CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING

City Hall - 2nd Floor Meeting Room | 160 6th Avenue E. | Hendersonville, NC 28792

Thursday, December 05, 2024 – 5:45 PM

AGENDA

1. **CALL TO ORDER**

2. **INVOCATION AND 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.*

4. **CONSIDERATION OF AGENDA**

5. **UNFINISHED BUSINESS**

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

   B. Amendments to City Code regarding regulation of Consumable Hemp Derived Products to specify criminal liability – *Angela Beeker, City Attorney*

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

6. **PRESENTATIONS**

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

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

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

7. **BRIEF RECESS**

8. **ORGANIZATIONAL MEETING**

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

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

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

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

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

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

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

9. CONSENT AGENDA - *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*

A. Adoption of City Council Minutes - *Jill Murray, City Clerk*

November 7, 2024 Regular Meeting

B. Resolution to accept Hurricane Helene disaster recovery grant - *Caitlyn Gendusa, Public Works Superintendent-Sustainability Manager*

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

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

E. Utility Extension Agreement for Apple Ridge Development – *Brendan Shanahan, Project Division Manager*

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

10. PRESENTATIONS

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

11. PUBLIC HEARINGS

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

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

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

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

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

12. NEW BUSINESS

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

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

13. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Term Renewals & Vacancies - *Jill Murray, City Clerk*

Board of Adjustment
Diversity & Inclusion
Environmental Sustainability Board
Historic Preservation Commission
Planning Board
Tree Board

14. CITY MANAGER REPORT - John F. Connet, City Manager

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

15. CITY COUNCIL COMMENTS

16. CLOSED SESSION

A. Closed Session – *John Connet, City Manager*

17. ADJOURN

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker, City Attorney **MEETING DATE:** December 5, 2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Legal

TITLE OF ITEM: Amendments to City Code regarding regulation of Consumable Hemp Derived Products – Angela Beeker, City Attorney

SUGGESTED MOTION(S):

I move City Council adopt an Ordinance to Impose Civil Penalties for the Sale or Possession of Cannabis Near Schools as presented.

SUMMARY: 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.

A proposed 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 is attached.

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.

ATTACHMENTS:

PROPOSED ORDINANCE

Ordinance #

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 <u>AND CONSUMABLE HEMP DERIVED PRODUCTS</u>

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

Sec. 6-7 – Sale <u>of alcohol</u> 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-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.

(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 ____ day of _____ 202__.

_____

Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker, City Attorney **MEETING DATE:** December 5, 2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Legal

TITLE OF ITEM: Amendments to City Code regarding regulation of Consumable Hemp Derived Products to specify criminal liability – Angela Beeker, City Attorney

SUGGESTED MOTION(S):

I move City Council adopt an Ordinance to Impose Criminal Penalties for the Sale or Possession of Cannabis Near Schools as presented.

SUMMARY: 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.

ATTACHMENTS:

PROPOSED ORDINANCE

Ordinance #

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 ____ day of _____ 202__.

_____

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 ____ day of _____ 202__.

_____

Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 12/5/2024

AGENDA SECTION: UNFINISHED BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Approval of One-Time Appreciation Bonuses for City Staff – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council authorize the City Manager to provide a one-time appreciation bonus in the amount of $1,000 for all full time staff and $500.00 for permanent part-time staff.

SUMMARY:

The City of Hendersonville staff went above and beyond serving the citizens of Hendersonville and Henderson County during Hurricane Helene. The City Council would like to show their appreciation to the staff by providing a one-time $1,000 bonus to all full-time staff and a $500.00 bonus to all permanent part-time staff.

BUDGET IMPACT: $330,000 +/-

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. Contingency and Fund Balance

ATTACHMENTS:

None

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Blair Myhand, Police Department **MEETING DATE:** December 5, 2024

AGENDA SECTION: Presentation **DEPARTMENT:** Police

TITLE OF ITEM: Resolution awarding retiring Captain Rich Olsen with his badge and service side arm

SUGGESTED MOTION(S):

I move 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.

SUMMARY:

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.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Resolution #

Resolution #

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.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

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.

_____

Lyndsey Simpson

(SEAL)

Sworn to and subscribed before me this the 5th day of December, 2024.

_____

Barbara G. Volk, Mayor
City of Hendersonville, NC

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.

_____

Jennifer Hensley

(SEAL)

Sworn to and subscribed before me this the 5th day of December, 2024.

_____

Barbara G. Volk, Mayor
City of Hendersonville, NC

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.

_____

Margina Baxter

(SEAL)

Sworn to and subscribed before me this the 5th day of December, 2024.

_____

Barbara G. Volk, Mayor
City of Hendersonville, NC

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.

_____ December 5, 2024
(signature) 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.

_____
Barbara G. Volk, Mayor
City of Hendersonville

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

_____
Jill Murray
City Clerk

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Posted 12/06/2024 *Published in Times-News 12/15/2024*

https://www.hendersonvillenc.gov

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 12/5/2024

AGENDA SECTION: ORGANIZATION MEETING **DEPARTMENT:** Administration

TITLE OF ITEM: Appointment of Council Representatives to Boards - *Barbara G. Volk, Mayor*

SUGGESTED MOTION(S):

I move that we appoint Council Members to the following boards and committees.

SUMMARY:

City Council Committee Assignments

You will appoint City Council representatives to the following committees at your December 5th City Council meeting. I have included the current City Council representative(s) for your information. Please feel free to send me a prioritized list of the committees you would like to serve on and I will prepare a master list to help the discussion go as efficiently as possible. Please let me know if I have missed any committees.

- Business Advisory Committee – Jennifer Hensley – 2nd Monday of January, April, July, and October – 11:30 PM
- Diversity and Inclusion – Melinda Lowrance and Mayor Volk* - 2nd Tuesday of January, March, May, July, September and November – 5:30 PM
- Downtown Advisory Board – Jeff Miller- Monthly on 2nd Tuesday – 4:00 PM
- Environmental Sustainability Board – Lyndsey Simpson – Monthly on 3rd Thursday at 3:30 PM
- Strategic Housing Plan Steering Committee – Jennifer Hensley and Lyndsey Simpson – Monthly on 3rd Monday – 4:00 PM
- Tree Board – Lyndsey Simpson – Monthly on 2nd Monday – 2:30 PM
- Water and Sewer Advisory Council – Jennifer Hensley – 4th Monday of January, April, July and October – 4:00 PM
- Henderson County Transportation Advisory Committee – Jennifer Hensley – Monthly on 3rd Thursday – 4:00 PM
- French Broad River Metropolitan Planning Organization (Transportation) – Jennifer Hensley – Monthly on 3rd Thursday – 1:00PM - Asheville
- Mills River Partnership – Lyndsey Simpson – 2nd Wednesday of January, March, May, July, September, and November – 3:30 PM
- Land of Sky Council of Governments – Mayor Volk* - Monthly on 4th Wednesday – 12:30 PM – Asheville
- Henderson County Partnership for Economic Development – Mayor Volk* - Monthly
- Local Government Committee for Cooperative Action – Mayor Volk* and Melinda Lowrance – Third Tuesday of January, April, July and October at 3:00 PM

* Mayor serves in this position by committee charter, statutory requirement or tradition.

MINUTES

November 7, 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:

Katie Gash congratulated the recently elected candidates and thanked everyone for their community service. She also thanked the City Council for contracting the services in 2022 of a professional DEI consultant and for going through the process of an equity audit for this beautiful town.

Lynne Williams spoke about supporting local apple farmers after Hurricane Helene. She believes that the almost 1500 votes that she received in the election shows the voice of the residents. She said that she has been warning the Planning Board and City Council about the floodplains and we got Hurricane Helene and proved it and feels like she's been ignored. She also asked for justice for Elijah Timmons.

Sandra Williams spoke against the plan to build condos at 1st Avenue Villas.

