MINUTES

December 5, 2024

REGULAR MEETING OF THE CITY COUNCIL

CITY HALL-2ND FLOOR MEETING ROOM | 160 6TH AVE. E. | 5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Jeff Miller and Melinda Lowrance

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker, Budget & Evaluation Director Adam Murr, Communications Director Allison Justus and others

1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

3. PUBLIC COMMENT *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*

In Person:

Barbara Chamberlain of 1749 Clairmont Drive, Hendersonville, spoke about the easement behind her property. Back in the 80's they used to get a group from the correctional facility to clean up the ditch that goes up the hill. The ditch has presented a problem now since the hurricane. The ditch is filled so now the water has nowhere to go so it comes down to our houses. If you could look into that while you're going through the neighborhood, I would appreciate it.

Lynne Williams congratulated former City Council Member Debbie O'Neal-Roundtree's appointment to Josh Stein's Hurricane Recovery Task Force; mentioned the shirt she was wearing that said "Justice for Elijah". There was a memorial service this past weekend and an article in the Times News and they are still looking for justice. Also, recognized that once Gina Baxter takes her seat on the City Council, it will be the first all-women City Council in the history of Hendersonville. Said she was not clear on the ordinance about hemp and where that stood on pornography and tobacco and some other high risk things like car dealerships and fast food.

Brett Werner of 706 Goldfinch Drive, Hendersonville (Green Meadows), spoke about possibly connecting Main Street with the newly redesigned 7th Avenue downtown via 4th Avenue and also anchor my community, Green Meadows and Ashe Street. We have an enormous opportunity and possible funds available in the wake of Hurricane Helene and Frank (from the UNC School of Government) and his team have provided the data and tools to ensure our community can meet the needs of our current residents. I urge the city to be aggressive in ensuring that these properties are community focused and ideally locally owned. I also wanted to mention that those of you who voted against the 1st Avenue projects, the developer made every remedy as requested and got an additional 25 parking spots that was not required. This type of infill is greatly needed for success and Frank will highlight this throughout his presentation. Limiting developments to only two stories going forward will not work long term.

4. CONSIDERATION OF AGENDA

Council Member Lyndsey Simpson moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. UNFINISHED BUSINESS

A. Amendments to City Code Regarding Regulation of Consumable Hemp Derived Products – *Angela Beeker, City Attorney*

City Attorney Angela Beeker explained that City staff was directed to present proposed regulations regarding the sale or possession of cannabis and consumable hemp-derived products within the City, and particularly to minors within close proximity to schools and public property. Presently, there are no state or local regulations applicable to the sale of consumable hemp-derived products other than those generally applicable to retail establishments in the City. She presented the following PowerPoint presentation and proposed an ordinance regulating the sale or possession of consumable hemp-derived products to minors within 1,000 ft. of a public or private school, or public park. N.C.G.S. § 160A-175 requires two readings for any ordinance specifying a criminal penalty, therefore, the proposed ordinance specifying civil penalties only is offered for consideration as a separate item.

An Ordinance to Regulate the Sales Hemp Derived Consummable Products Near Schools.

Click to add subtitle



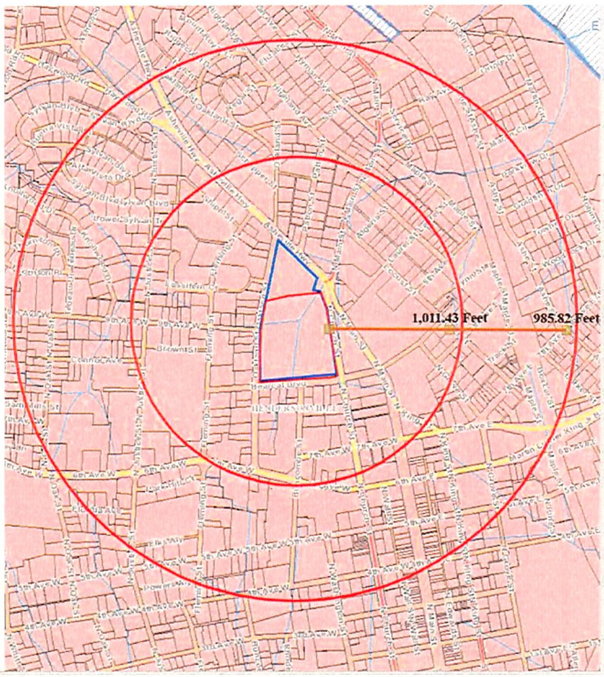
*Pictures from Presentation at UNC SOG by Phil Dixon, Fall, 2019

What is a Hemp Derived Consumable Product?

- ***Hemp***: the plant Cannabis sativa (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis. N.C. Gen. Stat. § 90-87
- ***Hemp-derived consumable products*** means a hemp product that is a finished good intended for human ingestion or inhalation that contains less than 0.3% of delta-9 THC concentration on a dry weight basis, but which contain concentrations of any other hemp-derived cannabinoid(s), in excess of that amount. This term does not include hemp products intended for topical application in which transdermal absorption does not occur, or seeds or seed derived ingredients that are generally recognized as safe by the United States Food and Drug Administration (FDA).
- ***Hemp-dervied cannabinoid*** means any phytocannabinoid found in hemp, including but not limited to delta-9 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), 9 cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), delta-7 tetrahydrocannabinol (delta-7 THC), delta-8 tetrahydrocannibinol (delta-8 THC), or delta-10 tetrahydrocannibinol (delta-10 THC). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp-derived consumable product.
- ***Ingestion means*** the process of consuming a substance in any of the following manners:
  - Through the mouth, by swallowing the substance into the gastrointestinal system;
  - Through tissue absorption by transdermal delivery, or any other method of delivery in which the substance or any of its components is absorbed beneath the skin and into the body or into the blood stream;
  - Subcutaneously through injection beneath the skin; or
  - By needle injection into the blood stream.
- ***Inhalation means*** the process of consuming hemp into the respiratory system through the mouth or nasal passages.

Proposed ordinance makes it unlawful to...

- Sell or give a hemp derived consumable product to a person under the age of 21 at any of the following locations:
  - Within 1000 feet of the property line of any public or private school.
  - In any public park.
- If under the age of 21, to possess, purchase or attempt to purchase any hemp derived consumable product in these same locations.



Why Regulate?

- There are many hemp-derived products containing legal cannabinoids that can have the same psychoactive effects as marijuana; and
- Approval by the Food and Drug Administration of hemp-derived consumable products is not required, and therefore presence of contaminants and the amount of THC present in a product is not subject to quality control, placing the consuming public at risk; and
- The City Council finds that many retail establishments, including but not limited to hemp shops or vape products sell hemp derived consumable products, and there is no law or ordinance prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 within a certain distance from a public or private school, making these products readily accessible to students; and
- The City Council wishes protect the public health and safety of persons under the age of 21 by making hemp-derived consumable products less readily available by prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 years in close proximity to schools.

Remedies

- Civil Penalties:
  - 1st violation: $500.00
  - 2nd or more within 3 year period: $1,000
- Criminal Penalty (separate ordinance requires 2 readings):
  - Class 3 Misdemeanor (fine up to $500)

City Council Member Lyndsey Simpson moved that City Council adopt an Ordinance to Impose Civil Penalties for the Sale or Possession of Cannabis Near Schools as presented. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-45

AN ORDINANCE TO IMPOSE CIVIL PENALTIES FOR THE SALE OR POSSESSION OF CANNABIS NEAR SCHOOLS

WHEREAS, the sale of certain hemp-derived products to persons under the age of 21 years old is currently not regulated by the State of North Carolina; and

WHEREAS, there are many hemp-derived products containing legal cannabinoids that can have the psychoactive effects as marijuana; and

WHEREAS, approval by the Food and Drug Administration of hemp-derived consumable products is not required, and therefore presence of contaminants and the amount of THC present in a product is not subject to quality control, placing the consuming public at risk; and

WHEREAS, the City Council finds that many retail establishments, including but not limited to hemp shops or vape products sell hemp derived consumable products, and there is no law or ordinance prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 within a certain distance from a public or private school, making these products readily accessible to students; and

WHEREAS, the City Council wishes protect the public health and safety of persons under the age of 21 by making hemp-derived consumable products less readily available by prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 years in close proximity to schools.

NOW, THEREFORE, BE IT ORDAINED by City Council of the City of Hendersonville, North Carolina as follows:

SECTION 1. The title of Chapter 6 of the City of Hendersonville City Code shall be amended as follows:

Chapter 6 – ALCOHOLIC BEVERAGES AND CONSUMABLE HEMP DERIVED PRODUCTS

SECTION 2. The of Section 6-7 of the City of Hendersonville City Code shall be amended as follows:

Sec. 6-7 – Sale of alcohol near schools

SECTION 3. Sections 6-1 through 6-7 of Chapter 6 of the City of Hendersonville City Code shall be reorganized into a new Article I of Chapter 6 of the City of Hendersonville Code of Ordinances entitled, "ALCOHOLIC BEVERAGES."

SECTION 4. There shall be enacted a new Article II of Chapter 6 of the City of Hendersonville Code of Ordinances entitled, "HEMP-DERIVED CONSUMABLE PRODUCTS," to read as follows:

ARTICLE II – HEMP DERIVED CONSUMABLE PRODUCTS

Sec. 6-8 Definitions. The following words, terms, and phrases, when used in this Chapter, shall have the meanings stated below, except where the context clearly indicates a different meaning:

(1) *Hemp* has the same meaning as defined in N.C.G.S. § 90-87 of the North Carolina Controlled Substances Act, as the same may be amended.

(2) *Hemp-derived cannabinoid* means any phytocannabinoid found in hemp, including but not limited to delta-9 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), 9 cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), delta-7 tetrahydrocannabinol (delta-7 THC), delta-8 tetrahydrocannibinol (delta-8 THC), or delta-10 tetrahydrocannibinol (delta-10 THC). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp-derived consumable product.

(3) *Hemp-derived consumable products* means a hemp product that is a finished good intended for human ingestion or inhalation that contains less than 0.3% of delta-9 THC concentration on a dry weight basis, but which contain concentrations of any other hemp-derived cannabinoid(s), in excess of that amount. This term does not include hemp products intended for topical application in which transdermal absorption does not occur, or seeds or seed derived ingredients that are generally recognized as safe by the United States Food and Drug

Administration (FDA).

(4) *Hemp product* has the same meaning as defined in N.C.G.S. § 90-87 of the North Carolina Controlled Substances Act, as the same may be amended.

(5) *Ingestion* means the process of consuming a substance in any of the following manners:

a. Through the mouth, by swallowing the substance into the gastrointestinal system;

b. Through tissue absorption by transdermal delivery, or any other method of delivery in which the substance or any of its components is absorbed beneath the skin and into the body or into the blood stream;

c. Subcutaneously through injection beneath the skin; or

d. By needle injection into the blood stream.

(6) *Inhalation* means the process of consuming hemp into the respiratory system through the mouth or nasal passages.

(7) *School* means any public or private school providing elementary and/or secondary education pursuant to Chapter 115C of the North Carolina General Statutes, but excluding home schools as defined in N.C.G.S. § 115C-563.

(8) *Seller* means any person or entity who sells a hemp-derived consumable product to the consumer of the product, or who sells a hemp-derived consumable product at retail.

Sec. 6-9 Restriction on hemp-derived consumable products for persons under the age of 21.

It shall be unlawful of any person or entity to do any of the following:

(1) Knowingly, or having reason to know, sell or give a hemp-derived consumable product to a person who is under 21 years of age at any of the following prohibited locations:

a. Within 1,000 feet of the property line of any public or private school.

b. In any public park.

Any seller or giver of hemp-derived consumable products at any of these prohibited locations shall demand proof of age from a prospective purchaser or recipient of hemp-derived consumable products before the hemp-derived consumable product(s) are released to the purchaser or recipient if the seller or giver has reasonable grounds to believe that the prospective purchaser or recipient is under 30 years of age.

(2) Knowingly, or having reason to know, distribute samples of hemp-derived consumable products in any location where sales to a person under the age of 21 are prohibited.

(3) If a person is under the age of twenty-one (21), to possess, purchase, or attempt to purchase any hemp-derived consumable product at any location where the sale of hemp-derived consumable products to persons under the age of twenty-one (21) is prohibited.

(4) If a person is under the age of twenty-one (21), to use any type of fraudulent or altered identification, or any identification belonging to another person, to attempt to possess or purchase a hemp-derived consumable product in violation of this Section.

Sec. 6-10 Civil Penalties for Violation

Violations of Section 6-9 of the City of Hendersonville City Code shall subject the offender to the following penalties:

(1) For the first violation, a civil penalty of $500.00 shall be assessed.

(2) For a second and any additional violation within a three (3) year period, a civil penalty of $1,000 shall be assessed.

SECTION 5. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 6. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 7. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

B. Amendments to City Code Regarding Regulation of Consumable Hemp Derived Products to Specify Criminal Liability – *Angela Beeker, City Attorney*

City Attorney Angela Beeker explained that City staff was directed to present proposed regulations regarding the sale or possession of cannabis and consumable hemp-derived products within the City, and particularly to minors within close proximity to schools and public property. Presently, there are no state or local regulations applicable to the sale of consumable hemp-derived products other than those generally applicable to retail establishments in the City. The proposed ordinance provides for criminal enforcement of the regulations regarding sale or possession of consumable hemp-derived products within the City. N.C.G.S. § 160A-175 requires two readings for any ordinance specifying a criminal penalty.

City Council Member Melinda Lowrance moved that City Council adopt an Ordinance to Impose Criminal Penalties for the Sale or Possession of Cannabis Near Schools as presented. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-46

AN ORDINANCE TO IMPOSE CRIMINAL PENALTIES FOR THE SALE OR POSSESSION OF CANNABIS NEAR SCHOOLS

WHEREAS, the sale of certain hemp-derived products to persons under the age of 21 years old is currently not regulated by the State of North Carolina; and

WHEREAS, there are many hemp-derived products containing legal cannabinoids that can have the psychoactive effects as marijuana; and

WHEREAS, approval by the Food and Drug Administration of hemp-derived consumable products is not required, and therefore presence of contaminants and the amount of THC present in a product is not subject to quality control, placing the consuming public at risk; and

WHEREAS, the City Council finds that many retail establishments, including but not limited to hemp shops or vape products sell hemp derived consumable products, and there is no law or ordinance prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 within a certain distance from a public or private school, make these products readily accessible to students; and

WHEREAS, the City Council wishes protect the public health and safety of persons under the age of 21 by making hemp-derived consumable products less readily available by prohibiting the sale or distribution of hemp derived consumable products to persons under the age of 21 years in close proximity to schools.

NOW, THEREFORE, BE IT ORDAINED by City Council of the City of Hendersonville, North Carolina as follows:

SECTION 4. Article II of Chapter 6 of the City of Hendersonville Code of Ordinances shall be amended to add a new Section 6-11 as follows:

Sec. 6-11 Criminal Penalties for Violation

In addition to any other remedy available, violation of this Article II of Chapter 6 of the City of Hendersonville Code of Ordinances is a misdemeanor as provided in Section 1-6 of the City of Hendersonville Code of Ordinances.

SECTION 5. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 6. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 7. This Ordinance shall be effective upon passing two readings.

Adopted at first reading by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Adopted at second reading by the City Council of the City of Hendersonville, North Carolina on this 8th day of January, 2025.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

C. 2024 Bonuses – *John Connet, City Manager*

City Manager John Connet explained that a member of City Council brought it to our attention that based on how hard our team worked during Hurricane Helene that it may be appropriate to offer a bonus in appreciation of their efforts so staff went into action and put forth a proposal that we would offer a one-time $1,000 bonus for all full-time staff and $500 for permanent part-time staff. The total budgetary cost will be $330,000 give or take a little. We will fund it through contingency and fund balance appropriation or the various funds.

Council Member Jeff Miller said thinking back on his second tenure on City Council a couple of really cool things have happened. The hurricane was not one of them. Seeing the Laura Corn Mini-Golf opened back up and how well it's been received and used and the Fire Station One and how well that has worked out. Thinking about it, we built this firehouse but it actually became a beacon of hope when the hurricane visited us. In a very short time after it hit, City Manager Connet turned it into an Emergency Operations Center second to none and the firefighters shared their space with a bunch of us and made room for firefighters from other areas that came in to help. People were working 12 hour shifts every day, sometimes longer than that. Some people didn't go home. I watched John and Brian tag team these briefings in the morning and at night. They each had their strong points and they each got the absolute best out of everybody. The department heads and staff were nothing short of incredible given the hard conditions and communications failing. A lot of things we learned that we couldn't have been ready for but are more ready for them now. I saw the way staff just jumped right in, didn't complain, they were exhausted from going out and taking care of people. I saw people walk up that had nowhere else to go, they had lost everything and I watched how law enforcement helped find families for them or take them to shelters and every day was an experience. Really tough times but watching how everybody stepped up and how that firehouse became an absolute beacon of hope for so many and took us to a bright side. We had water before anyone else really had water and how we had a certain calm come over us. Hendersonville literally became like an oasis and that's because of the people that were doing everything within the city so when this came up, I asked John and Brian to look for the absolute maximum we could do without presenting a problem and they did some digging and I talked to other council members and the best thing we can always do is show support for our employees because they're the ones delivering the services. John leads a great team and they're all so young and they can just get it done. So, I think we've got them for a long time, but I think we need to do things to show them how much we appreciate them. I've been fortunate to serve with Councils and the Mayor who are willing to do that. I would like that to be my exiting motion, to see the full-timers get $1000 each and permanent part timers get $500 each.

Council Member Jeff Miller moved to authorize the City Manager to provide a one-time appreciation bonus in the amount of $1000 for all full-time employees and $500 to all permanent part-time employees. A unanimous vote of the Council followed. Motion carried.

6. PRESENTATIONS

A. CALEA Accreditation Presentation – *Blair Myhand, Chief of Police*

Police Chief Blair Myhand gave the following PowerPoint presentation explaining CALEA and City Council congratulated the Police Department on this accomplishment.

Hendersonville Police Department

City Council
Accreditation Presentation
December 5, 2024

Commission on Accreditation for Law Enforcement Agencies (CALEA)

SINCE 1979 — 40 YEARS OF EXCELLENCE — CALEA® — THE GOLD STANDARD IN PUBLIC SAFETY

What is accreditation?

- Comprehensive and uniform policies that define authority, performance, and responsibilities.
- Reports and analyses to inform evidence-based decisions.
- Preparedness to address natural or man-made critical incidents.
- Community relationship-building and maintenance.
- Independent review by subject matter experts.
- Continuous pursuit of excellence.

CALEA Multi-step process

1. Enroll
2. Enter self-assessment (36 months)
3. Web-based and on-site assessments
4. Commission review and decision
5. Maintaining compliance and reaccreditation

Cost

- Initial: $11,450 (grant)
- Annual: $4,065
- Discounts available for multiple accreditation programs (i.e., law enforcement and public safety communications)

What does being an accredited agency mean?

- Increased community advocacy.
- Stronger defense against civil lawsuits.
- Reduced risk and liability exposure.
- Greater accountability within the agency.
- Support from elected leaders.

Fun facts

- 184 standards
- 15 months to complete our self assessment
- 0 deficiencies (rare)
- 20% discount through NCLM
- 1,303 accredited agencies
- 83 agencies in North Carolina
- 3 agencies Western North Carolina

B. Service Weapon & Badge - *Blair Myhand, Chief of Police*

Police Chief Blair Myhand explained that the City of Hendersonville recognizes and appreciates the service provided to the citizens of our community by the commitment of sworn law enforcement officers of the Hendersonville Police Department. North Carolina General Statute 20-187.2 and City of Hendersonville Policy Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers enables the City Council to award a retiring member or surviving relatives, the badge and service side arm of law enforcement

officers. The attached resolution will allow the Hendersonville Police Department to award retiring Captain Rich Olsen with his badge and service side arm for a cost of $1.00.

Resolution #R-24-100

RESOLUTION TO RECOGNIZE DISTINGUISHED SERVICE TO THE CITY OF HENDERSONVILLE AND AWARDING OF SERVICE SIDE ARM

WHEREAS, North Carolina General Statutes 20-187.2 provides that retiring members of law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service; and

WHEREAS, NCGS 20-187.2 further provides that the governing body of the governing law enforcement agency may, at its discretion, award to a retiring member their service side arm, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law; and

WHEREAS, the City of Hendersonville hereby recognizes **30 years** of distinguished service by **Captain Richard Scott Olsen** for the City of Hendersonville and its residents; and

WHEREAS, the City of Hendersonville wishes to recognize **Captain Rich Olsen's** service in a manner that is customary for persons retiring from distinguished law enforcement service; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the City of Hendersonville hereby awards to **Captain Richard Scott Olsen his service side arm, Sig Sauer model P320, 9 mm, serial number 58H097424**, for a cost of $1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

Council Member Jeff Miller moved that City Council approve the resolution to award retiring Captain Rich Olsen with his badge and service side arm for a cost of $1.00. A unanimous vote of the Council followed. Motion carried.

C. Special Presentation to Council Member Jeff Miller – *John Connet, City Manager*

City Manager John Connet said how much this team appreciates your leadership in this community. If something needs to get done, we know who to go to. We sent you out last time with a rocking chair and a nice resolution but this time, Allison put a nice scrapbook together for you with pictures and comments to you and I hope you take the time to read it. You brought stability and experience and we were able to get through a tough time. I can't imagine going through Helene without you five. I think the community saw it too, the stabilization. I really appreciated working with you.

Council Member Lyndsey Simpson said this isn't goodbye, you just get to come and go as you please now. But seriously, it has been wonderful to serve with you and when I came to you and had questions, you always helped me.

Mayor Volk said we appreciate your willingness to come back and help us out at a very difficult time. Your connections especially during Helene in and out of the community meant a great deal to everybody and the support you gave to all of the folks working at that time is invaluable, so thank you.

Council Member Melinda Lowrance said that she wanted to thank him as well. You and I have been friends for forever. We grew up together and I will miss you but I know you'll text me. Because of you I have learned so much in such a short period of time and I expect you to continue to groom me to be the best council woman in Hendersonville. I just want you to stay true to who you are. Anytime that I can support you in any endeavor, you know my number and my address.

7. BRIEF RECESS

A brief recess was taken from 6:46 p.m. to 6:54 p.m.

8. ORGANIZATIONAL MEETING

A. Administration of Oath of Office and Presentation of Certificate of Election to Mayor Pro Tem Lyndsey Simpson by the Honorable Mayor Barbara G. Volk.

Mayor Barbara Volk performed the Oath of Office.

State of North Carolina
County of Henderson

In the Matter of
City of Hendersonville, City Council Member

I, **Lyndsey Simpson,** do solemnly swear that I will support the Constitution and laws of the United States, that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, **Lyndsey Simpson,** do swear that I will well and truly execute the duties of the office of City of Hendersonville City Council Member according to the best of my skill and ability, according to law, so help me God.

This 5th day December, 2024.

/s/ **Lyndsey Simpson**

B. Administration of Oath of Office and Presentation of Certificate of Election to Council Member Dr. Jennifer Hensley by the Honorable Mayor Barbara G. Volk.

Mayor Barbara Volk performed the Oath of Office.

State of North Carolina
County of Henderson

In the Matter of
City of Hendersonville, City Council Member

I, **Jennifer Hensley,** do solemnly swear that I will support the Constitution and laws of the United States, that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, **Jennifer Hensley,** do swear that I will well and truly execute the duties of the office of City of Hendersonville City Council Member according to the best of my skill and ability, according to law, so help me God.

This 5th day December, 2024.

/s/ **Jennifer Hensley**

C. Administration of Oath of Office and Presentation of Certificate of Election to Council Member Margina M. Baxter by the Honorable Mayor Barbara G. Volk.

