

**Minutes of the Planning Board
Regular Meeting
December 11, 2025**

Members Present: Jim Robertson, (Chair), Laura Flores, Donna Waters, David McKinley, Kyle Gilgis, Lauren Rippy, Mark Russell

Members Absent: Tamara Peacock (Vice-Chair), Bob Johnson, Betsey Zafra

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.** *Ms. Gilgis moved to approve the amended agenda. The motion was seconded by Ms. Waters and passed unanimously. The agenda was amended to add the approval of the Committee meeting dates.*
- III **Approval of Minutes for the meeting of November 13, 2025.** *Mr. McKinley moved to approve the Planning Board minutes of the meeting of November 13, 2025. The motion was seconded by Ms. Gilgis and passed unanimously.*

IV Old Business

V New Business

Chair established a quorum. Her discussed the application that was being reviewed again from two months ago when the Board had previously reviewed it. He stated today's meeting will focus only on the changes to the application. He stated there have been some changes and he wanted to focus on that.

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

Mr. Hayes stated he would focus on the changes but gave a brief overview. It is 180 units located on Haywood Road. The current zoning is R-15 and the proposed zoning is PRD CZD. Planned Residential Development Conditional Zoning District.

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

An aerial view of the property was shown and is included in the staff report and presentation.

Mr. Hayes showed the site plan and stated the first changes are related to retaining walls. On the bottom part of this back portion of the property, you can see that there is a retaining wall that runs along the roadway there. So, in the previous iteration of this project, that retaining wall was 5 feet from the property line, and about 16 feet tall. It is now more than 25 feet off of the property line and around 4 feet tall. The middle box that I've highlighted there is showing the large retaining wall that's kind of holding back the upper portion of that development. It has decreased in height from around 40 feet to 8 feet. And the way they were able to do that, at least from what we can see, is that they moved around some of those units up there.

Mr. Hayes stated this is showing a portion of the road that our fire marshal has reviewed and worked with the developer and has allowed them to increase their slope of that road to 12%. It previously was required to be 10%. The fire marshal has allowed them to go up to 12% and that is stated in a condition, and then highlighted on this site plan in blue, the portion of the road that is allowed to be 12%. And that is helping with some of those retaining walls, decreasing the height, things like that.

Mr. Hayes stated this section of the upper part of the site plan was previously a retention pond. It is now being proposed to be open space, and then, a duplex is moved to that site, so I mentioned earlier this lower part of the retaining wall had some more houses kind of poking out here. They were able to rearrange this and move two of those units over to this section of the property. We are not sure how they were able to remove that retention pond, and so I think that's something, if you have questions about that, the developer can speak to that. Mr. Hayes just wanted to point out, previously a retention pond, now two units and open space. And then the last change, they rearranged their amenities space so around the pool, there was previously two structures, they've condensed that into one, and have provided more open space.

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

Mr. Hayes stated the city now only has one proposed condition, and that is that the retaining walls highlighted there in those two boxes shall be set back from the property line 25 feet. In this plan, they both are set back 25 feet.

Mr. Hayes stated the future land use, this is, Family Neighborhood Living and, ultimately, through our analysis, we found it to be inconsistent with the comprehensive plan, primarily due to the fact that this development is proposing duplexes, triplexes, and quadplexes, which is not consistent with the Family Neighborhood Living Future Land Use designation.

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

Chair asked if there were any questions for staff.

Mr. Russell asked the retaining wall on the back side of the property remains the same as previously. Yes, it does, it may have changed a little bit in height, but, for the most part, yes. Mr. Hayes noted that the reason why the city proposed the condition the way that we did was because these both, the two retaining walls that we included in that condition would be visible to the other properties. You know, you're going to have a section kind of filled in behind that retaining wall, and then you could see it from an adjacent property. The other two retaining walls on that upper section here and then on the back side, are both, interior retaining walls. So the buildings go up to those retaining walls, but they're not outwardly apparent. That is the main rationale for that condition.

Chair stated at what point does the city planning staff say, hey, Planning Board you looked at this two months ago, and your changes are insignificant? And why did it not go to City Council without the Planning Board's recommendation? Who initiated the fact that we're here today, looking at it again with minor changes? Mr. Hayes stated so the developer requested to return to you all to be considered again, they made changes. These changes are not significant enough, that if they make significant changes in between, Planning Board and City Council, there is a trigger in our ordinance that requires them to come back to Planning Board. They did not trigger it, so the developer ultimately requested to return to you all. Chair asked so it was at the request of the applicant? Mr. Hayes stated yes that is correct.

There were no further questions for staff.

Chair asked if the developer would like to speak.

For the record, I am Justice Mullen, I'm a law partner with Romeo Harrelson & Coiner at 136 South King Street. Also with us here today is Scott Weathers and Austin Greenhalge, representing Advenir. Advenir's worked very hard. They've gone back and redesigned the portions of the project that we have been given feedback by the staff, and the feedback the last time we were here in front of you. We have extensively read the Gen H plan and ensured that Hendersonville developed and adopted in August of 2024 to ensure that we are in compliance with the plan as much as possible to increase affordability of housing in this area, which is one of the primary goals of the plan. As we've established before, this property is currently zoned for R-15 zoning that allows for medium density development, and for the record, we are not asking for even an additional unit over and above what R-15 is currently zoned for. We are asking for the ability to make them closer together so that we can have larger barriers along the outside of the property and be less intrusive on the neighboring properties. R-15, as a zoning ordinance, allows you to build 1,200 or larger square foot track homes with a 1,200 square foot additional accessory dwelling attached. We want you to keep in mind that the most profitable option for this property, and this property is very expensive, and so what you're going to get from your developers who might buy it under R-15 is for this property to have large, 35 foot homes, 5-foot setbacks, maximize lots at the highest price they can get. If you deny, this project, the next project might not come to the Planning Board and might build something that is in strict compliance with R-15 to maximize profitability.

Mr. Mullen stated they are planning to build 86 buildings on this site. Under R-15, current zoning, 120 buildings can be built on the site. We are building 5.72 units per acre. Under R-15, the current zoning, 9 units per acre can be built. We are building a stormwater overflow protection system that is double the required minimum storm water overflow amount. A bare minimum stormwater overflow system would be the most profitable, even for our current bill. We are putting a 25-foot minimum setback on our build. Under R-15, the current zoning, units can be built 5 feet from the lot lines. The maximum height for our building units is 31.6 feet, and our taller buildings are, in a lot of cases, farther from the setback lines. Under R-15, you can have 35-foot buildings 5 foot from the property boundaries. We are preserving 62% of the open space on our property, which is above and beyond the R-15 requirement of 40% open space. One of the primary reasons we're asking for this rezone, again, is to cluster the buildings together and preserve more open space and tree coverage. We are going to keep 45% of the trees currently on the property. Under R-15, the tree coverage can be cut down to 20%. A clear cut would be a more profitable option. Advenir's increased their cost in order to preserve as many trees as possible. In Advenir's plan, only 17% of the space on this lot will be a building footprint, which, as you know from your experience with other developments, is a very low percentage. For the record, when the city asked us to try and preserve the wetland on this property, we did so, and rerouted the road around it, which has caused an increase to our costs. This is because we think that it's important to add accessibility to the nature of our residents and neighbors, rather than caring solely about maximum profitability. We are building attainable family units. As I have mentioned, the most profitable option is to put 35-foot homes with 5-foot setbacks crammed into the property, as many as possible, all of which is possible under current R-15. Is this development, which has come to the Planning Board multiple times, to attempt to build a plan that is sensible and makes sense for this community. We are committed to working with the community. We've had more community meetings than are required. We've come here additional times, and we've taken your feedback from last time, and we have structured into the new plan, as our developer's going to show you. If you do not approve this plan, there's no guarantee, and likely, based on now the history of this parcel having a sensible plan that was worked multiple times, that the next developer will even try and get a rezoning at all. They will build a maximum profitable construction under R-15 on this lot. You're not choosing between an undeveloped lot and our development, you're choosing between our development and an R-15 development, which could be a lot more intensive on the land than the current proposal we have. If you do not approve this plan today, we would ask that you explain to us for the record why you do not feel that this plan meets the goals and objectives set out in the Gen H plan.

