the tree coverage could be cut down to 20% tomorrow. We are building attainable family units. Under R-15 every inch of this lot could have three-story McMansions clustered together and covering the whole lot that would eat up the skyline.

Mr. Mullen stated please remember that the comparisons he made today are not a theoretical something else this property could be developed for. He is talking about what the property is currently zoned for. It is already developed zoned for a similar development that could have smaller setbacks, more taller buildings and that clear cuts the entire lot down to 20% tree coverage prior to putting any buildings in place. What they are asking for today is not to cram more units onto this property than Hendersonville wants, but rather for an environmentally friendly redesign that fits in with the community and the surrounding already existing planned unit developments. He wants to note that Advenir has also gone above and beyond what is required of developers before bringing this here today. Advenir has had three neighborhood plans and only one was required. He doesn't think he is exaggerating in any way to say you would not get this from another developer who buys this lot. Furthermore, Advenir has listened to the residents and has adjusted and redesigned the plan more than once to meet the needs of the community and what they have heard during the neighborhood plans. They have worked hard to mitigate these stresses in ways that you will not find other developers do. We are sure you are likely here tonight, that there will be issues with this development, whether it is traffic, stormwater, compatibility or various other arguments. Not only do they believe that this project will cause fewer issues than another development that can already be built tomorrow under R-15 but they have also brought local experts here this evening to show and discuss how these issues that might arise here have already been worked through, talked about and figured how they are going to mitigate any issues this might cause. It is up to the Planning Board to ensure that the goals of the Gen H Comprehensive Plan are met. This is plan that was developed by the leaders of Hendersonville and the people of Hendersonville. By all metrics that they have read and looked at in the plan, our project is going to meet those goals. Few people like change but change is necessary in a growing area like Hendersonville. It is our duty to ensure that we carefully nurture and create a community where our residents can afford to live and where they work. If we stick our heads in the sand and pretend that no development will ever come to Hendersonville, we are going to be faced with the same issue, we will be doing the same thing Asheville did 10 years ago and we are going to be faced with the same issues in 10 years that they are facing today. The plan Advenir is presenting to you for development today is attainable to families, walkable to downtown and has been well thought out and meets every metric they have read and could find in the Gen H plan. Please consider this development as the next step towards the Hendersonville that we envision for the future.

Scott Weathers with Advenir Azora Development, 17501 Biscayne Boulevard, Aventura, Florida started off by giving a background of LEO and their communities. He discussed housing prices and having a multi-family community at an attainable price point and that is what they are providing. Advenir Azora Development was founded in 2020 not as a merchant developer but with the goal of developing, owning and managing the LEO communities across the Southeast Midwest so you won't have the concern of a new owner five years from now and being vertically integrated with Advenir Living, our property management company.

Mr. Weathers showed the proposed site plan which contemplates 180 two and three-bedroom homes ranging in size from 625 to 1,430 square feet with Class A amenities that will include fitness center, pool, dog park, pickleball courts and connected sidewalks and walking trails throughout the community. He stated before pursuing any development, they complete a thorough review of a municipality's comprehensive plan, coordinate it with city staff to see the needs and wants that a city is looking to achieve with new development. The overarching goal that they saw in the Gen H plan was that Hendersonville has a strong desire for utilizing infill development to provide quality, attainable, moderate density alternative housing in close proximity to downtown that provides the opportunity for a 15-minute neighborhood that can utilize existing infrastructure thus preserving the agricultural land that surrounds the community, which is exactly what we are looking to provide with our proposed LEO community.

Mr. Weathers explained the development in detail to the Board. He discussed missing middle housing and how LEO communities define that. He discussed the architecture, landscaping, and other aspects of their communities. He discussed the R-15 zoning and what could be placed on the property under R-15 zoning requirements. He discussed what would happen if the property was subdivided. He discussed the differences in what they are proposing and what could be built under the R-15 zoning.

Mr. Weathers discussed the traffic concerns and stated their development is only expected to add eight cars exiting every fifteen minutes from 7 to 9 in the morning and eight cars entering every fifteen minutes from 5 to 7 at night. The intersections are expected to be minimal and no improvements are necessary.

Mr. Weathers discussed affordability in Hendersonville. He discussed the positive impacts the development would have such as multi-generational living. He showed a slide of their community in Greer, SC.