Mayor Barbara Volk performed the Oath of Office.

State of North Carolina
County of Henderson

In the Matter of
City of Hendersonville, City Council Member

I, **Margina Baxter,** do solemnly swear that I will support the Constitution and laws of the United States, that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain

and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, **Margina Baxter,** do swear that I will well and truly execute the duties of the office of City of Hendersonville City Council Member according to the best of my skill and ability, according to law, so help me God.

This 5th day December, 2024.

/s/ **Margina Baxter**

D. Remarks by Mayor Pro Tem Simpson, Council Members Jennifer Hensley, Gina Baxter and Others

Council Member Lyndsey Simpson said that Jennifer and I were fortunate enough to get an extra year in our terms so it's been five years since we sat on this board and it's really hard to believe that's its been five years because I feel like we were just in this room and we just did this and it's really been an honor to be able to serve the city in this way and to be able to work with all of the staff members that make the city look so great. They're the reason we all look so good. They're the ones doing the hard work every day so I'm just really excited that the residents decided that I get to do this for another four years because it really is a joy and even though it is tough sometimes, I really love being able to be a part of my community in this way so thank you very much.

Council Member Jennifer Hensley echoed what Lindsay said and said it's an honor and a privilege to be here and I really love what I do and I just really enjoy being here. Thank you.

Council Member Gina Baxter said that she is so incredibly proud to be a member of this community. This community raised me, it is my home. I am so honored to get to serve in this way and I am grateful that I get to serve along such an amazing Council and such an incredible city staff and I am grateful to Jeff Miller and all of the great work he has done.

E. Election of Mayor Pro Tempore and Administration of Oath of Office by the Honorable Barbara G. volk, Mayor

Council Member Lyndsey Simpson nominated Council Member Jennifer Hensley to be the new Mayor Pro Tempore. A unanimous vote of the Council followed. Motion carried. Mayor Barbara Volk performed the Oath of Office.

Oath of Office
City of Hendersonville
Mayor Pro Tempore

I, Jennifer Hensley, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as City of Hendersonville Mayor Pro Tempore, so help me God.

I, Jennifer Hensley, do solemnly swear that I will well and truly execute the duties of the office of City of Hendersonville Mayor Pro Tempore to the best of my skill and ability, according to law, so help me God.

(signature)

December 5, 2024
Date

State of North Carolina
County of Henderson
In the Matter of
City of Hendersonville Mayor Pro Tempore

On December 5, 2024, Jennifer Hensley, personally appeared before me and swore to and subscribed before me the Oath of Office of City of Hendersonville Mayor Pro Tempore.

/s/ Barbara G. Volk, Mayor

F. 2025 Annual Schedule of Meetings – Jill Murray, City Clerk

NOTICE

City of Hendersonville City Council 160 6th Avenue E., Hendersonville, NC 28792

NOTICE OF CITY COUNCIL REGULAR MEETINGS 2025

The Regular Meetings of the City of Hendersonville City Council will be held on the **first Thursday** of each month beginning at **5:45 p.m.** in the 2nd Floor Meeting Room inside City Hall located at 160 6th Avenue E., Hendersonville, NC.

January 8, 2025 (Wednesday)
February 12, 2025 (Wednesday)
March 6, 2025
April 3, 2025
May 1, 2025
June 5, 2025
July 3, 2025
August 7, 2025
September 4, 2025
October 2, 2025
November 6, 2025
December 4, 2025

****Council/Staff Retreat – February 27-28, 2025 – Location TBD**
****City Council Budget Workshop – May 2, 2025**

The Second Monthly Meetings will be held on the **fourth Wednesday** of each month beginning at **4:00 p.m.** in the 2nd Floor Meeting Room inside of City Hall located at 160 6th Avenue E., Hendersonville NC.

January 22, 2025
~~February 26, 2025~~ Canceled
March 26, 2025
April 23, 2025
May 28, 2025
June 25, 2025
July 23, 2025
August 27, 2025
September 24, 2025
October 22, 2025
November 26, 2025
~~December 24, 2025~~ Canceled

G. Appointment of Council Representatives to Boards – Barbara G. Volk, Mayor

- Business Advisory Committee – ***Council Member Lyndsay Simpson nominated Council Member Melinda Lowrance. A unanimous vote of the Council followed. Motion carried.***
- Diversity & Inclusion - ***Council Member Lyndsay Simpson nominated Council Member Melinda Lowrance to serve along with Mayor Barbara Volk as designated in the charter. A unanimous vote of the Council followed. Motion carried.***
- Downtown Advisory Board - ***Council Member Melinda Lowrance nominated Council Member Lyndsey Simpson. A unanimous vote of the Council followed. Motion carried.***
- Environmental Sustainability Board - ***Council Member Lyndsay Simpson nominated Council Member Gina Baxter. A unanimous vote of the Council followed. Motion carried.***
- Strategic Housing Plan Steering Committee - ***Council Member Lyndsay Simpson nominated Council Member Jennifer Hensley. Council Member Jennifer Hensley nominated Lyndsey Simpson. A unanimous vote of the Council followed. Motion carried.***
- Tree Board - ***Council Member Melinda Lowrance nominated Council Member Lyndsey Simpson. A unanimous vote of the Council followed. Motion carried.***
- Water & Sewer Advisory Committee - ***Council Member Lyndsay Simpson nominated Council Member Jennifer Hensley. A unanimous vote of the Council followed. Motion carried.***

- Henderson County Transportation Advisory Committee - ***Council Member Melinda Lowrance nominated Council Member Jennifer Hensley. A unanimous vote of the Council followed. Motion carried.***

- French Broad River Metropolitan Planning Organization - ***Council Member Lyndsay Simpson nominated Council Member Jennifer Hensley. A unanimous vote of the Council followed. Motion carried. Also congratulations to Jennifer on your award for serving on this board.***

- Mills River Partnership - ***Council Member Lyndsay Simpson nominated Council Member Gina Baxter. A unanimous vote of the Council followed. Motion carried.***

- Land of Sky Council of Governments - ***Council Member Lyndsay Simpson nominated Mayor Barbara Volk and Melinda Lowrance (Alternate). A unanimous vote of the Council followed. Motion carried.***

- Henderson County Partnership for Economic Development - ***Council Member Lyndsay Simpson nominated Mayor Barbara Volk. A unanimous vote of the Council followed. Motion carried.***

- Local Government Committee for Cooperative Action - ***Council Member Lyndsay Simpson nominated Mayor Barbara Volk and Council Member Melinda Lowrance. A unanimous vote of the Council followed. Motion carried.***

9. CONSENT AGENDA

Council Member Jennifer Hensley moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

A. Adoption of City Council Minutes – *Jill Murray, City Clerk*
November 7 Regular Meeting

B. Resolution to Accept Hurricane Helene Disaster Recovery Grant – *Caitlyn Gendusa, Public Works Superintendent-Sustainability Manager*

Resolution #R-24-101

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM THE COMMUNITY FOUNDATION OF WESTERN NORTH CAROLINA FOR HURRICANE HELENE DISASTER FUNDS FOR WATER & SEWER VEHICLES

WHEREAS, The Community Foundation of Western North Carolina has established a grant to provide funding to communities impacted by Hurricane Helene; and

WHEREAS, the City of Hendersonville has ten (10) Water & Sewer vehicles that were flooded as a result of Hurricane Helene;

WHEREAS, the City of Hendersonville, in particular its Public Works Department, Sustainability Division applied for a grant from the Community Foundation of Western North Carolina to secure funds to offset the cost of paying for deductibles to replace the ten (10) Water & Sewer vehicles thus enabling the City of Hendersonville to continue providing quality and efficient public services to our community; and

WHEREAS, the City has been awarded $25,000.00 by the Community Foundation of Western North Carolina to be used for the Allowable Purposes; and

WHEREAS, the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The City hereby accepts the grant from the Community Foundation of Western North Carolina to be used for the Allowable Purposes; and
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provide they are consistent with the terms of this Resolution;

3. City Staff are authorized and directed to proceed with utilizing the grant funds to pay for the deductibles for the Water & Sewer vehicles for the Allowable Purposes.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

C. Utility Extension Agreement for the Sheehan Townhomes Subdivision– *Adele Gutierrez-Ramirez, Utilities Engineer*

Resolution #R-24-102

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH SHEEHAN ROAD, LLC FOR THE SHEEHAN TOWNHOMES

WHEREAS, the City of Hendersonville owns, operates and maintains water system to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water service as a part of their development projects; and

WHEREAS, the Developer extends public water to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water line extension process; and

WHEREAS, Sheehan Road, LLC, the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water service to the Sheehan Townhomes.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The Utility Extension Agreement with Sheehan Road, LLC, the "Developer" and "Owner" to provide water service to the Sheehan Townhomes is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

D. Utility Extension Agreement for the Enclave on West Park Subdivision – *Adele Gutierrez-Ramirez, Utilities Engineer*

Resolution #R-24-103

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH OURCO CONSTRUCTION COMPANY, LLC FOR THE ENCLAVE ON WEST PARK

WHEREAS, the City of Hendersonville owns, operates and maintains a sewer system to serve customers throughout the City of Hendersonville; and

WHEREAS, residential, commercial, and industrial developments often require gravity sewer service as a part of their development projects; and

WHEREAS, the Developer extends gravity sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the sewer line extension process; and

WHEREAS, Ourco Construction Company, LLC, the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide sewer services to the Enclave on West Park.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The Utility Extension Agreement with Ourco Construction Company, LLC, the "Developer" and "Owner" to provide sewer service to the Enclave on West Park is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

E. Utility Extension Agreement for Apple Ridge Development – *Brendan Shanahan*

Resolution #R-24-104

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HOUSING ASSISTANCE CORPORATION FOR THE APPLE RIDGE DEVELOPMENT

WHEREAS, the City of Hendersonville owns, operates and maintains a water and sewer system to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water service as a part of their development projects; and

WHEREAS, the Housing Assistance Corporation ("HAC") is constructing water and sewer infrastructure (the "New Infrastructure") to serve Apple Ridge Development, a development that will provide affordable housing to low to moderate income households;

WHEREAS, upon completion and acceptance, the New Infrastructure will be conveyed to the City to own, operate, and maintain, and to become a part of the water and sewer system of the City in exchange for a payment by the City of $800,000; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the HAC and the City for the construction and conveyance of the New Infrastructure to the City; and

WHEREAS, a draft Utility Extension Agreement has been prepared for consideration by the City Council

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The Utility Extension Agreement with "HAC" is approved as presented.
2. Payment of the sum of $800,000 for the conveyance of the New Infrastructure is approved.
3. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a new financial obligation upon the City beyond that approved by this Resolution.
4. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City beyond that approved by this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

F. December 2024 Budget Amendments - *Jennifer Floyd, Budget & Management Analyst*

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL:December 5, 2024 **FORM: 12052024-01**

BUDGET AMENDMENT

FUND 459/460					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
459-0000-470900	Fund Balance Appropriation	-	2,561	-	2,561
459-0000-598901	Transfer Out (to 460)	100,000	2,561	-	102,561
FUND 459	TOTAL REVENUES	-	2,561	-	2,561
WS Capital Reserve	TOTAL EXPENDITURES	100,000	2,561	-	105,122
460-0000-470010-19025	Debt Proceeds ('22 Revenue Bond)	750,000	-	-	750,000
460-0000-470100-19025	Transfer In (From 459)	-	2,561	-	2,561
460-7055-550103-19025	Capital Outlay - CIP	739,450	2,561	-	742,011
460-0000-598901-19025	Transfer Out (to 460, #23018)	10,550	-	-	10,550
FUND 460	TOTAL REVENUES	750,000	2,561	-	752,561
WS Capital Projects	TOTAL EXPENDITURES	750,000	2,561	-	752,561
An amendment increasing the budget for project #19025 Ewart Hill Reservoir project to prepare for closing.					

The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL:December 5, 2024 **FORM: 12052024-02**

BUDGET AMENDMENT

FUND 199/301					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
199-0000-470900-00410	Fund Balance Appropriations	35,000	9,600	-	44,600
199-0000-598901-00410	Transfer Out (301)	-	9,600	-	9,600
FUND 199	TOTAL REVENUES	35,000	9,600	-	44,600
Gov. Special Revenue	TOTAL EXPENDITURES	-	9,600	-	9,600
301-0000-420050-G2206	Grant Revenue	24,500	-	-	24,500
301-0000-470100-G2206	Transfer In (From 199)	9,600	-	-	9,600
301-1300-550103-G2206	Capital Outlay CIP	34,100	-	-	34,100
FUND 301	TOTAL REVENUES	34,100	-	-	34,100
Grant Project	TOTAL EXPENDITURES	34,100	-	-	34,100
An amendment increasing the budget for project #G2206 Governor's Crime Commission Virtra Project to prepare for closing (FY22).					

The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL:December 5, 2024 **FORM: 12052024-03**

BUDGET AMENDMENT

FUND 010/301					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
010-1002-539005	Health & Welfare Expenditures	137,525	-	185	137,340
010-0000-598901	Transfer Out (301)	1,348,245	185	-	1,348,430
FUND 010	TOTAL REVENUES	-	-	-	137,340
General Fund	TOTAL EXPENDITURES	1,485,770	185	185	1,485,770
301-0000-420050-GC210	Grant Revenue	34,999	-	-	34,999
301-0000-470100-GC210	Transfer In (From 010)	-	185	-	185
301-1300-519200-GC210	Non-Capital Equipment	34,999	185	-	35,184
FUND 301	TOTAL REVENUES	34,999	185	-	35,184
Grant Project	TOTAL EXPENDITURES	34,999	185	-	35,184
An amendment increasing the budget for project #GC210 Governor's Crime Safer Schools Grant project to prepare for closing.					

The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

10. PRESENTATIONS

A. Presentation of Housing Needs Assessment – *UNC School of Government Development Finance Initiative*

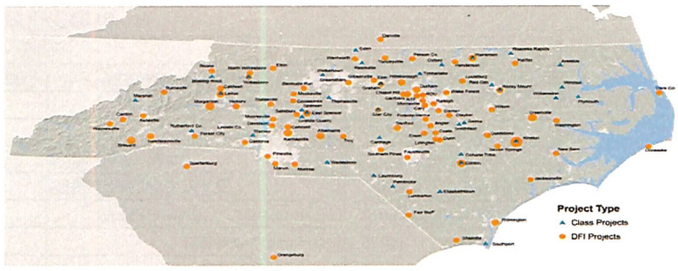
Frank Muraca from the UNC School of Government Development Finance Initiative gave the following PowerPoint presentation.

UNC | SCHOOL OF GOVERNMENT
Development Finance Initiative

DFI, a program of UNC Chapel Hill's School of Government (SOG), partners with local governments to attract private investment for transformative projects by providing specialized finance and development expertise.

SOG is the largest university-based local government training, advisory, and research organization in the United States, and serves more than 12,000 public officials each year.

Values: Nonpartisan, policy-neutral, responsive

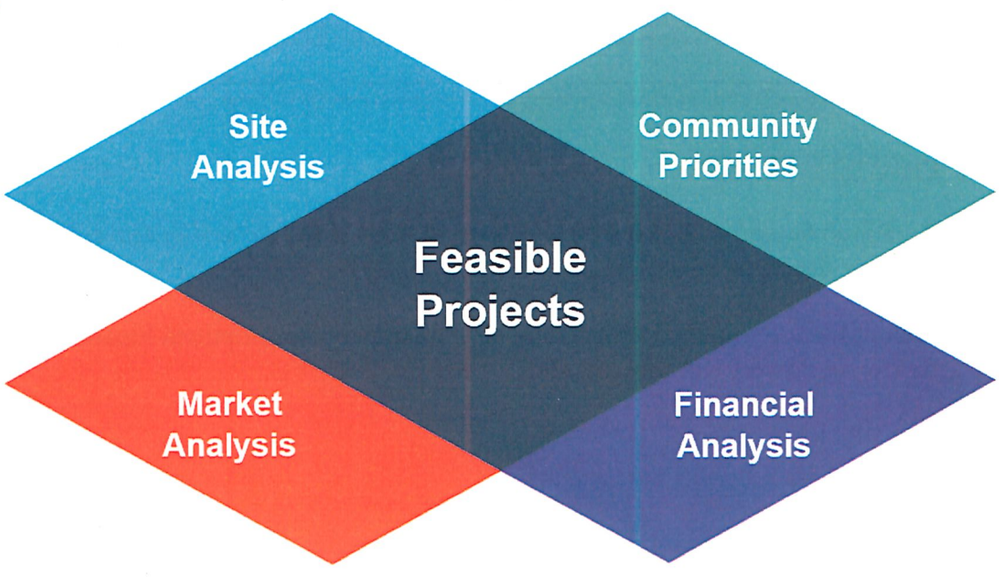


Project Team
Project Lead: Frank Muraca
Associate Director: Sarah Odio
DFI Director: Marcia Perritt

Opportunity Site ID Scope

1. **Set housing priorities for site identification**
   - Community scan
   - Stakeholder engagement
   - Housing needs assessment
2. **Identify suitable sites**
   - Mapping and identification of sites that meet City's housing priorities and are competitive for potential funding sources
   - Assessment of path to site control
   - Parcel analysis
3. **Compare development potential of sites**
   - High-level site analysis of up to 4 sites
   - High-level financial analysis to estimate potential funding gap for each scenario

DFI Opportunity Site Identification Process



Examples of housing priorities

Household Type?

- Families ↔ Seniors
- Renters ↔ Owners
- Income Levels



Geographic focus?

- Neighborhood
- Downtown
- Commercial corridor



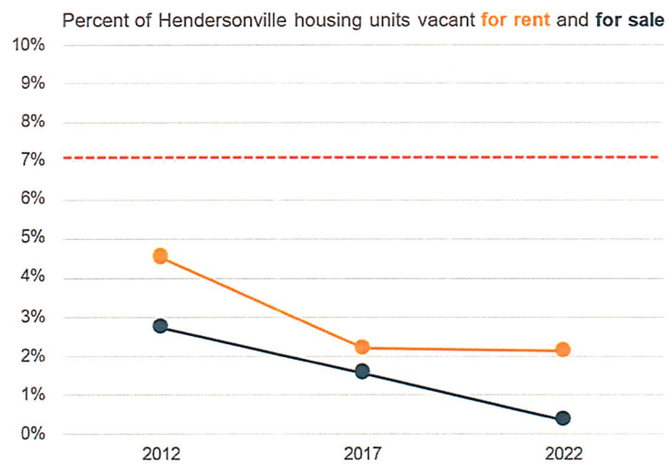
Others?

- Maximize number of units or diversify impact
- Prioritize potential partnerships
- Repurpose underutilized land owned by city



Housing Needs Assessment

Population growth and limited new supply has pushed down vacancy rates

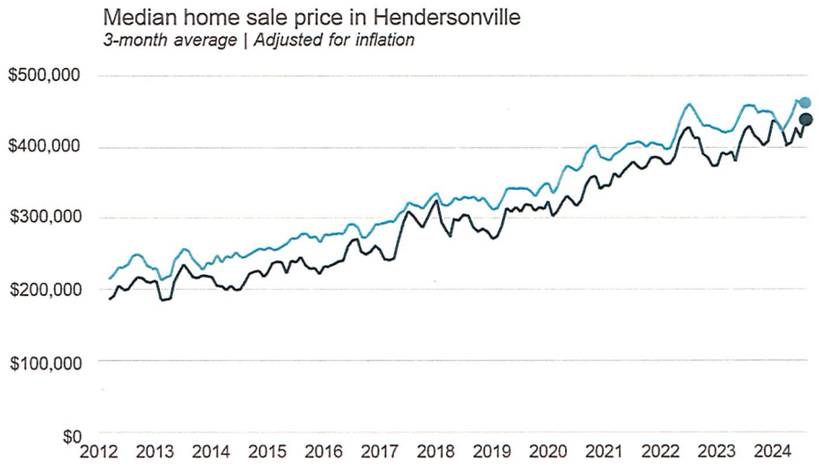


2% of housing units are **vacant and for rent**

<1% of housing units are **vacant and for sale**

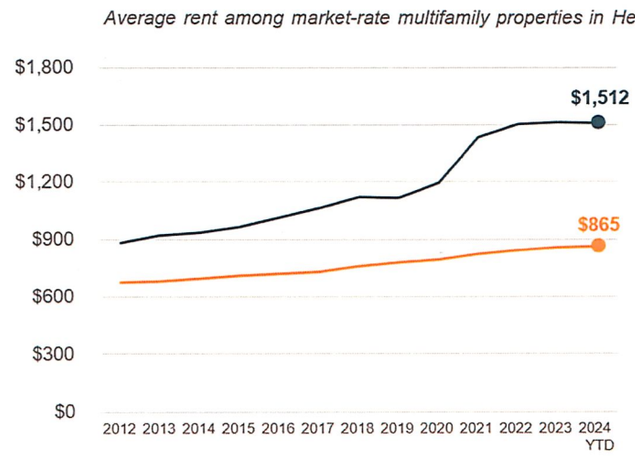
Source: ACS (5-Year Estimates)

For the past year, median home prices in Hendersonville exceeded $400,000



Source: Redfin

Rents among Class A & B properties increased 25% post-COVID



Rents among **Class A & B** properties increased 25% post-COVID and are affordable to households making over 80% AMI.

Rents among **Class C** properties have not increased as quickly, but likely have challenges with quality and safety.

Despite large differences in quality, the vacancy rate among both property types is 3%.

Source: CoStar

Henderson County has demand for an estimated 4,300 housing units over the next five years



330 units in the pipeline are affordable to low-income households.

In Hendersonville, there is demand for 2,000 units affordable to low-income households.

Source: Estimates based on DFI analysis of data from ACS 5-Year Estimates, NCOSBM, HUD CHAS, and projects tracked by the City of Hendersonville and Henderson County.

Who is "Low-Income" in Hendersonville?

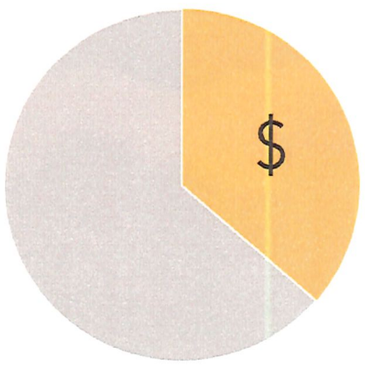
AMI for Four-Person Household: $86,100

AMI	One Person	Two Person	Three Person	Four Person
100%	$65,400	$74,800	$84,100	$86,100
80% *Low-Income*	$52,320	$59,840	$67,280	$74,800
50% *Very Low-Income*	$32,700	$37,400	$42,050	$46,750
30% *Extremely Low-Income*	$19,620	$22,440	$25,230	$28,050

Source: HUD 2024 for Asheville MSA

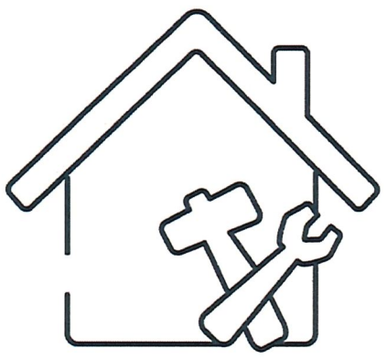
Housing need is both cost and quality

Households have housing need if housing-related expenses are **more than 30% of the household's income.**



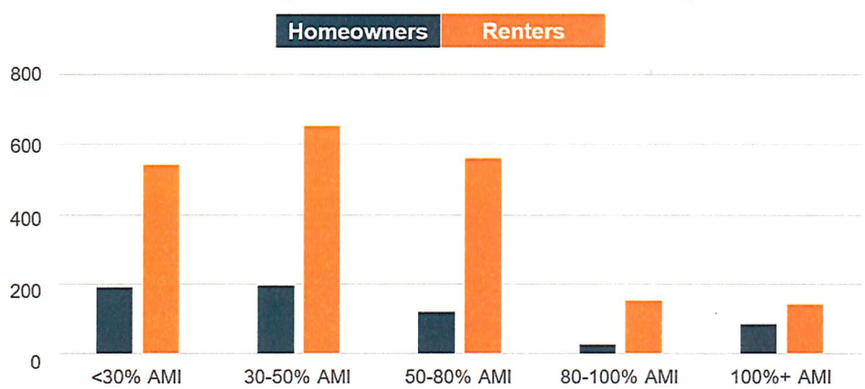
Housing-related expenses include rent or mortgage payments, plus insurance, and utilities.