Digital Public Comment

Julia Derouen emailed and said "Is it possible to partner with logging companies and other wood- using companies? Have them help clear roads and wooded areas and use wood in their production? A fair trade may be for then to donate back to the community effected so we can rebuild. Clearing roads is a priority now. Clearing wooded areas of so much debris is needed to manage forest fires that would further devastate our area. Could we partner with land conservancy, preservation or arbor foundation to "re-grow" our green areas. Give a discount to neighbors effected. Teach communities about native plants, trees and bushes that can restore our environments and welcome back animal species native to our area? A program to encourage residents to participate in programs and support to grow their properties will increase sustainability. The public library started a seed bank and has educational presentations monthly. Expanding this program to reach more people will encourage so many residents to get outside, nurture and get nurtured by our beautiful mountains and heal from Helene. When we heal our environment we heal within. Thank you for your time and consideration."

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. CONSENT AGENDA

Council Member Melinda Lowrance 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*

September 5, 2024 Regular Meeting (Amended)
September 25, 2024 Second Monthly Meeting
October 3, 2024 Regular Meeting
October 29, 2024 Second Monthly Meeting

B. Henderson County Tax Adjustments – *Amanda Lofton, Deputy Tax Collector*

C. November, 2024 Budget Amendments – *Jennifer Floyd, Budget & Management Analyst II*

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: November 07, 2024 **FORM: 11072024-01**

BUDGET AMENDMENT

FUND 010 | 301 | 410

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-470100-18007	Transfer in (from 010)	514,272	-	-	514,272
301-0000-470100-18007	Transfer in (from 032)	50,915	-	-	50,915
301-0000-_____-18007	Note Receivable	729,594	-	-	729,594
301-0000-420050-18007	Grant (NC Commerce)	500,000	-	-	500,000
301-0000-460110-18007	Reimbursements	40,000	-	-	40,000
301-0000-550103-18007	Capital Outlay CIP	799,166	-	-	799,166
301-0000-598600-18007	Loan to Outside Org (Developer)	500,000	-	-	500,000
301-0000-598901-18007	Transfer out (to 010)	535,615	-	75,025	460,590
301-0000-598901-18007	Transfer out (to 301, #18007)	-	75,025	-	75,025
FUND 301	TOTAL REVENUES	1,834,781	-	-	1,834,781
Grey Mill Project #18007	TOTAL EXPENDITURES	1,834,781	75,025	75,025	1,834,781
010-0000-470900	Fund Balance Appropriated (ARP)	130,000	-	-	130,000
010-0000-598901	Transfer out (to 410, #G2201)	130,000	-	-	130,000
FUND 010	TOTAL REVENUES	130,000	-	-	130,000
General Fund	TOTAL EXPENDITURES	130,000	-	-	130,000
410-0000-420050-G2201	Grant Revenue	750,000	-	-	750,000
410-0000-420050-G2201	Transfer in (from 010, ARP Funds)	-	130,000	-	130,000
410-0000-420050-G2201	Transfer in (from 301, #18007)	-	75,025	-	75,025
410-1014-550102-G2201	Capital Outlay- Fees and Services	750,000	205,025	-	955,025
FUND 410	TOTAL REVENUES	750,000	205,025	-	955,025
Ashe St. CDBG #G2201	TOTAL EXPENDITURES	750,000	205,025	-	955,025

An amendment transferring $130,000 from ARP Funds and $75,025 from the Grey Mill Project (fund 301, #18007) to the Governmental Capital Project Fund (410) for the completion of the Ashe St. CDBG Project (#G2201). The amendment increases the total appropriation for the Ashe St. Project to $955,025.

The City Manager and City Clerk certify budget ordinance amendment 11072024-01 was approved by City Council on November 07, 2024.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: November 7, 2024 **FORM: 11072024-02**

BUDGET AMENDMENT

FUND 410/060/460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470030-VE025	Insurance Proceeds	-	34,300	-	34,300
410-1300-554002-VE025	Vehicles	-	34,300	-	34,300
FUND 410	TOTAL REVENUES	-	34,300	-	34,300
VE025	TOTAL EXPENDITURES	-	34,300	-	34,300
060-0000-470028	Fund Balance Appropriation	1,927,657	106,840	-	2,034,497
060-0000-598901	Transfer Out (to 460)	715,000	106,840	-	821,840
FUND 60	TOTAL REVENUES	1,927,657	106,840	-	2,034,497
VE025	TOTAL EXPENDITURES	715,000	106,840	-	821,840
460-0000-470030-VE025	Insurance Proceeds	-	400,000	-	400,000
460-0000-470100-VE025	Transfer In (from 060)	530,000	106,840	-	636,840
460-7002-554001-VE025	Capital Outlay - Equipment	325,000	-	133,588	191,412
460-7002-554002-VE025	Capital Outlay - Vehicles	205,000	640,428	-	845,428
FUND 460	TOTAL REVENUES	530,000	506,840	-	1,036,840
VE025	TOTAL EXPENDITURES	530,000	640,428	133,588	1,036,840

An amendment increasing the #VE025 Project in both funds 410 and 460 to purchase replacement vehicles for Police and Water& Sewer departments due to damage caused by Hurricane Helene.

The City Manager and City Clerk certify budget ordinance amendment 11072024-02 was approved by City Council on November 7, 2024.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: November 7, 2024 **FORM: 11072024-03**

BUDGET AMENDMENT

FUND 410/460					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
310-0000-420050-G2501	Grant Revenue	-	5,116	-	5,116
310-1300-519200-G2501	Contracted Services	-	5,116	-	5,116
FUND 010	TOTAL REVENUES	-	5,116	-	5,116
	TOTAL EXPENDITURES	-	5,116	-	5,116
An amendment to reflect a grant received from the North Carolina Association of Police Chiefs to reimburse expenses for Emergency Personnel software costs.					

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

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: November 7, 2024 **FORM: 11072024-04**

BUDGET AMENDMENT

FUND 010/410					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
010-0000-534999	Contingency	150,405	-	12,880	137,525
010-0000-598901	Transfer Out (410)	1,335,365	12,880	-	1,348,245
FUND 010	TOTAL REVENUES	-	-	-	137,525
	TOTAL EXPENDITURES	1,485,770	12,880	12,880	1,485,770
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
410-0000-470100-23021	Transfer In (From 010)	150,000	12,880	-	162,880
410-1002-550103-23021	Capital Outlay- CIP	150,000	12,880	-	162,880
FUND 010	TOTAL REVENUES	150,000	12,880	-	162,880
	TOTAL EXPENDITURES	150,000	12,880	-	162,880
An amendment increasing the budget for project #23021 to cover the cost of painting City Hall 3rd Floor.					

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

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: November 7, 2024 **FORM: 11072024-05**

BUDGET AMENDMENT

ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
310-0000-420050-H2404	Grant Revenue (FEMA - Helene 2024)	-	5,000,000	-	5,000,000
310-H2024	FEMA Reimbursment	-	5,000,000	-	5,000,000
FUND 310	TOTAL REVENUES	-	5,000,000	-	5,000,000
	TOTAL EXPENDITURES	-	5,000,000	-	5,000,000
An amendment to reflect anticipated FEMA reimbursements for Helene Distaster Response and Recovery costs.					

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

D. Hendersonville Police Department Performance and Wellness Grant from the North Carolina Association of Chiefs of Police #G2501 – *Adam Murr, Budget & Evaluation Director*

Resolution #R-24-95

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE PD NCACP PERFORMANCE AND WELLNESS GRANT PROJECT (#G2501), ORDINANCE #O-24-39 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $5,116.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 7th day of November, 2024.

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

Ordinance #O-24-39

GRANT PROJECT ORDINANCE FOR THE DESIGN, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE PD NCACP PERFORMANCE AND WELLNESS GRANT, #G2501

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION 1: The project authorized is a City project described as the PD NCACP Performance and Wellness Grant, (#G2501).

SECTION 2: The following amounts are appropriated for the project:

Account Codes				Account Name	Total Budget
Fund	**Dept.**	**Account**	**Project**		
301	0000	519200	G2501	Contracted Services	$5,116
				Total Project Appropriation	**$5,116**

SECTION 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	**Dept.**	**Account**	**Project**		
301	0000	420050	G2501	Grant Revenue	($5,116)
				Total Project Appropriation	**($5,116)**

SECTION 4: The Finance Director is hereby directed to maintain within the Grant Project Fund (301) sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

SECTION 5: Funds may be advanced from the General Fund (010) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

SECTION 6: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

SECTION 7: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

SECTION 8: Copies of this grant project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 7th day of November, 2024.