Chair asked if there were any questions for the applicant.

Ms. Gilgis asked about the infill lot and if that was because of the home that is existing on the lot. Mr. Weathers stated it is an infill lot because it's infill, being infilled. It's a vacant underdeveloped lot in the middle of other developments so it's infilling in the middle of the lot. Ms. Gilgis stated his definition is a little different from hers. She asked about the underground detention for stormwater and asked to see the slide and be shown where and how much. Mr. Weathers pointed this out and stated the reason they are proposing underground detention versus traditional detention is they try and preserve more of the green space along Britton Creek. Ms. Gilgis asked where that underground detention will go. Mr. Weathers stated it will drain into the larger above-ground detention and into the Britton Creek, but it has to have a net zero impact to the overall stormwater system. Ms. Gilgis asked where the sidewalks would connect to. Mr. Weathers stated they will be connecting the sidewalks along the front. He pointed out on the site plan where the sidewalks will connect. He stated they are connecting to the existing sidewalks.

Mr. Johnson asked what the specifications of the bridge going over the peak were. Mr. Weathers stated they are currently looking at two different options, either utilizing a similar structure they have using culverts going across or utilizing a full span bridge so they can minimize the construction of the Britton Creek and it will go above the typical ordinary high watermark. They are looking at those two options but they haven't gone into full design yet.

Ms. Waters asked where the piped creek would be. Mr. Weathers pointed this out on the site plan and explained where it was located.

Ms. Peacock asked if they had considered terracing the extra-tall retaining wall on the sound. Mr. Weathers stated yes, this is a preliminary grading plan. They have not finalized everything. They wanted to put something together that works. There's some work they can do to push and pull this site plan.

Evaluating cut fill, if they can shift dirt elsewhere and try to minimize any impact elsewhere. Ms. Peacock asked if they would be amenable to a condition that says that they would terrace it. Mr. Weathers stated he can't commit to that because that requires significant civil design by the experts. He would need to evaluate it. They would like to reduce the walls as much as possible but it is something they would have to evaluate through further design but it is definitely something that they would want to look at.

Mr. Johnson asked about the 50-foot storage on the road which is like two vehicles and if it could be longer than that or more storage. Mr. Weathers stated the recommendation is based on the TIA and they are trying to minimize their impact off-site and so with the increase in storage increases the taper and although there is right-of-way that continues, they are trying to minimize their impacts to the adjacent communities. He believes it does align with the recommendations but NCDOT has not finalized their review and they could have additional recommendations.

Discussion was made on a HOA and Mr. Weathers stated it is not an HOA. It is owned and managed like a multi-family community which is vertically integrated with their development group. Everything is managed by them, maintenance and everything is included. He discussed some of the other developments.

Chair stated the stormwater retention is required for a 10-year event. Mr. Weathers stated and 10-year past 25. That is the minimum requirement and they are looking to double that. It is detained 25 past 50.

Chair asked what the minimum rental time period would be. Mr. Weathers stated their minimum time period is twelve months. Chair asked if he would be willing to put that as a condition of the operating. Mr. Weathers stated he would need to confirm that they do not do a nine month with the operations team but it is something they could look at.

Chair asked about the construction of the units. Mr. Weathers stated they will be slab on grade. They do not provide basements with their units. There are different FHA requirements they have to adhere to being a multi-family community.

Discussion was made on the rates going up. Mr. Weathers stated he does not believe the rates have ever really gone up. He is not aware of them raising the rents in any of their other communities.

Mr. Hayes explained the question about intensity. He stated that was in reference to the comprehensive plan and the low intensity development. So that is one component of the plan. We are trying to develop in these nodes around the city as opposed to sprawl so where the property is located it is in a lower intensity classified, not the lowest but in a lower intensity area.

Chair asked if there were any further questions for the applicant. There were no further questions for the applicant.

Chair opened public comment. Chair stated you will be given three minutes unless you are representing a group and then you will be given five minutes.