For the record, my name is Scott Weathers with Avenue Resort Development, 17501 Biscayne Boulevard, Aventura, Florida, 33160. I'm not here to rehash our previous presentation, but to review your concerns

and certain commentary that has been made by staff and members of the public on how we have and/or plan to address them through our design. First, retaining walls. A general theme and concern from the previous meeting were the heights and extents of our retaining walls, and almost every one of you mentioned that as a reason for your denial. As previously stated, we want to minimize retaining walls as much as possible as well, and while we will continue to explore every opportunity to reduce walls further, for the record, I would like to highlight some of the major adjustments. Retaining Wall 1 along the southeastern border has decreased from 375 feet to 90 feet, and decreased from a max height of 14 feet to 4 feet, while also pulling the wall 27 feet away from the property line. Retaining walls number 2 and 5. Retaining wall number 2, which is on your left side, on the southern border, has decreased from a height of 16 feet down to just 5.5 feet, and decreased in length by 10 feet and retaining wall number 5 on the western border has decreased from 15 feet tall to 4.5 feet tall, and decreased in length from 150 down to 45 feet. We also wanted to highlight what the wall conditions will look like when the project is completed, with the addition of border trees. And landscaping, as you can see in the example imagery above, that's what the development will look like at project completion with landscaping installed. And last, Wall 3. Our updated site plan submittal that Sam presented, we decreased from a max height of 39 feet to a max height of 18 feet, but that wall is over 100 feet away from the property, and the 18 feet quickly decreases to 10 feet, then again to 5 feet. However, we are not done with evaluating these walls or the site as a whole. Between our submittal and now, we have continued to evaluate the plan to look for more ways to decrease the walls even more, and as shown here, with some slight adjustments, we have decreased the wall down to a maximum of 7 feet, while even eliminating portions of those walls. As you can see, in every instance of a retaining wall that faces an adjacent property, we have significantly reduced all impacts to the adjoining property to less than your standard 6-foot privacy fence. I also want to reiterate that due to the makeup of this site and most sites here in Hendersonville, because of the terrain, retaining walls will be necessary to develop any sort of community. However, another developer would likely not take the care that we are in designing the community, especially when they could subdivide into 50 parcels and develop without any input from the community. Finally, while we have been able to reduce the size and scale proximity of these walls on our neighbors, it's crucial to understand that these walls allow us to minimize our footprint through a compact development from which greatly reduces our impact on the site's natural ecology. Which is one of the primary goals and objectives of the Gen H Comprehensive Plan.

Mr. Weathers stated our traffic engineer was unable to attend this evening, but he provided the following written statement: Alan Reed with Impact Designs is writing on behalf of the LEO Haywood Cottages Development. They served as the traffic engineer consultant responsible for their traffic impact analysis for the development. The TIA for LEO Cottages which has been approved by the city's third-party traffic engineer consultant, Kimley Horne, and by NCDOT, shows that traffic added by the development is expected to have minimal impact on the surrounding road network. While there are some existing operational concerns at the nearby traffic signals, they are all anticipated to maintain their levels of service upon completion of the development. Similarly, no improvements are warranted at the unsignalized intersections along Haywood Road, as the additional traffic from the site would have only minor impacts. As a result of the TIA, the development is required to construct an eastbound right turn lane and a westbound turn lane into the site access. These turn lane improvements will ensure the traffic entering the site will not impede traffic on Haywood Road. By approving the findings and recommendations of ATIA by NCDOT and the City Zone Consulting, concur that the turn lane improvements required of the development will adequately mitigate impact to the surrounding road network, and that no further mitigation will be necessary. I think it's more pertinent to review the documentations from NCDOT and Hendersonville's own traffic engineer. Per NCDOT, the only increased delays are as follows. Haywood Road in Orleans, northbound, a 7.8 second increase in delay. Southbound, a 4.2 second. Haywood Road in North Justice 0.2 seconds. Haywood Road and Ridgewood.7 seconds. And Haywood and Asheville Highway, 1.5 second delay. And then, per Hendersonville's own traffic engineer, Haywood and Orleans, the site is proposed to have minimum impact, and the intersection still performs acceptably. Therefore, no improvements are necessary. And then again, Haywood and Asheville Highway, the site is proposed to have minimum impact. The intersection still performs acceptably. Therefore, no improvements are necessary.

Mr. Weathers stated we recognize the concerns of our neighbors have over the traffic, but for the record, as noted by three independent traffic experts, our development will have a minimal to no impact on traffic compared to a no-build scenario. And should you have any questions, Hendersonville's own traffic consultants, Melissa Helbert-Pogolof and Roberta Webster from Kimley Horne, have joined this meeting virtually.

Mr. Weathers stated we completely agree that a secondary emergency access would be preferable to a single emergency access point and we were in the process of working with the Trinity Presbyterian Church to provide us with a secondary access easement. However, when we mentioned this in our unofficial town hall, many residents began sending letters and calling the church demanding that they deny our request for a secondary access. As we have stated, we truly believe in being a good neighbor and living up to our Love Each Other moniker, LEO and we believe the church was being unfairly pulled into the middle of the process when they were only trying to help create a safer community by providing that access point. As such, we rescinded our request. The church said they appreciated being removed from the process, and would be happy to re-engage in the discussions after the rezoning process is complete. However, for the record, I want to provide clarification and correction to what is stated in staff's report, and a comment that was stated at the previous meeting that we were skirting the city's ordinances. Staff stated that if the property was going to be subdivided, we would be required to provide a secondary vehicular access point. However, per Section 4.04C3C of the UDO street stub shall be credited as an access point when all ingress and egress to a development is only available from a single expressway, boulevard, or thoroughfare street. Additionally, any development, whether ours or a 50-lot community, would be exempted from the two-access point requirement per Section 4.04C3D, stating, developments shall be exempted from these standards if it is demonstrated the following conditions apply. A TIA analysis allows for deviation. No other street access point can be located due to existing lot configuration, absent of connecting streets, environmental, or topographic constraints. NCDOT will not authorize the required number of entrances, or alternative access can be provided in a manner acceptable to the City that is supported by a TIA. As such, for the record, it is inaccurate for staff to state that we are not complying with Hendersonville's UDO. Whether in a subdivided or PRD configuration, as per the UDO, we are providing the necessary access points. Again, while we truly understand the concerns our neighbors have for traffic, it's a fact validated by three experts that our development will not exacerbate the traffic issue. From where we sit, it appears that some system-wide traffic improvements will likely be needed as the city continues to grow. However, our proposed development is exactly what has been contemplated by the Gen H plan to not only provide adverse mix of housing, missing middle housing options, and close proximity to downtown for economic benefits, but also to reduce the miles traveled and roadway-level service degradation that would occur by putting the development anywhere further outside of the downtown density and adherence to the Future Land Use Plan. For the record, our original intent was to submit our rezoning under the Family Neighborhood Living designation, as we comply with all aspects of the definition except for the attached units. We include, but per the recommendation of staff, during one of our handful of meetings, we added the request to modify the future land use and comprehensive plan to MGL. However, we disagree with staff's assessment that we are somewhat inconsistent with the FNL designation, as we believe we are at minimum somewhat consistent, if not consistent. To fall within the FNL designation, a development must comply with the following. The area is characterized by moderate density residential development. It is comprised of single-family detached housing on lots typically ranging from one-third to an eighth of an acre. This is calling for single-family residential community with a density ranging of 3 to 8 homes or units per acre. LEO at Henderson is providing single-family residential community at 5.7 units the acre. And for the record, it's a fact that our one- and two-story single-family homes will be built at a massive scale that is smaller than our existing single-family neighborhood to our east, and tremendously smaller than multi-family neighbors to the west. Our proposed development advances one of the fundamental guiding principles of the Gen H Plan, compact development by offering development with contact-sensitive design that allows for transition and scale from small buildings to taller buildings on infill development sites that are laid out to reduce the impact on the natural environment and are a 15-minute walk

or bike ride to downtown Hendersonville.

Mr. Weathers stated next is improved open spaces in the form of pocket and neighborhood parks are interspersed, and greenway trails within are located to connect such parks, as well as provide links to trails and walkways in neighboring developments. As you can see on our site plan, we have our amenity at the front of the development, a pocket park at the middle front, that will house either a dog park or pickleball court. The greenway trail that will run through the middle of the development along Britton Creek, and surrounded by 3.65 acres of preserved ecological area, and an additional pocket park that will house either the pickleball court or dog park at the rear portion of the development. All of which are interconnected through our sidewalks extending from the front to the rear of the community. And then conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferable approach to residential development, especially if higher gross densities can't be achieved. Our development exceeds 60% open space. That's 20% more than the minimum requirement. Over 20% common open space. That's double the minimum requirement, and 45% existing tree can be saved. Again, more than double the minimum requirement. This is the very definition of conservation through compact design, and it is our understanding the preservation of the area in the center of the site, as an ecologically sensitive area, is of the utmost importance, thus the focus on having this be our largest area of open space. And then for the record, it's harder to accept staff's interpretation of development as being somewhat inconsistent when we clearly fulfill so many guiding principles associated with opportunities in the Gen H Comprehensive Plan. Compact design, the 15-minute neighborhood and context-sensitive design, sense of place through high-quality craftsmanship building architecture consistent with the area's new and existing housing stock, as well as an abundance of landscaping and the conservation and enhancement of the site's natural resources and preservation of the greenway trail, conserved and integrated open space by exceeding the tree preservation, open space, and stormwater management requirements. Desirable and affordable housing through the delivery of missing middle housing options that offer high-quality, diverse, and affordable housing options in a location that is walkable and bikeable to downtown. This principle is a critical economic development tool needed to attract high-quality employers. Connectivity through the delivery of a compact community developed in a context-sensitive design manner that allows alternatives, bikes, scooters, or walking, to cars to alternatives to cars to access the employment, shopping, and dining opportunities in downtown, as well as the connection of the greenway trail through the property. This is all but two of the guiding principles, the Gen H Plan, Comp Plan.