Households have housing needs if they live in **poor quality** or **overcrowded** housing.



At least 2,000 renters and 600 homeowners have housing needs in Hendersonville today

Number of Hendersonville households that are cost burdened or living in substandard or overcrowded housing



Source: HUD CHAS 2021

LMI household types with housing needs

Individuals over 62

825
Households with housing needs

64%
Renters

Families younger than 62

550
Households with housing needs

92%
Renters

Individuals younger than 62

500
Households with housing needs

92%
Renters

Approx. 20% of LMI households with unmet housing needs include at least one member with an ambulatory disability or challenges living independently.

Source: HUD CHAS 2021

Hurricane Helene

- According to state estimates, approximately 126,000 housing units in western NC were damaged by Hurricane Helene
- As of October 21, 4,600 homeowners and 2,500 renters have been approved for FEMA Individual Assistance in Hendersonville ZIP Codes



Discussion about housing priorities

Household Type

- Families ↔ Seniors
- Renters ↔ Owners
- Income Levels

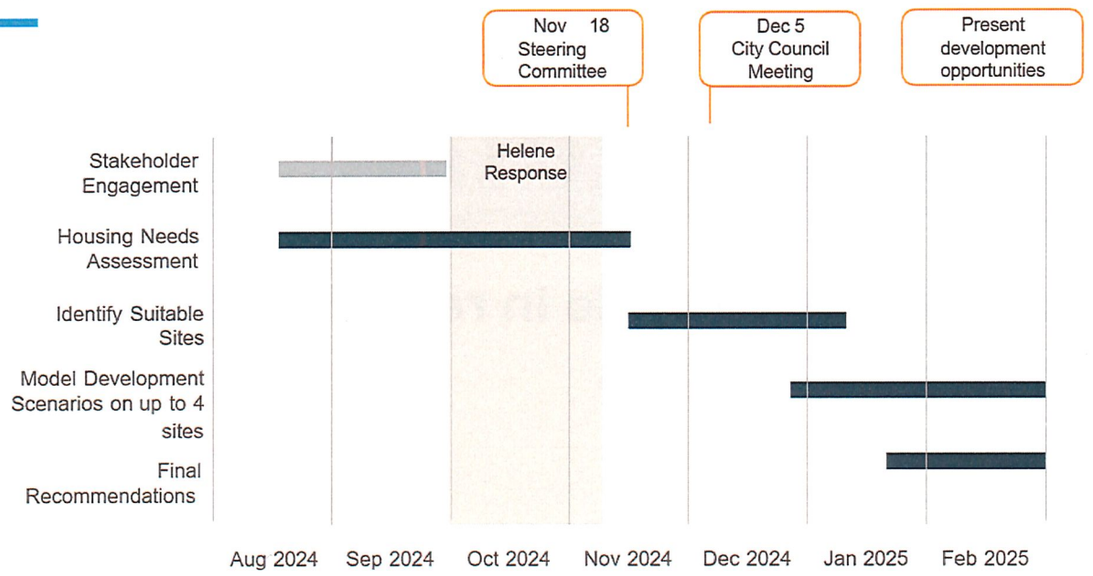
Geographic

- Neighborhood
- Downtown
- Commercial corridor

Other

- Maximize number of units or diversify impact
- Prioritize potential partnerships
- Repurpose underutilized land owned by city

Opportunity Site ID Timeline



Stakeholder engagement before Helene

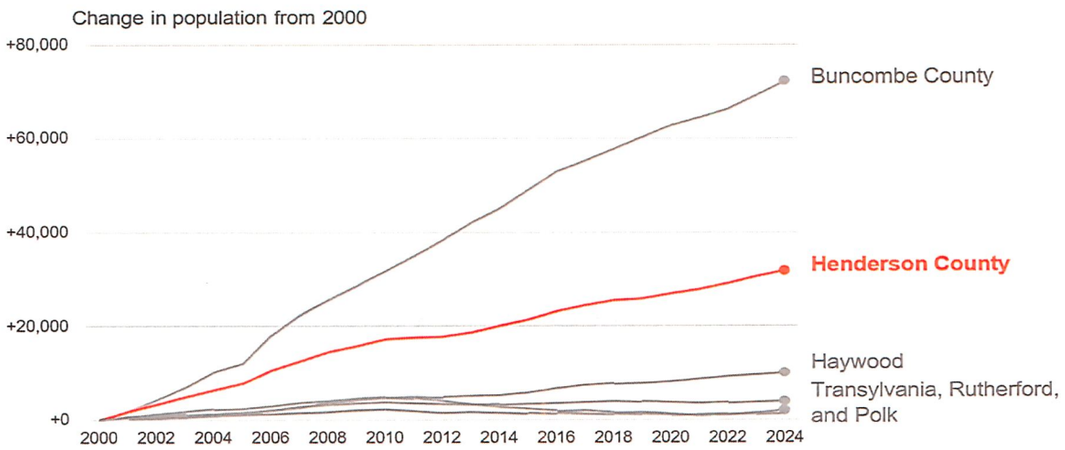
- Looking Glass Realty
- Henderson County Public Schools
- Interfaith Assistance Ministry
- Hendersonville Housing Authority
- UNC Health Pardee
- WNCSource
- Kimberly Clark Corp
- Elkamet Inc
- Demmel Inc
- Habitat for Humanity
- Providence Construction
- Housing Assistance Corp

Summary

- To meet current and future housing demand, Henderson County needs an estimated 10,000 new housing units within the next five years. At least 2,000 of these units are needed in Hendersonville for low-to-moderate income households.
- Hendersonville's housing supply was constrained even before Hurricane Helene. Over the past decade, household growth in Hendersonville outpaced new housing construction by about 2 to 1, and rental and for-sale vacancies dropped below 2%.
- Various household types in Hendersonville live in unaffordable or low-quality housing, over 80% of which are low-to-moderate income.
- According to state estimates, approximately 126,000 housing units were damaged by Hurricane Helene across western North Carolina. And as of October 21, over 7,000 households living in Hendersonville area zip codes have applied for FEMA Individual Assistance.

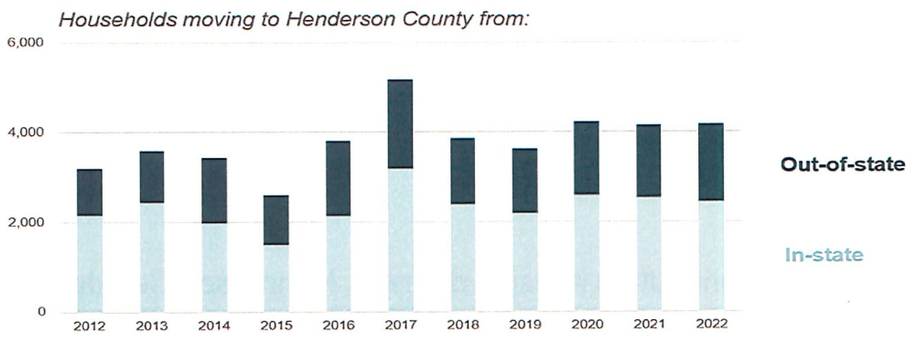
Hendersonville in regional context

Hendersonville in regional context



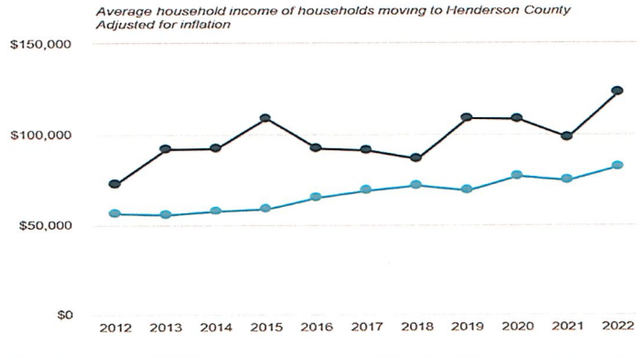
Source: NC OSBM

In recent years, 40% of households moving to Henderson County are from out-of-state



Source: IRS SOI

Households moving from out-of-state have higher incomes than in-state households



The average household income of **households moving from out-of-state** in 2022 was over $120,000.

Households moving from in-state have average household incomes of $80,000.

Source: IRS SOI

Nearly half of Hendersonville households are over 65 years old

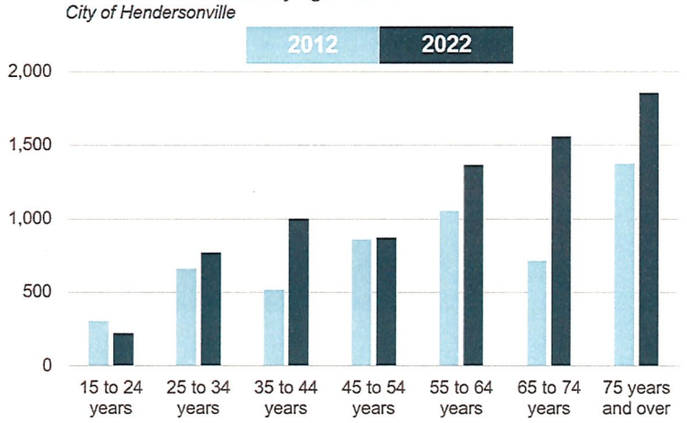
45%

Households in Hendersonville **over the age of 65**

Statewide: 26%



Number of households by age bracket
City of Hendersonville



Source: ACS 2012, 2022 (5-Year Estimates)

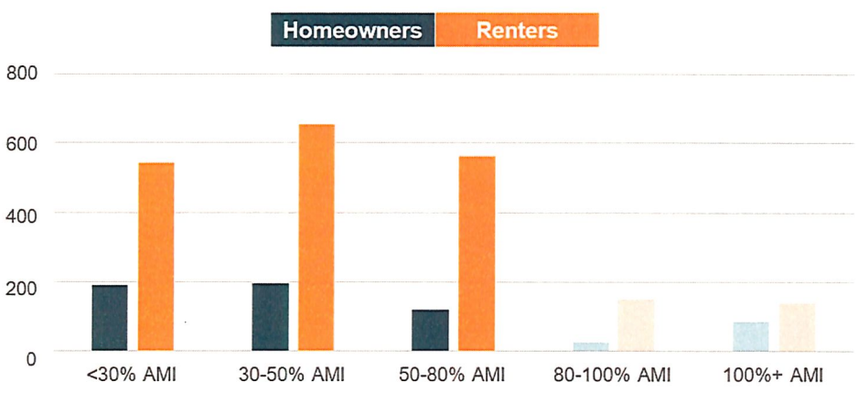
Affordable Housing Costs by AMI

AMI	Studio	1 Bedroom	2 Bedroom	3 Bedroom
100%	$1,635	$1,753	$2,103	$2,430
80% *Low-Income*	$1,308	$1,402	$1,682	$1,944
60%	$981	$1,051	$1,261	$1,458
50% *Very Low-Income*	$817	$876	$1,051	$1,215
30% *Extremely Low-Income*	$490	$525	$630	$729

Source: HUD 2024 for Asheville MSA

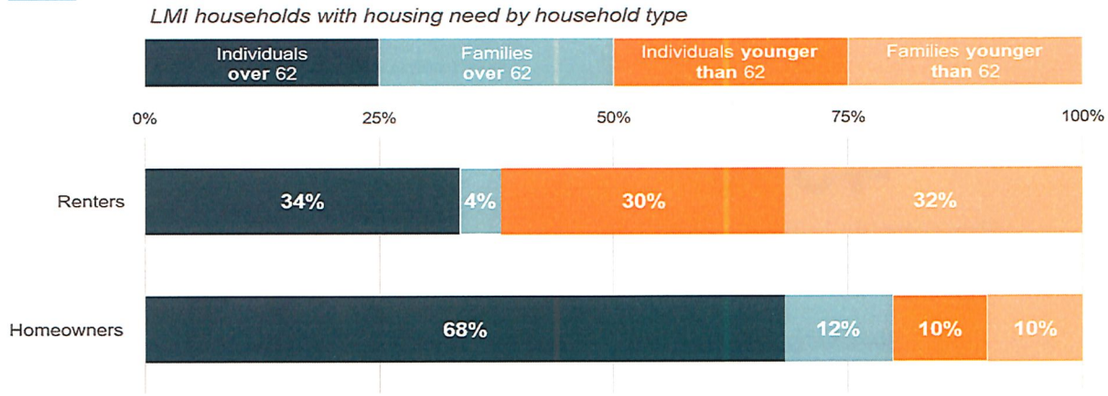
1,750 renters and 500 homeowners with housing needs are low-to-moderate income

Number of Hendersonville households that are cost burdened or living in substandard or overcrowded housing



Source: HUD CHAS 2021

Various household types in Hendersonville have housing needs



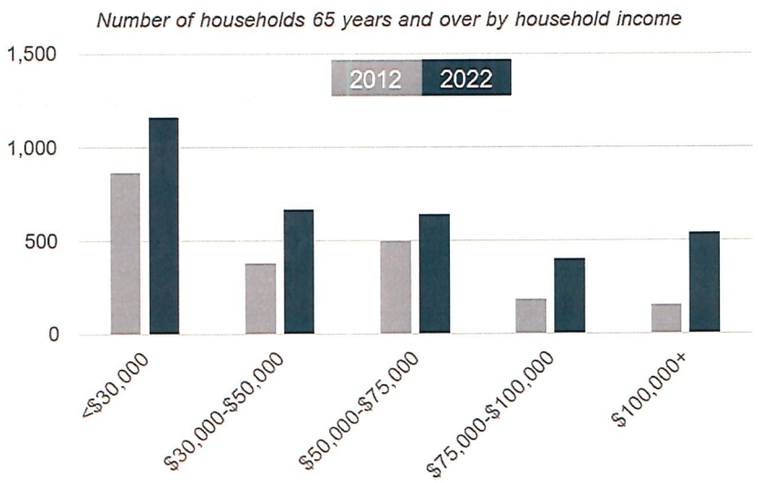
Source: HUD CHAS 2021

Individuals over 62

825
Households with housing needs

64%
Renters

A third of Hendersonville households over 65 have incomes of $30,000 or less



Annual Income including earnings from employment, social security, pensions, retirement income, public assistance, and interest from estates

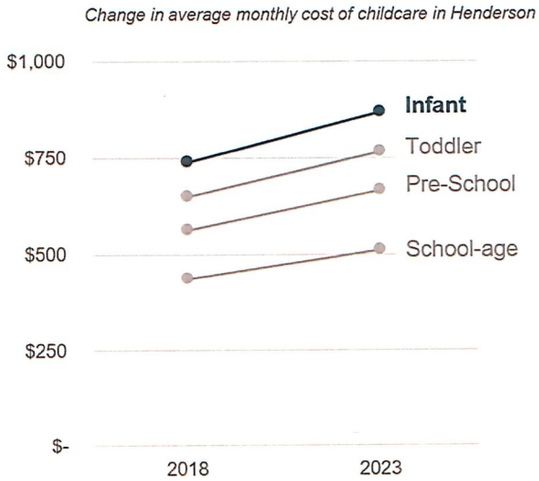
Source: HUD CHAS & ACS 5-Year Estimates

Families younger than 62

550
Households with housing needs

92%
Renters

Average cost of childcare in Henderson County is about ¼ of the monthly budget for a household earning 50% AMI, or $42,000 a year



Source: U.S. Department of Labor

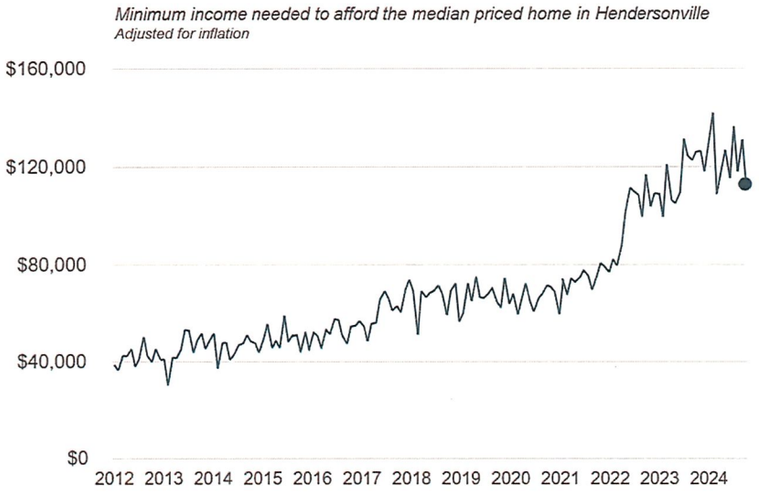
Families younger than 62



550
Households with housing needs

92%
Renters

Prospective homebuyers need to make at least $120,000 to afford the median home for sale in Hendersonville



Source: DFI analysis. Redfin. St. Louis Federal Reserve. BLS.

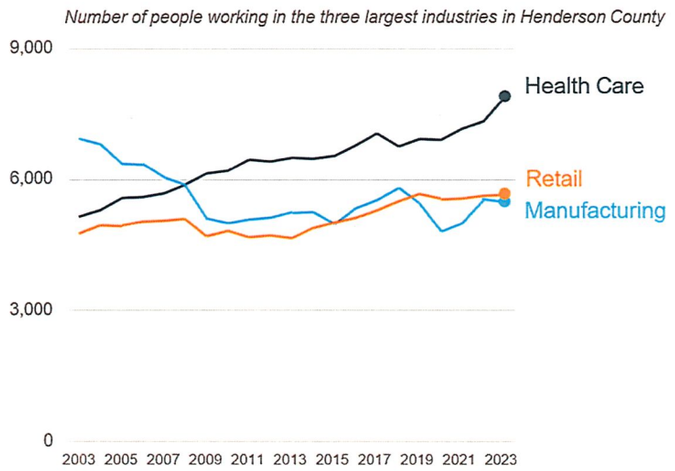
Individuals younger than 62



500
Households with housing needs

92%
Renters

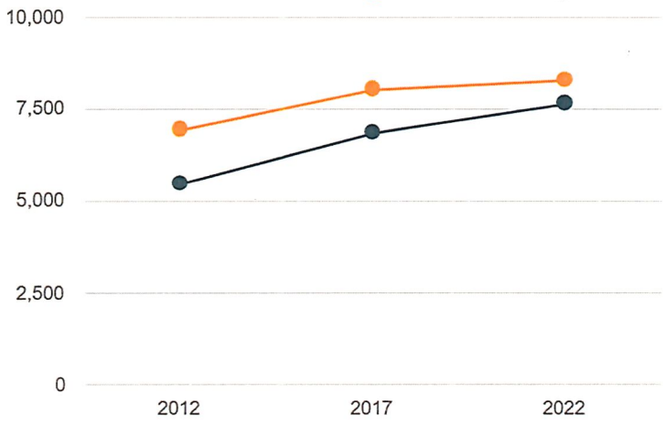
The average wage of Henderson County's largest industries is less than 80% AMI for a one-person household



Source: NC Commerce

New construction in the City is not keeping up with household growth

Households *and* ***Housing Units*** in the City of Hendersonville



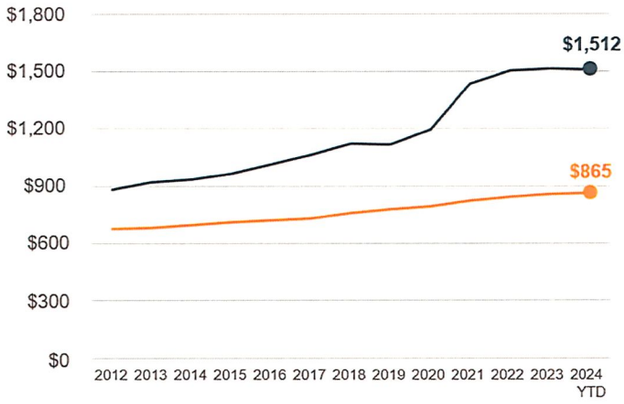
Since 2012, The **number of housing units increased by 20%...**

...while the number of **households increased by 40%.**

Source: ACS (5-Year Estimates)

The median Class C rental unit is nearly 50 years old

Average rent by building type among market-rate multifamily properties
City of Hendersonville



The median year built of **Class A & B units is 2004…**

…while the median year built of **Class C units is 1976.**

Source: CoStar

Henderson County has demand for nearly 10,000 housing units over the next five years

3,000
Units
Current unmet demand based on recent household growth

+

7,000
Units
Future demand over the next five years based on projected household growth

→

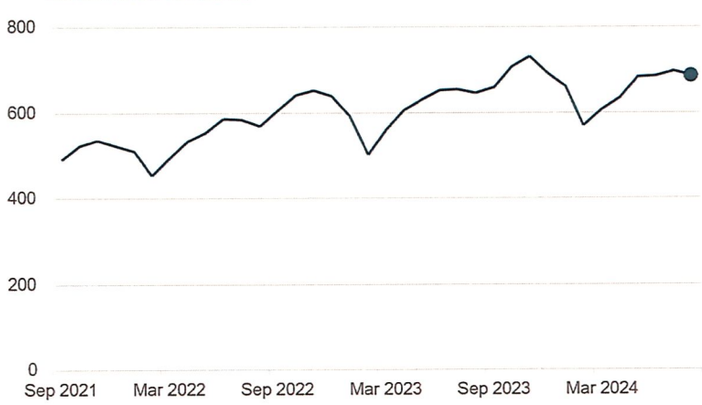
10,000
Units
Total demand over the next five years

*Need for **at least 2,200 units** affordable to LMI households in City of Hendersonville*

Source: DFI analysis of ACS 5-Year Estimates and NCOSBM population projections

Short-term rentals make up an estimated 5% of Hendersonville's housing stock

Number of units listed on Airbnb & VRBO
Hendersonville Submarket



Source: AirDNA

An estimated 5,700 housing units are in the Henderson County pipeline

Type	For Sale	For Rent
Affordable	169	163
Market Rate	3,066	2,333
Total	**3,235**	**2,496**
% in Hendersonville	*35%*	*83%*

Source: Henderson County Planning Department & Hendersonville Housing Dashboard.
Projects recently completed, under construction, entitled, or in pre-entitlement.

An estimated 5,700 housing units are in the Henderson County pipeline

Type	For Sale	For Rent
Affordable	169	163
Market Rate	3,066	2,333
Total	**3,235**	**2,496**
% in Hendersonville	*35%*	*83%*

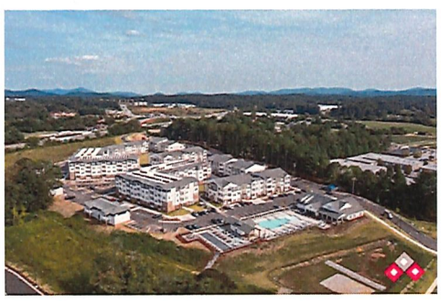


Cantrell Hills
Affordable at households earning 130% AMI or $110,000
$450,000+ / 3-bedroom

Source: Henderson County Planning Department & Hendersonville Housing Dashboard.
Projects recently completed, under construction, entitled, or in pre-entitlement. Zillow.