Eugene Carr stated he is a 40-year resident of Henderson County and has lived in Haywood Forest, 1221 Forest Hill Drive. They have 200 feet that abut the project, and he learned today that his son may get a climbing wall. He has several comments he wants to make on behalf of the 39 people that live in the Haywood Forest community. He stated he is concerned and wanted to thank the city staff and Planning Board for their attention today, this is a hard job to do in what amounted to, from what he learned today, in less than 30 days and you can imagine how we, as the people who are in opposition to this project and are urging this committee to recommend declining the project, how they feel when they get final access to the project a week before the Planning Board does and you have a 140-page summary that they have to go through, including expert studies from folks. We don't have the wherewithal to be able to go back in and



look to see if that is accurate facts and you are asking us to present only facts. He thinks there is a real due process issue here with the ability to be able, for the community to be able to speak and appropriately react to this. The second due process issue here is that when we talk about the traffic and we talk about the run-out lines that is going to be on Haywood Road and the turning lane that is going to be on Haywood Road, he is very concerned with the amount of frontage that is on Haywood Road, as is the rest of those opposed to the project, that the city is going to be involved with the private taking here. They have to be because there's no way you can incorporate those turnout lanes or the turning lane with the amount of frontage that is on the north side, the Haywood Road side of this and that it's going to affect potentially people in Blythe Commons or definitely people in Maplewood. The third concern is the submitted plan has been submitted with a South Carolina notary stamp. This is a North Carolina project and we believe that violates the North Carolina Administrative Procedures Act and that this plan is deficient because of that. He urged the Board to recommend denial of the rezoning because as staff has excellently pointed out, it does not go along with the Gen H plan. Both your pros and cons side indicate that it does not comply with the Gen H plan.

Tom Peach, 98 Chatham Path is representing Blythewood Commons. He stated the residents of Blythewood Commons would like to thank you for the opportunity to speak. Blythewood Commons is a 4.7 acre condominium site adjacent to the western boundary of the subject property today. We are 30 citizens, mostly senior, living in what someone referred to as Heaven's Waiting Room. From the standpoint of density, we are 20 units. That's roughly four homes per acre. In contrast this proposed project is 180 units on 21 acres. That is over 400 people. That would be 30 people next to 400 people. We don't agree the severe density of this proposed project is in alignment with that of Blythe Commons. He stated when he first saw this site map he thought he was looking at two outlet malls separated by a creek. The density was a huge concern as it is nothing like any development along Haywood Road. He offered other facts that demonstrate the incompatibility of this project such as, rentals and the size of the units, residential type because they are owner owned. Every unit owns 5% of Blythe Commons. With LEO, ownership lies with the developer. There is no guarantee that property won't be flipped in three to five years. Construction standpoint, Blythe Common is hardy plank, architectural shingles, hardwood and Pergo flooring and some custom interiors. LEO is something called LVP flooring, fiber cement siding and 25 year shingles. He heard today at least one window and one door per floor. He is having difficulty rationalizing that in construction. From a fencing standpoint, they have stone walls and iron rails around two sides of the complex. LEO is proposing an eight foot wooden fence made of 1 X 6 strips along the property between Blythe Commons and their project. They have a HOA and have bylaws on how they operate. LEO is developer managed but other than that there have not any other details. He discussed the maintenance and stated the developer has said it will be maintained like-new construction and he is unsure of what that means. He stated we do not believe differences like these represent compatibility. They do not believe 1741 Haywood Road is the proper place for a development of this density and construction. They request the Planning Board recommend denial of this project.

Sharon Pearson, 220 Ewbank Drive stated she is representing Druid Hills neighbors and she is going to talk about tree canopy and neighborhood compatibility. The current site design does not meaningfully integrate the existing tree canopy into the development layout. Although they may meet the minimum technical standards for tree preservation under Hendersonville City Code. Section 15 through 17 Tree Preservation and Landscaping, the intent of those provisions is to retain and incorporate existing mature canopy into site design to the greatest extent practicable. The ordinance's stated purpose, Section 15 through 17-1 is, "to protect, preserve and enhance the city's tree canopy to maintain community character and environmental quality". In this case tree preservation appears limited to residual or undevelopable areas, corners, buffers and leftover open spaces rather than serving as an organizing element of the site plan. This approach undermines both the neighborhood compatibility requirements of the City's Land Development Code, Section 7-4-2, which directs the new development to be "designed in context with adjacent residential areas" and the broader policy goals of the Comprehensive Plan, which emphasize maintaining the city's established landscape character and green infrastructure. While the proposal may

technically comply with minimum conservation thresholds, it fails to achieve the spirit and intent of Henderson's tree preservation and compatibility standards. The lack of thoughtful canopy integration results in a design that disregards the visual, ecological and community value of mature trees producing a site that is neither contextually sensitive or consistent with adopted planning policy.