Mr. Weathers stated we recommend you request staff provide clarification as to how they came up with their conclusion that we are somewhat consistent with the FNL destination when we clearly exceed all metrics for family neighborhood living, with the exception of attached housing, as well as fulfilling almost every goal laid out by the Gen H plan. Staff has also stated in the report that we are somewhat inconsistent with development intensity for the Gen H plan. We recommend you request staff provide further clarification on how they came to this conclusion. For the record, the property is designated for family neighborhood living, which, per the very definition, allows for up to 8 units, dwelling units, and promotes increased density for the preservation of natural environment as we are providing. The designation of the land to our east, which includes the single-family homes along Maplewood Court and north, are classified for MGL, which is the highest intensity called for by the Gen-H plan, but presides in the same intensity area as our property. From a massive scale standpoint, which is what intensity is derived from, we are similar in height and sizing, if not smaller than a majority of the surrounding developments, and at a smaller scale than the multifamily to our west. As such, we provide the exact type of transitional development desired by context-sensitive form-based code principles. The R-15 code permits up to 120 buildings on the property. We are below 90 buildings. The Britton Creek Apartments to our west are 10 units per acre, and Haywood Manor is over 10 units per acre. And Blythe Commons includes duplexes, triplexes, at a massive scale similar to what we are providing. While the Gen H plan does state that this site is most suitable for residential development, it is also noted this site is suitable for commercial development, and moderately suitable for industrial development, both of which are much more intense styles of development. As such, we find low-intensity designation of the property within the report conflicts with the desired, development of the area

along 191. In evaluating the trend versus alternative development intensity designation for the area along 191. It appears that FNL and MGL designations for this area to more aptly follow the trending intensity, which calls for medium intensity development.

Mr. Weathers stated staff has also made the following comments as to our development within its Chapter 4 vision for the future evaluation. Although we have requested clarification for each of these points, I will note we have not received a response, and we would request and recommend that you ask staff to provide their reasoning for their judgment for each of the items below for the record, as we will show, we are consistent with each of the areas evaluated. Historic preservation is utilized to maintain the city's identity. They found us inconsistent, but in evaluating the site, you have to take into account the viability of any feature of the site and the actual classification of the existing buildings. While old, the home is not historic and is on the verge of collapse due to years of neglect and structural degradation. Furthermore, 30% of the existing tree canopy is dead or dying, and is recommended to be removed, as documented by a certified arborist report. Additionally, as we are utilizing craftsman-style architecture commiserate of the historic design seen in many of the older structures throughout the community, are we not embracing that historic character?

Mr. Weathers stated natural systems capacity floodplains for stormwater habitats to support flora, fauna, tree canopy, for air quality, stormwater management, and microclimate is maintained. Somewhat inconsistent. Again, I recommend staff provide further clarification how we are only somewhat inconsistent for this. For the record, we have, again, we have preserved entire interior corridor and achieve 45% existing tree canopy safe, have over 60% open space, and are avoiding the natural wetlands in the middle of the property with a 3.6-acre nature preserve. Coupled with the addition of the new healthy canopy through the interior and exterior, we don't see how we could be any more consistent. If staff is referring to the grading that will occur at the rear of the site, it needs to be evaluated against what would be graded by right, which would increase the impacts to all features in the natural system, as the developer would not be trying to go above and beyond all minimum requirements, as we are. This also doesn't take into account that we are working to double the minimum requirement for stormwater retention capacity, which I understand was a main concern for Ms. Flores, while minimizing the impacts to the tree canopy by utilizing underground detention systems. This design allows people to connect to nearby destinations and many services. Somewhat consistent. While the development is proposing amenities, this is from staff, many such as a greenway access, sidewalk, and sidewalks along 191, the property is disconnected from surrounding neighborhoods. For the record, as shown up here, we have three vehicular access points, one at the front, two at the rear, and 5 pedestrian access points, one at the front, two in the middle, and two in the rear. As there are no other connection points available around the entirety of the property, I would recommend you ask staff to provide clarification on how we could be any more connected to the surrounding communities and how they found us to only be somewhat consistent.

Mr. Weathers stated interconnectivity is promoted between existing neighborhoods through the building out of a street network, including retrofits and interconnectivity of new developments, somewhat inconsistent. Again, staff states this development does not connect to existing neighborhoods adjacent to the proposed property. Stub outs are provided on the upper portion of the property. The proposed site is landlocked, primarily by previously constructed developments that did not provide any stub-out connections points, whether vehicular or pedestrian. However, as we want to ensure that the opportunity will be available for the future developments in Hendersonville, as desired by the Gen H plan. We have provided three vehicular access points and five pedestrian access points available throughout the community. Again, for the record, I recommend staff provide clarification as to how a development could provide any more connectivity than what we are right now. The development is compact, infill development to minimize the ecological footprint. Staff stated somewhat inconsistent. That improved from the previous report, where they stated we were inconsistent. While I appreciate that staff has updated their report from inconsistent to somewhat inconsistent, I would still request clarification as to how we could be any more consistent. As previously shown, we've reduced the max retaining wall heights adjacent to neighboring properties to 5.5

feet, which is shorter than your standard residential privacy fence. I must reiterate, you cannot compare an undeveloped site to a developed site, but rather evaluate the impacts of by-right R-15 development that would permit someone to only maintain 20% tree canopy, 40% open space and would certainly be grading well beyond the bounds of the area we are showing on the plan.

Mr. Weathers stated a diverse range of open space elements are incorporated into the development. Staff stated somewhat inconsistent. With over 20% common open space, we have, as shown in blue, we have an amenities area with fitness center, grill space, and pool, pocket park, that will include pickleball, greenway trail, Natural Preserve Park Space, a dog park, and interconnected sidewalks throughout the community. I asked staff, what other opportunities for open space are there that we could implement into the community? Our development is exactly what is contemplated by not only the intent, goals, and guiding principles of the Gen H Plan, but it advances one of the seven key implementation strategies of the Gen H Comp Plan, living, energized, multi-pronged approach to affordable, accessible housing. Implement key recommendations from the forthcoming Affordable Housing Strategic Plan to create a multi-pronged approach to providing more housing options. And LEO does this, not by trampling on or pushing aside the other strategies. Open space, enhancement and protection, employment, retention, and attraction, and activities to transform corridors and strengthen placement. Our development fulfills the goals of providing missing middle housing that appeals to a wide variety of current and future residents, regardless of age or economic status, and goes above and beyond the city's natural resource and ecological protection requirements, all while being in direct proximity to the city's most critical economic and social growth engine that is paramount to fulfilling generational prosperity for Hendersonville.

Mr. Weathers stated Mr. Russell, who I do not believe is here today, noted that this property will be sold and will be developed. What you believe that what he believed the city needs to do is look at the integrity of the team and the quality of their work. I hope that you can see that we are a team with high integrity that embodies our moniker of love each other. We have taken our time to listen to the community and their concerns, updating our site plan and going above and beyond all metrics the City has to evaluate development, from our three neighborhood compatibility meetings, individual discussions, and correspondence with several of the neighbors, and various updates to the rezoning package and site plan modifications, including those that we have been working on since our resubmittal. And I agree, you need to ask yourself, do you want to work with a developer that is willing to continue to go above and beyond all requests with things like preserving the wetlands, 25% minimum setbacks, 60% open space, and 20% common open space, and 46% existing tree canopy save and increase stormwater capacity to help mitigate future flooding, or take the chance with someone purchasing the property and constructing by right where Planning Board, Council, and staff no longer have any input and would have the ability to reduce building setbacks to 5 feet, open space reduced to 40%, common open space to 10%, and tree can be saved to 20%. The bare minimum sewer water protections.

Chair asked if anyone had any questions for the applicant.

Ms. Waters stated the units that are by where you moved the road, the lower side, that's really steep coming into the back of those units. What controls are you looking at to keep the water that's going to be coming down that bank from running right on into your units. Mr. Weathers stated any water produced on, and we have our civil engineer here, we have some examples to show how our configuration varies. Something that needs to be understood with this site is access to that rear of that property, whether it's us or R-15 is going to have to adhere to the city's requirements for slope of the road and those requirements require us to build it up. But any water produced, that we produce on-site, and we have to collect that water and bring it into our stormwater system and control the flow off the property. We cannot allow, whereas a site now can allow any water to go off, Once we construct, we have to contain that water. It can't just go off. And my civil engineer can talk more in depth about how those structures are constructed.

Ms. Gilgis stated has the Stormwater Department of Hendersonville taken a look at this and commented on it. Mr. Hayes stated yes, so our Stormwater Administrator, Mike Huffman, who I believe is on this call, so if you have further questions you can ask him, we'll confirm that he's on there. He has reviewed plans, preliminary plans. He has not done a full review, that would come at final site plan.

Ms. Gilgis stated I wish to thank the petitioner. You've done a remarkable job with all of your studies, your reports, it has been interesting, and I appreciate it very much. There is one study that you did not do, though, that I am interested in. You want to sell these units as family units. Therefore, there's going to be children in this development. What kind of school impact are you anticipating? First of all, what schools are they going to go to, and what might you anticipate being the impact on those schools? Mr. Weathers stated so to be upfront, we could not do a full census of our communities to know the exact age of everybody, but if I remember right, it is about 26% families, and that ends up being about, depending on the size of development, like our one in Jamestown, down in Greer, South Carolina, we have about 30 students from the ages of 5 up to 18. So, the overall impact is not detrimental, and the other benefit to our communities is our neighbors stay, whereas your typical apartment complex has a turnover every two years. We only see a 20% turnover rate year over year, so our residents are staying and not being transient going in and out of the school. Ms. Gilgis stated she understands that, appreciates it, but she also knows there's going to be a bus or two that picks up those students.