An estimated 5,700 housing units are in the Henderson County pipeline

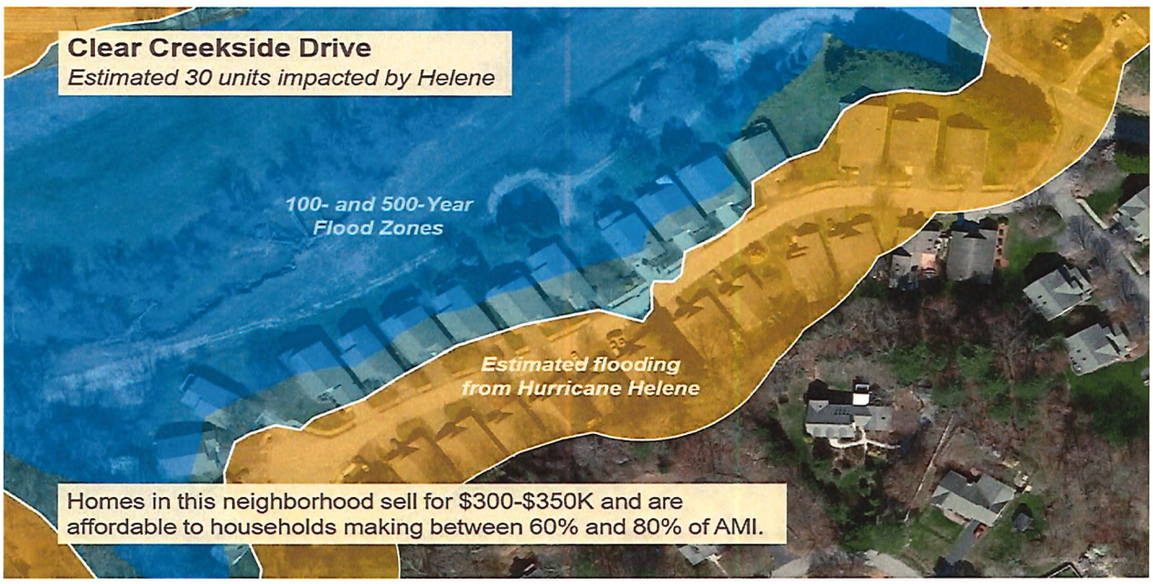
Type	For Sale	For Rent
Affordable	169	163
Market Rate	3,066	2,333
Total	**3,235**	**2,496**
% in Hendersonville	*35%*	*83%*



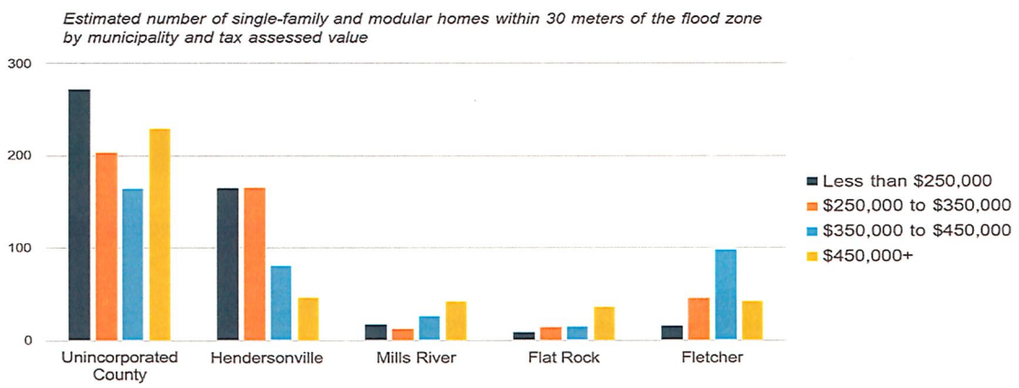
The Summit at Hendersonville
Affordable to households earning 80% AMI or $65,400
$1,350 / 1-bedroom
$1,650 / 2-bedroom
$2,000 / 3-bedroom

Source: Henderson County Planning Department & Hendersonville Housing Dashboard.
Projects recently completed, under construction, entitled, or in pre-entitlement. CoStar.

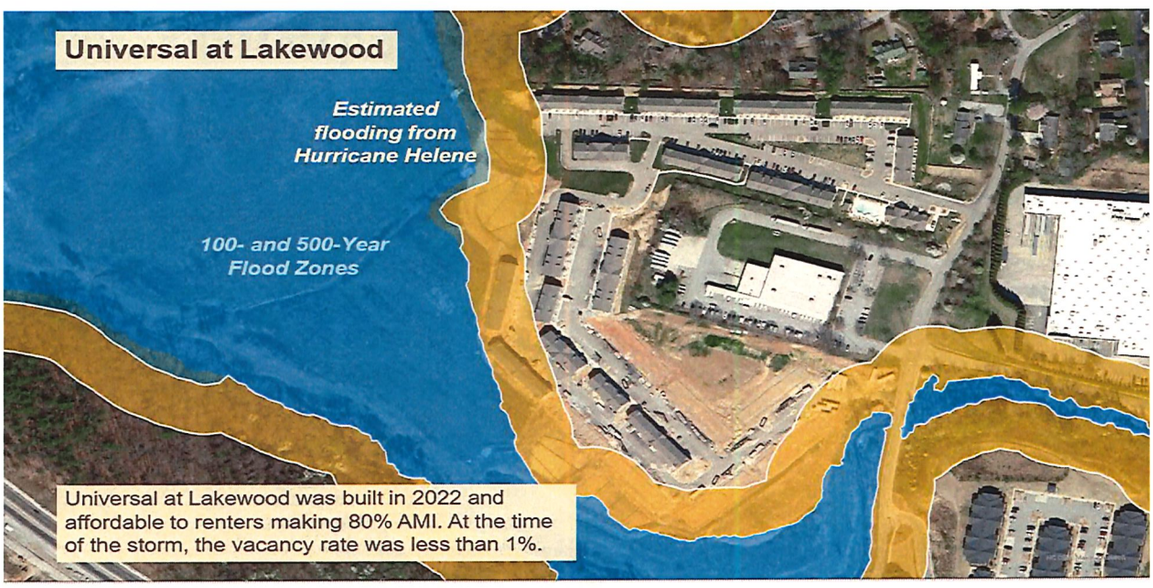
Estimated impact from Hurricane Helene

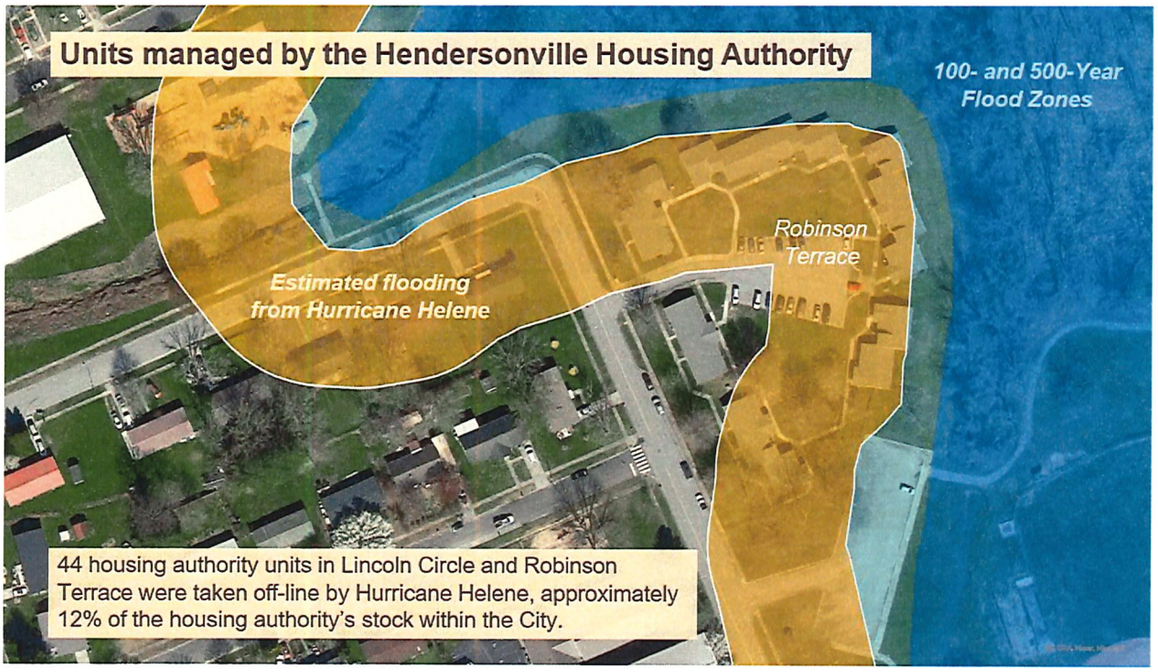


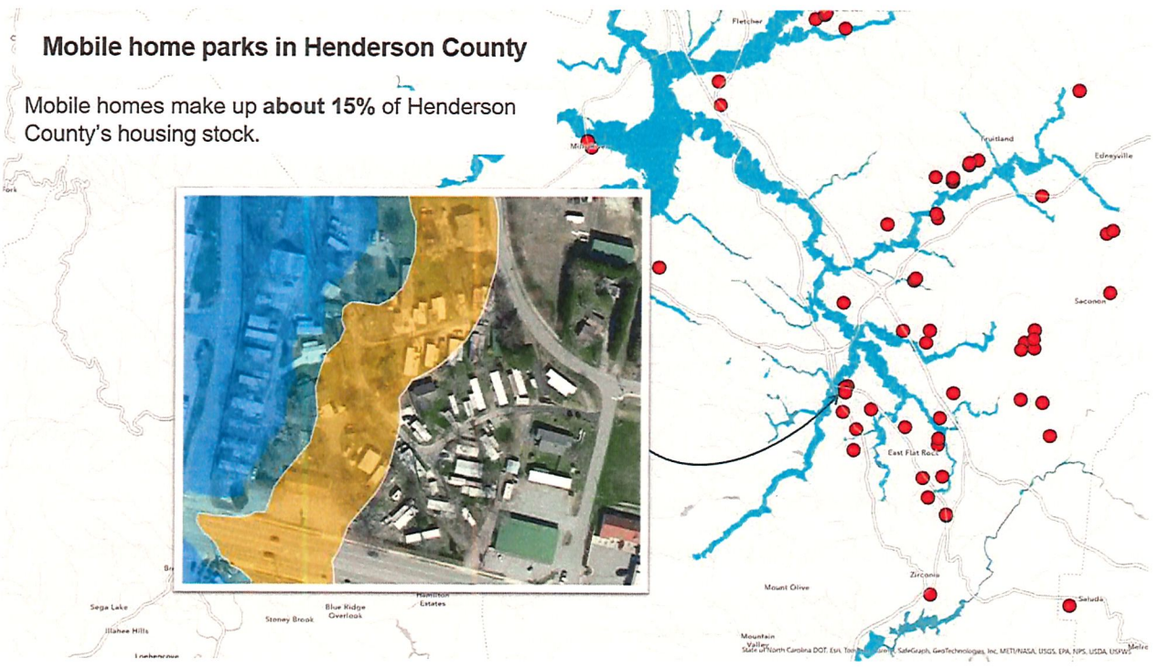
An estimated 1,700 single-family homes were exposed to Helene flooding

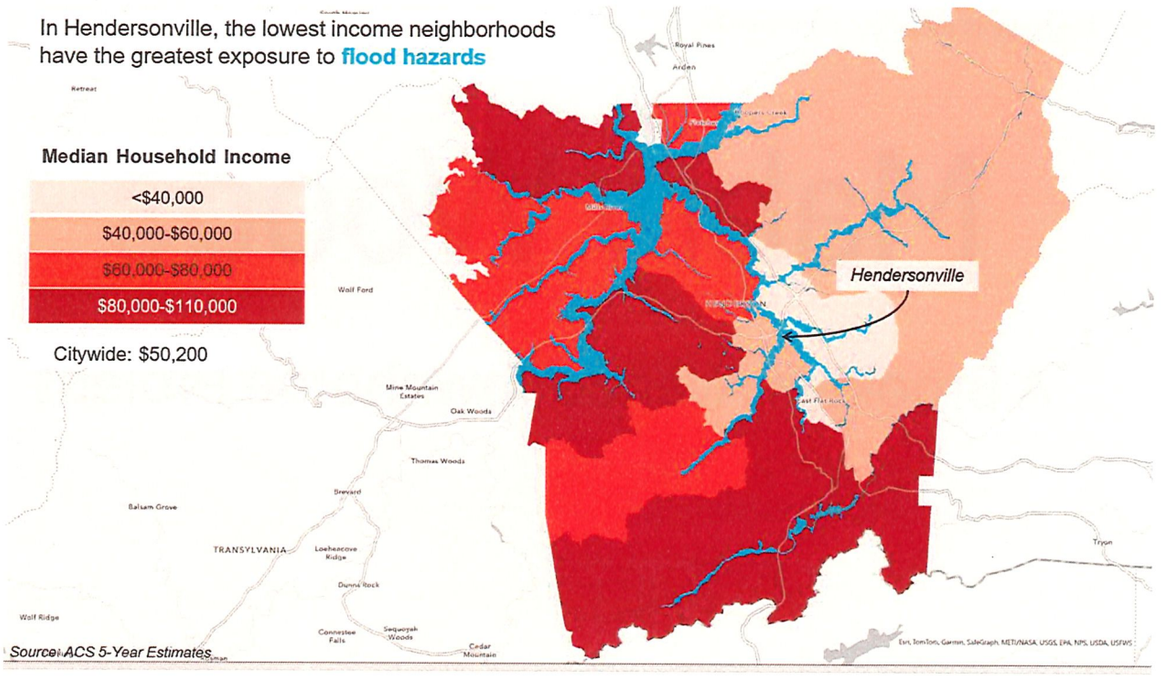


Source: DFI analysis of data from NC FRIS & Henderson County Tax Assessor




Units managed by the Hendersonville Housing Authority
100- and 500-Year Flood Zones
Robinson Terrace
Estimated flooding from Hurricane Helene
44 housing authority units in Lincoln Circle and Robinson Terrace were taken off-line by Hurricane Helene, approximately 12% of the housing authority's stock within the City.


Mobile home parks in Henderson County
Mobile homes make up about 15% of Henderson County's housing stock.
Fletcher
Fruitland
Edneyville
Saconon
East Flat Rock
Zirconia
Mount Olive
Saluda
Sega Lake
Blue Ridge Overlook
Stoney Brook
Mountain Valley


In Hendersonville, the lowest income neighborhoods have the greatest exposure to flood hazards
Median Household Income
<$40,000
$40,000-$60,000
$60,000-$80,000
$80,000-$110,000
Citywide: $50,200
Hendersonville
Royal Pines
Arden
Retreat
Wolf Ford
Mine Mountain Estates
Oak Woods
Thomas Woods
Brevard
Balsam Grove
TRANSYLVANIA
Loeheacove Ridge
Dunns Rock
Wolf Ridge
Connestee Falls
Sequoyah Woods
Cedar Mountain
Tryon
Source: ACS 5-Year Estimates

11. PUBLIC HEARINGS –

Council Member Jennifer Hensley asked if we could move this public hearing up to be the first one since there were children in the audience for this one. A unanimous vote of the Council followed. Motion carried.

A. Rezoning: Conditional Zoning District – Brooklyn Townhomes (P24-62-CZD) – *Matthew Manley, AICP-Long Range Planning Manager*

Matt Manley explained that the City of Hendersonville is in receipt of a Conditional Zoning District application from Zach Grogan of MGP Shelby, LLC for 3 parcels (PINs listed on left) totaling 6.33 Acres located along Brooklyn Ave at Old Spartanburg Rd. The properties are currently zoned R-15 and were the former site of a mobile home park with some single-family homes still present on the site. The petitioner is requesting that the parcels be rezoned to Urban Residential for a townhome development.

The development proposes 60 townhomes with new public streets, above ground stormwater facility, open space, common space and tree preservation area. The proposed density is 8.6 units per acre.

If approved, the project is proposed to be subdivided and would be processed under the City's Subdivision Ordinance as a Major Subdivision.

The Planning Board voted unanimously to recommend approval of the project with the inclusion of 5 additional proposed conditions:

1. Developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave to improve sight visibility, reduce future maintenance impacts on new sidewalks, and to reduce stress on other existing mature vegetation in that area (that shall be preserved).
2. The Mabry name remain on the internal street.
3. A Type A buffer be used on the property line between single family residential homes and the townhome project. [Staff Amendment as discussed: In lieu of a Type A buffer at the portion of the property boundary where the street stub out is located, a privacy fence shall be constructed across the width of the ROW and a sign shall be placed on the fence which states "FUTURE ROAD CONNECTION" - as is required per the Subdivision Ordinance.]
4. Delineate on-street parking as negotiated with Public Works requirements.
5. Recessed garages are required to ensure secondary parking spaces do not conflict with sidewalks and improve safety.

The developer has countered these proposed conditions. The developer-proposed counter language is included in the motion.



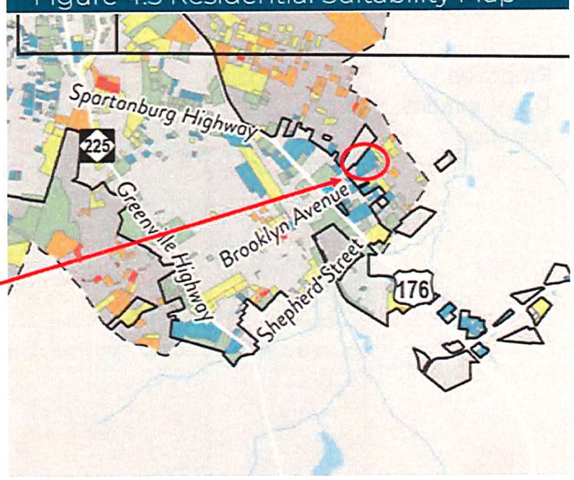
Generation H

Land Use

Residential Land Use Suitability

- Least Suitable
- Moderately Suitable
- Most Suitable

Figure 4.5 Residential Suitability Map



Generation H

Land Use

LIVING

- Rural Residential
- Family/Neighborhood Living
- Multi-Generational Living

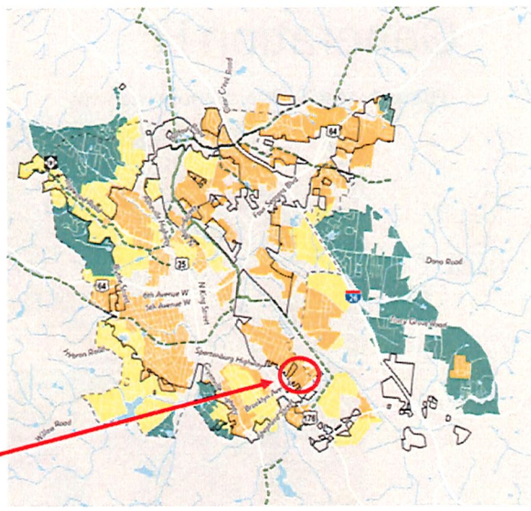


Figure 4.15 - Living Map

Generation H

Land Use

Character Area	Current Zoning Districts**																						
	R-40	R-20	R-15	R-10	R-6	UV	UR	RCT	C-1	C-2	C-3	C-4	CMU	CHMU	HMU	GHMU	I-1	MIC	PCD	PID	PRD	PMH	PMD
Open Space - Conservation 2 (Natural)	*Any zoning district is possible provided the land is protected/utilized as intended.*																						
Open Space - Conservation 1 (Regulated)	*Any zoning district is possible provided the land is protected/utilized as intended.*																						
Open Space - Recreation	*Any zoning district is possible provided the land is protected/utilized as intended.*																						
Rural Residential	x																				x		
Family/Neighborhood Living		x	x	x	x																x		
Multi-Generational Living				x	x	x	x					x										x	
Downtown									x				x										
Mixed Use - Commercial														x	x	x			x				
Neighborhood Center								x			x	x		x	x	x							
Mixed Use - Employment														x	x								
Institutional																		x		x			
Innovation										x													
Production																	x						x

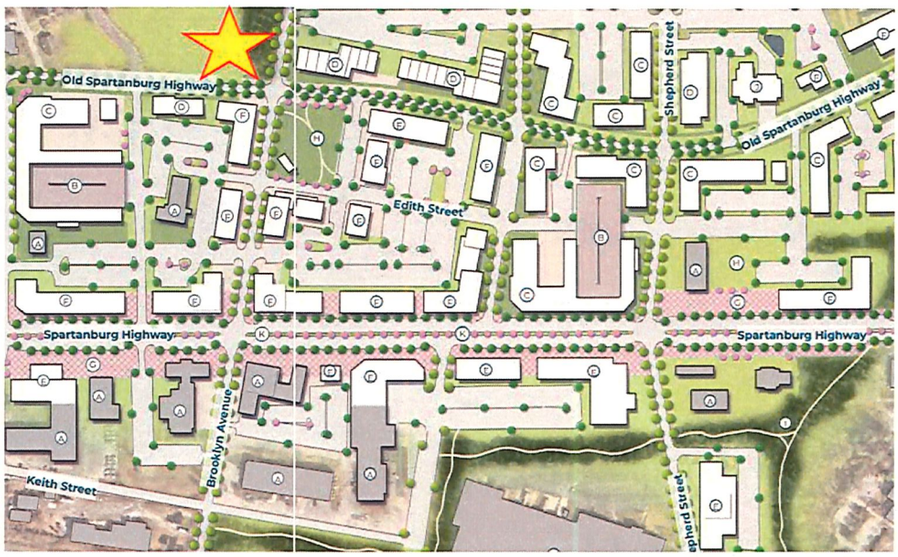
*Refer to Chapter 6 for recommended code updates.