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

E. NC Forest Service & NC Urban Forestry Council Grant Opportunity - *Mark Stierwalt, Public Works Superintendent*

F. Telecommuting Policy - *Jennifer Harrell, HR Director*

G. Amending the Environmental Sustainability Board's Charter to Include a Permanent Student Member Seat - *Caitlyn Gendusa, Public Works Superintendent Sustainability Manager*

H. Purchase of +/- 0.39 Acre Lot on Williams Street - *John Connet, City Manager*

Resolution #R-24-96

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF +/- 0.92 TRACT ON WILLIAMS STREET

WHEREAS, the City is desirous of purchasing property, being a lot or parcel of land in the City of Hendersonville consisting of +/- 0.39 acres, having and address of 110 Williams St., Hendersonville, NC, and being more particularly described in that deed recorded in Deed Book 1191 at page 124 of the Henderson County Registry, having Tax Parcel ID# 9568-97-8675, and any appurtenances thereto (collectively the "Property"), and more specifically described in Exhibit "A", which is attached hereto and incorporated herein by reference; and

WHEREAS, the Property has a tax value of $476,700 , but was flooded by Hurricane Helene, and the City has made an offer to purchase the Property $250,000; and

WHEREAS, the Seller, Caporoma Properties, LLC, a North Carolina limited liability company, has agreed to sell the Property to the City upon the terms and conditions set forth in a draft Contract for Purchase and Sale of Real Property;

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

1. The Contract for Purchase and Sale of Real Property between the City of Hendersonville and Caporoma Properties, LLC, for the Property, having as the sale price the sum of $250,000.00, is hereby approved as presented.
2. The City Manager is authorized to enter execute the contract, with such changes as he deems appropriate, in consultation with the City Attorney, provided such changes do not place any financial obligation on the City beyond that contemplated by the terms of the Contract as presented.
3. The Mayor, City Manager and City Attorney are authorized to execute such other contracts, and deeds and any and all other documents, and to take any and all actions, reasonably necessary to carry out the terms of the approved Contract, including but not limited to making conveyances and reasonable expenditures for costs and expenses for the purposes stated herein.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of November, 2024.

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

6. PRESENTATIONS

A. NCDOT Mobi Award for the Oklawaha Greenway – *John Connet, City Manager*

City Manager John Connet explained that the City of Hendersonville has been honored with NCDOT Mobi ("Mobility") Awards for its Oklawaha Greenway Phase III project, recognizing the greenway's contribution to multimodal transportation and community connectivity.

The City of Hendersonville received the following awards from NCDOT:
First Place – Small Urban Category
First Place – Most Voted Project
Second Place – Innovation Category

Staff were unable to attend the Mobi Awards Ceremony in Raleigh on October 11th due to Helene recovery efforts, but NCDOT provided the awards to be presented during a City Council meeting. In addition to the project recognition, The City of Hendersonville Public Works team worked diligently to reopen the Oklawaha Greenway on Friday, October 4, to a community with a deep need for outdoor recreation opportunities, relaxation, and a return to some semblance of normalcy, following unprecedented storm impacts.

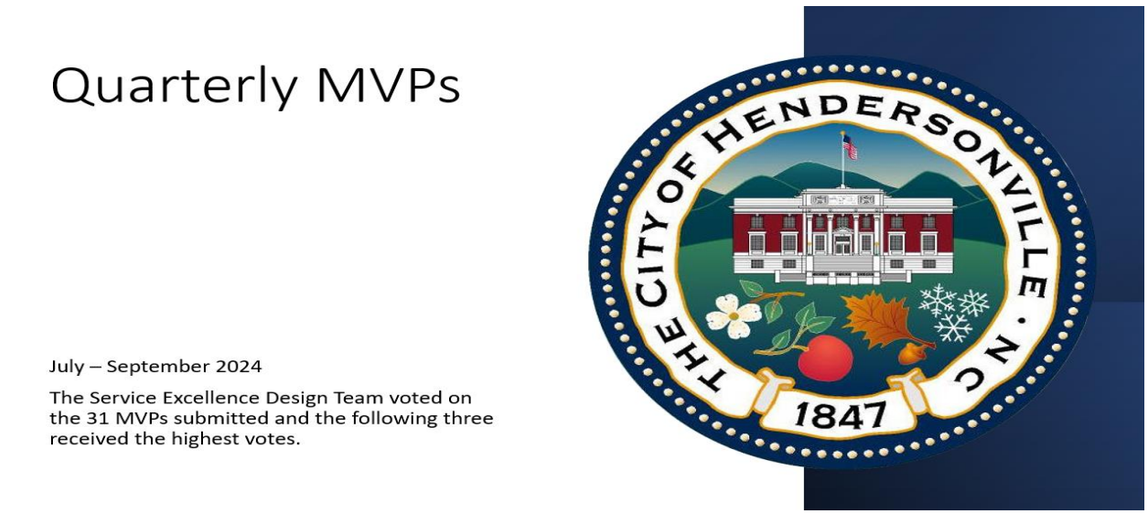
Award nomination information: Completed in July 2019, the Oklawaha Greenway Phase III project enhances the area's active transportation system by expanding the Oklawaha Greenway an additional 1.5 miles and completing a city-wide network that connects four parks in Hendersonville. The 10-foot-wide asphalt, multi-use path provides an inviting place for visitors to exercise in nature. The North Main Street sidewalk portion of the project creates a half-mile of sidewalk along a busy corridor where no walkway previously existed. A beautiful, 70-foot pedestrian bridge provides safe passage over Mud Creek and gives the Oklawaha Village direct greenway access.

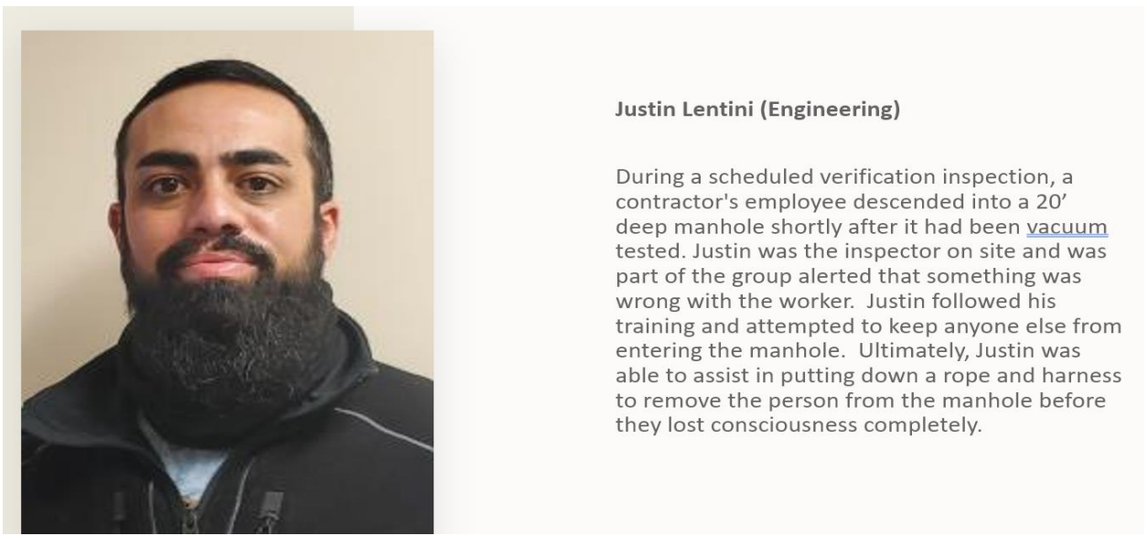
Mayor Barbara Volk then presented the following gentlemen with the awards:

- David Hazzard (LA Designer of the project)
- Todd Trace (General Contractor)
- Mark Pomraning (COH Design Technician, ret'd)
- Brent Detwiler, Public Services Director
- Brendan Shanahan, City Engineer
- Tom Wooten, Public Works Director

B. Quarterly MVP Recipients – *John Connet, City Manager*

City Manager Connet, read aloud why each MVP was chosen.