Ms. Gilgis asked the southside retention wall, how much backyard are those units going to have, realistically? Mr. Weathers stated it's 10 by 20 feet is the size of that backyard.

Ms. Gilgis stated Mr. Chairman, I do believe I am the only member, sitting member here, that was also on the Gen H Comprehensive Plan. For 13 months, our number one priority in creating that document, was to ensure the quality of life for our residents, and I just want to reiterate that to everyone here. Quality of life was our number one priority in producing that document.

Chair stated so the dedication of land was in the previous application and in the previous application, mentioned that you would also construct the trail, but it's been taken out now. Mr. Weathers stated no, that is still accurate. We will dedicate the land and construct a greenway trail. The design of it would have to be worked through with staff where they want it, because we don't really have, there's not a connection point north or south. Staff will have to direct us how and where they want us to put it. Chair stated the construction of it can be added back to that condition. Mr. Weathers stated 100%, that was never planned to be taken out.

There were no further questions for the applicant.

Chair stated he was going to take a poll of this Board to see if you feel the changes from two months ago warrant you changing your mind. So I guess the question is, and we'll do it by hand. Do you feel that perhaps these changes are significant enough that you have changed your mind, and you can raise your hand if you think they are. Okay, so you feel like they're significant enough? Mr. McKinley stated in other words, they've made some changes that we were concerned about, they've addressed those issues, we have to understand that eventually, that land is going to be used for something. The thing is, we have to weigh whether somebody else comes in and doesn't take the care that they are doing and wanting to actually meet the guidelines and different things, concerns that we have. And, because somebody else can come in, and we have no control over what they're doing, and it could be a worse situation.

Discussion was made on the height of the retaining walls and one of those walls still being 25 feet in height.

Mark Mariano, stated he is the CEO for Advenir Development, 1383, 56th Street, Building 4, Clearwater, Florida, 33760. He stated so, to answer your question directly, that is the tallest wall that we have on site. The height of that inward-facing wall is what allows us to bring down all the other walls, and to protect the

natural ecology on the site, because it allows us to keep that corner at a lower elevation and keep the other areas at lower elevations, shrinking the walls and lessening the slopes and the construction impact on the natural ecology in the middle portion of the site. So while that is our tallest wall on site, it's our tallest wall for a very important reason. It allows us to protect open space and shrink the other walls.

Chair opened public comment. There was no time limit on public comment.

Richard Vickers, 220 Ewbank Drive, stated he has been licensed as an attorney since 1986. When we had the last Planning Board meeting, this board gave very specific, cogent and fair directions to the developer. There were conditions set out to be met, for potential approval. As the city gentleman noted, they weren't met. Only a certain portion of them were met. Now, I think that is unfortunate. This board has given them the opportunity to do what they had to do to gain approval, and they did not. Now, as an appellate lawyer, when I was in an appellate court, and I was sent back, to re-brief an issue. I made sure that issue was briefed fully and that I answered all the questions that the court put forward. This was not done. And I think that, that's unfortunate. This board has important work to do. I think it's probably a thankless job in many ways. Out of respect, these conditions should have been met. I also think it's unfortunate the Council for LEO would raise the specter of some future developer, who might not be, or might create a problem, That's mere speculation. It has no grounds, in fact, And I think it's unfortunate now, to the point we have individuals who will address the changes proposed by LEO. We are limited by the fact that we were making these arguments based on what we were given by LEO in their resubmission. Mr. Cevallos is an engineer. He will address specifically the changes. Attorney Gene Carr will specifically address the changes. If there are things that were brought up tonight, we were not given an opportunity to review, then I think, that's unfortunate. And I think it would be grounds for, another denial. We cannot argue against things that we do not know. So, I thank you for your time. I appreciate your efforts, and I hope that the individuals who are going to speak about the specific issues that you are concerned about, will be listened to and they will meet with your approval.

Mr. Russell left at 5:00PM.

Alberto Villa Cevallos, 134 Coral Drive stated he will be representing the Terrace Garden community, and for the record, I'm not an engineer, but, I've been in planning, architecture, and development for 20 years now. This is probably one of the worst plans I've seen in a long time. I had something prepared, but I'm actually going to pivot, because the applicant said a few things that I think needed to be addressed. First thing, they keep bringing up affordable housing and attainable housing, and how wonderful this is going to be. For the record, the cost per square foot on these units is going to be the highest in the zip code. There's no commitments to any affordability or attainability, and in 2026 rents are going to go up and guess what's going to happen? They're just going to go up as well. I think they did mention that there wasn't any mix of uses, which actually would be something that would be compatible, which would be great. As far as the sense of place, the only thing I get is Army Barracks. If that is a place, that would be great, but it's definitely not compatible with the fabric of the neighborhood, so it actually was established by one of the best landscape architecture firms in the U.S, and that's why I think everybody loves the space. All the neighbors around love walking, and I've met a lot of these people just by walking our dog through the neighborhood. It's a very pleasant neighborhood with a lot of porosity, and the urban fabric that we see on this development completely negates what the urban fabric of the neighborhood is, which is very unfortunate. I've heard a lot about, the new zoning as it relates to R-15. I read through the zoning, and there is huge protections for the neighborhood. There's nobody commercially that will be able to come here and build ADUs and flagpole lots, as is being suggested. And the studies that I've done, because I've studied this site multiple times, only allow you to do 102, and I actually have sent a document with all of that to Matt from staff, so you guys can read that. Please read that. So the density, definitely incompatible. The first thing that we said to the applicant in February was that the density was just absolutely incompatible with anything around the neighborhood. And the comprehensive plan as well. And there has been no changes on that. As a matter of fact, it's been very, very tough to swallow that even though they're only supposed to

have 220 cars or 200 and some change cars to meet code, they're very proud of having 100-plus cars more than what they're actually required to have by code. Completely going against what the neighbors, they mentioned that traffic is very important to them, and I believe that the traffic issues will be a problem that is caused by the density that has no precedent in the area. The applicant mentioned the wall on top, and actually, if you zoom in into the topographical exhibit that they submitted, and I've only looked at this for an hour, but that wall is actually 25.5 feet tall, and that has not changed since the previous submittal. The only thing that the applicant had changed is, if you're looking at the plan from top left side of the plan, on the back side of the creek, or the stream, to the bottom right side of the plan. The only thing they've changed is they've gone from a 1 to 20 slope to a 2 to 20 slope. That's it. Nothing else. As a matter of fact, I wonder if the civil engineer have figured out how to reverse gravity, because the slope in front of that wall that is shown, where we had that big wall before, actually exceeds 33%, and I think they're calling for a Type A buffer on that side. I've never seen anybody be able to do that, and the percentage of slope is actually 50%, which I don't know how they're going to plant a Type A buffer there, but again, this just keeps going into the carelessness, and to the desire of doing just the bare minimum from the applicant. I will be asking the board to deny this for the second time.

Sydney Mace, 1075 Maplewood Court, stated this is where she has resided for the past 26 years. She stated my property is located on the side of the street which abuts the 1741 Haywood Road property. I urge that you recommend denial of the revised application for the following reasons. First, there will be a detrimental effect on traffic. The developer is proposing 330 parking spaces, regardless of what the traffic report says we are going to have an increase in impeded traffic flow and traffic danger. Second, the revised application does not address the basis on which you originally denied the application, which is that the petition is inconsistent with the City of Hendersonville Generation H 2045 Comprehensive Plan and does not align with the future land use designation of Family Neighborhood Living. And it is not reasonable and in the public interest based on four reasons, including that the proposed development is incompatible with the surrounding developments. On one side of the proposed development is Maplewood Court, with about 3 units per acre. On the other side is Blythe Commons with about 5 units per acre. Immediately across Haywood Road, is our Morris Lane and Ewbank Drive with units and density similar to Maplewood Court and Blythe Commons. From eyeballing the site plan, I estimate that the 180 units, parking and driving lane will occupy two-thirds to three-fourths of the 20.95 acres or about 14 to 16 acres. If my estimate is reasonable, they would be erected 12 to 13 units per acre. The multifold increase in the number of units per acre, which is over 400%, is more than a transition. It is an upheaval. This most definitely is not compatible with the surrounding developments. The revised application, it apparently addresses concerns expressed by the Planning Board regarding the level of grading on the southern portion of the site, the use of retaining walls in close proximity to the property line, and the limited access to the southern portion of the property. I submit that these changes do not address the reasons why you initially recommended denial of the application. I also want to say that I object to the developer's comments that development within current R-15 zoning would not be consistent with family neighborhood living. And resent the fact that they are using it as a threat to convince us to change our minds.

Bob Carlson, 1209 Forest Hill Drive, Hendersonville stated he wanted to give a brief observation. We have walked this property it's a hike, it's a mountain back there. Now, if you've only driven by, you know, on 191, you think, oh, that's a nice meadow, but you go past the water, it's a major hike, with major erosion that somehow would have to be controlled. The other thing is that it is going to be a bald mountain, which is going to even increase the erosion even further. What I would really like to see, and I have yet seen this on all these meetings, I would like to see a topographical map, which some of you would say, you don't get the sense of this, you know? It's a steep mountain. I don't know, the only answer would be to haul tons and tons of dirt out of there. And I encourage all of you to go and see it and you will have a better feeling of what we're facing, and it will not work. The other thing I haven't really clarified yet, and again, people can buy, if this goes, they can buy what they want, but boy, they're going to have some small yards, walk out the door in a little place. The other comment, I would like to walk with these people downtown Hendersonville, now maybe they're going to Walgreens, but it is not a 15-minute walk. So the proximity

issue, like, we're all going to walk downtown and feel good about no, it's not going to happen. And the school issue is another one, close by, Orleans, so there are a lot of factors that need to be addressed that really have not been, particularly the topography of that.