Toni Marie, 101 Frog Creek Place in Etowah stated the issues being faced with the rezoning in general boils down to the fact that a property owner is able to file a rezoning request for rezoning a parcel of land. What if this were to stop? What if the City Planning Board, City Council or other powers that be made the decision that there would be no more reviews of rezoning requests? What would it take to do this? A vote by Planning Commission, a change in a law, a change of habits. Maybe a vote by citizens. We are told that a property owner has the right to sell their property, and yes, she does agree but why are we allowing developers via a property owner to request existing zoning to be changed. The owner of any given property knew what the zoning was at the time it was purchased. She asked to please consider stopping the acceptance of rezoning requests. Make it clear that Hendersonville is no longer going to allow zoning changes. Only then will developers leave us alone.

Eric Vining, 1211 Lugano Drive asked if the city has a capacity of these underground storage. Looking at the stormwater for the 21 acres, if you have one inch of rain it generates 27,000 gallons of water, so they are saying about 48% is covered based on their 52% open space. That's 274,000 gallons for one inch of rain that adds to it. That could be just what is the volume of retention because you are looking at that's basically ten times an average swimming pool volume that you have got to then retain. Otherwise it runs into the creek and things. His concerns was water runoff and traffic. He was also concerned about affordability. He did not feel these units would be affordable.

John Jennings, 503 Belvedere Court I Plantation Walk asked if a feasibility study had been done. Chair stated they would find out for him. His main concern was traffic and the number of cars this development would put on the roads in the area. There is already traffic problems.

Steve Johnson, 1045 Schepergrell Drive stated he lives in the Haywood Forest neighborhood which is contiguous with the property under consideration. He stated he served on this Planning Board for a decade and a half along with Mr. Robertson and he knows what you are going through. He stated most, if not all, of everything that has or will be said, has been or will be said this afternoon in opposition to this project, he completely concurs with, all of which he hopes the Board will take into consideration when making the decision on this proposed development. He would like them to also consider something that hasn't been mentioned very much and that is the perceived need for this type of project, regardless of its location. According to the Hendersonville Board of Realtors from January 1, 2000 until January 1, 2020, a period of 20 years, in all of Henderson County there were 3,073 new construction units sold. These sales represented approximately 9% of all residential units sold in Henderson County, 10% is considered average without creating an imbalance of new construction supply, also known as hyper supply or oversaturation. The reason it feels like there has been an influx of new construction in recent years is because there has been. According to the City of Hendersonville's new construction project dashboard, since 2020 a total of 2,292 new construction units have been approved by the city. That figure includes units that are complete and those that are currently underway. Also according to the city's dashboard, there are applications in process for an additional 1,077 units. Over the course of 20 years in all of Henderson County, 3,073 new construction units have been sold. In the last five years alone and only in the city. There's been another 2,292 housing units added and he asks you, how much is enough? The charge has been led by the need for affordable housing however, by the city's own reporting on their development dashboard of the 2,292 units underway and of the 1,077 units attempting to come in behind, only 315 units meet the affordability criteria. What is the real goal here in the influx of density construction? Unfortunately the character of our community will forever be sacrificed as we line the pockets of out-of-market developers by putting a structure on every open space. Please don't let that happen to this one.

Judy Woeke, 165 Ewbank Gardens Drive stated she is representing their HOA with about 27 residents. She was concerned about the people living in her community that are retired and being able to get an ambulance there for certain situations. If you have a cardiac arrest and have to wait five minutes for an ambulance you may not make it. Or if you are bleeding from an accident and with all the traffic on Haywood Road you may not make it.

Matthew Rogers, 1016 Orleans Avenue stated he is the newest neighbor in the neighborhood. He discussed the traffic and the school traffic and how horrendous it is. Walkability was also a concern.