Rhonda Wiggins (Water & Sewer) Brandon Roberts & Joel Hart (Engineering)

Leaving at the end of the day from City Operations, Rhonda sees Tilly and Tucker, two hounds who escaped from the nearby dog park, running up Williams Street. Brandon and Joel join her in the chase which ended up covering most of that end of town. The owner drives up frantic and eventually the dogs are safely caught and returned to the owner.









Billy Ray Praytor, Dylan Bishop, John Perez, Dalton Schell (Fire)

HFD was dispatched to assist a homeowner in housing authority with shutting down the water due to a water leak inside the home. They arrived on the scene to find the occupants out on the front porch and water flowing out of the door. The crew jumped in and got wet without hesitation to shut the water off and stop the leak. There was approximately 4 inches of water within the bathroom, hallway, and 3 bedrooms. They retrieved their wet vac to get up all the water. Housing authority arrived but needed to get more wet vacs and left. HFD was able to remove all the water from the rooms and made sure to assist the homeowners in making sure they knew what the next steps would be since most of their belongings were wet. The homeowners were very appreciative.

6. PUBLIC HEARINGS –

A. Annexation: Public Hearing – Lakeside Drive (Summerville) (C24-52-ANX) – *Tyler Morrow, Current Planning Manager*

Tyler explained that the City of Hendersonville received a petition from Peter and Rhonda Summerville for contiguous annexation of PINs 9568-33-5111, and 9568-33-6042 located on Lakeside Drive that is approximately 1.24 acres. On September 5th, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Peter and Rhonda Summerville and set October 3rd 2024, as the date for the public hearing. The October 3rd City Council meeting was amended due to Hurricane Helene. No votes or public hearings were held at that meeting. The public hearing will be held on November 7th 2024 and was noticed in accordance with state law.

Lakeside Drive (Summerville)
(C24-52-ANX)

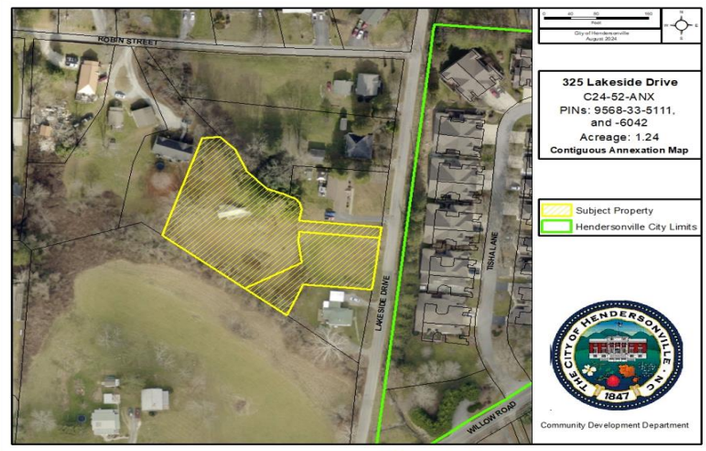
Contiguous Annexation Petition

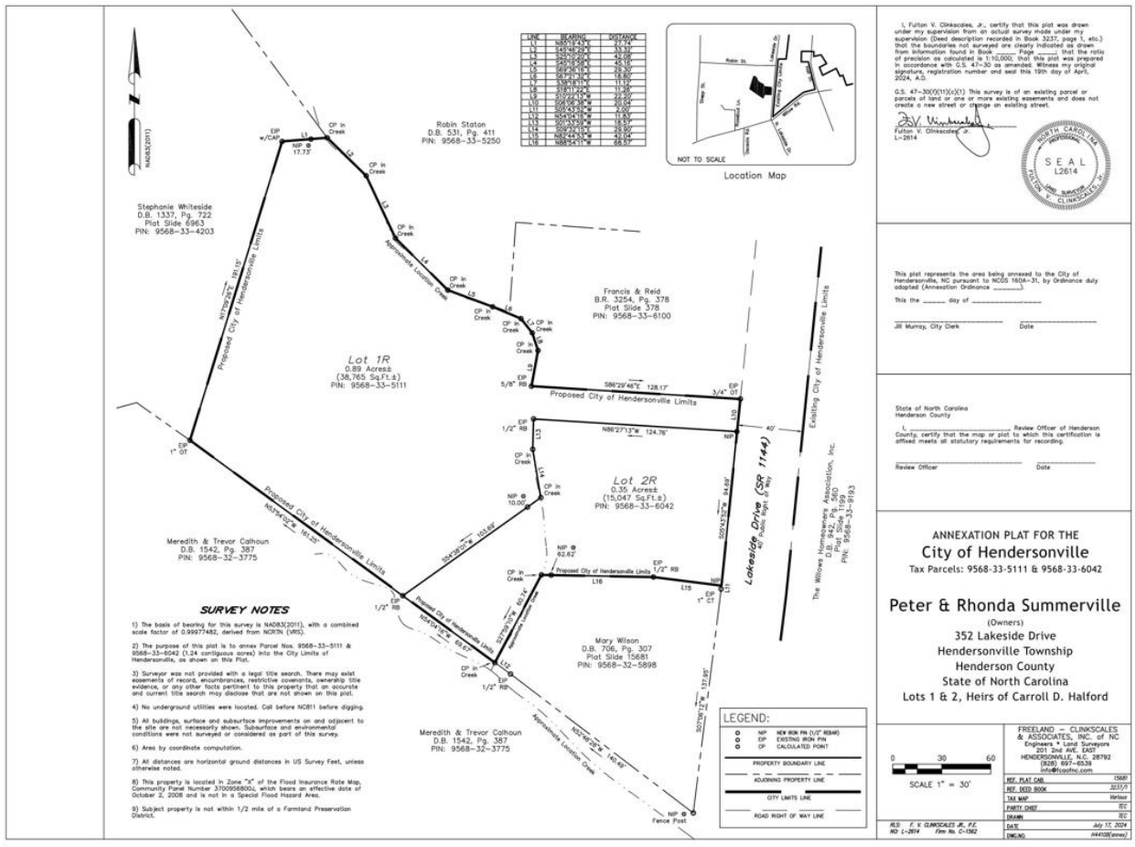
City of Hendersonville City Council
November 7th, 2024

Community Development | Planning Division
Tyler Morrow |Current Planning Manager

Background

- **Petitioner:**
  - Peter Summerville
  - Rhonda Summerville
- **PIN:**
  - 9568-33-5111
  - 9568-33-6042
- **Acreage:**
  - Approximately 1.24 acres





The public hearing opened at 6:15 p.m.

Public comments: None

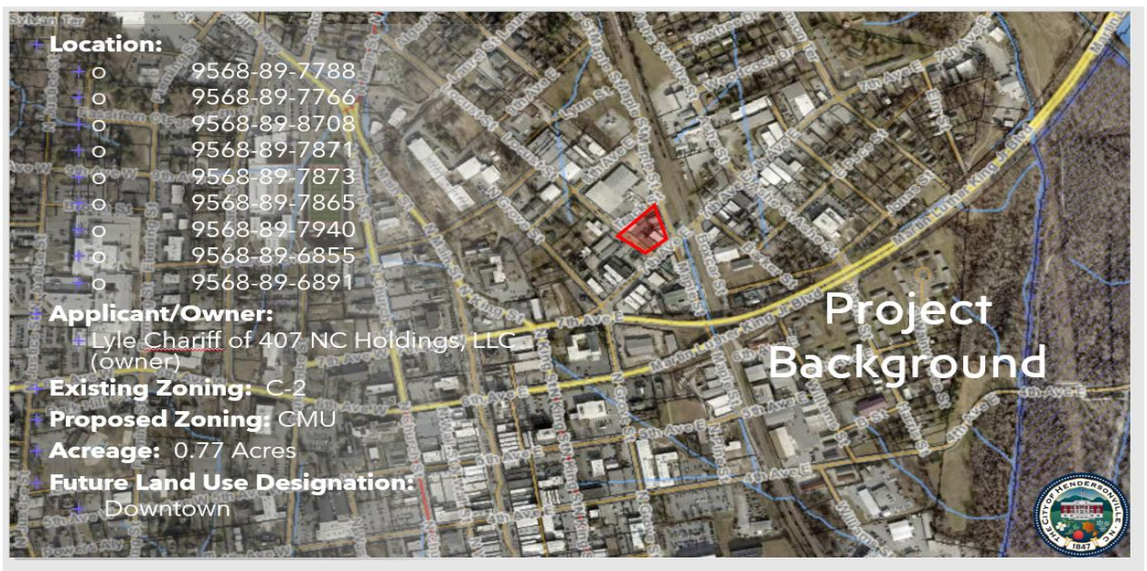
The public hearing closed at 6:16 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Peter and Rhonda Summerville, identified as PINs 9568-33-5111, and 9568-33-6042, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