Figure 4.18 - Character Area Crosswalk

Generation H

Focus Area #2 – Spartanburg Highway

Proposed Development Location

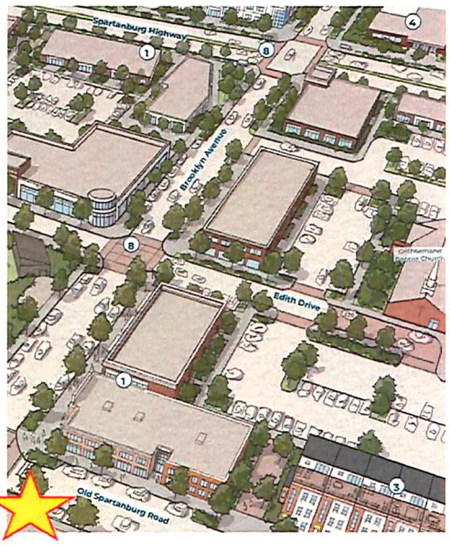


North

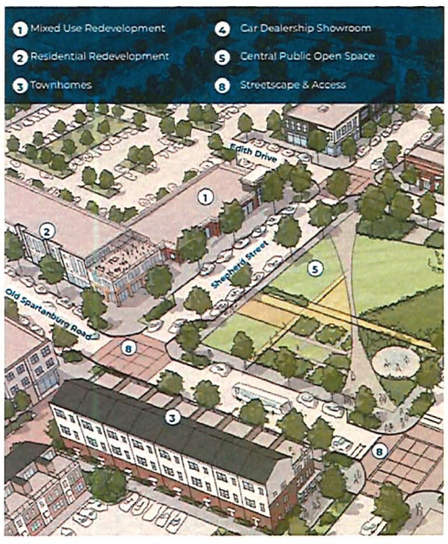
Generation H

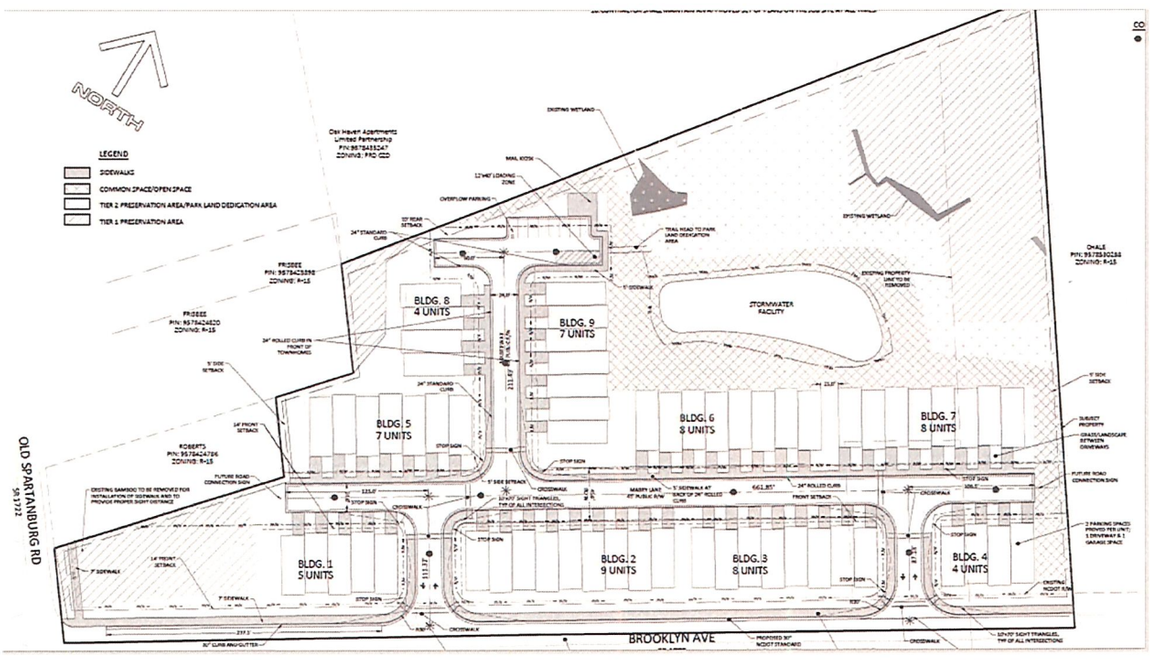
Focus Area #2 – Spartanburg Highway

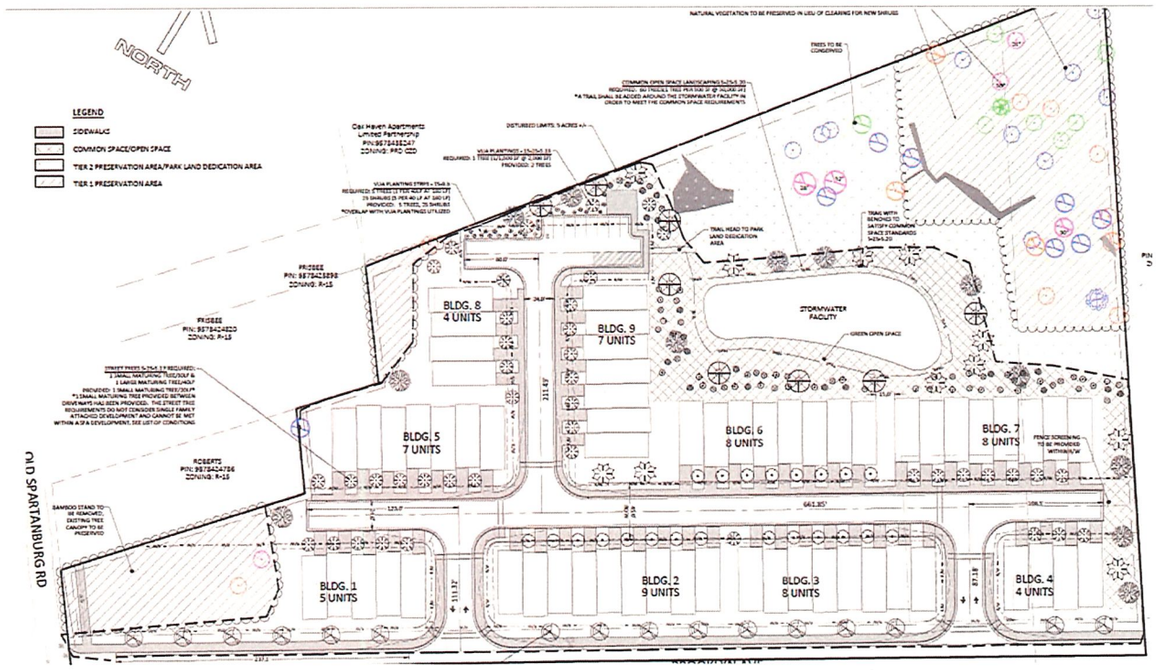
North



Proposed Development Location







CONDITION COMPARISON #1

PLANNING COMMISSION MOTION

- Developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave to improve sight visibility, reduce future maintenance impacts and to reduce stress on existing mature vegetation.....

DEVELOPER PROPOSED COUNTERS

- Developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave. The removal shall not adversely affect canopy preservation calculations.

CONDITION COMPARISON #1



- Subject area is shown as 100% canopy coverage on the Tree Canopy Coverage Map.
- Area is considered in the tree canopy calculations
- Unable to tell if the map coverage is bamboo or other mature trees.
- Bamboo not listed on invasive species list.

CONDITION COMPARISON #2

PLANNING COMMISSION MOTION

- The Mabry name remain on the internal street.

DEVELOPER PROPOSED COUNTERS

- The Mabry name shall be represented on internal street.
- Internal Streets are both named Mabry and the community has been named Mabry Woods.

CONDITION COMPARISON #3

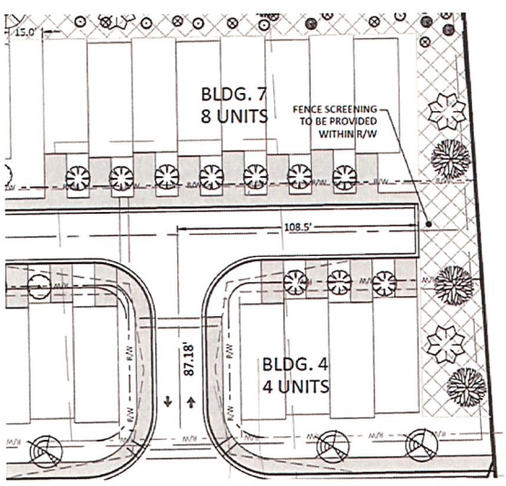
PLANNING COMMISSION MOTION

- A type A buffer be used on the property line between single family residential homes and the townhome project.

DEVELOPER PROPOSED COUNTERS

- Developer shall construct a privacy fence across the width of the street at the portion of the property boundary where the street stub out is located. A sign stating "FUTURE ROAD CONNECTION" shall be placed on the fence in accordance with the Subdivision Ordinance.

CONDITION COMPARISON #3



- Specific concern was vehicle headlights pointing toward the house.
- Six-foot, opaque privacy fence best addresses this concern.
- Trees planned in the area in excess of Type A buffer
- Fence across entire ROW blocks sidewalk access to Open Space

CONDITION COMPARISON #4

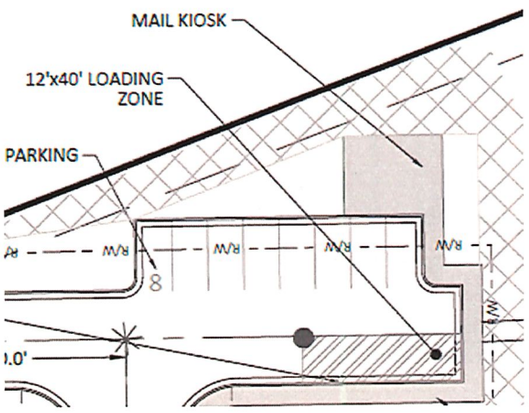
PLANNING COMMISSION MOTION

- Delineate on-street parking as negotiated with Public Works requirements.

DEVELOPER PROPOSED COUNTERS

- Developer agrees to provide on-street parking as shown on the northern portion of the site near the mail kiosk.

CONDITION COMPARISON #4



- 5-25-5.16(b): On-street parking is required for all local streets, and for collector streets when determined by council and shall count toward meeting the off-street parking requirements for the District. On-street parking may take the form of parallel or angle parking and shall be built according to city or state standards as applicable.
- Need for on-street parking is at the discretion of City Council.
- Only opportunity for parallel spaces is near the three-way stop, conflicting with MUTCD spacing requirements (referenced in Planning Commission Condition).
- Alternatively, Council could allow perpendicular spaces to count as on-street parking.

CONDITION COMPARISON #5

PLANNING COMMISSION MOTION

- Recessed garages are required to ensure secondary parking spaces do not conflict with sidewalks and improve safety.

DEVELOPER PROPOSED COUNTERS

- Developer shall design secondary parking spaces (driveway) to meet or exceed Section 6-5-5.1 and 6-5-5.3, motor vehicle parking space design requirements.

CONDITION COMPARISON #5

- 6-5-5.1: Motor vehicle parking spaces shall measure nine feet by 18 feet.
- 6-5-5.3: Parking spaces shall be designed to prevent a vehicle from protruding or overhanging a sidewalk.
- Arbitrary building design requirement should not be added when specific design standards already exist within the City's Zoning Ordinance.

CONDITION #6

- Developer shall be allowed to plant one medium tree (instead of large canopy tree) every 40' to meet street tree requirements along Brooklyn Ave due to NCDOT requirements, topography and public sewer considerations.

CONDITION #6

- Proposed Tree: Okame Cherry
- Categorized by NCDOT as a Large Tree vs. Medium Tree by City of Hendersonville.
- Uninterrupted row of Okame Cherry is classic statement plantings in urban streetscapes.

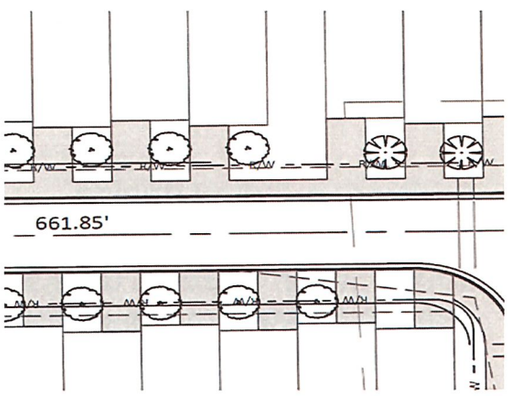


CONDITION #7

- Developer proposes one small tree between driveways and large maturing trees as shown where feasible.

- The current street tree requirement does not consider attached single family with driveways and utility connections along the street frontage.

CONDITION #7



- Small trees placed into the ten-foot grass area between driveways
- This area will also have water and sewer service lines for each townhome
- Planned mix of Sugar Tyme Crabapple and Kousa Dogwood

CONDITION #7

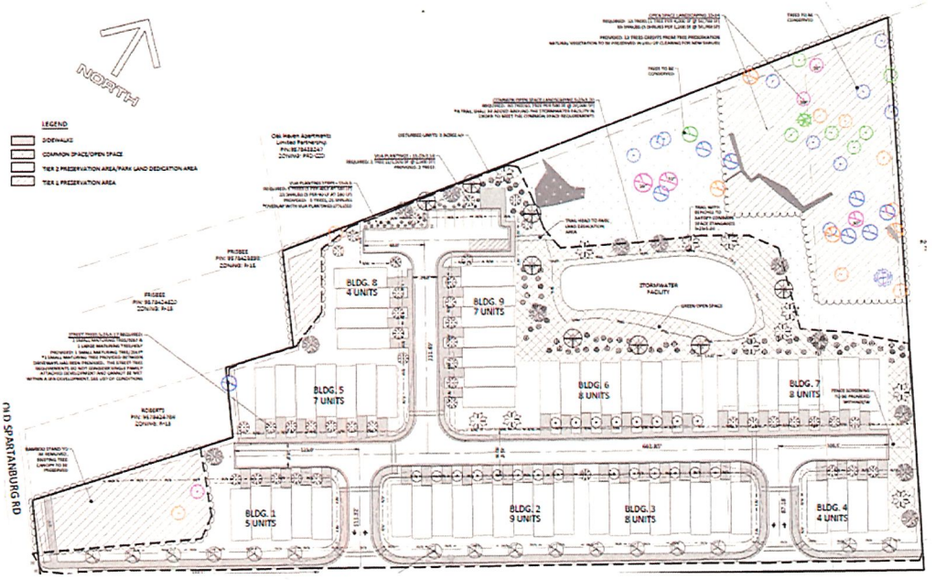
SUGAR TYME CRABAPPLE



KOUSA DOGWOOD



CONDITION #7



The public hearing opened at 8:33 p.m.

Public comments:

Ken Fitch felt that buffering is a very important issue and he had a problem with a sign that reads "Future Road Connection".

Lauren Chale spoke against the rezoning as it will have a large impact on traffic. This will ruin us and is not compatible with other houses on our street. Heavy construction will be going on 60 feet from my living room.

Martha Chale spoke against the rezoning. Can they at least put up a fence to hide us from the construction.

Natalie Rice spoke against the rezoning. She is 14 years old and said the construction will heavily impact the rest of her high school years.

Lynne Williams spoke against the rezoning. The tree canopy will be lessened which is no good. The setbacks are ridiculous and there has to be buffers.

The public hearing closed at 8:55 p.m.

Council Member Lyndsey Simpson moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PINs: 9578-43-7077, 9578-53-0013, and 9578-43-9238) from R-15 (Medium Density Residential Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant [dated September 19, 2024] and presented at this meeting and subject to the following:

1. *The development shall be consistent with the following permitted uses:*
    a. *Residential, Single-Family*
        i. *60 Townhomes*
2. *The development shall be consistent with the site plan, including the list of applicable conditions contained therein.*

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

Developer-Proposed Conditions and Counters to Planning Board-Proposed Conditions:

1) *Developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave.. Existing hardwood and evergreen trees intermixed within bamboo area shall be preserved. If the existing trees are removed, the tree canopy preservation calculation shall be updated accordingly..*
2) *The Mabry name shall be represented on internal streets.*
3) *Developer shall construct an 8 foot privacy fence and type A buffer from the front of the building facing Brooklyn to the back of the building to the North.*
4) *Developer agrees to provide on-street parking as shown on the northern portion of the site near the mail kiosk.*
5) *Developer shall design secondary parking spaces (driveway) to meet or exceed Section 6-5-5.1 and 6-5-5.3, motor vehicle parking space design requirements.*
6) *Developer shall be allowed to plant one medium tree (instead of large canopy tree) every 40' to meet street tree requirements along Brooklyn Ave due to NCDOT requirements, topography and public sewer considerations. See landscaping plan. [5-25-5.17]*
7) *Developer agrees to plant one small tree between driveways and large maturing trees where feasible.*

3. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because:

The requested rezoning to Urban Residential Conditional Zoning District and the associated proposed development align with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Muti-Generational Living'.

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

1. *The proposed development would improve an underutilized property in close proximity to a major commercial corridor.*
2. *The proposed development would provide additional needed housing.*
3. *The proposed development is clustered to reduce pressure on environmentally-sensitive areas at the rear of the site.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-50

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9578-43-7077, 9578-53-0013, 9578-43-9238 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT) TO UR (URBAN RESIDENTIAL - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9578-43-7077, 9578-53-0013, 9578-43-9238
Addresses: 914 & 924 Brooklyn Ave
Brooklyn Townhomes: (File # P24-62-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant Zach Grogan of MPG Shelby, LLC. and property owners Eugene Holbert, John Holbert, Edgar Holbert, & Wanda Ponder, for the development of 60 single-family attached residential units on Brooklyn Ave; and

WHEREAS, the Planning Board took up this application at its regular meeting on November 14, 2024; voting 7-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 5, 2024 and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 5th, 2024,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-43-7077, 9578-53-0013, 9578-43-9238, changing the zoning designation from R-15 (Medium Density Residential Zoning District) to UR (Urban Residential - Conditional Zoning District)

2. Development of the parcel pursuant to this Ordinance is subject to the following.

   a. Development shall comply with the site plan submitted by the applicant dated September 19, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].

   b. Permitted uses shall include:
      i. Residential, Single-Family - 60 Units

   c. Additional conditions that shall be satisfied prior to final site plan approval include:
      i. Developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave. Existing hardwood and evergreen trees intermixed within bamboo area shall be preserved. If existing trees are removed, the tree canopy preservation calculation shall be updated accordingly.
      ii. The Mabry name shall be represented on internal streets.
      iii. Developer shall construct an 8' privacy fence and Type A Buffer [across the width of the portion of the eastern property boundary extending] from the front of the building facing Brooklyn Ave to the back of building to the north.
      iv. Developer agrees to provide on-street parking as shown on the northern portion of the site near the mail kiosk.
      v. Developer shall design secondary parking spaces (driveway) to meet or exceed Section 6-5-5.1 and 6-5-5.3, motor vehicle parking space design requirements.
      vi. Developer shall be allowed to plant one medium tree (instead of large canopy tree) every 40' to meet street tree requirements along Brooklyn Ave due to NCDOT requirements, topography and public sewer considerations. See landscaping plan. [5-25-5.17]
      vii. Developer agrees to plant one small tree between driveways and large maturing trees where feasible.

3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

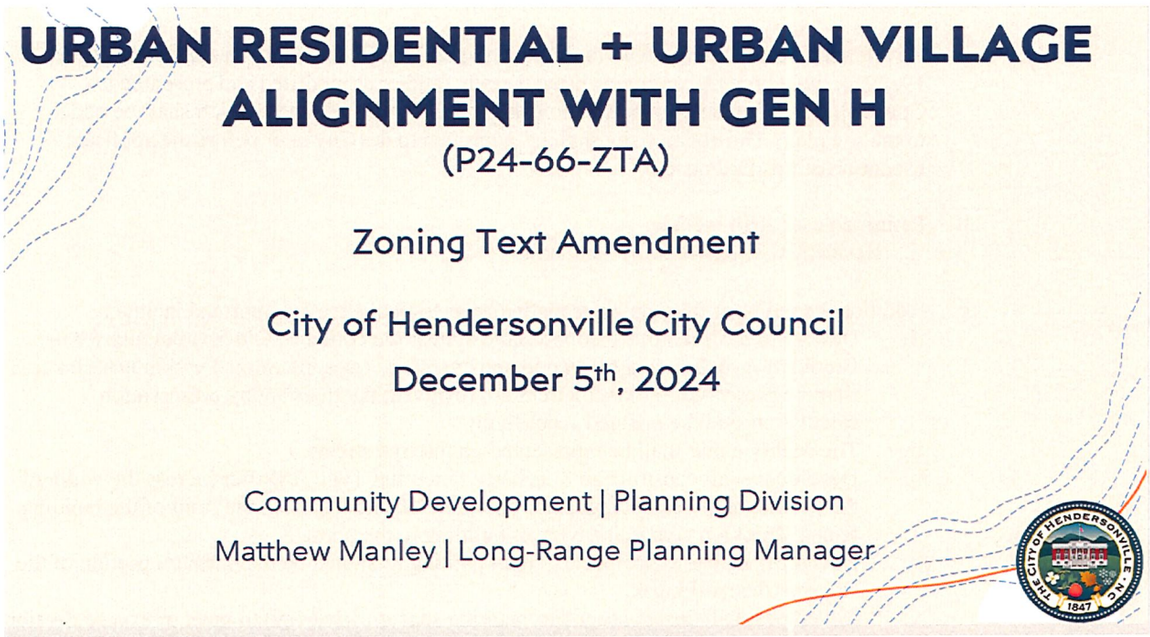
Adopted this 5th day of December 2024.

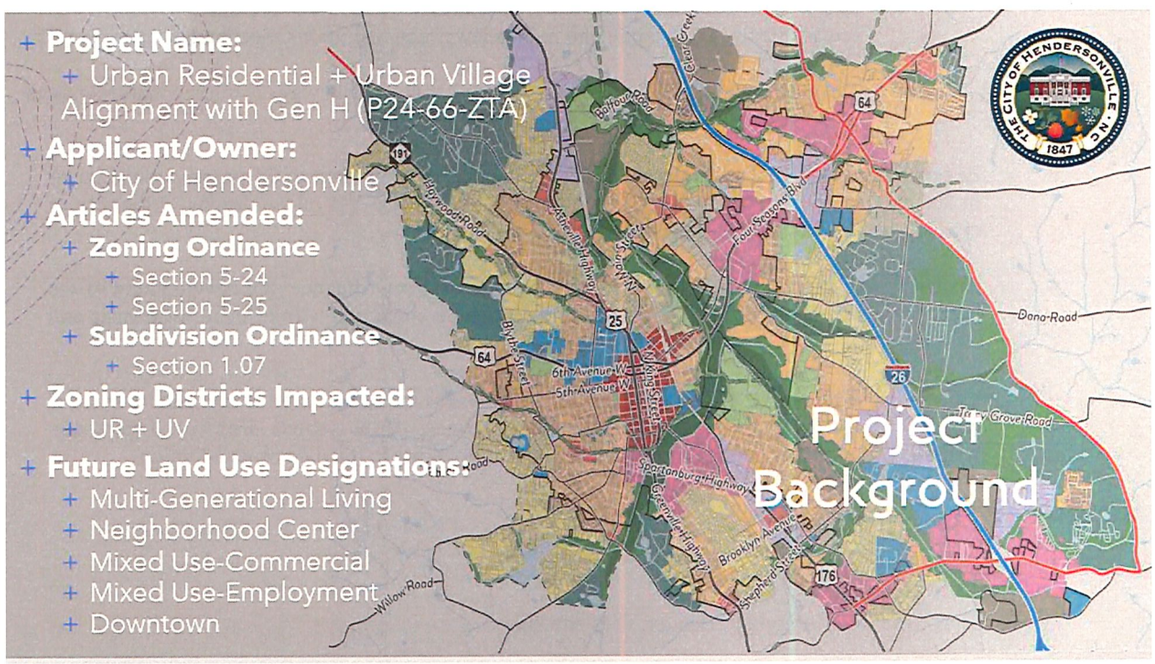
Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

B. Zoning Text Amendment: Alignment of Urban Village and Urban Residential with Gen H Comprehensive Plan (P24-66-ZTA) – *Matthew Manley, Long-Range Planning Manager*

Matt Manley explained that the City of Hendersonville is initiating an amendment to the City's

Zoning Ordinance and Subdivision Ordinance to make updates which align with the City's newly adopted Gen H 2045 Comprehensive Plan. The proposed changes would update the Future Land Use designations referenced in two zoning districts - Section 5-24 (Urban Village) and Section 5-25 (Urban Residential). Currently, these two zoning districts make reference to Future Land Use designations outlined in the 2030 Comprehensive Plan. The proposed amendment would update the Future Land Use designations to align with the Gen H 2045 Comprehensive Plan. The Future Land Use designations are used as a tool within these two zoning districts to guide the appropriate locations for this type of zoning. Three other changes are also proposed for the Urban Residential CZD: add single-family residential as a limited use, expand MGL distance from commercial from 100' to 350', and make single-family/two-family uses exempt from the limitation of two driveways per block. Additionally, the 2030 Comprehensive Plan is specifically referenced in the City's Subdivision Ordinance. This update will make the Subdivision reference the currently adopted Comprehensive Plan, generally, rather than reference a specific plan by year or title. The Planning Board voted unanimously to recommend approval of the proposed text amendment.





Proposed Amendment: Urban Village

Sec. 5-24. - UV Urban Village Conditional Zoning District Classification

5-24-1 Procedure.

The reclassification of property to UVCZD Urban Village Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. UVCZD Urban Village Conditional Zoning Districts shall be created only in locales designated in the Comprehensive Plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium-Intensity Neighborhood, High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center~~. Notwithstanding the foregoing, an Urban Village District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium-Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Village Conditional Zoning District is located no more ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

Proposed Amendment: Urban Residential

Sec. 5-25. - UR Urban Residential Conditional Zoning District Classification.