Jessica Villa Cevallos, 134 Coral Drive stated she was representing the Preserving Haywood Neighborhood community. She stated the proposed conditional rezoning and accompanying request to amend the Future Land Use map represent a significant and unjustified departure from Hendersonville's adopted land use policy framework and the established development patterns of the surrounding R-10, R-15 and R-20 neighborhoods. The site is presently designated Family Neighborhood Living on the City's adopted Future Land Use map. A category intended for moderate density residential development characterized by single-family homes on lots typically ranging from one-eighth to one-third of an acre. The applicant seeks to reclassify this same parcel as a multi-generational living, a designation intended for mixed residential and limited neighborhood scale commercial uses in transitional or urbanized contexts. This requested reclassification is inconsistent with the adopted Future Land Use map and is unsupported by surrounding land uses. There are no contiguous or adjacent properties designated as multi-generational living. Rather, the site is framed entirely by family neighborhood living and suburban residential designations. The proposal creates an isolated, self-referential zoning district incompatible with the established pattern of development and the city's adopted growth framework. She discussed the wetlands and floodplain and how the layout is incompatible. She discussed the entrance and how this creates the look of a commercial parking field. She urged the Planning Board to deny this application as it is inconsistent with the surrounding area.

Deborah Rhinehart, 212 Ewbank Drive stated her street goes by what they call the party store and she discussed the congestion in the area. She was concerned about Druid Hills becoming a cut through for traffic. She was concerned that her sense of community will be disrupted or gone. She was concerned about how much development now we put around the entrance and exit of the Ecusta Trail. This is a safety issues. People could get hit on the trails. You are taking your life in your own hands when you walk Haywood up to Main Street.

Alberto Villa Cevallos, 134 Coral Drive stated he has built over 60,000 units in the East Coast and he would be embarrassed submitting this plan to you today. He is here as a planner and a neighbor to speak in opposition to this project. This application represents not just a break from city comprehensive plan but a pattern of carelessness towards the community. From the start the application has shown disregard for the neighborhood's concerns. Density has been the number one concern and they have done nothing to meaningfully reduce it. He was concerned about the South Carolina seal on the plans and this being a violation of Title 21 of the North Carolina Administrative Code which requires a valid North Carolina seal for the civil drawings and landscape drawings that were presented to you today. He was concerned about this not being consistent with the Comp Plan. This is not compatible with the fabric of the neighborhoods. He asked the Board to please protect this neighborhood. He asked them to deny the rezoning.

Brian Hodge, 1103 Scheppergrell Drive stated he is in full agreement with all the points made here today. He hopes they take this process seriously and think about their own neighborhood and fabric of the community.

Chair asked if any on the zoom call wanted to speak. No one spoke.

Chair closed public comment.

The Board took a short recess.

Chair stated there were questions during public comment and he would address those.

Austin Greenhalge stated at this stage in the project the stormwater system would be through ADS. He did not have the exact calculations but would be happy to provide them. It is very common in this area and is something they do in Henderson and Buncombe County and is approved through NCDEQ, North Carolina Department of Environmental Quality. Chair asked if the city had to review stormwater retention plans. Mr. Greenhalge stated yes. Ms. Peacock asked if he was licensed in North Carolina. Mr. Greenhalge stated yes.

Chair asked about the South Carolina notary stamp and the North Carolina seal on the site plan. Does the site plan meet the requirements of the city and North Carolina. Angela Beeker, City Attorney stated she was not aware of the South Carolina seal. They have to be licensed in North Carolina. It was the engineer seal. They have a North Carolina seal and will reseal the documents.

Mr. Russell had questions about the retaining wall and the eight foot setback. Mr. Hayes stated there is not an eight-foot setback, there is an eight-foot landscape buffer on that side. When the city was reviewing the plans, saw that there was a retaining wall within that landscaping buffer and determined that the plantings that are required, so there are trees, evergreens and then flowering shrubs that are required within the landscape buffer, would not fit within that eight feet and a retaining wall that is there. So, the retaining wall is within the eight feet of that? Mr. Hayes started correct, it is five feet into the property per the current site plan and the applicant can speak to if those may change, how they change, how they could change those.

Mr. Weathers showed the site plan and stated what they looked at doing is put a four foot retaining wall on the other side, move the sidewalk to the other and they can shift everything outside of that landscape buffer. The retaining wall is five foot and they are looking to increase that then ten or twelve feet.