B. Rezoning: Standard Rezoning-7th Avenue (Chariff) (P24-58-RZO) – *Matthew Manley, Long-Range Planning Manager*

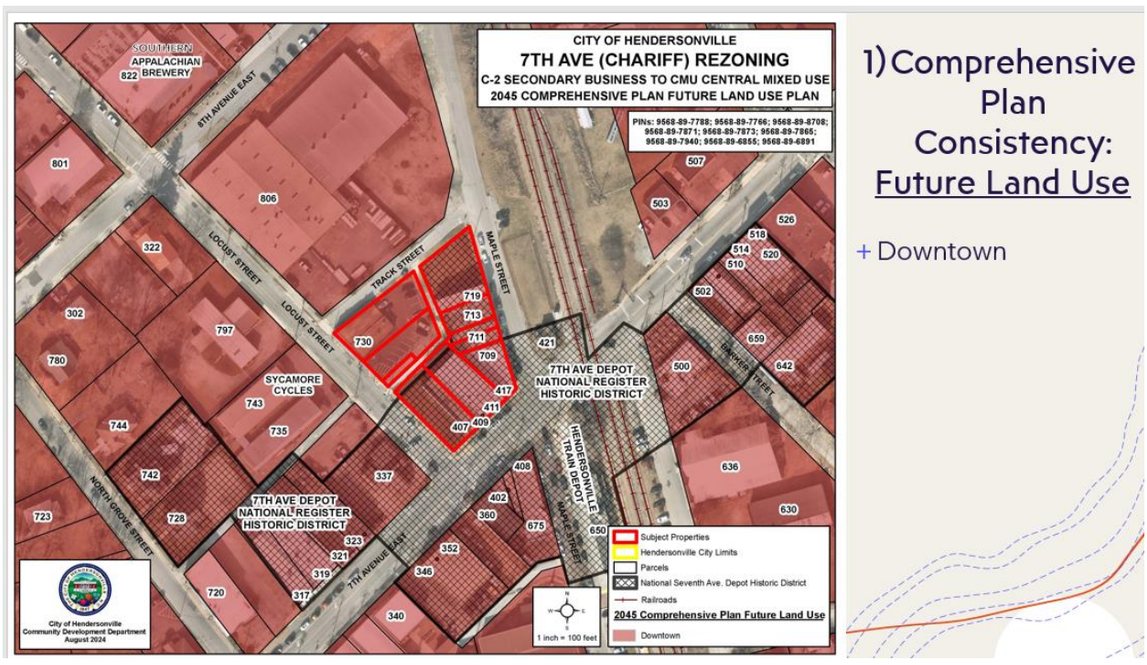
Matt Manley explained that the City of Hendersonville is in receipt of a Zoning Map Amendment application from Lyle Chariff of 407 NC Holdings, LLC (owner) for 9 parcels (PINs listed on left) totaling .77 Acres located along 7th Ave at Locust St, Maple St and Track St in/adjacent to the 7th Ave Depot National Register Historic District. The properties are currently zoned C-2 Secondary Business. The petitioner is requesting that the full city block be rezoned to CMU to align with other properties in the 7th Ave Depot Historic District. Development/redevelopment under the C-2 zoning is restricted by a 15'/20' front setback and a minimum lot width at the building line of 50'. The CMU zoning offers greater flexibility with a 12' front setback measured from the back of the curb rather than from the property line and no minimum lot width. CMU zoning also offers standards related to site development and design considerations which the C-2 zoning district does not contain. If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the CMU district would be allowed on the site in accordance with the development standards. 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. Planning Board voted unanimously to recommend approval of the rezoning at their meeting on September 12th.





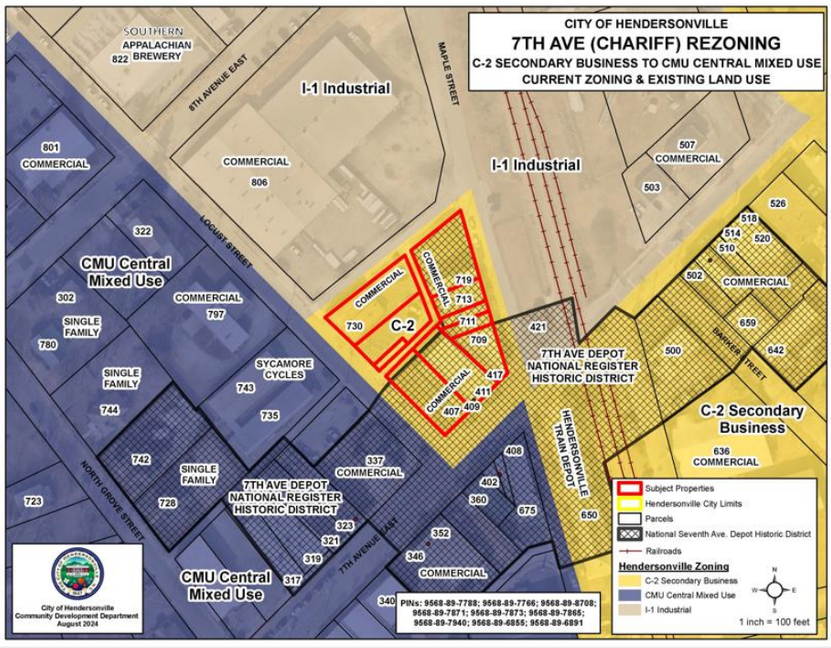

Site Photos


Site Photos


CITY OF HENDERSONVILLE
7TH AVE (CHARIFF) REZONING
C-2 SECONDARY BUSINESS TO CMU CENTRAL MIXED USE
2045 COMPREHENSIVE PLAN FUTURE LAND USE PLAN
PINs: 9568-89-7788; 9568-89-7766; 9568-89-8708; 9568-89-7871; 9568-89-7873; 9568-89-7865; 9568-89-7940; 9568-89-6855; 9568-89-6891
SOUTHERN APPALACHIAN BREWERY
822
8TH AVENUE EAST
LOCUST STREET
TRACK STREET
MAPLE STREET
7TH AVE DEPOT NATIONAL REGISTER HISTORIC DISTRICT
SYCAMORE CYCLES
HENDERSONVILLE TRAIN DEPOT
NORTH GROVE STREET
7TH AVENUE EAST
Subject Properties
Hendersonville City Limits
Parcels
National Seventh Ave. Depot Historic District
Railroads
2045 Comprehensive Plan Future Land Use
Downtown
1 inch = 100 feet
City of Hendersonville
Community Development Department
August 2024
1) Comprehensive Plan Consistency: Future Land Use
+ Downtown

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY

LAND SUPPLY, SUITABILITY & INTENSITY	• The subject property is located on a vacant or underutilized property in the Land Supply Map. • It ranks as "Highly Suitable" for residential development in the Suitability Assessment. • The subject property is located in an area designated as "Highest" for Development Intensity. • The subject property is located in the 7th Ave Focus Area. • The subject property is not in a Focused Intensity Node but is located in the Downtown Area - which is an area designated for intense development.
FUTURE LAND USE & CONSERVATION MAP	• **Designation:** Downtown • **Character Area Description:** Consistent • **Zoning Crosswalk:** Consistent • **Focus Area Map:** Consistent
COMMITTEE RECOMMENDATION	The Long-Range Planning Committee did not review this item. The Current Planning Committee reviewed this proposal prior to today's meeting.



Current Land Use & Zoning

+ CMU-CZD

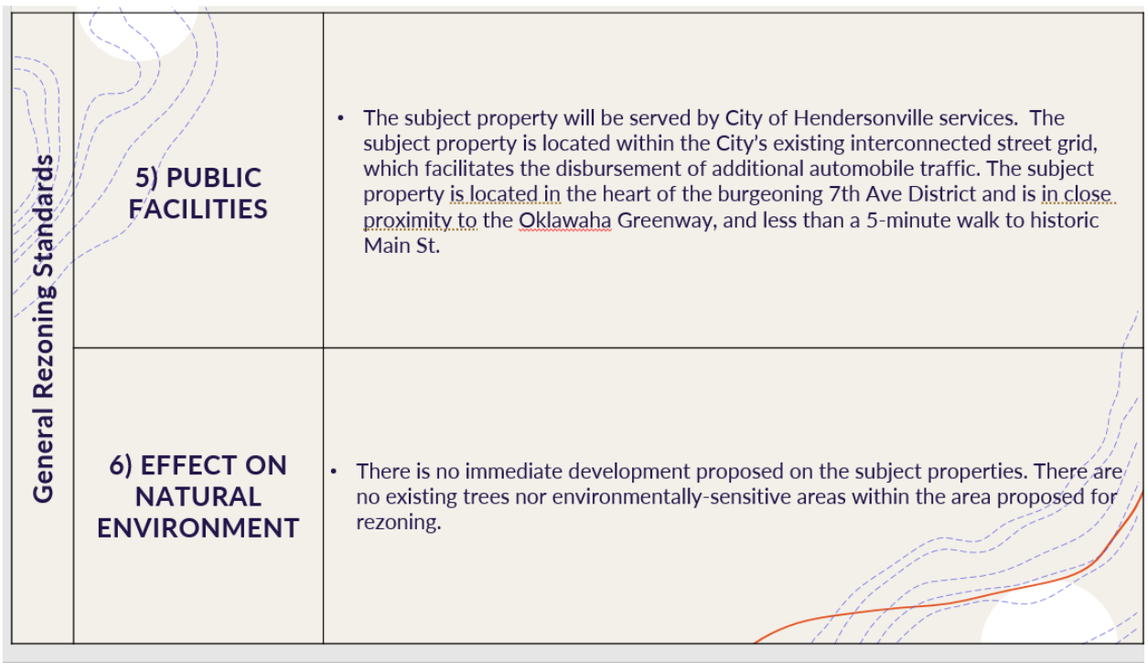
+ C-1
+ R-6
+ Ecusta Trail

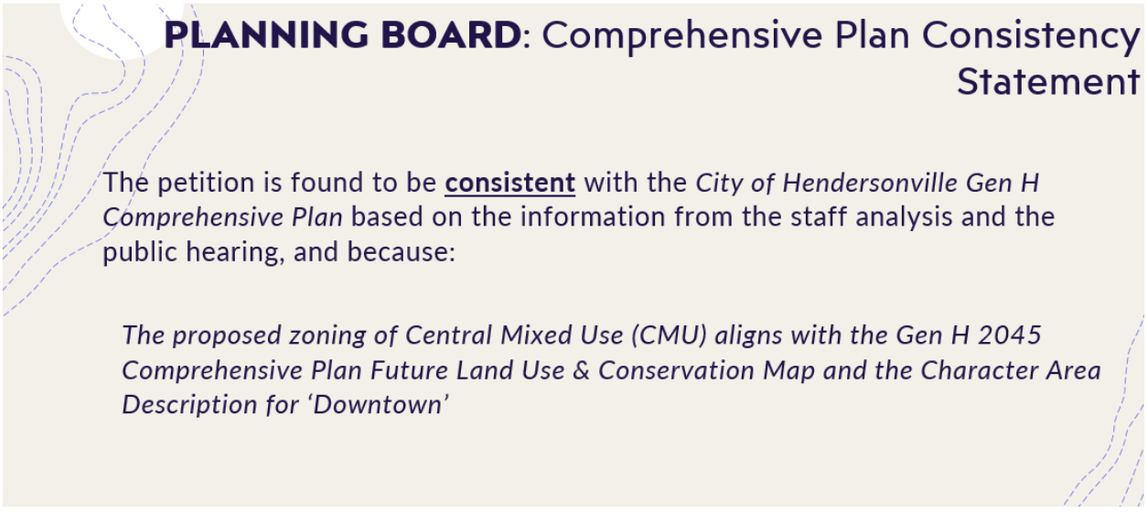


General Rezoning Standards: 2) COMPATIBILITY	
EXISTING CONDITIONS	The existing land uses in the area align with the mixed-use character of the CMU zoning district. The zoning districts in this area vary. To the west and south, in the core of the 7th Ave NR Historic District, the zoning is CMU. Cattycorner to the east the zoning transitions to C-2 - which was the zoning district surrounding C-1 prior to the creation of CMU. The C-2 zoning continues along 7th Ave toward Mud Creek and the Oklawaha Greenway. North of the subject property and along the railroad tracks to the east, the zoning is I-1.
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] **Reliable & Accessible Utility Services**: [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]

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 is currently constructing an enhanced Streetscape and Utility project serving the subject properties. • One of the subject properties recently had a building demolished due to it being structurally unsound. This building was located near the corner of Locust St and 7th Ave where another vacant lot was located. Combined, these two now vacant lots present an opportunity for infill development. The current C-2 zoning would not permit by-right development that would conform to the existing character of the 7th Ave Depot NR Historic District.
4) PUBLIC INTEREST	• Providing opportunities for compatible infill development presents opportunities for economic development which compliments the City's investment in improved streetscaping along 7th Ave.





The public hearing opened at 6:28 p.m.

Public comments:

Mr. Chariff introduced himself and wanted to meet Council in person. He was in the neighborhood of 7th Avenue and fell in love with it and own 14 PIN's in the area and is doing rehab on several buildings.

Ken Fitch spoke in favor of the rezoning of the 7th Avenue area.

Lynne Williams spoke about the project and asked what will be done to ensure that businesses and employment will provide livable wages with the prioritization of the current 7th Avenue residents and neighbors? Building out a whole block on 7th Avenue will likely create housing that will be out of reach for the affordable housing or local residents as well as jobs that they won't be able to get.

The public hearing closed at 6:32 p.m.

Council Member Jennifer Hensley 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: 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891) from C-2 Secondary Business, to CMU, Central Mixed Use, 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 Central Mixed Use (CMU) aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.

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

1. ***CMU zoning would be extended to align with adjacent zoning.***
2. ***The permitted uses and development standards of the CMU zoning aligns with the existing character of the subject properties.***
3. ***CMU standards will allow for new infill development designed to complement the surrounding 7th Ave area in a way that C-2 zoning will not.***

Council Member Lyndsey Simpson said that after speaking with City Attorney Angela Beeker, she recuse herself from voting on this matter. Council Member Jeff Miller asked that Council Member Lyndsey Simpson recuse herself from voting. Motion carried.

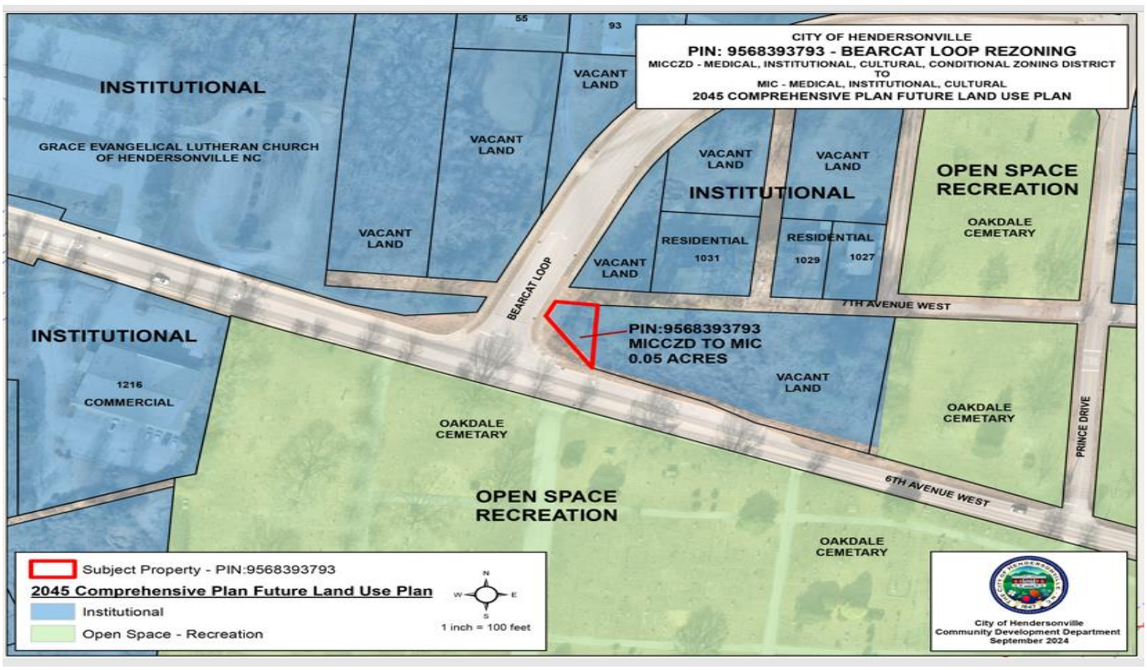
C. Rezoning: Standard Rezoning-6th Avenue & Bearcat Loop (P24-65-RZO) – *Matthew Manley, Long-Range Planning Manager*

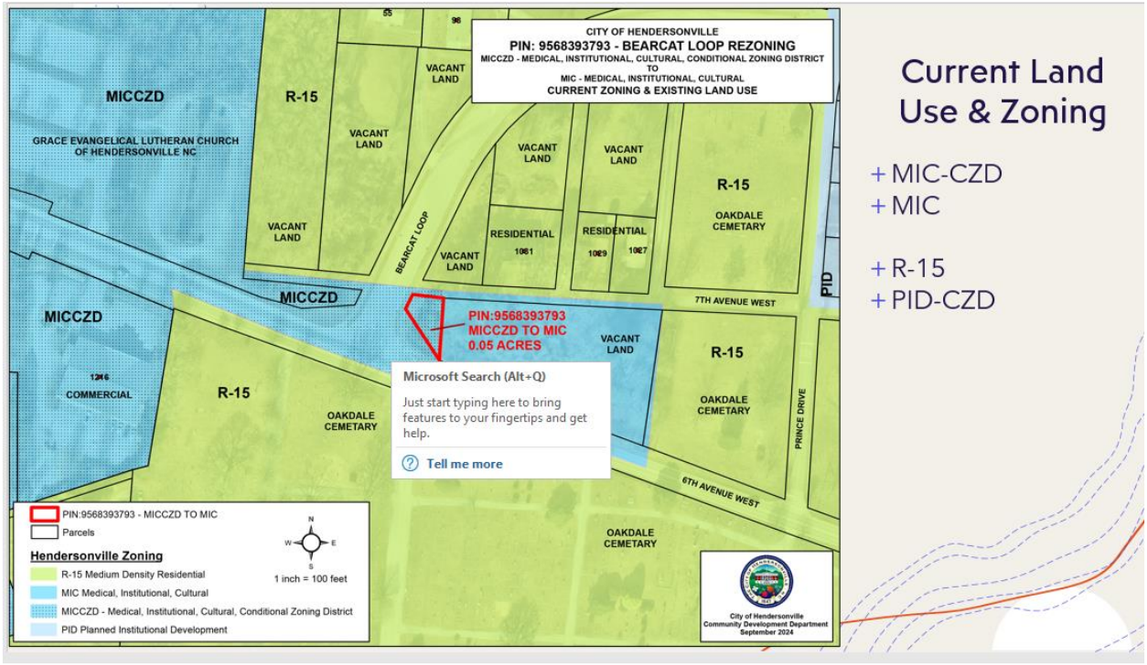
Matt Manley explained that the City of Hendersonville has initiated a standard rezoning to address a parcel created by the construction of Bearcat Loop. The parcel still retains the MIC-CZD designation that was applied to the Grace Lutheran Site when a major site amendment was completed in 2009. Originally a part of this larger site, the CZD designation remains, although it is no longer pertinent to this particular parcel. The property is proposed to be rezoned from the current MIC-CZD Medical, Institutional and Cultural Conditional Zoning to the base MIC Medical, Institutional and Cultural district. Development/redevelopment of the 0.05 acre parcel will likely require its recombination with the adjacent 0.79 acre parcel to the north currently zoned MIC. Development standards will remain the same as the underlying zoning district is not proposed to be changed. If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the MIC district would be allowed on the site subject to compliance with all applicable zoning standards. 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.




Location:
9568-39-3793
Owner:
Stuart & Staci Blatt, Living Trust (owner)
Existing Zoning: MIC-CZD
Proposed Zoning: MIC
Acreage: 0.05 Acres
Future Land Use Designation:
Institutional
Project Background
Bearcat Loop
Prince Dr
Rangall Cir
9th Ave W
8th Ave W
7th Ave W
6th Ave W
Valley St
N Whitted St
Sam Mills St
Curry Ln
Clark St
Byrd St
Everette Pl
Woodmont Dr
Pinecrest Dr


hotos


CITY OF HENDERSONVILLE
PIN: 9568393793 - BEARCAT LOOP REZONING
MICCZD - MEDICAL, INSTITUTIONAL, CULTURAL, CONDITIONAL ZONING DISTRICT
TO
MIC - MEDICAL, INSTITUTIONAL, CULTURAL
2045 COMPREHENSIVE PLAN FUTURE LAND USE PLAN
INSTITUTIONAL
GRACE EVANGELICAL LUTHERAN CHURCH OF HENDERSONVILLE NC
VACANT LAND
RESIDENTIAL
1031
1029
1027
OPEN SPACE RECREATION
OAKDALE CEMETARY
BEARCAT LOOP
7TH AVENUE WEST
PIN:9568393793
MICCZD TO MIC
0.05 ACRES
1216
COMMERCIAL
6TH AVENUE WEST
PRINCE DRIVE
Subject Property - PIN:9568393793
2045 Comprehensive Plan Future Land Use Plan
Institutional
Open Space - Recreation
1 inch = 100 feet
City of Hendersonville
Community Development Department
September 2024



Staff Analysis Overview

Comprehensive Plan Consistency - Staff finds the petition and site plan to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.

Compatibility - The MIC Zoning District permitted mix of uses and development standards support the goals and guiding principles, and design guidelines outlined in the City's Gen H Comprehensive Plan. Staff finds that the general location of the rezoning and the mix of land uses in vicinity to it are compatible with the city's overall growth strategies.

Changed Conditions – The removal of the parcel in question from a direct connection with the original Conditional Zoning Site Plan necessitates the rezones.

Public Interest - Staff finds that the opportunities for additional economic development will complement the 6th Avenue corridor.

Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure.

Effect on Natural Environment – Future development will have to comply with all relevant environmentally relevant zoning standards.

The public hearing opened at 6:39 p.m.

Lynne Williams spoke said she spoke at the Planning Board as well and the main point is that this building is right across from Oakdale Cemetery. The applicant mentioned to her about possibly building a pet cemetery there and she thinks a park would be great as well. She said this is important to our community and hopes that Council will vote in favor of it and preserve it.