5-25-2 Procedure.

The reclassification of property to Urban Residential Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Urban Residential Conditional Zoning Districts shall be created only in locales designated in the comprehensive plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium-Intensity Neighborhood, High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center~~. Notwithstanding the foregoing, an Urban Residential Conditional Zoning District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium-Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Residential Conditional Zoning District is located no more than ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

5-25-3 Permitted uses.

The following uses are permitted within the UR Urban Residential Zoning District Classification.

Residential dwellings, multi-family

Residential dwellings, single-family, subject to the standards in Section 5-25-6

Residential dwellings, two-family

5-25-6 Limitations to Single-Family Detached Dwellings

5-25-6.1 Single-Family Detached. Single-Family detached dwellings shall comprise no more than 50% of the total units of any development. The remaining balance of residential units may be any combination of single-family attached, two-family and multi-family residential dwellings.

5-25-6.2 Single-Family Attached. Single-family attached dwellings are permitted to comprise 100% of the total units of any development.

Proposed Amendment: Urban Residential

5-25-5 - Design considerations.

5-25-5.13 Internal access and connectivity. The site shall be traversed by a network of internal streets built according to city standards. Internal streets should seek to avoid cul-de-sacs and dead-end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection shall be provided to ensure the goals of connectivity. In addition, internal streets shall have sidewalks and street trees. If a bus line serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by traffic impact analysis. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Urban Residential Conditional Zoning development should be created where possible. Only two driveways per block face are allowed. single-family and two-family housing are exempt from the driveway restriction.

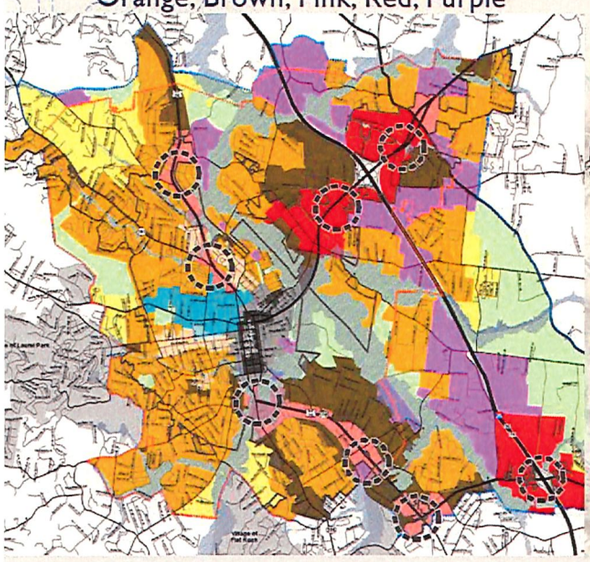
Relationship to Previous Comp Plan

2030 FLUM		Gen H FLUM
Medium Intensity Neighborhood	>	Multi-Generational Living
High Intensity Neighborhood	>	Neighborhood Center
Neighborhood Activity Center	>	Mixed-Use Employment
Regional Activity Center	>	Mixed-Use Commercial
Business Center	>	Downtown

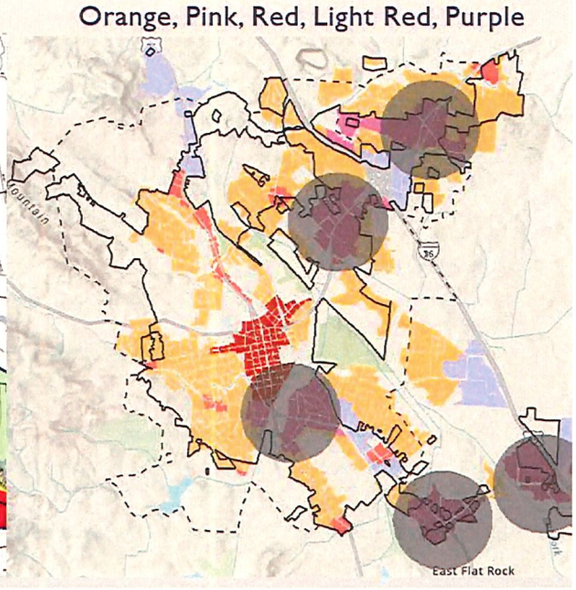
+ Focused Intensity Nodes

Relationship to Previous Comp Plan

Orange, Brown, Pink, Red, Purple



Orange, Pink, Red, Light Red, Purple



Proposed Amendment: Subdivision Ordinance

SUBDIVISION ORDINANCE

Sec. 1.07. Relationship to other laws and policies.

A. **Adopted policy guidance.** The administration, enforcement, and amendment of this ordinance shall be accomplished in accordance with the city's most-recently adopted policy guidance. The city's adopted policy guidance includes, but is not limited to:

1. The ~~2030~~ Comprehensive Plan;
2. The Parks and Greenspace Plan;
3. The Pedestrian Plan;
4. The Bicycle Plan; and
5. Any other applicable city-adopted policy language

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY

LAND SUPPLY, SUITABILITY & INTENSITY	• N/A
FUTURE LAND USE & CONSERVATION MAP	• **Designation:** Multi-Generational Living, Mixed Use-Commercial, Mixed Use-Employment, Downtown • **Character Area Description:** Consistent • **Focused Intensity Node**: Consistent • **Zoning Crosswalk:** Somewhat Consistent • **Focus Area Map:** N/A
COMMITTEE RECOMMENDATION	The Legislative Committee has not reviewed this item to date.

Relationship to Gen H Comp Plan Character Areas

MULTI-GENERATIONAL LIVING (MGL)

This area is characterized by mixed residential development and a limited amount of small scaled neighborhood-serving commercial. It is comprised of a variety of homes, mixing detached and attached (e.g., townhomes and duplexes) units with a lesser amount of multi-family units. The combination of housing types are intended to create intergenerational neighborhoods.

General Rezoning Standards: 2) COMPATIBILITY

EXISTING CONDITIONS	The proposed amendments update the City's Zoning Code to align with the City's new Gen H Comprehensive Plan. The addition of single-family uses to the Urban Residential Zoning District will assist in providing a mix of housing types which are compatible with existing land uses in areas of the City identified in the Future Land Use Map. Additionally, the development standards of the Urban Residential and Urban Village zoning districts help to promote pedestrian-friendly design, mixed uses, interconnectivity, and architectural standards that support compatible site and building design.
RELEVANT GEN H GOALS	**Vibrant Neighborhoods**: [Consistent] **Abundant Housing Choices**: [Consistent] **Healthy and Accessible Natural Environment:** [Consistent] **Authentic Community Character**: [Consistent] **Safe Streets and Trails**: [Consistent] **Satisfying Work Opportunities**: [Consistent] **Welcoming & Inclusive Community**: [Consistent]
GEN H GUIDING PRINCIPLES	**Mix of Uses:** [Consistent] **Compact Development:** [Consistent] **Sense of Place:** [Consistent] **Conserved & Integrated Open Spaces:** [Consistent] **Desirable & Affordable Housing:** [Consistent] **Connectivity**: [Consistent] **Efficient & Accessible Infrastructure:** [Consistent]

Relationship to Gen H Comp Plan Guiding Principles

COMPACT DEVELOPMENT
Along with the mix of land uses, the intensity of development in a community can have a significant impact on its ability to provide affordable housing options, reduce traffic congestion, make efficient use of infrastructure, deliver services, and generally create livable communities.
Building up with taller buildings in the appropriate places is one way to accommodate more uses in fewer locations

MISSING MIDDLE HOUSING
"Missing middle" housing refers to small- to medium-sized homes that are available at various price points and are compatible in scale and character with the surrounding neighborhood. These homes can be built as part of infill development projects or used to transition between land uses and densities in a new activity center. Examples of missing middle housing include ***duplexes***, triplexes, quadplexes, courtyard apartments, live-work units, cottage courtyards, ***townhomes***, and small-scale apartments.

DESIRABLE AND AFFORDABLE HOUSING
The preferences for different types of housing vary depending on the locality within the community, and are influenced by factors such as income, age, household size, and available financing. Single-family homes on large lots are simply one of many products demanded in today's market. Housing diversity can address housing prices and differences in lifestyles. It is accomplished first by recognizing the varying needs and preferences of the existing and future population, and finding ways to facilitate the expansion of the housing supply (types and quantity) to satisfy current and anticipated demand.

General Rezoning Standards: 2) COMPATIBILITY	
DESIGN GUIDELINES ASSESSMENT (Chapter V)	Public Realm – [Consistent] Site Design – [Consistent] Building Design – [Consistent]

General Rezoning Standards	
3) CHANGED CONDITIONS	• The City's Gen H Comprehensive Plan was recently adopted on August 1, 2024 making references from the 2030 Comprehensive Plan in the Zoning Code and Subdivision Ordinance out of date.
4) PUBLIC INTEREST	• The proposed amendment would allow for a compatible infill development with a mix of housing types and higher density, walkable developments in key locations across the City.

General Rezoning Standards		
	5) PUBLIC FACILITIES	• N/A
	6) EFFECT ON NATURAL ENVIRONMENT	• N/A

PLANNING BOARD: Comprehensive Plan Consistency Statement

The petition is found to be **consistent** with the *City of Hendersonville Gen H Comprehensive Plan* based on the information from the staff analysis and the public hearing, and because:

The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions

PLANNING BOARD: Reasonableness Statement

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

[**Rationale for Approval**]

- Urban Residential and Urban Village Zoning Districts were outdated
- The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive plan.
- The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan

DRAFT: Reasonableness Statement

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

[**Rationale for Denial**]

- Urban Residential and Urban Village zoning districts are incompatible with the list of permitted Character Areas

The public hearing opened at 9:28 p.m.

Public comments:

Lynne Williams spoke about concerns with the zoning text amendment, such as not enough oversight to protect historic uses and historic neighborhoods. Higher housing costs, loss of greenspace, noise and air pollution etc.

The public hearing closed at 9:31 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. 'Urban Village Conditional Zoning District Classification (UV)' and Section 5-25. 'Urban Residential Conditional Zoning District Classification (UR)', and City of Hendersonville Subdivision Ordinance, Section 1.07 - 'Relationship to other laws and policies' as presented by staff and based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions.

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

1. ***Urban Residential and Urban Village Zoning Districts were outdated***
2. ***The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive plan.***
3. ***The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-47

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS, SECTION 5-24. 'URBAN VILLAGE CONDITIONAL ZONING DISTRICT CLASSIFICATION (UV)' AND SECTION 5-25. 'URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT CLASSIFICATION (UR)', AND CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, SECTION 1.07 - 'RELATIONSHIP TO OTHER LAWS AND POLICIES'

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on November 14, 2024; voting 7-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on December 5, 2024, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 5, 2024,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. 'Urban Village Conditional Zoning District Classification (UV)' and Section 5-25. 'Urban Residential Conditional Zoning District Classification (UR)', and City of Hendersonville Subdivision Ordinance, Section 1.07 - 'Relationship to Other Laws and Policies'.

ZONING ORDINANCE

Sec. 5-24. - UV Urban Village Conditional Zoning District Classification

5-24-1 Procedure.

The reclassification of property to UVCZD Urban Village Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. UVCZD Urban Village Conditional Zoning Districts shall be created only in locales designated in the

Comprehensive Plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center~~. Notwithstanding the foregoing, an Urban Village District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Village Conditional Zoning District is located no more ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

Sec. 5-25. - UR Urban Residential Conditional Zoning District Classification.

5-25-2 Procedure.

The reclassification of property to Urban Residential Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Urban Residential Conditional Zoning Districts shall be created only in locales designated in the comprehensive plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center~~. Notwithstanding the foregoing, an Urban Residential Conditional Zoning District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Residential Conditional Zoning District is located no more than ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

5-25-3 Permitted uses.

The following uses are permitted within the UR Urban Residential Zoning District Classification.

Residential dwellings, multi-family

Residential dwellings, single-family subject to the stipulations provided in Section 5-25-6, below

Residential dwellings, two-family

5-25-5 - Design considerations.

5-25-5.13 Internal access and connectivity. The site shall be traversed by a network of internal streets built according to city standards. Internal streets should seek to avoid cul-de-sacs and dead end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection shall be provided to ensure the goals of connectivity. In addition, internal streets shall have sidewalks and street trees. If a bus line serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by traffic impact analysis. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Urban Residential Conditional Zoning development should be created where possible. Only two driveways per block face are allowed. Single-family and two-family housing are exempt from the driveway restriction.

5-25-6 Limitations to Single-Family Detached Dwellings

5-25-6.1 Single-Family Detached. Single-Family detached dwellings shall comprise no more than 50% of the total units of any development. The remaining balance of residential units may be any combination of single-family attached, two-family and multi-family residential dwellings.

5-25-6.2 Single-Family Attached. Single-family attached dwellings are permitted to comprise 100% of the total units of any development.

SUBDIVISION ORDINANCE

Sec. 1.07. Relationship to other laws and policies.

A. **Adopted policy guidance.** The administration, enforcement, and amendment of this ordinance shall be accomplished in accordance with the city's most-recently adopted policy guidance. The city's adopted policy guidance includes, but is not limited to:

1. The ~~2030~~ Comprehensive Plan;
2. The Parks and Greenspace Plan;
3. The Pedestrian Plan;
4. The Bicycle Plan; and
5. Any other applicable city-adopted policy language

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

C. Rezoning: Standard Rezoning-329 Signal Hill Road (Givens) (P24-71-RZO) – *Matthew Manley, Long-Range Planning Manager*

Matt Manley explained that the City of Hendersonville is in receipt of a Zoning Map Amendment application from Sean & Helen Givens (owners) for 329 Signal Hill Rd (PIN: 9579-06-4126) totaling 0.42 Acres located at the corner of Signal Hill Road and Lafolette St. The properties are currently zoned RCT, Residential-Commercial Transition. The petitioner is requesting that the property be rezoned to C-2, Secondary Business. Development/redevelopment under the C-2 zoning is much more permissive than under RCT in terms of the intensity of uses permitted and the dimensional requirements. C-2 allows for more than 30 additional uses compared to RCT. Dimensional standards under C-2 are also relaxed relative to those required under RCT. If rezoned, there will not be a binding site plan, list of uses, nor conditions placed on the approval. All permitted uses within the C-2 district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. The Planning Board had a split vote 4 to 2 recommending approval of the rezoning.

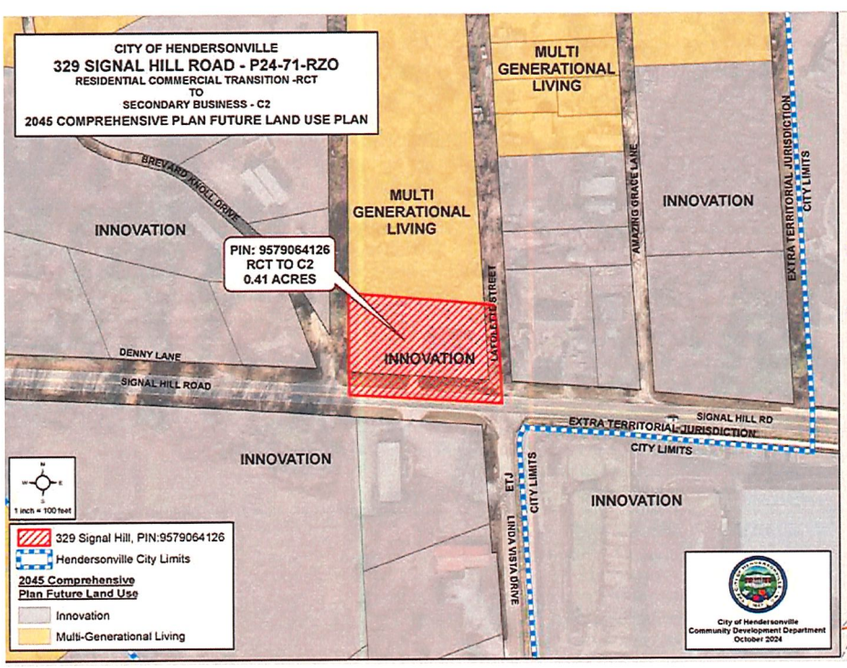






District Comparison – C-2 vs RCT

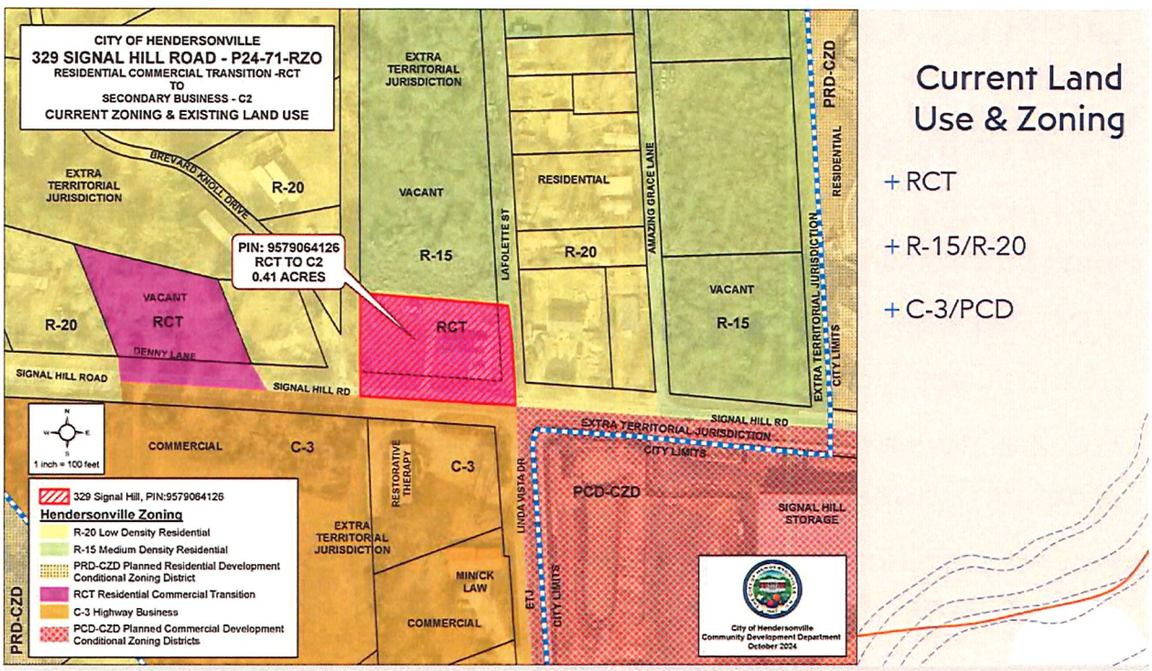
+ Two districts share 13 Permitted Uses
+ 9 Permitted Uses are similar but have different "caveats" i.e. limitations within RCT
+ RCT permits 2 uses that C-2 does not permit (Child Care & Adult Care Homes)
+ C-2 allows an additional 33 Permitted Uses + 4 Special Uses that RCT does not permit
+ Most significant difference in Dimensional Standard is Height
  + RCT = 35′ C-2 = 48′



1) Comprehensive Plan Consistency: Future Land Use

+ Innovation
+ MGL

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY		
	LAND SUPPLY, SUITABILITY & INTENSITY	• The subject property is located on a developed parcel and therefore not highlighted in the Land Supply Map. • It is also not ranked in the Suitability Assessment maps. • The subject property is located in an area designated as "Moderate" for Development Intensity. • The subject property is not located in one of the 5 Focus Areas. • The subject property is located in a Focused Intensity Node – clustered around Four Seasons Blvd @ I-26
	FUTURE LAND USE & CONSERVATION MAP	• **Designation:** Innovation • **Character Area Description:** Consistent • **Zoning Crosswalk:** Consistent • **Focus Area Map:** N/A
	COMMITTEE RECOMMENDATION	The Current Planning Committee reviewed this item prior to today's meeting.



General Rezoning Standards: 2) COMPATIBILITY		
	EXISTING CONDITIONS	The subject property is a .042 acre parcel, which is smaller than the larger properties throughout the immediate area. Most properties in the area are greater than 1 acres in size with many over 5 acres in size. The properties fronting along Signal Hill Rd are primarily vacant or contain residential uses. Most residential uses are single-family homes and not part of a Planned Development, however Signal Ridge Apartments and the proposed Duncan Terrace Apartments are in vicinity of the subject property. Five of the properties fronting Signal Hill Rd contain commercial uses, including the subject property. This lack of intense development in this area can be attributed to the lack of City sewer service in the immediate vicinity. Sewer is located near the intersection of Thompson St and Signal Hill Rd, along Four Season Blvd and at Berkely Rd at Halford Estates.
	RELEVANT GEN H GOALS	**Vibrant Neighborhoods:** [Inconsistent] **Abundant Housing Choices:** [Inconsistent] **Healthy and Accessible Natural Environment:** [Inconsistent] **Authentic Community Character:** [Inconsistent] **Safe Streets and Trails:** [Inconsistent] **Reliable & Accessible Utility Services:** [Inconsistent] **Satisfying Work Opportunities:** [Consistent] **Welcoming & Inclusive Community:** [Inconsistent]
	GEN H GUIDING PRINCIPLES	**Mix of Uses:** [Inconsistent] **Compact Development:** [Inconsistent] **Sense of Place:** [Inconsistent] **Conserved & Integrated Open Spaces:** [Inconsistent] **Desirable & Affordable Housing:** [Inconsistent] **Connectivity:** [Inconsistent] **Efficient & Accessible Infrastructure:** [Inconsistent]

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	N/A

General Rezoning Standards	3) CHANGED CONDITIONS	• Two commercial uses were recently constructed on the Signal Hill Rd corridor. 1) Signal Hill Storage was constructed across the street from the subject property 2) First Aid Collision body shop was recently constructed about ¼ mile from the subject property. • NCDOT has performed an Express Design of the Thompson St/Signal Hill/Berkley Rd corridor as an alternative to US64 and in light of the Balfour Parkway project's demise.
	4) PUBLIC INTEREST	• Expansion of C-2 zoning increases potential use of the property for various commercial uses. Alternatively, expansion of commercial uses along Signal Hill Rd could be detrimental to traffic congestion and residential uses in the area if not constructed in a manner that is compatible with the surroundings and future transportation improvements.

General Rezoning Standards	5) PUBLIC FACILITIES	• In its current configuration, the subject property would only be served by City water. Signal Hill is an NCDOT-maintained Secondary Road.
	6) EFFECT ON NATURAL ENVIRONMENT	• There is no immediate development proposed on the subject properties. There are no existing trees nor environmentally-sensitive areas within the area proposed for rezoning. To the rear of the subject property is a large undeveloped tract which features some streams that feed Cherry Branch.

PLANNING BOARD: Comprehensive Plan Consistency Statemen

The petition is found to be **consistent** with the *City of Hendersonville Gen H Comprehensive Plan* based on the information from the staff analysis and the public hearing, and because:

The proposed zoning of C-2 aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Innovation'.

The public hearing opened at 9:43 p.m.

Public Comments: - None

The public hearing closed at 9:43 p.m.

Council Member Melinda Lowrance moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9579-06-4126) from RCT, Residential-Commercial Transition to C-2, Secondary Business, based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because:

The proposed zoning of C-2 aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Innovation'.