Eugene Carr stated he also has been practicing law since 1985. He lives at 1221 Forest Hill Drive, and I really appreciate all the neighbors who have come tonight to support our position. He is here to speak on the issues of the changes that have been proposed to you all. First, I agree with your assessment that they are not substantial in nature. In fact, if they had been substantial in nature, the state law would have required, at that point, for them to start the entire process over, including neighborhood compatibility meetings. They couldn't go beyond 10% in order to make it. But, what's hidden is what is substantial about what they've done. There is substantial regrading that is going to be required as a result of their adjustments of these retaining walls. It is obvious from the topography map that they showed that the east side, where they're putting a buffered retaining wall 40 feet in, is going to be a literal mountain going up to the bottom of that retaining wall. On the north side, they still have a 25-foot retaining wall. They've just moved them around, because they have to hold this mountain as Mr. Carlson indicated a few minutes ago, they have to hold this mountain back. And we, Sally and I, my wife, happen to live at the bottom of one of those mountains. We are on the south side, right where the word site plan is. That's approximately our lot. We have a 3-acre lot there, and it is a steep climb to the top of that hill. What's interesting is if you will look, and you have to look closely on the south side, there is still 11 foot, 11 foot, that's about half the height of this room, retaining wall that goes from where the "S" is on site plan, and it bends there around the bottom units that are very close to our property line. They are 20 feet from our property line. There is a retaining wall that goes all the way up to the middle of our back property line. And again, I'm not talking about not in my backyard. Last time, I came before this board, and I said, hey, my son would have loved a climbing wall. Well, 11 foot doesn't really change it that much. That 11 feet is going to be facing the backside of 3 of those parcels all the way up, possibly, to the church. And they have not changed that in this plan, the lots, and then when I'm saying that's where, again, the word site plan, our lot is right there, about where the "P" is, and backs up to the backside of those units. And those units are right on top of the property. They're looking down over, you've got 6 or 7 units that extend to our property line, and to the Hodges property line, which is to the south of us, and to the Benford South property line, and then up to the Church's property line. Then there's the whole issue of the stub out. That's right on the edge of our property. And I am concerned that by changing the 12, the slope, from a 9- or 10-foot slope to a 12-foot slope coming up that hill, which they showed on another parcel, you're not going to be able, if we have a fire up there in one of these back units, or in one of the units, in any of these circles, or a medical emergency, you're not going to be able to get the medical personnel up there. You're not going to be able to get a fire truck up that hill. It is going to be a mess, and it is going to be a potential danger for the rest of our neighborhood. So, the retaining walls was one of your concerns. The density has not changed at all, and that was one of the principal concerns that this board raised last time. The traffic, everybody's trying to get around this with a study. I think one of my colleagues was supposed to be here tonight to talk a little bit about the traffic issues. It has been touched on. But you've got these tremendous runouts that are going to be along Haywood Road, that all of a sudden now, you've got one small, I mean, look how wide that entrance is compared to what the frontage is to Haywood Road, on a two-lane road. We talk about, Mr. Weathers mentioned the fact that the traffic study only showed, I think it was a fairly significant traffic increase at Orleans and Haywood, which is the next road down from this project, other than Maplewood, where some of these folks live, where Orleans Road is. There were two major accidents there in one day last week. And you all might remember, I mean, two major accidents. We're all of a sudden talking about adding another 30 to 50 children in this neighborhood that are going to have to be picked up by a school bus at the bottom of this hill, because the school bus can't make it up that 12-foot slope. My son loved it in the winter when it snowed, because that was the greatest sledding hill in Hendersonville. This is going to be another great sledding hill. So we got a climbing wall, we got a good sledding hill. Thank you, guys. We appreciate that. But, you also, and I've heard something about this, talked about compatibility. And that needs to be consistent with your plan, with your comprehensive plan, in order to work. Obviously, you have the neighborhood compatibility meetings, in this situation, they have taken this project and dumped 180 new

homes into the middle of a place where there are nothing but single-family homes and a couple of small, minor, planned unit developments that, yes, are 10 acres. I mean, 10 houses per acre. But, when you look at the density of this, as someone has already commented, you're really looking at 13 to 14 houses per acre with the way it's lined up, because you've got this beautiful greenway in the middle that they keep... commenting about. It is nice to have that greenway, but the density is inconsistent with the entire surrounding area, the historical Druid Hills, Haywood Forest, Town Forest, it's even different than Plantation Walk, which is probably the most crowded and dense one that is there. The yards are not significant. The yards are right on the edges of the property line. It doesn't work. It is not consistent with what we have. And when you go back to the traffic, they say they have to coordinate with DOT in order to make this work. I think some houses on Maplewood are going to get taken by this in order to have the run-up. Does this board, and ultimately Council, want to be responsible for that later on? They'll hear about it. So, just think about what they propose. They really haven't come in here with anything different than what they have. They've added a few trees. They keep saying they're going to take down our oaks, our pines, the ones that are damaged or diseased, and replace them with some small buffer trees along the edges. What kind of trees are those going to be? Not sure. They haven't designated that. They've got some pretty pictures, but nothing designated. The resubmission of this proposal is not just a matter of density. They're going to have to take off a good portion of that hill to make these new retaining wall projects work. So look at the regrading that's going to have to be done. It introduces serious engineering risks that were not considered before by the resubmission of their plan. Environmental hazards. What kind of runoff are we going to get in our backyard from where these units are located, right on the southern edge of this property, not less than 20 feet from the edge of our property line, with an 11 to 12 foot retaining wall along there. Community impacts, we've talked about that. These community impacts cannot be mitigated by a greenway or conditional zoning. It'd be nice if they could. We'd all be building greenways, but we can't do that in this development. This Planning Board has already spoken clearly through your unanimous rejection last time. At that time, I would have, had I been the developer, folded up my tent, gone home, and not even tried to present it to Council. That's a strong position. There's nothing different this time. Approving this project by this board in something other than another unanimous vote would set a dangerous precedent for this community. They've already had one bite of the apple. They haven't made substantial changes to their plan since last time and this time. It's hard to tell what they are other than adding a few trees, moving around the retaining walls, and supposedly lowering their height. And we've heard tonight that may not have happened. But if this board were to vote in anything other than a unanimous vote again, that this plan be denied, it would set a bad precedent for this community. This compromises neighborhood integrity. We've all heard that. Obviously, the neighborhoods are here, and all well represented. And it exposes our residents in this entire community to long-term safety and infrastructure burdens. We ask that you deny the vote.

Jessica Cevallos, 134 Coral Drive, stated her comments focus on the one issue that goes to the heart of compatibility, environmental impact, and the purpose of zoning in Hendersonville. Tree preservation, or, in this case, the complete absence of it. Last time I checked, we were in the mountains, not Miami. The applicant's landscape sheet shows more than 100 mature hardwoods on the site, including large 30 to almost 50 inch in diameter oak trees. We're not talking palm trees here. These oaks are some of the most ecologically valuable trees in Western North Carolina. These oaks form the neighborhood's canopy. They buffer noise. They soften building massing, and they define the visual transition between homes, and nature. They are the backbone of this landscape. Yet the applicant proposes to remove every single oak highlighted in red. As well as everything else shown in green. Now, granted, some of those oaks may be diseased, but not all of them. The only trees being preserved are mostly poplars and pines located inside wetlands, stream buffers, and flood zones, areas where they are not permitted to cut trees anyway. This is indicated on the map in orange, and it's that yellow or lime green color. That's all that will remain. What is being presented as preservation is not preservation at all. It is simply compliance with existing environmental regulations. In other words, the developer is taking credit for saving trees that were never allowed to be removed. Meanwhile, the oaks, the trees that matter most for canopy character, shade, stormwater inception, interception, wildlife habitat, and scale buffering are all being clear-cut to make way

for large pads, 20-foot-plus retaining walls, and a completely level development platform that has no relationship to the land's natural topography. This is not how Hendersonville defines neighborhood compatibility. The Land Development Code requires rezonings and site plans to demonstrate compatibility with existing residential areas and to preserve natural features where practicable. Cutting every significant oak while saving only trees in regulated wetlands is not preservation, it is not mitigation, and it does not meet the intent of the LDC or the Comprehensive Plan's direction to protect tree canopy, respect existing terrain, and maintain transitions in scale. The board already expressed unanimous concern about masquerading, retaining walls, and density. The removal of the oak canopy amplifies those impacts. Without these trees, the development becomes louder, brighter, hotter and more visibly imposing on the neighbors. Because this plan eliminates every meaningful natural feature and fails to address the concerns raised during the previous denial, I respectfully ask the board to deny the application as submitted. Hendersonville deserves development that respects its natural character, not development that removes it. In closing, a place doesn't stay special by accident. It takes thoughtful intention. Thank you in advance for your thoughtful intention.

Eric Vining, 1211 Lugano Drive, Hendersonville, stated he is an engineer, a petroleum engineer, so I've done a lot of work with hydrology and fluid flow, things like that. So, Gene had talked about the traffic, so I just wanted to hit that first. I'm going to pretty much state statistics. So the vehicle traffic study that I gleaned from what they had done said about 100 vehicles per hour were going across during the time frame, like in the morning, during work hour. So that's about one vehicle every 30 seconds going along that road. The proposed development of 180 units, based on demographics that the developer provided, said 44% of the renters fall into the working age category, which would mean about 80 households would have to leave with one person leaving during that time period. You know, 7 to 8 is normal time to go to work, which, figures out to be 1.3 cars per minute. So you've got 1.3 cars exiting that property, trying to merge in with, you know, 1.6 vehicles per minute going back and forth 191. So you're talking about really much of a traffic headache. As far as the school buses and things go, I drive one for Hendersonville, and I go by there every day. And some days, I have 10, some days I have 20 cars behind me stopping. So that would be, you also have to look at that, depending on the pick up or drop off, you either have to pick up at the entrance, or the kids have to cross the street. And you're talking, if you're looking at 20, 30 kids, you're talking about a significant amount of time, and then the more you stop, the more it backs up. So, traffic is definitely something that has to be addressed. If you had multiple entrances, that could be mitigated, but I don't see how you're going to get any more entrances. The thing I wanted to really work on was, I have never found or heard anywhere with the water issues. The stormwater specifically is they're talking about containing it, and that would be better than what is there currently. Well, if you look at the property right now, it's, and based on statistics from Western North Carolina, the ground naturally perches about 1 to 2.4 inches of water per hour. So, if you have a 1-inch rain event, it's going to go into the water, or the ground pretty well. One inch of rain per acre is about 27,000 gallons. And if you look at the, they said about 52, or they said 55, and they got an open space, that means 1 inch rain event on that property is going to generate 274,000 gallons of water. So, they have to then figure out how to mitigate that. Trying to put it underground, you're looking at that's about a backyard pool built in pools, about 20,000 gallons. You've got to have about 10 of those to do it. I think there's a .42-acre pond somewhere there. If you had that pond, it would have to be 2 feet deep to hold that water, if they were going to retain it. The second issue that I really think that we have to look at is the retaining walls, and you take that water directing it into the property, and if you're looking at a height of 20 to 25 foot, is what I've heard the max is, there water free-falling from there would then hit the ground at a velocity of about 20 to 25 miles per hour. So you're talking about that slope directing that water in there and hitting with a pretty good velocity. And if we don't, if we weren't here last September, we may not understand velocity of water. If you were here, you understand water is extremely damaging, very heavy, and can cause a lot of erosion and things, so trying to figure out how this property that's going to channel water to a very small area is going to even, begin to. This is something that I can't fathom, because trying to direct it into small areas, water doesn't behave, it's like middle schoolers.

John Binford, 1049 Scheppegrell Drive stated he has been there for the better part of a decade. I'm directly abutting the property, live there with my wife Meredith, who's here. I have two children who are under the age of 10. They go to the elementary school that we walk to. We take our e-bikes and walk to downtown, and cross Haywood and cross 64 to get on the Oklawaha Greenway to access parks. When I bought this property, I knew the 20 acres here was vacant. I also knew it was zoned R-15. The public records show the owner, Jeff Justus, bought it in 2015 for \$500,000. A lot of people, throughout the last several years since Hawthorne tried to build four-story buildings there, during the height of the pandemic in 2020, 2021, and during this episode have said, man, it's a shame that we didn't buy it and make it a park. It's a shame that we didn't come together and do a conservation easement. And we look back, and can see that clearly, there existed that opportunity. But I also think it's worth asking kind of why it sold for only \$500,000, why I was comfortable buying what I hope to be my forever home next to it, and that was because of the current zoning, and because the price indicated the obvious limitations of development on this parcel.

This is the bottom, the last finger of Long John Mountain as it reaches, into the city. A lot of people are familiar with the frontage on Haywood but when you get on Blythe, and there's the lake right there, that's stretching up to Long John, that is the topography here. There's no way to build 180 units which is not completely brutalistic, which is not, just brutal to those of us who live adjacent to this. There's no way to do it.. At the last meeting that I couldn't attend because of work that exhibited my family and my children to scale with the 30-foot wall, if you remember that. They took that wall down. Now you see a driveway for all these people that's 8 feet from my property border. I literally have a trampoline right there my kids are on. Should that make me feel that it's more compatible because the 30-foot wall is there? You simply cannot have that density on this land without it being incredibly incompatible. I appreciate that they're trying to bring this to market in town. We appreciate what their product could be good. But this is just, not going to work. I appreciate that Hawthorne stopped after our initial, neighborhood compatibility meeting the last time, and I do wonder to how many more meetings we have to have until we get a reasonable product on this property. How many more times do we have to deal with this? And the threatening sort of, verbiage, is very is just a lot to process for us. I will say the good that has come out of this, we appreciate that you all are volunteers, we appreciate everything the city does, and how much they love this city. But I love my neighbors. I mean, we just floated the Christmas tree out on Lake Lugano, we walk around, we love each other. We know what it means to live right here. And we know that we're going to be relentless in seeing this parcel developed reasonably. And, I guess it's up to the property owner to see how many more times we do this, but my understanding of the R-15 zoning, I know there's new ADU elements, but if my understanding is if there's more than 50 units, and it's a major development, that that constitutes conditional rezoning. And so this whole thought that we have no control over all these elements of what happens on this property, and that we should approve something that's only mildly horrific. I just don't like that line of reasoning. I know I've taken a lot of time. I want to say one last thing about the traffic. Having young children going to the elementary school. The traffic study was completed in September and December. Those are two months in which the elementary schools that are year-round have three weeks off of school. The peak traffic hours were listed as 4PM to 6PM, that does not include school pickup. Because you all live here, I'm sure you know about Orleans and Haywood. Orleans is too narrow. If you go up to the end of Orleans, and a car's trying to come in, there's not enough room for two cars right there. There's not enough room. That's how we get to the elementary and the middle school. Do you think cars are going to be able to take a left turn out of this during peak hours to get to 64, to go up Blythe and get to 64? No, they're going to take a right. And they're going to cut up Orleans, take it to 64. The traffic study showed, that the, both northbound and southbound, the LOS, went from C to D during peak hours, from 4 to 6. That is not during school pickup times. That is not necessarily when school was in session during the months that the traffic study was completed. That does not include all the people that can't take a left turn out of here that are going to be using that, where we're referencing the car accidents the other week. The traffic study implied that if the intersection went to the LOSF, that they would have to correct that as part of the development. I contend there's a very real possibility this would go to LOSF during school pickup hours. That would necessitate a turning lane there, which would be eminent domain for those houses at the intersection of Orleans and Haywood. So we're talking about if we actually study the traffic situation at that intersection, that, in order for something of this scale to happen, would, involve imminent domain, is what I

contend. I would also say that those of us that live between, Haywood and 64, around the areas of the schools, we have to cross two highways to get to a public park. I know the Chairman loves this greenway, and I love that vision, and I love what the city's doing with alternative, transportation. And when we're not coming to these meetings, you know, some of us work with Bike WalkHVL and are trying to make the city a more reasonable place, try to get a sidewalk on Blythe, maybe one day. And so, where are the whole part of the traffic study that involves pedestrians, we're not walking down Haywood, we're crossing Haywood. Where do we cross Haywood? I'll tell you. Whitmire Circle, Orleans, and Kensington. Those three intersections. Where else do you want us to cross? You can't access from Blythe, there's no sidewalk, it's not good to cross over there. Are we supposed to go down to Haywood, where it meets Asheville Highway, and try to cross at that? No, we have to cross right here, where we just had the two accidents, where I'm talking about this going to F, that's the first and major crossing we have to do to get to a public park for us to get to Patton and the greenway, and then be able to pop down to Jackson and so forth. So we're just going to be adding more people. They'd have to cross two highways to get to a public park and I think I've spoken enough, and I appreciate everybody in this room, and thank you very much.

Jeannie Moore, 503 Belvedere, which is in Plantation Walk stated and one of the first things I want to say about that is during Helene, we lost one of our retaining walls that's smaller than what they're talking about, and it had been sitting there for 30 years, so I can tell you that the power of water is significant, so whatever these other retaining walls that they're talking about doing that's, and the engineer who spoke earlier about the water, it's real. We also lost our pedestrian bridge during that time. So, whatever they're planning about a bridge going over Britton Creek, that's where our pedestrian bridge was to, and it was taken out. Any changes around Britton Creek, all this on this side towards the words that say site plan, that is going to have a significant effect on Britton Creek. And if you'll know what the path of Britton Creek is, where it comes down through here, it comes all the way back down around by the Montessori school, and all that got flooded. This is going to affect that, and it's going to have a downhill effect. One of the other things that they talked about was the cost of these a month, the rent. These are renters. We don't have renters in our neighborhood. Very few, if there are any, maybe somebody rents their house out. I think the one that's on Haywood right now is being sold, so that's one of the last rentals I know of. I also wanted to chastise the people here who gave the veiled threats to you, that if you don't approve, I think that's very questionable behavior and wording, and they should be ashamed of themselves. Also, I am a CPA, and a lot of this math does not work. On their original notes here, they said that they had 181 units, but then they talk about, well, we're in compliance with R-15, we're down to 90 buildings. Well, 90, or 181, or is it 75, or is it 100? And then they've done the same thing with the parking numbers. Sometimes it's 300, sometimes it's 400, sometimes it's 100, and all of this does affect the traffic. And nothing was mentioned in their presentation. They keep talking about from Orleans back, but they never talked about any of the streets going north, so Blythe would be one of those, I think Ewbank is one of them as well. But from the corner of 25 and Haywood, 191, up to Blythe, which would not include this at this point. There are 13 roads at that point, Orleans being one of them, and we've already talked about that. That's a lot of traffic, and I don't see how the traffic studies, I believe the young man just said that they were not taken during school times, it's got to affect it, and if you're going to be throwing more kids in there, and then how, where did they pick the bus up? If they can't turn around in that subdivision, how are the kids going to load properly? And then, are they going to have to stop on Haywood so that they can get off and have to cross the street? I mean, I don't think that was even taken into effect. I just think that's pretty poor planning. And if you have to do eminent domain on some of those people who've lived there forever, just because you need a turn lane into this, I'm not thinking that's a very neighborly thing. I don't think this reflects the Gen H study, and I really would like to have you people unanimously reject this plan. I think there's a much better plan that's coming down the pipeline, and I just don't think it's theirs. Thank you.

Lynne Williams, Chadwick Avenue stated one of the main concerns for the community and for me is, you know, addressing the flooding and I'm not seeing that addressed still. The fire sprinklers that would be the opposite of addressing the flooding. I mean, yeah, that's for fire, but how will we address the flooding? You know, the flooding, or what about an act of God, kind of like what we just saw, you know, the importance of

having two entrances and exits. Was there any changes of the heights abutting the different properties that was a concern? Did we see any of those changes in these proposed plans. So it is inconsistent with our comp plan, something that our whole community has worked on for years. The promise of your board and the City Council and the staff to our community, what our community is supposed to look like piece by piece as we build it together. So this is not alignment with that. We're not seeing those changes to the density. We're not seeing affordable housing. What we are seeing is that the residents proposed to be built next to Britton Creek will be risking their lives. The stormwater containment at 20% is still not enough. I'm hearing about the pocket parks. I'm just wondering, are those going to be public, or will they have eventually a fee in lieu of, and then they won't be there at all? Will there be a commitment to maintain the DOT streets as they're being destroyed by the construction? I appreciate that you're saying you're keeping 45% of the trees. As far as the TIA info goes, you're talking about forcing eminent domain, and the gentleman spoke to that. I can give you an example of that. It's called the Wilmont property, it's off of Dana Road. And in that case, we fought that back for two years, 151 historic farm, that was turned into housing and apartments. You can see it when you're crossing over Four Seasons. Look to your right where the wetlands are, and beyond there, you see those apartments. That would be the Wilmont development there, and they waited all the way past the neighborhood compatibility meeting, the Planning Board meeting, until after public comment at City Council, to then have their lawyer tell us that by force, they were going to force imminent domain with the state and the county, and that the city would have no choice. And you will see that turn lane on Dana Road now exists, as well as the roads that are completely destroyed in Wilmont from those trucks. As well as the mental health of the community that went through, and continues to go through all of the impacts and externalities of these developments. So we appreciate the developer considering the lots of ecology, but if you look at what you've designed, this is not an ecosystem. Nor does it support an ecosystem. Nor does it maintain the ecosystem that's there. It will destroy all of that, actually. And so we want more than what's acceptable. We want what's great. And also, when you spoke about the independent traffic experts and things being a fact, it can't be a fact if it hasn't happened already, that's just not possible. So then I did speak with that pastor at the church one day when I was walking there, and he said, actually, that the leadership was divided, and that there was definitely no commitment from the church on that second access, and that they appreciated being taken out of the equation because of the position that the developer had put them in. So, coming from South Florida, a billion dollar real estate corporate exec might not be able to see why this development is not compatible. I grew up in South Florida. But, as a resident of Hendersonville and an 8th generation descendant of Henderson County, it's obvious to me why this proposal is too dense. And it puts our public safety at risk with the externalities, as well as not being in character with the community around it. As stated by hundreds of witnesses in the past and here present today. The missing middle is not affordable for our community. At 43 years old. I can tell you that I cannot afford the missing middle, even though I'm an 8th generation descendant living here. So, my grandparents bought their house for \$7,000 in 52. That house is \$425,000 for me to buy now. Also the developer requests a stream buffer encroachment, so clearly I'd be against that because this is not acceptable when you read the staff report and the comp plan statements there. The staff even says the things that are somewhat inconsistent. Well, that would be the development intensity map, the future land use and conservation, the natural system capacity, the development not being compact enough, the historic preservation being utilized. None of these are actually consistent, just somewhat. The interconnectivity, inviting to the public realm, diverse range of open space that encourages multimodal design for mobility, and the one thing that was inconsistent, it was the historic preservation. I know you mentioned Mike Huffman was on the line and that he might have something to say, but we didn't actually hear from him, and when I looked at the report, I don't see his words there, so if he is still here today, it might be worth just asking him his thoughts on the matter, since he is the expert on that. And I think the future land use map that is shown in this presentation on the agenda explains a lot, because there's only one red property that's being proposed amongst a sea of yellow and orange. There's no other red anywhere in that map. So how would that be consistent? And per Kimley Horne's traffic study, Haywood and Blythe, there's going to be an extra 300 cars in each direction at morning and afternoon peak hours. How is that not going to cause any kind of disruption? That, by fact, would be an impact. NCDOT says this would add 1,300 daily trips, but the NCDOT says that this route carries 13,000 people per day, so that would be a 10% increase. How can you

say a 10% increase isn't going to have an impact? And then, so I wanted to thank the woman who just spoke as an advocate for the trees. It's very important to our community, and very important to me. And those points about scale buffering, wildlife, climate regulation, respecting our natural character, super important to what Hendersonville is. I truly appreciate the gentleman, the hydrology expert, who spoke, honestly about the nature of water. I did witness the CEO laughing about the 25 mile per hour water flow, but then it starts to get real serious for those of us in the community who have lost their lives and their homes. The community is dead serious about public safety and quality of life. And then to address how many more times will we have to go through this? Well, the NC State just passed law that, where they can come back every single month for as long as they want. And the City of Hendersonville just passed that as well at the last City Council meeting, so the fun will never end for us, and the trauma will just continue. So please, vote no. Thank you.

John Jennings, 503 Belvedere in Plantation Walk stated your comment hit home about quality of life. And if I asked everyone in this audience, if this plan went through, would it enhance your quality of life? Anyone? Anyone? There's your answer.

Debra Reinhart, 212 Ewbank Drive stated when I drive down Ewbank, I have to stop at that light on Haywood, next to the, we call them party stores and where all of that traffic is going to go that will never be addressed by retaining walls and moving parts around, I'm seeing moving the chairs on the Titanic for me. When people leave, they're going to go down Ewbank and through Druid Hills to get to US 25. That is the only way to relieve the traffic volume. This is going to decimate Druid Hills. To build this will decimate Druid Hills. Our community is historic and it is definitely not compatible. The other thing that confuses me, I've been to all of these meetings, there was a gentleman from Scheppegrell, when I bought, I thought that was for, that was zoned for, like, 52 homes, then all of a sudden it was 72, then 90, and I'm looking at this volume that hasn't changed, and it's taken for granted when I see developers come in that they can just raise the volume and talk to us like this and move around retaining walls. It is not zoned for this. It is not compatible. I brought up concerns along Haywood that there are now, bike markers coming from Patton Park through Druid Hills that will exit on Haywood Road. This does not make bicyclists any more safe and it's not just on Haywood Road. I have kids riding all through Druid Hills now. I see them. They seem to feel safe. I have to watch them. They're not very cautious. And again, as I have said, all of this traffic is going to go through Druid Hills. And, I love this community. This has been the best place I've ever lived. I love walking up the hill to the Scheppegrell Lake and looking at that Christmas tree floating out there. There's another gentleman, he runs lights up and down these huge trees. I've sat there and watched the ball drop. I love this community. This is what makes this a community, quality of life, that GEN plan. There are certain little things here that are not going to survive. I took a little drive the other day. I mean, I was just doing business. I went up to Four Seasons, extremely congested, came down, Duncan Hill, Signal Hill. There are massive developments being built on each of these. Drove past Patton Park on Main Street, and there is now something else being developed there. I went to the Blue Ridge, thrift shop, Greenville Highway. A flagger stopped all of us. There's a mass development there. I wasn't looking for mass development, I just went out in my community, and the argument that we need more housing right now is ludicrous. It's absolutely ludicrous. And it is just, I know I'm not being heard. And I know you're trying to hear me. And I don't feel that the people developing this property really are concerned with my historic neighborhood and the things that make Hendersonville, Hendersonville. The Scheppegrell Lake, the lights, the Druid Hills. We have little parks over there, we have walkers over there. Anyway, I'm just not getting it. I'm just not getting it. Why nobody's hearing me. I will fight to keep my property. I'm not getting it, and I could stay that 10 more times. Thank you.

Dawn Bishop, 1083 Maplewood Court, stated her concern is the grading and the change in elevation on that lower level of the site, the piece that's closest to Haywood Road. And, I don't remember this being discussed at any of the other meetings. It maybe has been. But, my property does share a line with 1741, and it's my backyard. I can see on the grading site plan that the developer's finished elevation numbers are on there from Haywood Road down to Britton Creek and what I can't find on the plans are the current

elevation. I see what it's going to be, but not what it is. So, what I want to know is, or what I'm asking myself is how many feet of dirt is going to have to go on top of what's there to get it up to where they want it to be? Then when they bring that up to where they want it to be, how much higher is that going to be than what my yard is and what Alman Aver's yards are, and that being the case, where is all the runoff going to go? Because that's a lot of pavement, that's a lot of concrete. They're piping the creek back there, so there's no creek for it to go into, so where is all of that water runoff going to go to? And I'm afraid that is coming into my foundation, all of my neighbors' foundations, and it's going to flood my neighbors across on the west side in Blythe Commons.

Ken Fitch, 1046 Patton Street asked what is new about this plan? The changes to the plan do not alter the intractable incompatibility of this project at this location. Yes, many have testified that this project would be viable at other locations. The problem remains this location, about which there has been abundant testimony in the past and today. But not specifically mentioned before, as I recall, is another perspective. And that is that this property is an anchoring historic landscape for the area. Creating a special sense of place. In addition to the historic buildings on site, the historic landscape has a park-like character. Indeed, this larger area was once known as Orleans Park. In which, as the years went by, other homes would be located. And the existing natural elements on these neighboring properties are important to their individual character. And the nurture of the natural environment is an element of the mission of the nearby church. The original historic owner, was a doctor of some renown, who conducted breakthrough research in the causes and aggravating factors for hay fever and asthma. And this property, with its natural environment and its ecosystem, presented abundant opportunity for collecting specimens of pollen-triggering elements for his research on these factors in the Southeast. But now, that diverse ecosystem is at risk in this city, which is a bee city, a tree city, and a bird sanctuary. To the matter at hand the project would replace a central anchoring historic natural landscape and its terrain that contributes to a sense of place, replaced with an engineered development of considerable density of imbalanced overload that would, one, alter the existing historic landscape. Two, alter the existing environmental elements and processes about which you have heard. And three, degrade the quality of life for the adjoining community residents and also including the new residents, who would be subject to the uneasy conditions of limited accessibility in emergency situations. Three points, three strikes. Another location would be more appropriate for this project. Thank you.

William Stermer, 206 Morris Lane stated there's a sitemap that you show, it's one of the few that actually has an indication of how close Morris Lane is to the proposed left turn. My point is that not knowing exactly where the proposed new left turn lane is going to start, it seems to me that's a possibility that it will prohibit completely the ability to come out of Morris Lane and make a left turn onto Haywood Road. Second point that I would make is, already there are people who come to the red light at Blythe, make a right turn, and then immediately turn left onto Morris Lane, and wander their way through Druid Hills. And this seems to me that those coming out of the new development are going to look for the quickest way to exit 191, and that will therefore put excessive traffic on Morris Lane, which has not been apparently factored into any of the discussion that I've heard so far.

Edwin Holcombe, 1524 Druid Hills Avenue, stated he just wants to echo the comments on the traffic flow through Druid Hills that would be driven by the congestion on Haywood. The traffic will flow out of this subdivision toward Asheville Highway in the same way that the water heads downhill. And we already have cars running through Druid Hills. About 90% do not stop at the stop signs. We have walkers coming down Druid Hills Avenue where I live, every evening, dog walkers, kids on bikes, people just strolling in the afternoon and traffic coming through there is increasing. It's taking a shortcut from the traffic light at where Haywood ends, and this will just further degrade the character of Druid Hill's subdivision by the traffic that's being forced off of Haywood, and that's my concern.

Tom Peach, 98 Chatham Path in Blythe Commons, and I thank you again for the opportunity to speak with you. A letter from the Blythewood Commons Homeowners Association was submitted electronically and by

snail mail to the Community Development Department last week. I trust you've all seen that information and have considered the concerns of our dear neighbors. I'm not going to go through the points. Everyone here has articulated them very well. As I see it, these concerns and worries are being driven by two fundamental factors. Density and compatibility. And I ask myself, why are density and compatibility not being addressed in this revised plan? I ask myself, is this a really a commercial project being squeezed into a residential area? Are 180 units necessary? Because that's some type of benchmark for banks and investors to join in the project. Or is it something else? I don't know. I think I heard earlier the developer say it's not their model to have home-owned properties, or owned properties. They build rentals. And I don't understand why, after what you, the board, requested last time in October, why there's not a revised or an alternative plan here. Why we're looking at the same thing? Why is there not more green space? Where is the neighborhood feel in this plan? Where's the compatibility? Why can't it be localized to blend in with the neighborhood? Why does it have to be this, 180 units? Maybe this is right for another location. I don't think it's right here, and my neighbors don't think it's right here. This is not the site for this type of development. And then I ask myself, is the developer not listening to us, the public? Are they not listening to you, the board? Since density and compatibility, and the other objections that you raised on October 9 appear not to be addressed in this presentation. Then please deny this revised plan, and let's all move on. This proposed project represents major changes to our neighborhood. It's a huge unknown in many ways. But it doesn't have to be. Surely, the citizens, the city, and a local designer-developer can get together and agree on a mutually acceptable solution for this property. Let's put our energies and talents into a concerted effort to create a plan that's right-sized and physically compatible with Haywood Road neighborhoods. Thank you.

Chair closed public comment.

Ms. Gilgis asked Mike Huffman, Stormwater Administrator if he had a chance to review this site plan? And I realize it's not the final site plan. But could you give me your thoughts on what you're thinking right now? Mr. Huffman stated so I have been in discussion with, I believe his name's Austin, one of the engineers for the project, early on, I believe that was prior to your October 9th review. And we did discuss items related to the wetlands, the stream buffer, crossing the floodplain, and then the stormwater requirements for the project. Is there anything specific that you would like for me to address? Ms. Gilgis stated If you had any concerns about what you're seeing, with all that impervious, land and a creek runs through it. Mr. Huffman stated without seeing the stormwater management plan, I'm kind of limited in what I can provide my assessment on. You know, based on discussions with Austin and their development team and what I've seen in the site plan, it does appear that they are making their best effort to minimize the impacts to the sensitive natural areas on the project. As the developer noted, they, at least in discussions, have proposed providing stormwater management systems that can detain, double the requirement, so our current requirement is a 10-year storm, and so typically, when modeling stormwater systems, we developers in the city will look at a 2-year, a 10-year, then it goes up to a 25-year and a 50-year event. So I would imagine that, based on what they've proposed, they would be proposing to detain the 25-year event. Obviously there are some minor proposed impacts with the bridge crossing. Again, with that crossing it would require a flood study, a no-rise analysis, which has not been submitted. So, there's currently a crossing there. It's a small, I believe, maybe 72 or 60-inch culvert, in the stream. And so I don't have any details on what the new crossing or what potential impacts that would cause. Our ordinance, a floodplain or a flood protection ordinance, requires that for any development in the floodway, there is the no-rise requirement, which is basically an engineer reruns the flood model with the proposed encroachments, and that model then tells us if there is a potential rise in floodwaters. If that is the case, the applicant would then be required to approach FEMA and request a conditional letter of map revision. And then, if FEMA agrees and approves that, that would move to a letter of map revision process, similar to the process that Publix went through in 2016. We don't see a lot of those, typically a project gets a no-rise, or it doesn't, and if it doesn't, then they usually don't proceed, with the proposed encroachments in the floodway. Beyond that, I mean, there is an increase in impervious surface. You're going to have those impacts from any development project, but providing additional stormwater management is not something that we typically see. There have been

some projects recently that in the last, three or four years that have proposed and provided additional storage beyond what's required by the ordinance.

Chair stated we need to make a determination on this. The applicant asked us to make another determination because they did make some changes.

Ms. Gilgis moved the Planning Board recommend City Council to deny an ordinance amending the official zoning map of the City of Hendersonville, changing the zoning designation of the subject PIN number, or PIN 9569-22-9206 from R-15 to PRDCZD, Planned Residential Development. Conditional Zoning District based on the following. 1. The petition is found to be inconsistent with the City of Hendersonville's Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing. Because the petition proposes duplexes, triplexes and quadplexes, which does not align with 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. The proposed development is incompatible with the surrounding developments. 3. The subject property is not conducive to the intensity of proposed grading, which will significantly alter the natural environment on the site, and could negatively impact some of the neighborhood property. Ms. Rippy seconded the motion which passed unanimously.

VI Other Business.

- VI(A) Approval of the Annual Meeting Dates for 2026 for the Current Planning Committee. *Ms. Gilgis moved the Planning Board adopt the Annual Meeting Dates for 2026 for the Current Planning Committee meetings. Ms. Waters seconded the motion which passed unanimously.*
- VI(B) Approval of the Annual Meeting Dates for 2026 for the Long Range Planning/ Legislative Committee. *Ms. Gilgis moved the Planning Board adopt the Annual Meeting Dates for 2026 for the Long Range Planning/ Legislative Committee meetings. Ms. Waters seconded the motion which passed unanimously.*

VII Adjournment – The meeting was adjourned at 6:22 pm.


Jim Robertson, Chair