Mr. Hayes stated city staff did propose a condition today for a 25-foot setback for all retaining walls on the property. Mr. Weathers stated that condition was proposed to them at about 1:30 this afternoon. They have designed the site with trying to be as cognizant of the environmental corridor so it was mentioned earlier, wetlands in the middle. They redesigned the site so that they don't touch any of those wetlands. They are currently targeting a 47% tree save. There is a lot of area, 62% open space, 21% common open space. Every aspect, they are trying to go above and beyond the minimum required, double, triple what is minimum required and that is why the retaining walls were put where they are. If their building setbacks are set at 25 feet, that would take a full site re-evaluation on where the buildings would lie and so it is not something he can just say he could commit to because if you shift everything five, ten feet one way where they have a 47% tree save, that tree save could go down to 35%. They designed the site because they heard that one of the biggest things is the existing tree canopy save and they wanted to provide as much as possible and that is why under this current plan they are at 47%. They have to go through final design, that's why they put the minimum at 40%, but 40% is double what the minimum requirement is.

Chair asked each Board member to give their concerns. The Board's concerns were, egress, retaining walls, neighborhood compatibility, runoff, this having a moderate to high impact and the retaining walls, the need for affordable housing, density, concern of the creek running through the development, traffic in the area, sidewalks, walkability, location, size and scope of the development and the impact on the environment, having more information on the future plans for Haywood Road, this not being the right site for this project. The Board's main concerns were the retaining walls, traffic impacts, compatibility and density.

Chair discussed what he liked about the project which was the affordability, saving the tree canopy and preserving the wetlands. He didn't like the density, the retaining walls and the incompatibility of not embracing Long John Mountain. He didn't like that it was incompatible with the Comp Plan.

***Mr. Russell moved the Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9569-22-9206 from R-15 to PRD CZD, Planned Residential Development Conditional Zoning District based on the following: 1. The petition is found to be inconsistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing and because the petition proposes duplexes, triplexes and quadplexes, which does not align with the Future Land Use designation of Family Neighborhood Living. 2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The proposed development does not provide adequate site access for emergency services and lacks interconnectivity. 2. Common spaces are not adequately distributed throughout the site. 3. The proposed development is incompatible with the surrounding developments. 4. The subject property is not conducive to the intensity of proposed grading, which will significantly alter the natural environment of the site and could negatively impact some of the neighboring properties. Ms. Waters seconded the motion which passed unanimously. Mr. Johson stated he was concerned that some very good points were made about what possibly could happen. A lot of folks probably don't know , our R-15 sounds pretty wonderful but it has changed considerably and as the developer mentioned somebody could come in and make it even more dense. We just need to be aware of that and realize that something is going to go there and it might be worse than this and possibly without public comment.***

**V(D) Administrative Review – Preliminary Plat/Major Subdivision – Signal Hill Townhomes (25-57-SUB).**  
Mr. Hayes gave the following background:

This is a major subdivision plat review for the Signal Hill Townhome project. A few months ago you reviewed the preliminary plan for this so it may be familiar. This is an administrative review. Major subdivision plat review is required for any subdivision with eight or more lots. The subdivision plat must be reviewed by the Planning Board. As the Planning Board you must administratively review the plat to ensure compliance with the subdivision ordinance. Approval of the required major subdivision shall not constitute approval for recording a subdivision with the Register of Deeds or approval for the conveyance of lots. However, the approval of a required major subdivision authorizes the submittal of street and utility construction plans and soil and erosion and sediment control plans so they can start horizontal construction, so roads and sidewalks and things like that after this approval.

The standards for preliminary plat review were shown and are included in the staff report and presentation.

A project background was given and is included in the staff report and presentation.

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

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

Mr. Hayes stated the subdivision ordinance does require parkland dedication however, the applicant is proposing to pay a fee in lieu to dedicate a greenway on the back of the property. Staff reviewed that and determined that it did not meet our standards for accepting parkland. The applicant was already proposing to dedicate greenway on the back of the property. Staff did the measurements, it equated out to being comparable to what the parkland dedication would be so in lieu of taking the parkland the city is going to take the greenway and then take a fee in lieu or the applicant has requested a fee in lieu of constructing

that greenway. That was a little convoluted but basically all you have to know is no parkland dedication, but a greenway would be dedicated and then a fee in lieu for the construction of that greenway. Which does satisfy the subdivision ordinance.