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

1. ***C-2 Zoning would allow for greater economic use of the subject property [Recommended by Planning Board]***
2. ***Introduction of C-2 Zoning along this corridor could lead to further expansion of commercial opportunities in this area [Added by Staff]***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-48

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBER 9579-06-4126) BY CHANGING THE ZONING DESIGNATION FROM RCT, RESIDENTIAL-COMMERCIAL TRANSITION TO C-2, SECONDARY BUSINESS

IN RE: Parcel Numbers: 9579-06-4126
329 Signal Hill Rd (Givens) | File # P24-71-RZO

WHEREAS, the Planning Board took up this application at its regular meeting on November 14th, 2024; voting 4-2 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 5th, 2024, and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 5th, 2024,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9579-06-4126, by changing the zoning designation from RCT, Residential-Commercial Transition to C-2, Secondary Business

2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

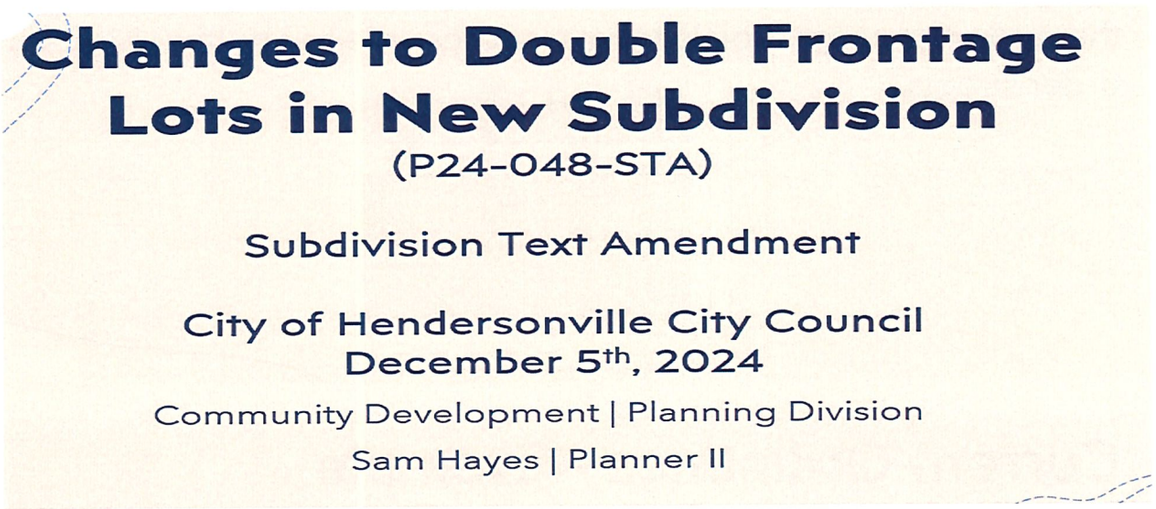
3. This ordinance shall be in full force and effect from and after the date of its adoption.

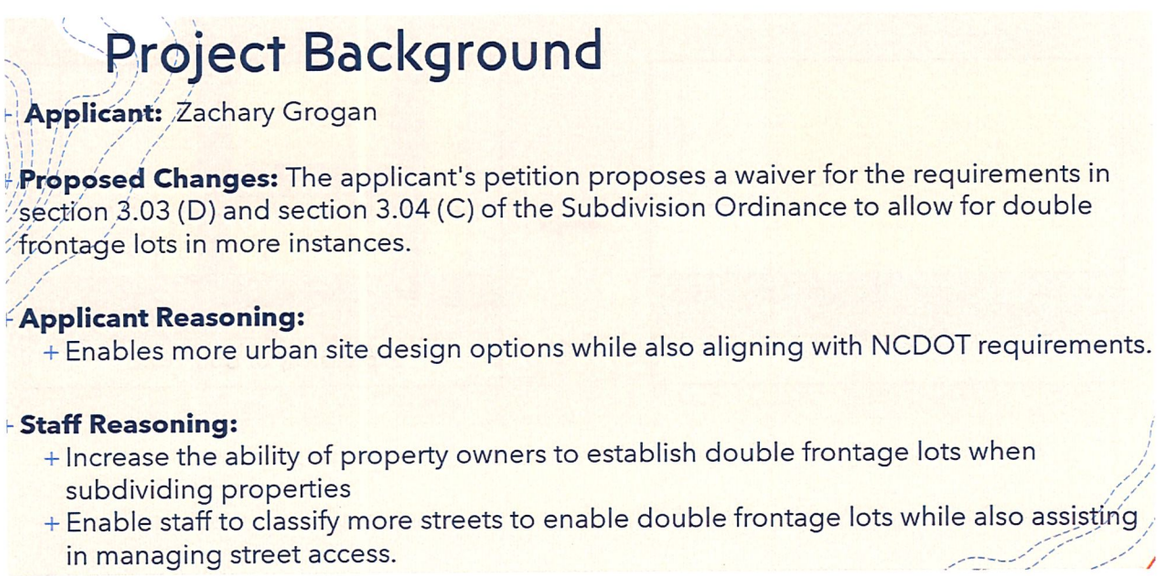
Adopted this 5th day of December 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

D. Subdivision Text Amendment: Changes to Double Frontage Lots (P24-048-STA) – *Sam Hayes, Planner II*

Sam Hayes explained that Zachary Grogan initiated a text amendment to the City's Double Frontage requirements after talking with City staff about a proposed development. Mr. Grogan initiated this text amendment to support his development, which would establish lots with frontage on two streets – one existing street (Brooklyn Avenue) and one that is established by the developer. This is classified as double frontage, which is currently limited in the subdivision ordinance to major roadways (expressway and boulevard). Mr. Grogan's proposed text amendment would create a waiver that would enable double frontage lots in more instances and waive the requirements for a 25-foot non-access buffer. In Mr. Grogan's development, Brooklyn Ave is classified as a local street, therefore is not able to establish double frontage. Due to the site layout and confines of the property, a large portion of the proposed lots would have double frontage along Brooklyn Avenue. From a broader perspective, Planning staff identified Double Frontage Lots as a top priority for a text amendment in 2022. Staff has seen several instances where double frontage lots would be a preferred outcome due to topography, traffic volumes, and improved congestion management. Planning staff proposed several revisions to the subdivision ordinance that align with the applicant's request while also addressing legal requirements to enable the revisions are permissible under the law.



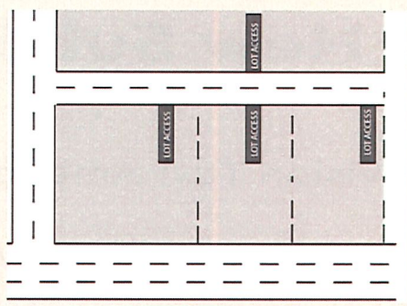


TEXT AMENDMENT PRIORITIES

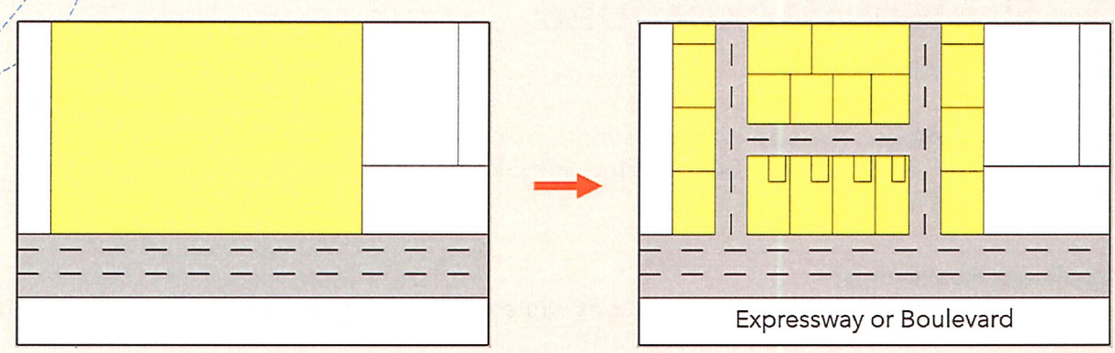
Topic	Preliminary Rankings: Comm. Avg	Staff	Total Average	Description	Alignment with Stated Goals: City Council 2 Year Values	City Council Focus Areas	Comprehensive Plan	Planning Board Thoughts	Status
Housing Strategies - Short Term	1.3	4	1.3	"Short Term" refers to less complex/contentious text amendments. Zoning Ord – Fewer Setbacks - Min. 20' walk 2' min for front facing garages Encroachment for front porches; Continue fewer setback based on avg setback; Increase/scale ADU size; Reduce/Scale Setbacks for Corner lots (ESDN of side setback). Subdivision Ord – Reduce size for Expedited Subs (DONE !); Increase PB review count to 10 units for Minor Subs	"Must pursue and provide opportunity for responsible growth." "Promotion of diversity, equity and inclusion"	Economic Vitality	Goal PH-2; Goal LU-1	Reduce cost of development to attract more local builders.	Partial (NRC Circle)
CHMU	2.3	2	2.3	Require Access Management for Howard Rd (CHMU). Mirror HMU Standards and implement Comp Plan Goals	"Must pursue and provide opportunity for responsible growth" "Values the lives of all community members"	Sound Infrastructure Strong Partnerships	Goal TC-3	Getting developed quickly. Should be high priority.	Complete
"Accessory" Outdoor Retail Sales/Display	5.7	9	5.7	Clarify language. Address "principal" outdoor retail sales.	"Open, transparent communication"	Great Public Service	Goal LU-2	Needed for customer service/transparency. Reconsider current exemptions.	
Greenway/Park Dedication in Zoning Ord	5.0	10	5.0	Mirror Sub Ord so that not only a Subdivision triggers this provision	"Must pursue and provide opportunity for responsible growth" "Values the lives of all community members" "Environmental sustainability is critical for future generations."	Numerous Amenities Sound Infrastructure	Goal PH-3; Goal TC-1, Goal TC-2; Goal CF-4; Goal CF-7	Touches a lot of the City's goals. Strong support for this.	
Tree Board Ideas	6.7	5	6.7	Establish standards that are predictable and remove CZO review process ("Ordinance Steering Committee" recently established by City Council)	"Must pursue and provide opportunity for responsible growth" "Environmental sustainability is critical for future generations."	Numerous Amenities	Goal NR-2; Goal LU-2; Goal TC-4	Committee formed to study this. Would new rules apply across the city? Planning Board would make recommendation as part of adoption process.	Complete
Food Trucks	8.0	1	8.0	Make sure Standards compliment requirements of other enforcement agencies: (Water-Sewer, Health Dept., Fire Dept Make permits issuance based rather than food truck based	"Services delivered at a high level"	Great Public Service	N/A	Lengthy discussion. Supportive of revising. Would have ranked higher having known the extent of issues.	Complete
Housing Strategies - Long Term	6.3	7	6.3	"Long Term" refers to more complex/ potentially contentious text amendments. Make Small-Scale Multi-Family uses with Design Standards a "by-right" permitted use in certain districts. PRD Overlay/Elimination. Reviewing of Low Density Res Zoning Districts or Change Standards to allow for smaller lots/more density. Eliminate larger Min. Lot Size requirement for duplexes, Industries for Manufacturing Housing, Density/Height Bonus Incentives for Affordable Housing.	"Must pursue and provide opportunity for responsible growth" "Promotion of diversity, equity and inclusion"	Economic Vitality Strong Partnerships	Goal PH-2; Goal LU-1	Need to improve design standards to prevent "vanilla" projects. How will traffic be addressed alongside increased density? Codify definitions of "affordable housing"	Partial (NRC Circle)
Chapter 7 Overhaul	8.7	3	8.7	Modification of timelines and review triggers and alignment of "Site Plan" language with City Code	"Open, transparent communication"	Great Public Service	N/A	Seems simple and helpful for staff. Non-controversial.	
Code Audit	8.3	8	8.3	See "Potential Updates to Zoning Code" and "Proposed ZTA for Code Audit" docs under "Code Audit" folder.	"Must pursue and provide opportunity for responsible growth"	Great Public Service	Goal LU-1	No Comments	Partial / In Process (Definitions & Uses)
Update Fee Schedule	8.3	11	8.3	Study Peer Communities. Understand cost of staff time per application type	"Values employees and high-quality services."	Great Public Service Financial Sustainability	N/A	No Comments	Complete
Double Frontage Lots	9.0	13	9.0	Establish definition and address how they are treated	"Must pursue and provide opportunity for responsible growth"	Sound Infrastructure	Goal EU-1	No Comments	In Process

Definitions

- Double Frontage Lot: A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.
- Marginal Access Street: A street meeting public street standards that provides access solely to lots inaccessible to abutting higher order streets.



Current Ordinance - Example



Staff Recommended Code Revision

Sec. 3.04. Access to Lots

+ B. **Access on lots abutting expressways, ~~or~~ boulevards ~~streets~~, thoroughfares, or other streets.**

+ 1. All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic ("AADT") of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B

+ a. AADT shall refer to the City's most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be performed.

+ b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other properly qualified professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.

+ ~~1.~~ 2. In cases where a tract or site abutting an expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street or alley., either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, ~~or~~ boulevard ~~streets~~, thoroughfares, or any street with an AADT of greater than or equal to 300 (see Figure 3.04.B, Lots Abutting expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300).

+ 3. Where a tract of land to be subdivided adjoins an expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300, the subdivider may be required to provide a marginal access street parallel to the expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 ~~or reverse frontage~~ where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, ~~or~~ boulevards ~~streets~~, thoroughfares, or any street with an AADT of greater than or equal to 300.

+ ~~2.~~ 4. The final plat creating the subdivision shall indicate a notation that driveway access to an expressway, ~~or~~ boulevards ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 is limited and shall be provided by a different street or alley.

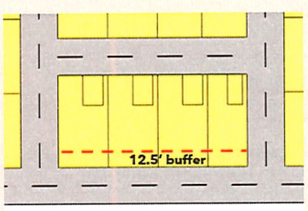
+ ~~3.~~ 5. In the event a site or tract is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with section 2.04.J, subdivision variance.

Staff Recommended Code Revisions

D. **Double or reverse frontage lots.**

+ 1. Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets in section 3.04.B, Access on lots abutting expressways, boulevards, thoroughfares, or other streets.

+ 2. Double frontage or reverse frontage lots shall require a ~~non-access buffer of 25 feet on one side of the lot bounded by a street, in addition to other dimensional requirements.~~ a 12.5-foot-wide non-access buffer zone from the edge of pavement on the side of any lot bounded by an expressway, boulevard, thoroughfare, or any street with an Average Annual Daily Traffic of greater than or equal to 300.



Staff Recommended Code Revisions

Sec. 3.04. Access to Lots

+ ~~D.~~ C. **Driveway consolidation along expressway, boulevard, ~~and thoroughfare streets~~ thoroughfares, or other streets.** While a lawfully established access to an individual lot from an expressway, boulevard, ~~or thoroughfare street~~ thoroughfare, or any street with an AADT of greater than or equal to 300 created prior to March 5, 2020 may remain, it is the intent of this ordinance to consolidate or eliminate these driveways to help ensure public safety and to preserve the traffic-carrying capacity of the street. In order to encourage the beneficial removal of existing driveways or shared driveways serving two or more lots, the required side setbacks and any perimeter landscaping buffers required between lots may be reduced by up to ten percent by the City Manager, if all of the following requirements are met:

+ 1. NCDOT confirms the shared access can still achieve a satisfactory level of access control;

+ 2. A cross-access easement between all parties sharing access is approved by the City Manager and recorded with the Henderson County Register of Deeds;

+ 3. All Fire Code regulations are met;

+ 4. Adequate utility and drainage easements are provided, if necessary; and

+ 5. Minimum side setbacks or perimeter landscaping buffer requirements are reduced by the smallest amount necessary to accommodate the shared access.

Staff Recommended Code Revisions

Sec. 4.03. Streets.

+ 3. **General layout.**
  + a. Streets shall be related appropriately to the topography and designed to facilitate the drainage and stormwater runoff.
  + b. Street grades shall be governed by NCDOT requirements and shall conform as closely as practicable to the original topography.
  + c. Half streets (such as streets of less than the full required right-of-way and pavement width) shall not be permitted, except where the streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this ordinance.
  + d. When a development abuts or contains an existing or proposed ~~freeway, expressway, or boulevard,~~ expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 the city manager may require frontage streets, reverse frontage with landscape plantings, or other treatment as may be necessary for adequate protection of residential properties and to ensure separation of through and local traffic.
  + e. Reserve strips or parcels controlling access to streets shall be prohibited, except where required as part of development on a double-frontage lot.

COMPREHENSIVE PLAN CONSISTENCY

1) Adopted Plan Consistency

GEN H FUTURE LAND USE & CONSERVATION MAP
Designation: N/A
Character Area Description: N/A
Zoning Crosswalk: N/A
Focus Area Map: N/A

2018 BICYCLE PLAN
The 2018 Bicycle Plan calls for the City to regularly update local street design standards to reflect national best practices and to regularly update the City's traffic calming policies. These two recommendations go hand-in-hand with the provisions for marginal access streets that would result in double frontage lots for infill development.

2023 WALK HENDO PEDESTRIAN PLAN
The Walk Hendo Plan's recommendations on policies makes reference to the City needing to develop street typologies to support a variety of residential uses. The Plan goes on to say:

People who walk need community design features that support walking. A city's zoning and other land use regulations / planning documents are some of the most effective tools a community can use to promote community walkability and many communities intentionally use zoning [and subdivision] regulations to foster walkable communities. While weighing future land use and policy options during the Gen H process, Hendersonville can consider how to code pedestrian environment elements into their regulatory codes.

In particular, the focus of walkability in and around downtown Hendersonville is a key consideration.

10

1) COMPREHENSIVE PLAN CONSISTENCY

2) Compatibility

EXISTING CONDITIONS
The revision of the Subdivision Ordinance assists in promoting the preservation of existing streets because it deters subdivisions from creating additional curb cuts and driveways along the street. Instead, it promotes the creation of a new marginal access streets.

GEN H COMPREHENSIVE PLAN GOALS (Chapter IV)
Vibrant Neighborhoods: Consistent
Abundant Housing Choices: N/A
Healthy and Accessible Natural Environment: N/A
Authentic Community Character: Consistent
Safe Streets and Trails: Consistent
Reliable & Accessible Utility Services: Consistent
Satisfying Work Opportunities: N/A
Welcoming & Inclusive Community: Consistent
Accessible & Available Community Uses and Services: N/A
Resilient Community: N/A

GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV)
Mix of Uses: N/A
Compact Development: Consistent
Sense of Place: N/A
Conserved & Integrated Open Spaces: N/A
Desirable & Affordable Housing: Consistent
Connectivity: Consistent
Efficient & Accessible Infrastructure: N/A

1) COMPREHENSIVE PLAN CONSISTENCY		
	3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
		As the City continues to develop, there are more opportunities for subdivisions to occur that may result in double frontage lots. The aim of this ordinance revision is to allow these subdivisions to occur but manage the access to these lots in an appropriate way so that existing streets are not negatively impacted.
	4) Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
		The proposed text amendment will allow the City to require marginal access streets in more subdivisions, thereby reducing the number of driveways entering onto existing roadways throughout the City. Creating marginal access streets is best practice to avoid traffic collisions, and car/cyclist/pedestrian collisions.
	5) Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
		This amendment will assist with removing the possibility of encroachment into sidewalks by driveways, thereby mitigating the negative impacts on the public by lessening the possibility of accidents.
	6) Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
		There are not any direct connections between this text amendment and the environment/ natural resources. However, even if subdivided, the subject properties will have to meet any applicable zoning, natural resource, stormwater, floodplain, etc. requirements.

12

Planning Board - Legislative Committee

+ August 20th, 2024
+ 3 Member in attendance + Staff
+ Introduced proposed text amendment
  + Discussed clarifying the role the Community Development Director would have in making changes (has since been changed to the City Manager).
  + Also discussed including something in the ordinance to clarify which street building entrances should front onto.
  + No motion was made. Committee members voiced support for the changes.

Planning Board

+ September 12th, 2024
+ Reviewed recommendations
+ Unanimously voted to recommend approval

Draft Consistency Statement

The petition is found to be [consistent] with the City of Hendersonville Gen H 2045 Comprehensive Plan, 2018 Bicycle Plan and 2023 Walk Hendo Pedestrian Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to promote vibrant neighborhoods, create compact development, establish connectivity and improve walkability/bikeability throughout the community.

The public hearing opened at 9:52 p.m.

Public Comments: None

The public hearing closed at 9:52 p.m.

Council Member Gina Baxter moved that City Council adopt an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 3.03. Lots, Section 3.04. Access to Lots, and Section 4.03. Streets based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan, 2018 Bicycle Plan, and 2023 Walk Hendo Pedestrian Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to promote vibrant neighborhoods, create compact development, establish connectivity and improve walkability/bikeability throughout the community.

2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The proposed text amendment creates flexibility for property owners while still limiting potential impacts to the greater community which include congestion management through driveway consolidation and reduction of conflict points for pedestrians, cyclists, and vehicles.

2. The proposed text amendment expands the number of streets that will allow double frontage lots, while also imposing more requirements to ensure that these lots do not negatively impact the community.

3. The proposed text amendment will assist in redeveloping smaller lots in areas targeted for infill.

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-49

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, ARTICLE III. – CONFIGURATION, SECTION 3.03. 'LOTS' AND SECTION 3.04. 'ACCESS TO LOTS', AND ARTICLE IV. – INFRASTRUCTURE, SECTION 4.03. 'STREETS'

WHEREAS, the Planning Board reviewed this petition for a subdivision text amendment at its regular meeting on September 12th, 2024; voting 5-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on December 5, 2024, and

WHEREAS, City Council has found that this subdivision text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council conducted a public hearing as required by the North Carolina General Statutes on December 5, 2024,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Subdivision Ordinance, Article III. – Configuration, Section 3.03. 'Lots and Section 3.04. 'Access to Lots', and Article IV. – Infrastructure, Section 4.03. 'Streets'

SUBDIVISION ORDINANCE

Appendix B - Subdivisions, Article 3. - Configuration

Sec. 3.03. Lots.

A. **Dimensional requirements.**

1. **Generally.**

a. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated to allow the lots to meet the standards contained in this ordinance.
b. A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this ordinance and the zoning ordinance.
c. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area in accordance with the standards of this ordinance.
d. The area of standing bodies of water shall not be included in determining minimum

lot area requirements.

2. **Single-family residential lots.**

   a. **Within the corporate limits.** Lots intended for single-family residential development within the city's corporate limits shall comply with the minimum dimensional standards for the zoning district where located.

   b. **Outside the corporate limits.**

      i. Lots intended for single-family residential development outside the city's corporate limit that are served by both public water and sewage systems shall comply with the minimum dimensional standards for the zoning district where located.

      ii. Lots intended for single-family development outside the city's corporate limits that are not served by public water or by public sewer shall comply with the applicable dimensional standards in the zoning ordinance.

3. **Multi-family residential lots.**

   a. Lots intended for multi-family residential development shall comply with the minimum dimensional standards for the zoning district where located.

   b. Prior approval from Henderson County Environmental Health must be obtained for lots containing multi-family development that are not served by both public water and sewer.

4. **Nonresidential and mixed-use lots.** Lots intended for non-residential and mixed-use development shall comply with the minimum dimensional standards for the zoning district where located.

B. **Side lot lines.**

1. Side lines of lots should be at or near right angles or radial to street lines.

2. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

C. **Flag lots.** New flag lots may be established, subject to the following requirements:

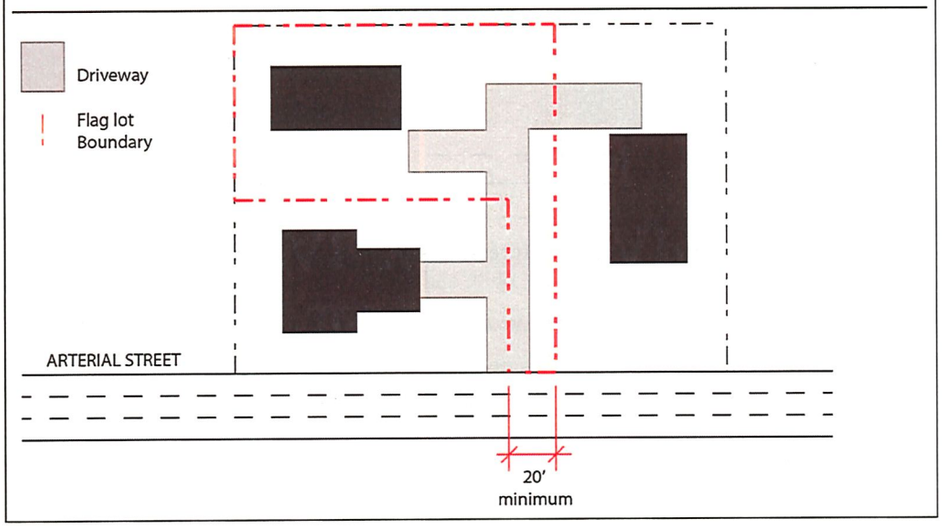
1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.

