



# MINUTES

September 1, 2022

## REGULAR MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jerry A. Smith Jr., J.D.

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Becker, City Clerk Angela Reece, Communications Manager Allison Justus, Budget Manager Adam Murr, 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.*

Steven Trombly addressed City Council regarding support of additional pickleball facilities in the City of Hendersonville.

Debra Romaine addressed City Council regarding support of covered pickleball facilities in the City of Hendersonville. Ms. Romaine asked consideration of a partnership with the County.

Chrisna Doss addressed City Council regarding support of additional pickleball facilities in the City of Hendersonville to provide recreational opportunities for all ages.

Sharon Gordon addressed City Council regarding support of additional pickleball facilities in the City of Hendersonville and provided counts of participation.

Al Jones addressed City Council regarding support of additional pickleball facilities in the City of Hendersonville stating the sport is important for older participants.

Lynne Williams addressed City Council via Zoom electronic software regarding preservation of Boyd Park and additionally expressed concerns regarding The Cedars and Mastermind projects.

Mayor Volk read comments submitted electronically from the following persons.

Dennis Justice submitted digital comments regarding support of regional pickleball facilities in the City of Hendersonville.

Jeff and Robyn Hayes submitted digital comments regarding support of increasing the number of pickleball courts and facilities in the City of Hendersonville.

Kalee Wulfers submitted digital comments regarding support of additional pickleball facilities in the City of Hendersonville.

Katherine Ulrich submitted digital comments regarding support of covered pickleball facilities in the City of Hendersonville.

Patricia MacDuff submitted digital comments regarding support of additional pickleball facilities in the City of Hendersonville.

Susan Wellband submitted digital comments regarding support of covered public pickleball facilities in the City of Hendersonville.

Anita Das submitted digital comments regarding support of covered public pickleball facilities in the City of Hendersonville.

### 4. CONSIDERATION OF AGENDA

**WHEREAS**, the Community Development Department Downtown Division has solicited proposals in an effort to hire a reputable and responsible Contractor to perform the Project; and

**WHEREAS**, WNC Pressure Washing submitted proposal with references that indicate that they are a responsible Contractor able to complete the Project within the bid or price stated, and within the time frames requested, and other proposers did not receive as good of a reference as WNC and therefore WNC is best suited to achieve the needs of the service district; and

**WHEREAS**, the Community Development Department, Downtown Division is recommending that the Project be awarded to WNC Pressure Washing and the Agreement be approved; and

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

1. The Project is awarded to WNC Pressure Washing in the amount of \$9,900 each year for a term of five years.
2. The City Manager is authorized to enter into an Agreement with WNC Pressure Washing containing such terms as he may deem appropriate, after consultation with the City Attorney, provided that the price may not be changed without approval from the City Council.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of September 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

**B. Rezoning: Conditional Zoning District – Cottages at Mastermind (P22-55-CZD) –**  
*Matthew Manley, AICP, Planning Manager*

Community Development Planning Manager, Matt Manley stated the City received is in receipt of an application for a Conditional Zoning District from Tom Martinson & Elam Hall of DHI Communities, applicant and John and Betty Hammond, property owners. Mr. Manley stated the applicant is requesting to rezone the subject property, PINs 9579-48-2415 and 9579-48-6832 located off Francis Road/Mastermind Lane, from C-2 Secondary Business and R-40 Low Density Residential to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 98 two-family units and 1 single-family home on approximately 12.76 acres. Mr. Manley stated the proposal includes the addition of 49 – 2-unit “casitas”, 1 – 1-unit casita, a clubhouse/mailroom and 3 garage structures and said the proposal would include a recombining of the subject properties to create a single parcel. The proposed density of the projects equates to 7.8 units/acres. Mr. Manley stated there no other uses are proposed to be permitted by the rezoning.

The developer’s engineer, Warren Suggs with Civil Design Concepts addressed City Council regarding the project plans and discussed conditions stating they are opposed to plantings near the stormwater retention pond as this may affect the performance as well as discussed the traffic impact analysis stating they are agreeable to conducting it while school is in session.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:23 p.m.

Steven Tromley addressed City Council expressing concerns of recreational activities being added into developments to reduce the burden on taxpayers.

Ken Fitch addressed City Council remotely via Zoom online software expressing concerns of imminent domain to accommodate the project.

Jim McKinley addressed City Council expressing concerns about approving zoning changes before information is received on the effect on traffic in the area.

Lynne Williams addressed City Council remotely via Zoom online software expressing concerns regarding the loss of trees and asked Council to follow the recommendations of the Tree Board.

The public hearing was closed at 7:33 p.m.

Mayor Volk advised consideration may want to be given to recreational structures for families with young children. After much discussion Council and the developer agreed to the following additional conditions:

- i. Within the requirements of the Americans with Disabilities Act and per safety regulations, lighting shall be downward facing and fully shielded. Sidewalks away from the parking areas will use pedestrian-scale lighting as approved by City staff.
- ii. A southbound left-hand turn lane on Francis Rd will be constructed according to NCDOT standards at the access point to the development.
- iii. A Transportation Impact Analysis will not be required.

*Council Member Jerry A. Smith Jr., J.D. 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: 9579-48-2415 & 9579-48-6832) from R-40 (Low Density Residential) and C-2 (Secondary Business) to PRD (Planned Residential Development – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated July 29, 2022,] and presented at this meeting and subject to the following: The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses*

1. *Two-Family Residential*
2. *Single-Family Residential*

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

1. *Within the requirements of the Americans with Disabilities Act and per safety regulations, lighting shall be downward facing and fully shielded. Sidewalks away from the parking areas will use pedestrian height lighting as negotiated with city staff.*
2. *A left-hand turn lane on Francis Rd. according to NCDOT standards.*
3. *A traffic impact analysis (TIA) will not be required.*

*The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because the subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth area’ according to the City’s 2030 Comprehensive Plan. Furthermore, the Regional Activity Center Future Land Use designation recommends densities exceeding those proposed for this development. 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 the development of two-family residential dwellings will provide a needed housing type and the development would provide housing in close proximity to shopping and employment opportunities. The motion carried by a vote of 4-1 with Council Member Dr. Jennifer Hensley voting against.*

**Ordinance #O-22-52**

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS 9579-48-2415 & 9579-48-6832 BY CHANGING THE ZONING DESIGNATION FROM R-40 (LOW DENSITY RESIDENTIAL) AND C-2 (SECONDARY BUSINESS) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT)**

IN RE:            Parcel Number:            9579-48-2415 & 9579-48-6832  
                      Addresses:                    102 Francis Rd & 228 Mastermind Ln  
                      Cottages at Mastermind        (File # P22-55-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant, Elam Hall of DHIC, LLC. and property owners, The Hammond Family Trust & John Hammond Trustee for the development of 99 residential units on approximately 12.8 acres; and

**WHEREAS**, the Planning Board took up this application at its regular meeting on August 8, 2022; voting 10-0 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 September 1, 2022.

**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: 9579-48-2415 & 9579-48-6832, changing the zoning designation from R-40 (Low Density Residential) and C-2 (Secondary Business) to PRD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel pursuant to this Ordinance is subject to the following.
  - b. Development shall comply with the site plan submitted by the applicant dated September 1, 2022, including the conditions listed therein 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 the applicant's execution of this Ordinance.
  - c. Permitted uses shall include:
    - i. Two-family residential
    - ii. Single-family residential
  - d. Additional conditions that shall be satisfied prior to final site plan approval include:
    - i. Within the requirements of the Americans with Disabilities Act and per safety regulations, lighting shall be downward facing and fully shielded. Sidewalks away from the parking areas will use pedestrian-scale lighting as approved by City staff.
    - ii. A southbound left-hand turn lane on Francis Rd will be constructed according to NCDOT standards at the access point to the development.
    - iii. A Transportation Impact Analysis will not be required.
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.
5. This ordinance shall 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 by the City Council of the City of Hendersonville, North Carolina this 4<sup>th</sup> day of August 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

## **8. UNFINISHED BUSINESS**

### **A. Pickleball Court Discussion – Tom Wooten, Public Works Director and Mark Stierwalt, Public Works Superintendent**

Public Works Director Mark Stierwalt addressed City Council and recalled prior discussions and presented additional options for consideration.

***Council Member Jerry A. Smith Jr., J.D. moved that City Council direct staff to move forward with the development of pickleball courts in the following manner: six dedicated pickleball courts and two dedicated tennis courts in the location of the old racquet ball courts and tennis courts. A unanimous vote of the Council followed. Motion carried.***

Mayor Volk recessed the meeting at 8:25 p.m. for a short break and reconvened at 8:30 p.m.