Mr. Hayes noted there is an adjacent property owned by Sean Givens and there was concern throughout the whole process that in constructing the public street, which they have to do in accordance with the subdivision ordinance, if a curb was established along the part of Lafollette Street it would cut off access to a parking lot that is located on this property. Our attorneys have said that we as the city cannot require them to establish a curb here that would block off that parking lot. We have worked with the applicant and worked with the property owner to create a design that would enable access to that adjacent parking lot. It is not the perfect design they want but legally it is what they would require as the city.

There are no outstanding comments and this has been thoroughly reviewed for months and by all city departments. Based on review by staff the submitted preliminary plat meets the subdivision ordinance standards established for major subdivision Section 2.04H.

Chair asked if there were any questions for staff.

Mr. Hayes discussed why the Planning Board has to review these plats.

Chair opened public comment.

Kristie Gilliam, 90 Lafollette stated she not saying this does not meet the requirements but in the June meeting, she was not there and it said the applicant had adjusted the property lines to accommodate. She just wanted to say that can be done but it has not been done yet. Where the diagonal line is between the horse shoe there, and she has talked to some of the people involved in the project, there is a possibility they may buy it and it doesn't matter but it was just stated that that's already been done and she just wanted to make sure that it is understood that is hasn't been done as of yet.

Ashley Clouse stated he owns 53 Lafollette Street and 83 Amazing Grace Lane and 33, a couple of houses there. On 33 Amazing Grace when you pull in on the new plat, it does not show a parking spot on that house. And then 83 is the same thing, when you pulled to the end of 83 Amazing Grace it dead ends right there. That's the parking because it is a dead end road but since the road is going to go through there now, there's no parking for his house at 83. And 53 Lafollette, when you pull in on 53 Lafollette Street there's not an access to parking beside the house. It's just a line goes through where the parking should be. He talked to Mr. Fowler when he talked about building all of this and he said he would put taps for each one of my houses. We just barely talked about it and he has been trying to call them to ratify it or get it on paper or do whatever to make that happen but he has not gotten a phone call back from them. He was trying to figure out what that means for him as far as a landowner in that area.

Sean Givens, 329 Signal Hill Road stated he is the owner that has the issue with the parking. He did talk to Mr. Fowler and he was told that he submitted to the city a letter. Mr. Hayes stated the city had received the letter. Mr. Givens read the letter to confirm that it was the same letter the city got. He was most concerned about the 80 linear feet and wanted to make sure the city's letter had the 80 linear feet of curb. Mr. Hayes stated he would double check that. Mr. Givens stated they just signed this on October 1<sup>st</sup> and he just got his copy today. He is all for them doing what they need to do, improving the area, as long as it does not knock him out of business.

Chair closed public comment.

Discussion was made on the parking and the road being in the right-of-way. Mr. Holoway stated they would get Mr. Clouse's information and get in touch with him.

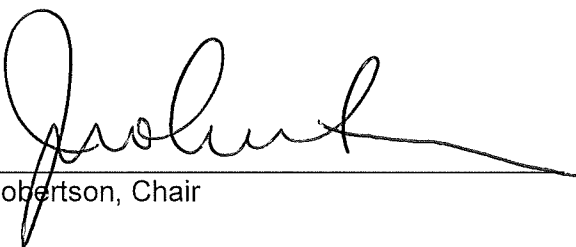
Discussion was made with Ms. Gilliam concerning the diagonal lines and the encroachment. Chair asked Ms. Gilliam to get her information to the city as well.

*Ms. Peacock moved 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 Signal Hill Townhomes Development project with no conditions. Ms. Gilgis seconded the motion which passed unanimously.*

**VI Other Business.**

**VI(A)** *Approval of the Annual Meeting Dates for 2026. Ms. Waters moved the Planning Board adopt the Annual Meeting Dates for 2026 for the Planning Board meetings. Mr. Johnson seconded the motion which passed unanimously. (This was approved at the beginning of the meeting).*

**VII** *Adjournment – The meeting was adjourned at 6:43 pm.*



Jim Robertson, Chair