2. New flag lots may be established along an expressway or boulevard street only in cases where access to the street is shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).

3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet.

4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

FIGURE 3.03.C: FLAG LOT ACCESS



D. **Double or reverse frontage lots.**

1. Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets in section 3.04.B, Access on lots abutting expressways, boulevards, thoroughfares, or other streets.

2. Double frontage or reverse frontage lots shall require a ~~non-access buffer of 25 feet on one side of the lot bounded by a street, in addition to other dimensional requirements.~~ a 12.5-foot-wide non-access buffer zone from the edge of pavement on the side of any lot bounded by an expressway, boulevard, thoroughfare, or any street with an Average Annual Daily Traffic of greater than or equal to 300,

E. **Corner lots.** Corner lots shall be of sufficient size to ensure development may be configured to avoid required sight distance triangles.

F. **Drainage and flood prevention.** New subdivisions shall comply with all applicable requirements for stormwater management (see section 5.01, stormwater management), drainage (see section 5.02, sedimentation and erosion control), and all applicable standards for flood damage prevention from sections 24-31 through 24-117 of the city's Code of Ordinances, when located within a special flood hazard area.

Sec. 3.04. Access to lots.

A. **Every lot must maintain access.**

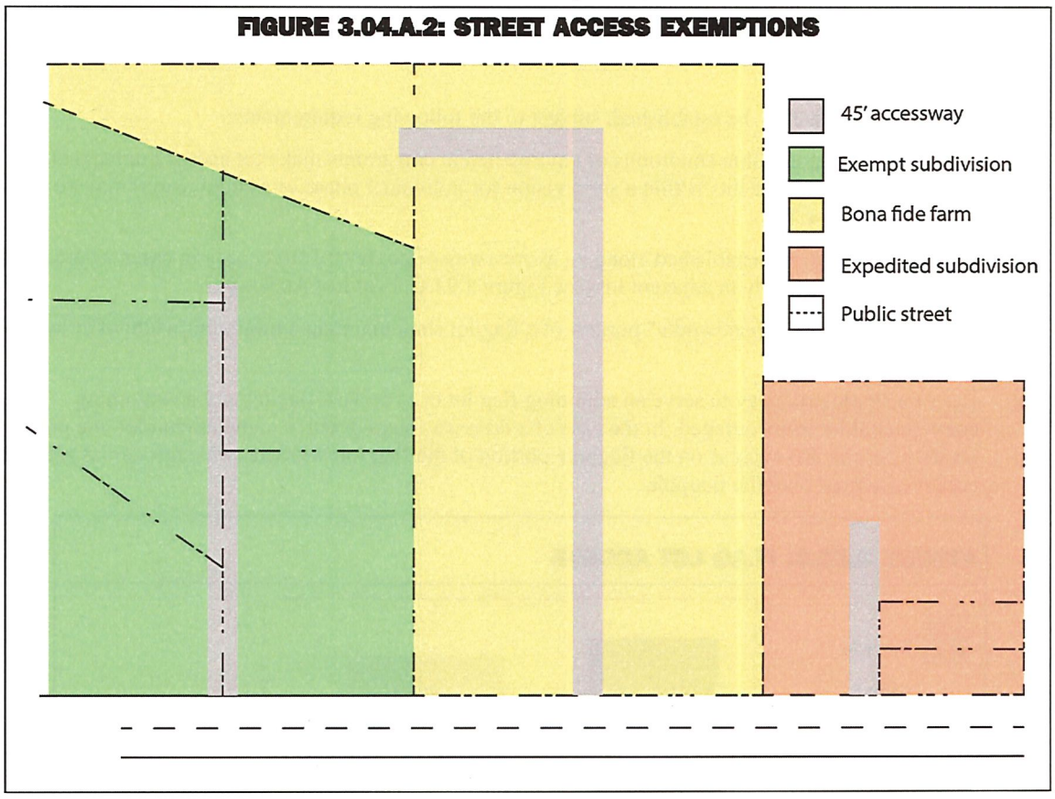
1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.

2. **Street access exemptions.**

a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:
   i. Up to three lots in an expedited subdivision; or
   ii. Up to three lots without roadway frontage that are served by a single, shared accessway.

b. Any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).

FIGURE 3.04.A.2: STREET ACCESS EXEMPTIONS



3. **Access serving more than three lots.** Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.

B. **Access on lots abutting expressways, ~~or~~ boulevards ~~streets~~, thoroughfares, or other streets.**

1. All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic ("AADT") of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B

a. AADT shall refer to the City's most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be performed.

b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other properly qualified professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.

~~1.~~ 2. In cases where a tract or site abutting an expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street or alley., either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, ~~or~~ boulevard ~~streets~~, thoroughfares, or any street with an AADT of greater than or equal to

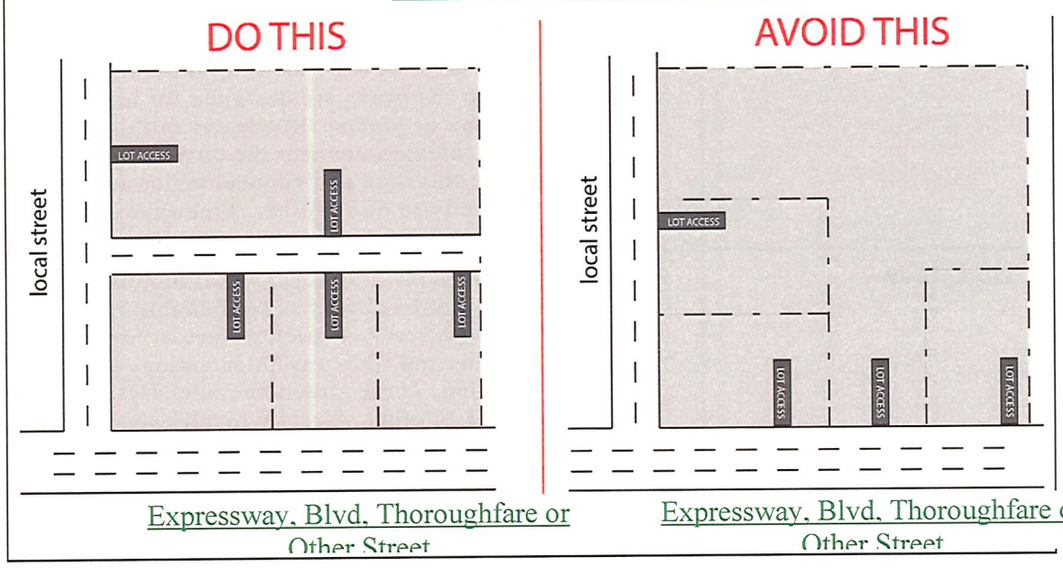
300 (see Figure 3.04.B, Lots Abutting expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300).

3. Where a tract of land to be subdivided adjoins an expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300, the subdivider may be required to provide a marginal access street parallel to the expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 ~~or reverse frontage~~ where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, ~~or~~ boulevards ~~streets~~, thoroughfares, or any street with an AADT of greater than or equal to 300.

~~2.~~ 4. The final plat creating the subdivision shall indicate a notation that driveway access to an expressway, ~~or~~ boulevards ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 is limited and shall be provided by a different street or alley.

~~3.~~ 5. In the event a site or tract is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with section 2.04.J, subdivision variance.

FIGU FIGURE 3.04.B: LOTS ABUTTING EXPRESSWAY, BOULEVARD ~~STREETS~~, THOROUGHFARE, OR OTHER STREET



~~C. Marginal access streets.~~

~~1. Where a tract of land to be subdivided adjoins an expressway, or boulevard streets, the subdivider may be required to provide a marginal access street parallel to the expressway, or boulevard streets or reverse frontage where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, or boulevards streets.~~

~~2. Where reverse frontage is established, private driveways shall not have direct access to expressway, or boulevard streets, and a 25-foot-wide non-access buffer zone on the side of the lot abutting the expressway, or boulevards streets, thoroughfares, or other designated streets shall be provided.~~

~~D.~~ C. **Driveway consolidation along expressway, boulevard, ~~and thoroughfare streets~~ thoroughfares, or other streets.** While a lawfully established access to an individual lot from an expressway, boulevard, ~~or thoroughfare street~~ thoroughfare, or any street with an AADT of greater than or equal to 300 created prior to March 5, 2020 may remain, it is the intent of this ordinance to consolidate or eliminate these driveways to help ensure public safety and to preserve the traffic-carrying capacity of the street. In order to encourage the beneficial removal of existing driveways or shared driveways serving two or more lots, the required side setbacks and any perimeter landscaping buffers required between lots may be reduced by up to ten percent by the City Manager, if all of the following requirements are met:

1. NCDOT confirms the shared access can still achieve a satisfactory level of access control;
2. A cross-access easement between all parties sharing access is approved by the City Manager and recorded with the Henderson County Register of Deeds;
3. All Fire Code regulations are met;
4. Adequate utility and drainage easements are provided, if necessary; and
5. Minimum side setbacks or perimeter landscaping buffer requirements are reduced by the smallest amount necessary to accommodate the shared access.

Sec. 4.03. Streets.

A. **Generally.**

1. **Streets distinguished.** All streets, roads, and alleys within the city's planning jurisdiction shall be designated as one of the following street types, based on maintenance responsibility:
   a. State-maintained, or NCDOT streets (this includes roadways in the federal highway system);
   b. City streets that will be owned, maintained or operated by the City of Hendersonville;

or

c. Private streets that will be owned and maintained by individuals or owner associations.

2. **Types of streets.**

a. **Public streets.** Streets that are owned, operated, or maintained by the NCDOT, the city, or the federal government shall be considered as public streets.

b. **Private streets.** Streets that are owned, operated, or maintained by an individual or an owner's association shall be considered private streets.

3. **Street classification.**

a. All new and existing streets in the city's planning jurisdiction shall be identified in the city's adopted policy guidance as one of the following street classifications:

TABLE [illegible]: STREET CLASSIFICATION

STREET TYPE	DESCRIPTION
Freeway	Freeways are the highest classification of streets and are designed and constructed with mobility and long-distance travel in mind. Access is controlled, intersections are grade- separated, driveways serving individual lots are prohibited, and roadways are designed for high-speed travel of 55 mph or greater. Roadways in this functional classification category connect the city to other destinations in the state and connect major activity centers in the city to one another. Freeways carry the highest traffic volumes.
Expressway	These streets provide a high degree of mobility both within the city's urban areas as well as through neighboring rural areas. Vehicles move at high-to-moderate speeds and four-way intersections are often signal-controlled. These streets include at-grade intersections with other streets typically spaced 2,000 feet apart, but driveways to individual lots are typically limited to right-in/right-out or grade separated left turns. The average number of vehicles trips can vary widely based on the urban or rural location of an expressway.
Boulevards	Boulevards connect major streets to one another and provide for vehicle trips of moderate length at medium speeds. The road is typically two or more lanes with a median with median breaks provided for U-turns. Full-movement driveways may be provided when alternative forms of access are not available.
Major Thoroughfare	Major thoroughfares provide a balance of mobility and access with moderate traffic volumes and low-to-medium speeds between 25 and 55 mph. Streets may be up to four lanes wide with no median and no requirements for access control. Access management may be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
Minor Thoroughfare	Minor thoroughfares provide balanced mobility and access with moderate traffic volumes and lot-to-medium design speeds of up to 45 mph. Streets may have up to three lanes with no more than one lane per direction. Access management may be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
Local	Local streets occupy the largest percentage of lane miles across all types of streets and primarily provide direct access to individual lots. Local streets are often configured to discourage through traffic, though local streets can also effectively disperse local traffic when configured as part of a highly connected network offering multiple routes.
Cul-de-Sac	A dead-end local street that terminates in a vehicular turnaround.
Alley	A secondary street that provides direct access to a limited number of individual lots or land uses. In most cases,

	access is provided to the side or rear of the lot served by the alley.

b. Nothing shall prohibit a change in street classification based on traffic volumes or anticipated needs.
c. In no instance shall a private street be classified as a freeway, expressway, boulevard, or thoroughfare street.

4. **Compliance with policy guidance.**

a. **All streets.** Except where otherwise allowed in accordance with section 3.04.A.2, street access exemptions, all streets and rights-of-way within the city's planning jurisdiction shall be designed, constructed, and maintained in accordance with the following:
   i. Streets maintained by the state shall comply with the standards established for the particular classification of street in question by the NCDOT.
   ii. Streets dedicated to or maintained by the city shall comply with all applicable standards established by this ordinance or the city's Code of Ordinances, whichever is higher or more restrictive.

b. **Additional standards for state-maintained streets.**
   i. All streets intended for dedication to the state shall have rights-of-way and construction meeting the standards contained in the *Subdivision Roads, Minimum Construction Standards Handbook*, as revised, published by the NCDOT.
   ii. The district highway engineer shall approve the plat with respect to road construction, road width, and right-of-way prior to recording. Without the approval, the plat cannot be recorded.
   iii. Once the development meets the minimum housing requirements for state road acceptance, the developer shall petition NCDOT for state road acceptance.
   iv. After inspection and upon receipt of outcome of the inspection, the developer shall have 12 months to turn over roads to NCDOT.

B. **Street design.**

1. **Dedication and construction.**

a. All lands associated with a new or modified street right-of-way shall be dedicated to the city or the state as a part of the development process in accordance with G.S. 136-66.10.
b. All streets shall be improved to the full width, cross section, and profile, including paving and drainage, as specified in the development approval, this ordinance, the city's adopted policy guidance, state or federal law, and any other applicable provisions.
c. The subdivider or developer shall be responsible for the construction and installation of all streets and infrastructure in accordance with the applicable development approval, NCDOT standards, the standards in this ordinance, and any applicable state or federal requirements.
d. No road construction or improvements shall commence until a plan showing the proposed roadway improvements and a construction plan demonstrating compliance with the standards of this ordinance is approved by the city manager.

2. **Private streets.**

a. **New streets.**
   i. Except where otherwise allowed in accordance with section 3.04.A.2, street access exemptions, all streets constructed, extended, or modified after March 5, 2020 shall be constructed, maintained, and operated in accordance with the standards for public streets.
   ii. Private streets shall not be constructed as part of development within the city's corporate limits.
   iii. Existing streets associated with land or subdivisions proposed for voluntary annexation shall meet applicable city requirements prior to or concurrent with annexation.

b. **Existing private streets.**
   i. Neither the City of Hendersonville or NCDOT shall be responsible for maintenance of private streets existing on or after March 5, 2020.
   ii. The city shall not accept maintenance responsibility for any private streets that do not meet the city's standards for street configuration and construction.

3. **General layout.**

a. Streets shall be related appropriately to the topography and designed to facilitate the drainage and stormwater runoff.
b. Street grades shall be governed by NCDOT requirements and shall conform as closely as practicable to the original topography.
c. Half streets (such as streets of less than the full required right-of-way and pavement width) shall not be permitted, except where the streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this ordinance.
d. When a development abuts or contains an existing or proposed ~~freeway, expressway,~~

~~or boulevard,~~ expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 the city manager may require frontage streets, reverse frontage with landscape plantings, or other treatment as may be necessary for adequate protection of residential properties and to ensure separation of through and local traffic.

e. Reserve strips or parcels controlling access to streets shall be prohibited, except where required as part of development on a double-frontage lot.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of December, 2024.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

E. CANCELLED: Rezoning Conditional Zoning District-715 Greenville Highway Multi-Family (P24-39-CZD) – *Tyler Morrow, Current Planning Manager*

12. NEW BUSINESS

A. Fire Department Staffing Budget Amendment – *Jennifer Floyd, Budget & Management Analyst II*

In the absence of Jenny Floyd, Assistant City Manager Brian Pahle gave the following PowerPoint presentation.

CITY OF HENDERSONVILLE

Fire Department Overtime and Staffing

CURRENT LANDSCAPE

Current Staffing Level

Minimum Staffing Level Per Shift – 13

Current Staffing Per Shift
Shift A – 11 FTEs
Shift B – 12 FTEs
Shift C – 12 FTES

Current Vacancies - 3

FY25 Overtime Budget: $270,000

Recent Hiring Process

29 Applicants

6 Eligible Candidates Identified
2 – Firefighter & EMT Certified
2 – Firefighter Certified
2 – No Certification

SCENARIO 1

Current staffing numbers are maintained, and vacancies are filled

End-of-Year Overtime Forecast: $302,078

- $32,078 over budget

Contributing Factors

Below minimum staffing due to:

- Vacation
- FMLA
- Paid Family Leave

Shift Staffing Level

Shift	Min. Staffing	Current	Vacancies Filled
A	13	11	12
B	13	12	13
C	13	12	13

*Shift A – FMLA use

SCENARIO 2

Quarter 1 Actuals are Maintained

End-of-Year Overtime Forecast: $192,396

- $48,100 per quarter
- $77,604 under budget

Does not consider changes in:

- Vacation
- FMLA
- Paid Family Leave

SCENARIO 3

Adding 3 New Firefighter/EMTs

End-of-Year Overtime Forecast: $175,706

- $94,294 under budget

Includes

2 anticipated FMLA uses

This scenario considers putting 4 FTEs into service in December

- 2 Vacancies Filled
- 2 Additional FTEs

RECOMMENDATION

After considering the scenarios presented, we recommend adding 3 FTEs to the Fire Department in FY25.

FY25 Salary & Benefits - $110,662

Overtime Cost Savings - $94,294

Needed for Salary & Benefits - $16,367

Shift Staffing Level			
Shift	Min. Staffing	Vacancies Filled	EOY
A	13	13	14
B	13	13	14
C	13	12	14

*Shift C – FMLA use

Funding Opportunity

LUCAS Chest Compression System - $20,000

FY26 Considerations

Anticipated FY26 Overtime Budget: $100,000

Year-over-Year Overtime Cost Savings: $170,000

Remaining Salary & Benefit Costs: $51,000

Salary & Benefits	
FF/EMT I	Total Cost
3	$221,323

Additional Costs to Consider:

EMT Certifications- $1,500

Ancillary Benefits:

Mental Health
Staff Retention
Quick Response Vehicle (QRV)
Diversity and Inclusion

Salary and Benefit Breakdown



Position	Starting Salary	5% probation	Salary after Probation	Hourly	Half-Time
FF/EMT I	47,492	2,375	49,867	18.09	3,002
Holiday Pay	**FICA Tax Expense**	**Retirement Expense**	**Med/Life Ins**	**Worker's Comp**	**Total**
Banked	3,815	6,782	8,832	1,476	**73,773**

Council Member Melinda Lowrance moved that City Council adopt budget amendment 12052024-04 as presented. A unanimous vote of the Council followed. Motion carried.

TO MAYOR & COUNCIL
APPROVAL:December 5, 2024

FISCAL YEAR 2025
FORM: 12052024-04

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1400-501010	Salaries-Overtime	270,000		94,294	175,706
010-1400-554001	Capital Outlay- Equipment Other Than	105,000		16,368	88,632
010-1400-501001	Salaries-Regular	-	74,802	-	74,802
010-1400-501013	Halftime	-	4,503	-	4,503
010-1400-502001	Fica Tax Expense	-	5,722	-	5,722
010-1400-502005	Group Med & Life Ins.	-	13,248	-	13,248
010-1400-502050	Retirement Expense	-	10,173	-	10,173
010-1400-502091	Worker's Comp Ins	-	2,214	-	2,214
FUND 010	TOTAL REVENUES	-		-	74,802
	TOTAL EXPENDITURES	375,000	110,662	110,662	375,000

An amendment increasing salaries and benefits in the Fire Department for 3 additional FTEs.

The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

B. City Council Discussion Regarding Floodplain Development – *John Connet, City Manager*

City Manager John Connet explained that several City Council members have expressed concerns regarding the impacts of flooding immediately following Hurricane Helene. City staff wanted to provide City Council with an opportunity to share their concerns publicly and provide direction to staff.

City Council Member Lyndsey Simpson moved that City Council direct staff to schedule a floodplain development workshop for January 22, 2025. A unanimous vote of the Council followed. Motion carried.

13. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

Board of Adjustment

Council Member Jennifer Hensley moved that City Council appoint Rhona Reagen to the Board of Adjustment. She will be filling the vacancy of Melinda Lowrance and her term will expire on June 30, 2027. A unanimous vote of the Council followed. Motion carried.

Diversity & Inclusion Advisory Committee

Council Member Melinda Lowrance moved that City Council appoint Penny Pearson to the Diversity & Inclusion Advisory Committee. She will be filling the vacancy of Melinda Lowrance and her term will expire on June 30, 2027. A unanimous vote of the Council followed. Motion carried.

Environmental Sustainability Committee

Council Member Lyndsey Simpson moved that City Council appoint Scott Harmon to the Environmental Sustainability Committee. He will be filling the vacancy of Gina Baxter and his term will expire on June 30, 2027. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Historic Preservation Committee

Council Member Lyndsey Simpson moved that City Council reappoint Cheryl Jones to the Historic Preservation Committee for a three-year term expiring on December 31, 2027. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley moved that City Council reappoint James Welter to the Historic Preservation Committee for a three-year term expiring on December 31, 2027. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Edward Sine to the Historic Preservation Committee for a three-year term expiring on December 31, 2027. A unanimous vote of the Council followed. Motion carried.

Planning Board

Council Member Jennifer Hensley moved that City Council reappoint Donna Waters to the Planning Board for a three-year term expiring on December 31, 2027. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley moved that City Council appoint David McKinley to the Planning Board with his term expiring on December 31, 2025. He is filling the vacancy of Beth Robertson. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Tree Board

Council Member Lyndsey Simpson moved that City Council appoint Richard Bowerman to the Tree Board for a three-year term expiring on December 31, 2027. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Mark Madsen to the Tree Board for a three-year term expiring on December 31, 2027. A unanimous vote of the Council followed. Motion carried.

14. CITY MANAGER REPORT

A. November 2024 Contingency and Adjustment Report – *John Connet, City Manager*

In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a "budget adjustment". City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2024 - 2025 (FY25) BUDGET AMENDMENTS AND ADJUSTMENTS			Completed / Proposed	Corrected / Denied					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-1002-524010	R&M Buildings	1,000	-	413	587	Materials needed for Council overflow area in City	yes	adjustment	10/29/2024
010-1002-521001	Supplies & Materials	-	413	-	413	Materials needed for Council overflow area in City	yes	adjustment	10/29/2024
010-1002-539005	Health and Welfare Expenditures	87,574	-	5,250	82,324	HPD Insurance Claim - NCLM	yes	adjustment	11/5/2024
010-1300-531700	Liab & Prop Ins & Bonds	60,412	5,250	-	65,662	HPD Insurance Claim - NCLM	yes	adjustment	11/5/2024

15. CITY COUNCIL COMMENTS –

Lyndsey Simpson wanted to say that at the last housing session, Allison Justus did awesome and she also speaks Spanish and led the meeting which blew me away It was an amazing meeting and I don't think I've seen that sort of engagement with the Spanish-speaking community with anything that we've done so thank you.

16. CLOSED SESSION

The closed session was cancelled.

17. ADJOURN

There being no further business, the meeting adjourned at 10:13 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk