

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

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

Members Absent: Chauncey Whiting, Peter Hanley

Staff Present: Tyler Morrow, Current Planning Manager, Lew Holloway, Community Development Director, (zoom) Sam Hayes, Planner II

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Ms. Gilgis moved to approve the agenda. The motion was seconded by Ms. Waters and passed unanimously.***
- III(A) Approval of Minutes for the meeting of November 14, 2024. *Ms. Gilgis moved to approve the Planning Board minutes of the meeting of November 14, 2024. The motion was seconded by Ms. Peacock and passed unanimously.***
- IV Old Business**
- V New Business**
- V(A) Conditional Zoning District – Half Moon Heights Phase II (P24-41-CZD). Mr. Morrow gave the following background:**

Mr. Morrow stated this is an application for a conditional rezoning of four parcels that front on Old Sunset Hill Road. The applicant is Forestar USA Real Estate Group, Inc. The property is currently zoned by Henderson County and is R2R. The applicant is requesting to rezone the property to PRD CZD, Planned Residential Development Conditional Zoning District. The property is 20.66 acres and the proposal is to construct 59 single family residential units.

The NCM for the project occurred on September 18, 2024. There were six residents in attendance. Topics discussed were the stream and stream buffer requirements, wetlands and if any of the homes would be impacted by them, questions concerning the road and its ownership, discussion on whether the HOA would be required, whether or not the cul-de-sac is within the fire code requirements, discussion about the wetlands and them being included in the common areas and maintained by the HOA, tree preservation and discussions concerning the review process.

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

Half Moon Heights Phase I was discussed and is included in the staff report and presentation.

The site plan was shown and discussed and is included in the staff report and presentation.

The Traffic Impact Analysis was discussed and is included in the staff report and presentation.

The city proposed conditions that the developer has agreed to were discussed and are included in the staff report and presentation.

The city proposed conditions the developer did not agree to were discussed and are included in the staff report and presentation. These conditions would have to be included in the motion if the Board wants to apply them.

The Future Land Use map was shown and discussed and is included in the staff report and presentation.

The general rezoning standards for Comprehensive Plan Consistency were discussed and are included in the staff report and presentation.

The Current Land Use and Zoning map was shown and discussed and is included in the staff report and presentation.

A draft Comprehensive Consistency statement was discussed and is included in the staff report and presentation. A draft reasonableness statement was also shown for approval and denial and is included in the staff report and presentation.

Chair asked if there were any questions for staff.

Chair asked if a condition was placed on Phase I for stormwater to put in a system above and beyond what was required by the ordinance. Mr. Morrow stated he believes it was for a 25 year storm but the developer would know more about this.

Ms. Gilgis asked if the developer plans to connect Phase I and Phase II together with a street.

There were no further questions for staff.

Chair asked if the applicant would like to speak.

Tricia Chassen with Forestar introduced the developing team that she brought with her. Ms. Chassen stated that she did not have a presentation and would like to open the meeting for questions.

Chair asked if there were any questions for the applicant.

Ms. Gilgis asked why they would not mitigate the wetlands and put that as a condition. Ms. Chassen stated there are three parts to the condition and the first was a 30-foot buffer and they could not comply with that because they do plan to fill in a portion of the wetlands on the lots to raise them up above the wetlands so there is no worry about flooding from the water backing up in the wetlands. They plan to raise the back of the lots a little, so in a portion of the wetlands which will be approved by the Army Corp they cannot provide the 30-foot buffer because they are already working into the wetlands. Based on their final grading plan, they can designate buffers in other areas where they are not impacting them but the way the condition was stated it was just not feasible for them to put the 30-foot buffer around the entire wetlands. Monitoring and Reporting, this is one they are willing to do if the Planning Board feels it is necessary for them to do. Concerning the signage, their plan was to designate most of this area as their park land designation and so that would allow the city to put up as much educational information as they wanted in the area.

Ms. Peacock stated when they counter proposed on the turn lane, she is talking about the left turn lane and if there wasn't enough right-of-way and if it became not feasible to fit it in that little triangle area, would they object to a fee in lieu of the cost to do it because the road is getting more impacted. Ms. Chassen stated the main reason for the counter was if they couldn't fit it and with the cost already due to the conditions it

just would not be feasible for this project to purchase right-of-way. They could do a cost estimate for the fee in lieu to see what the cost would be if they had to get right-of-way and could not build it themselves. That is something they could work with the city on.

Chair stated if they did not have to comply with a buffer, with a 30-foot setback from the wetlands, if they could go right up to them would that be feasible? Ms. Chassen stated they were going to have to fill in some of the wetlands and the lots to the north. There is a little strip of wetlands on those lots that will get filled in and then they have at their road crossings and for sewer installation around the edge and they will have to disturb some of the wetlands to put that in. Once they finalize the grading plan, they do not plan to grade a lot of that southern middle section and they could dedicate that as buffer and they wouldn't be to do a contiguous buffer around the whole of the wetlands. Chair stated but if there was no buffer and you were told to stay out of them it still would not accommodate what you are trying to do. Ms. Chassen stated they would lose some lots. Chair discussed the flooding we had here recently and stated he did not feel filling in the wetlands would go over very well after the storm.

Ms. Chassen pointed out the wetlands that are remaining and she pointed out the portion that was being filled which was only a small sliver. And that is to protect the homes when the wetland does fill up with water. She stated 85% to 90% of the wetlands would remain and be undisturbed with a natural buffer remaining around it. Chair asked if they would have to raise the elevation where the road crosses. Ms. Chassen explained the installation of cross pipes under the road and how that would drain into the creek. She discussed the wetland being mostly spring fed.

Chair started there was a condition on Phase I where they asked that a stormwater system engineered for a 25 year flood rather than a 10 year flood and he can't imagine why the same condition wouldn't be imposed on Phase II. It is because the way water flows in that area and ends up down on Chimney Rock Road. Chair asked if this is something they can agree to.

Jared DeRidder, WGLA stated it is important to note that Phase I and Phase II flow in two different directions. He was not a part of Phase I but being the engineer for Phase II, if you have a city ordinance that outlines the requirements of two and ten, why would it be necessary to impose something stricter than the ordinance. Chair stated because the maps are out of date, water from the Gulf of Mexico is coming here all the time and we get thunderstorms and heavy periods of rain where we never had that before, rain that was over five inches in one day and of course we had 22 inches in September. So rain is different now than it was when the ordinance was written and that is why he is asking. Mr. DeRidder stated they can commit to passing the 25 year storm but in terms of creating the 25 year storm he is not sure that really accomplishes much. If you are interested in the intensity of the storm and the damage it is going to cause, he thinks passing the 25 year storm is a reasonable commitment and exceeds the ordinance standards.

Mr. DeRidder explained passing the 25 year storm and the storm tech systems. If they commit to passing the 25 year storm or being able to handle the 25 year storm in their infrastructure, that to him seems like a reasonable commitment as opposed to trying to treat and control that. They would control the two and ten but would be able to pass the 25. Chair stated and that is a condition you would agree to. Mr. DeRidder stated yes. Chair asked if they have already agreed to it. Ms. Chassen stated no. Chair stated the condition would need to be added to the motion.

Chair stated concerning Mike Huffman's condition, he is the Floodplain Administrator and on staff with the city and is acting in the best interests of the residents of our city. He proposed a condition. Mr. DeRidder stated he would like to explain this a little more and give his perspective on it. Mr. DeRidder discussed the stream buffer requirements and he pointed out the untouched area on the site plan around that stream. If they do that same buffering for the wetlands, they essentially lose lots and this project goes away. They had mentioned that wetlands are intended for flooding purposes, this parcel is not in the 100-year Floodplain. In his professional opinion and time and duration of his practice, he has never seen a buffer for

a wetland, ever. The Army Corp doesn't require it, the federal government doesn't require it, the state doesn't require it and your local ordinance doesn't require it. This comment came out of somewhere that he has never heard of. He has not seen it in the federal or state guidelines. Chair stated a lot of things are going to change around here after September. Mr. DeRidder stated if it was a written ordinance that is great and they could abide by that but when they lay something out and it is not written it is really hard to agree to things that are not written out in ordinances that aren't standards. In this case, they have a lot of time and money and energy invested in laying out a project that works and then submit it to the city and they want a buffer on wetlands and he is not sure where that comment came from. Chair stated it is called conditional zoning.

Ms. Chassen proposed a counter condition that they would preserve 30 feet adjacent to the wetlands in all areas not disturbing. Chair stated the last time they made a condition it was to work with staff and the City Attorney said it had no teeth and they can't impose it. What they are asking is for is a condition and a reason for it not just saying stay out of the wetlands but stay out of the wetlands because after what happened in September wetlands are necessary to control flooding. Mr. DeRidder stated they were going to control flooding from their stormwater retention. For the two and ten year storms they are holding back the stormwater and not increasing the peak runoff rate and have just agreed to passing the 25 year storm. They have agreed to that to control the flooding. What they have an issue with is they have got no federal guidelines, no state guidelines, no local guidelines that support buffering of any kind of the wetland. The impacts they do to the wetland will be properly permitted. All of the permits will be in place and they will have to go through the Corp and are going through the state to get that. They will be out there looking at every move they do to be sure that they are properly protected and there are limits to how much they can impact them.

Mr. DeRidder pointed out on the site plan where the impact would be and where the fill would be and that they plan to connect the two areas. Discussion was made on this and what homes would be effected. They are at .15 of the area that will be disturbed and they are allowed .5 if you do mitigation.

Discussion was made on the counter made by Ms. Chassen. She pointed out where the 30 foot buffer would be on the site plan.

Chair asked if Mike Huffman was available. Mr. Morrow stated a lot of the staff were at a retreat right now in Boone and that is where he is at today so he is not available to discuss this. Chair asked if he had any information of how passionate he was about his condition. Mr. Morrow stated he has not heard anything further. He knows they did not agree to it.

Ms. Peacock stated so if they were to add the condition in regard to the wetlands and a 30 foot buffer in undisturbed areas, they would be agreeable to that? Ms. Chassen stated she thinks that would work.

Chair opened the meeting for public comment.

Glenn Lange, 623 Ferncliff Lane stated he would like to propose that the Planning Board adopt the city's proposed wetland protection buffer as written by our Stormwater Coordinator, Mike Huffman. Wetland areas are being eliminated and/or being degraded throughout North Carolina. At least in this area the wetland is being set aside and not eliminated. Unfortunately also wetlands are being negatively impacted by sedimentation and pollution and toxic chemicals. He was concerned about the planting at the wetlands being turf or lawn grasses. He discussed lots backing up to the wetland areas and the management of these areas using fertilizers and pesticides and herbicides which will pollute the wetland areas with stormwater runoff. He felt the condition imposed by the city will help protect the wetlands from pollution. He discussed removing evasive plants and utilizing native trees and shrubs. It would improve wildlife habitat. He hopes they adopt the city's proposed development condition. He discussed having proper vegetation in

the areas that are disturbed. He hopes the Planning Board will adopt what they are working on here and add some improvements.

Lynne Williams, Chadwick Avenue was concerned about the condition and has asked Mike Huffman if he could join the meeting. She stated she did speak up for the first phase and so did the neighbors and they did oppose the development. The floods did come and that storage place down below lost everything and that is the reality of the people who live here. The 25 year storm system makes sense that they would ask for it again. She felt like it needed to be more, like a 100 year system. They should look at what Helene has been categorized as. That should be what type of storm system that it holds. That is the standard they should be held to and anything less than that is really just a slap in the face. She asked that they be a leader for the community and set an example and not wait for laws to be passed. She was concerned about all the trees being gone in Phase I. She was concerned about the site plan and this extending from the barren area where the trees were removed. She wanted the tree canopy to be protected. The rule is you can't build in the Floodway. She felt like buffers to protect the wetlands make total sense. She was concerned about parcels below and near being in the 100 year Floodplain. They are asking them to be a good neighbor.

Mr. Morrow stated he had received feedback from Mike Huffman and he said to tell the Planning Board that wetland protections are very important flood protection in stormwater management.

Ken Fitch, 1046 Patton Street (zoom) stated the new name was not revealed at the NCM and now it is associated with a very controversial project. He felt like the project has two flags with the proposed conditions from Mike Huffman and the city traffic consultant that underscore the concern with wetlands on site and area traffic impacts. He stated the recent hurricane event as brought focus to the wetlands and flooding. These were terrible storm impacts which Mike Huffman has seen firsthand. The document states there is no Floodplain issue but on the 2008 FEMA maps the local state and federal authorities note these maps are out of date. He asked if we know what happened on this site after the storm. He was concerned about the development being proposed in close proximity to the wetlands. The engineer stated he has never seen a buffer for wetlands, ever but we never saw what happened with this storm ever before. We had a 100 year storm here. He was concerned about the removal of a large number of trees and paying a fee in lieu of. He was concerned about the removal of trees causing a greater risk of flooding in this area. Traffic has been cited as a growing issue in this area. Connectivity is a big deal. The issue here is safety and when the traffic consultant does weigh in we need to listen. Safety is another issue with the connection to Half Moon Heights. He asked about on street parking being permissible. He discussed a neighbor's issues that were brought up at the NCM.

Chair asked the applicant if Forestar was DR Horton. Ms. Chassen stated no Forestar is its own company. They are majority owned by DR Horton but that does not make them one company. She stated they have provisions that they will let DR Horton have first dibs on the lots but they can sale the lots to anyone they like. Chair stated his question was going to be the length of the driveways and recessed garages. His understanding is DR Horton does not have any plans for recessed garages. Ms. Chassen said not that she knows of but they do not handle the home building side of the project. Chair asked if the applicant would be open to a minimum driveway length. Ms. Chassen stated they do not install the driveways so that would be difficult for her to agree to. Chair asked if they had someone here that could agree to it. Ms. Chassen stated no, they do not have a builder here. They develop the lots and then they sell them to the home builder.

It was stated the front setback was 30 feet from the right-of-way and their driveways would have to be a minimum of that setback. Discussion was made on the size of the driveway being 18 feet. Chair stated that is the problem, they are built on slab with a single car garage and there is no storage so people use the garage for storage which means their primary vehicle ends up in the driveway and the driveway is only 18 feet and his Sequoia is 18 feet 8 inches. That is going to put it in the road and that is what he is trying to

avoid, a bunch of trucks and cars being in the sidewalk area and then park in the street. Ms. Chassen stated they are proposing a 20 foot wide driveway so it would be a two car drive.

Chair closed the public comment.

The Board members discussed the project, the FEMA maps being out of date, the wetlands, conditions being placed, etc. Ms. Peacock went through some conditions that she had jotted down and discussion was made on the conditions. Chair stated conditions have to be agreed to by the developer. This will be a recommendation with conditions. Chair stated he could not support any motion without Mike Huffman's condition.

Ms. Peacock moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District, for the construction of 59 detached single-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 12-30-24] and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses Permitted Uses: Residential Dwellings, Single-Family 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: 1. Developers counter amendment regarding the left turn lane with the addition that a fee in lieu of the turn lane will be paid if the lane is not feasible due to the existing right-of-way. This fee will relate to the cost to build the turn lane. 2. Regarding the wetlands, preserve the 30 foot buffer in all undisturbed areas. 3. Regarding the storm drainage, control the two and ten year storm and safely pass the 25 year storm. 4. All driveways be a minimum of 20 feet in length. 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 the public hearing, and because: The petition is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan. 4. 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. The petition proposes to provide additional housing to offset local demand. 2. The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan. 3. The proposed density is consistent with other nearby developments. Ms. Gilgis seconded the motion which passed 6 in favor and 1 opposed (Mr. Robertson).

V(B) Site Plan Review/Administrative Review – Chabb Wood Acres Lane (A24-8--SPR). Mr. Morrow gave the following background:

Mr. Morrow stated this is an administrative review and that is a different role for the Planning Board than for rezonings. Preliminary plan review is required for any Minor Planned Residential Development consisting of 9 or more dwelling units. Preliminary site plans must be reviewed by the Planning Board. Planning Board must administratively review the preliminary site plan to ensure compliance with the zoning ordinance. Approval of a preliminary site plan shall not entitle the applicant to the issuance of a zoning compliance permit. The developer will be required to submit final site plan to staff for review. Mr. Morrow read the definition as defined in the ordinance for administrative review into the record. If the project meets all of the requirements it must grant approval. The Planning Board can also deny the application but must state which sections of the ordinance the project does not comply with.

Mr. Morrow stated this will be required to be reviewed as a major subdivision. Major subdivisions come back to the Planning Board also as an administrative review. This project has not submitted a preliminary site plan for this subdivision.

The project is located a 89 Chabb Wood Acres Lane. The applicant is Scott Street and he is here today. The property is 9.39 acres and the subject property is zoned R-15, Medium Density Residential. It is part of a single family neighborhood in the immediate area. The property fronts on Waddell Drive which is maintained by DOT. The property had a privately maintained drive within its boundaries which is called Chabb Wood Acres Lane.

The Current Land Use and Zoning map was shown and is included in the staff report and presentation.

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

A site plan was shown and is included in the staff report and presentation. Mr. Morrow discussed the site plan.

There were no preliminary site plan comments.

Based on the review by staff, the submitted preliminary site plan for the Chabb Wood Acres Project meets the Zoning Ordinance standards established for Minor Planned Residential Developments (Section 5-14) and Preliminary Site Plan Review (Section 7-3-3.2).

Chair asked if there were any questions for staff.

Chair asked if the site plan meets all the zoning requirements. Mr. Morrow stated yes.

There were no further questions for staff.

Chair asked the applicant to come up and speak.

Will Buie with WGLA Engineering stated Scott Street with Windsor Built Homes was also here. Mr. Buie stated they were here to answer any questions if anyone had any specific to this project.

Ms. Gilgis asked if there would be an HOA on the property eventually to maintain the common areas. Mr. Buie stated yes.

Mr. Johnson asked about the driveways. Mr. Buie stated they will all be at least 20 feet.

There were no further questions for the applicant.

Chair opened public comment. Chair stated public comments must be directed to why the project does not conform.

No one spoke.

Chair closed public comment.

Ms. Gilgis moved the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-14 Planned Residential Development and 7-3-3 Review of Preliminary Site Plans) for the Chabb Wood Acres project. Ms. Waters seconded the motion which passed unanimously.

V(C) Zoning Text Amendment – Nonconforming Structures (P24-099-ZTA). Mr. Hayes gave the following background:

Mr. Hayes stated it is really two text amendments combined into one to save a little bit of time. They are both storm related. One is an RV Temporary Use Permit and the other is related to nonconforming structures.

The changes that staff are proposing focus on establishing a temporary use permit for recreational vehicles. The second change is with regards to nonconforming structures, and creates a residential and commercial classification where our ordinance refers to significant damage. As Mr. Hayes mentioned earlier, both of these text amendments are a reaction to hurricane Helene. They are seeking to address needs in our community and get people back into safe homes or shelter as quickly as possible.

Staff recommended code revisions for parking and storage of recreation vehicles was discussed and is included in the staff report and presentation.

Staff recommended code revisions for temporary use permits was discussed and is included in the staff report and presentation.

Staff recommended code revisions to the definition of recreation vehicle was discussed and is included in the staff report and presentation.

Staff recommended code revisions for nonconforming structures was discussed and is included in the staff report and presentation.

Examples of nonconforming structures were included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the staff report and presentation.

Mr. Hayes stated the Legislative Committee met on December 17, 2024 and four members attended. The committee supported the RV amendment with modifications to clarify certain language. There was a discussion about manufactured/mobile homes when it comes to nonconforming structures. The committee did not support the ordinance in its proposed form. Some changes have been made to the ordinance.

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

Draft rationale for approval and denial were shown and are included in the staff report and presentation.

Chair asked if there were any questions for staff.

Mr. Johnson asked if there was a trailer outside of a trailer park and not in compliance, if 100% destroyed they can build it back as a trailer. Mr. Hayes stated yes, they would be able to replace it. He stated more than likely you would have to replace it verses building it back if it was a mobile home. They would be able to replace it with a relatively similar structure. Chair stated if it was a trailer outside of a park they could replace it but under the current ordinance it would not be allowed to be replaced with another mobile home.

Mr. Johnson asked if it would be on the same footprint. Mr. Hayes stated yes. Ms. Gilgis asked if it would have to come into compliance if it did not currently meet the setbacks. Mr. Hayes stated if it was within the setback and a mobile home then it would be able to still be within the setback and a mobile home. It would be keeping the same nonconformities as it is.

Ms. Flores asked if we would be concerned with a dollar value. Mr. Hayes stated no.

Ms. Gilgis stated in the RV section, Mr. Hayes stated the RV had to reside on the damaged property. Mr. Hayes stated that is correct. Mr. Hayes stated that was intentional and explained the Baptist Men's Association was wanting to place several RVs in the parking lot and that would not be on the site of the damaged property. Ms. Gilgis stated if your property was damaged and the RV could not be placed on it then you could possibly put it on a neighbor's property.

Ms. Peacock stated they would also have to meet FEMA requirements so whatever the Board does they need to make sure the standards are met for them too so they will not refuse to help the next time. Mr. Hayes stated the Floodplain Ordinance would also play into this.

Ms. Waters asked about established enforcement for this. Mr. Hayes stated this would be handled in this department and we have a Code Enforcement Officer that would go out and inspect. During a disaster it is more difficult but moving forward the city is thinking about that and staff for that. She gave an example of a nuisance and stated she would hate to see staff overwhelmed with this. Mr. Morrow stated usually when there is a State of Emergency the state has what they call the EOC where they send mutual aid and for instance during the property assessments if it had just been our staff it would have taken a long time to do but we got mutual aid for help with the damage assessments. If something like this were to happen and staff was bombarded with nuisance complaints we could file for a mutual aid agreement from the state and during that State of Emergency we could request more Code Enforcement Officers to help.

Mr. Hayes stated specifically to RV and what this is really doing is enabling staff to have the ordinance where they can say you have to get this Temporary Use Permit if you are going to do this. This is really a good way to give staff the tools to help us do our job better in the event of a disaster.

Chair stated for a Temporary Use Permit there has to be a Mayor declared disaster. Mr. Hayes stated correct or an active building permit. Chair asked concerning nonconforming structures would it have to be a disaster to trigger this. Mr. Hayes stated it does not have to be during a declared disaster, it could be from fire, wind, flood, or other act of God. Chair stated the reason it is there is to get rid of nonconforming structures. Mr. Johnson stated and it would be allowed to continue. Chair asked if they could apply the same language concerning the Mayoral declared emergency for nonconforming structures. Mr. Johnson stated if you are going to continue to violate a nonconformity, it would need to go to the Board of Adjustment because they would be dealing with those issues anyway.

Ms. Flores stated she was wondering how often or what the percentage would be that this situation would actually occur. Mr. Hayes stated this did happen after the storm but there were very few instances of this occurring. He does not think we are opening the flood gates on this happening however staff has discussed taking the Board of Adjustment out of this just because it takes time and muddies the waters and we are trying to cut through the bureaucracy of it all to get people in housing as quickly as possible. Chair stated during a disaster so what if we add the Mayor declared disaster to nonconforming structures rather than just a gust of wind two years from now. What we are trying to do is help folks during a disaster. Is this something they can hammer out now or does staff want to bring this back to the Board. Mr. Morrow stated they can include that in their motion and staff can make that change between now and City Council or staff could bring it back. Chair stated it does sound like there is some urgency to it.

There were no further questions for staff.

Chair opened public comment.

Lynne Williams, Chadwick Avenue stated she wanted to commend the staff for working with the residents and trying to make things more accessible and easy for people. She was concerned about generators and fumes. She was also concerned about waste water and where it will go and light and sound. She was

concerned about the structures in environmentally sensitive areas and that Mike Huffman would be involved in the placement of these structures.

Ken Fitch, 1046 Patton Street stated in reference with the issue to the church situation, because FEMA is doing this now to put housing temporarily on land for housing. Is this permit for a number of RVs to be placed on property or does it have to be the property owner that obtains the permit for the property. He assumes concerning the nonconforming structures this would not apply to historic district properties which have all kinds of irregularities.

Chair closed public comment.

Chair asked about multiply RVs on one site and if that was addressed in the ordinance. Mr. Hayes stated they would all need to be permitted and they would have to get Temporary Use Permits. They would have to have a permit for each camper and that is how staff would regulate them.

Chair asked about historic districts. Mr. Hayes stated historic properties have a separate carve out and they can actually be reconstructed and they do not have to abide by the 50%.

Mr. Hayes stated waste water would have to be managed properly.

Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures, the official City of Hendersonville Code of Ordinances, Section 34-4. Parking and Storage of Recreational vehicles, and the City of Hendersonville Official Zoning Ordinance, Section 8-3. Temporary use permits for manufactured/mobile homes and Section 12-2. Definition of commonly used terms and words, based on the following: 1. 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 the public hearing, and because: The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards. 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. Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery. 2. The use of recreational vehicles will be temporarily permitted in all zoning districts to provide adequate housing for individuals following disasters. 3. The proposed text amendment will allow for the rebuilding of nonconforming structures only after a mayoral declared State of Emergency for the City of Hendersonville or other act of God, thereby aiding in quick recovery for city residents. Mr. Johnson seconded the motion which passed unanimously.

V(D) Zoning Text Amendment – Board of Adjustment Member and Quorum Changes – (P24-088-ZTA).
Mr. Hayes gave the following background:

Mr. Hayes stated legal staff has asked that this amendment be tabled so that more clarification can be added.

Ms. Gilgis moved the Planning Board to table the item. Ms. Peacock seconded the motion which passed unanimously.

VI Other Business.

VI(A) Election of Chair and Vice-Chair. *Ms. Peacock nominated Jim Robertson to serve as Chair. Ms. Flores seconded the nomination which passed unanimously. Ms. Flores nominated Tamara Peacock serve as Vice-Chair. Mr. Johnson seconded the motion which passed unanimously.*

VI(B) Approval of the Annual Meeting Dates 2025. *Ms. Peacock moved the Board to approve the annual meeting dates for 2025. Ms. Waters seconded the motion which passed unanimously.*

VII Adjournment – *The meeting was adjourned at 6:12 pm.*

Jim Robertson, Chair