The public hearing closed at 6:41 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, PINs: 9568-39-3793 from Medical, Institutional and Cultural – Conditional Zoning District to Medical, Institutional and Cultural Zoning District based on the following:

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

> ***The proposed zoning district, Medical, Institutional and Cultural (MIC), aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Institutional'.***

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:

4. ***The zoning standards for this parcel do not change with the removal of the Conditional Zoning District designation.***
5. ***The permitted uses and development standards of the MIC zoning aligns with existing character of the 6th Avenue corridor.***
6. ***The rezoning allows for a diminutive vacant parcel to be used in combination with surrounding MIC parcels in a productive fashion.***

A unanimous vote of the Council followed. Motion carried.

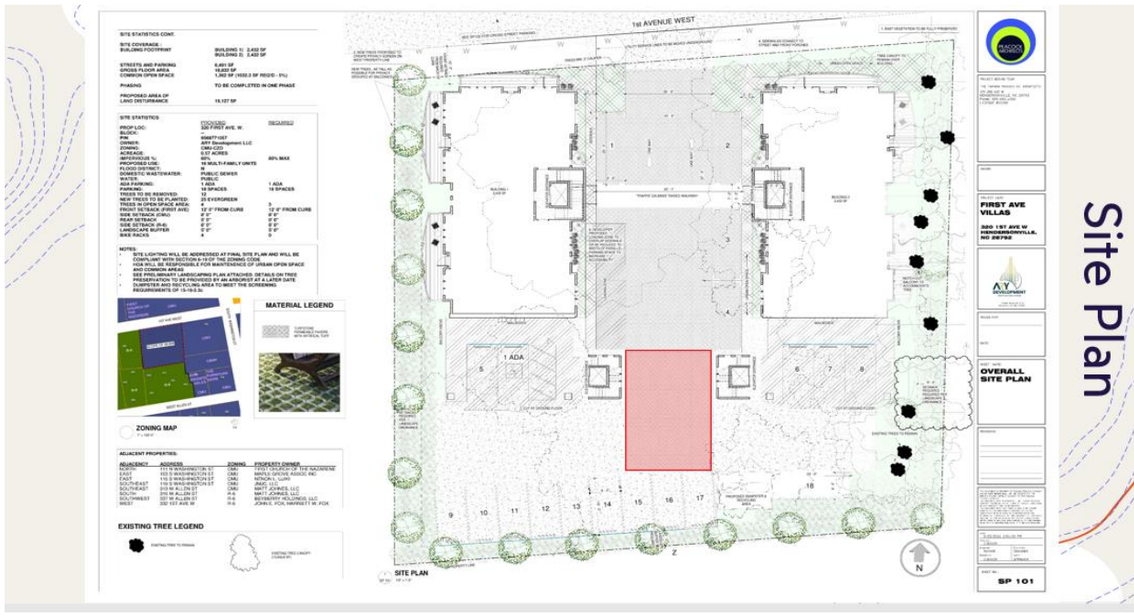
8. UNFINISHED BUSINESS

A. Rezoning: Conditional Zoning District-First Avenue Villas (P24-26-CZD) – *Matthew Manley, Long-Range Planning Manager*

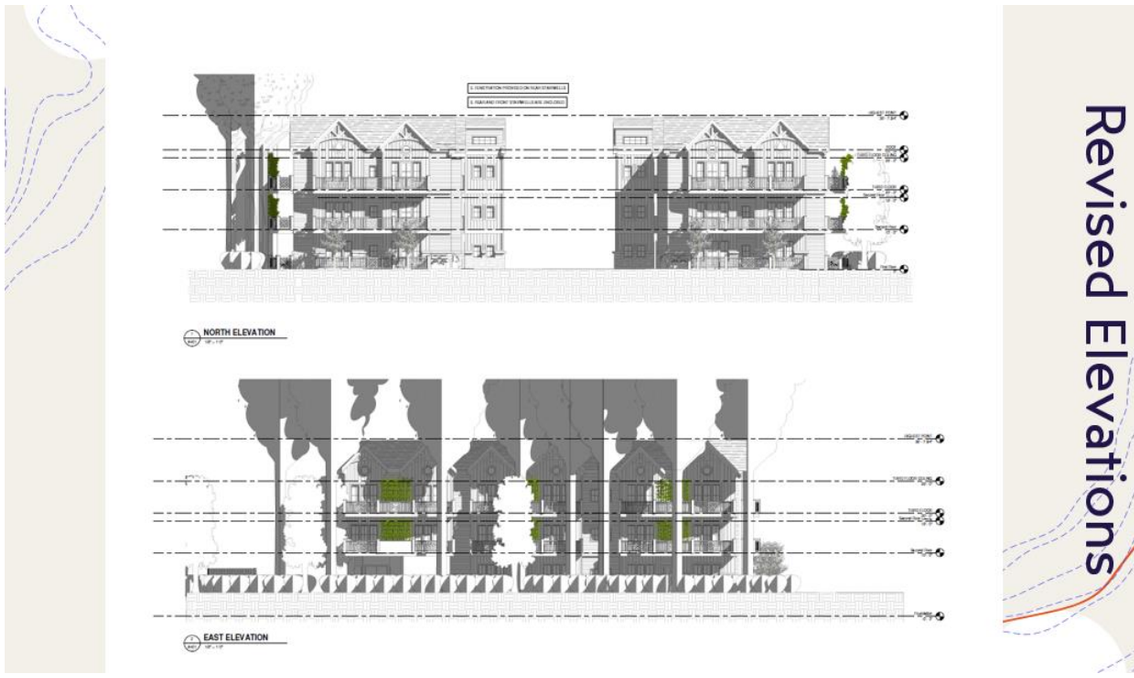
Matt Manley gave a brief recap of the project. It went to the Planning Board twice. The first time it was four-story and got denied, so they brought it back as three-story and it got recommended for approval.



Current site plan. Two units, eight structures in each unit.



Front and Side Elevation.



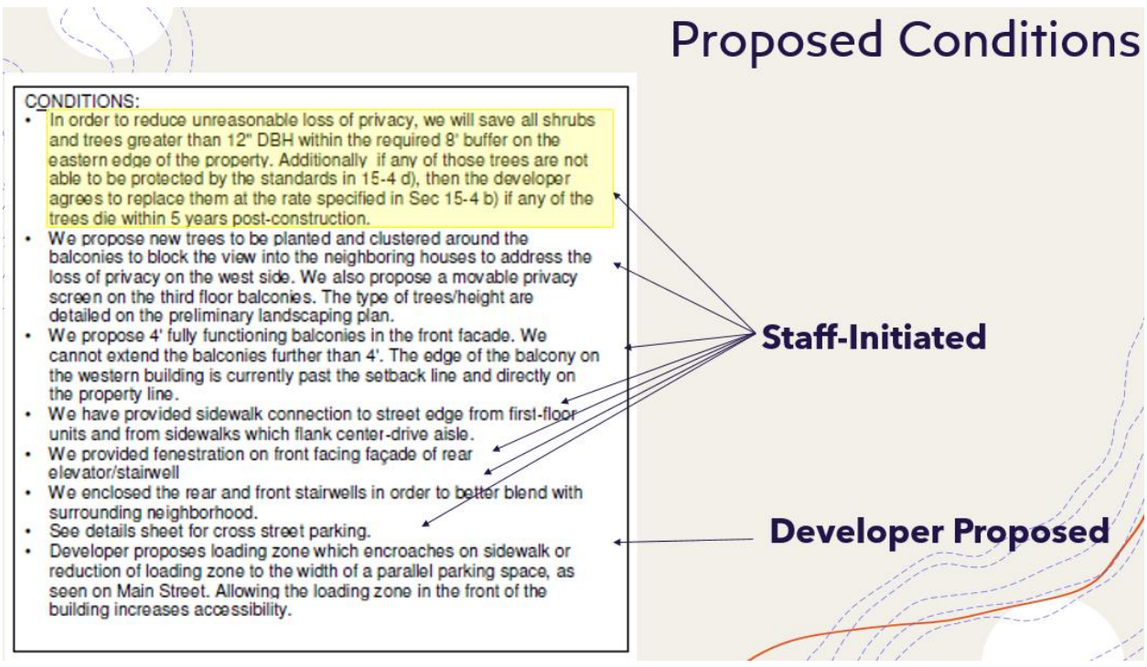
Rear and Interior Elevation.



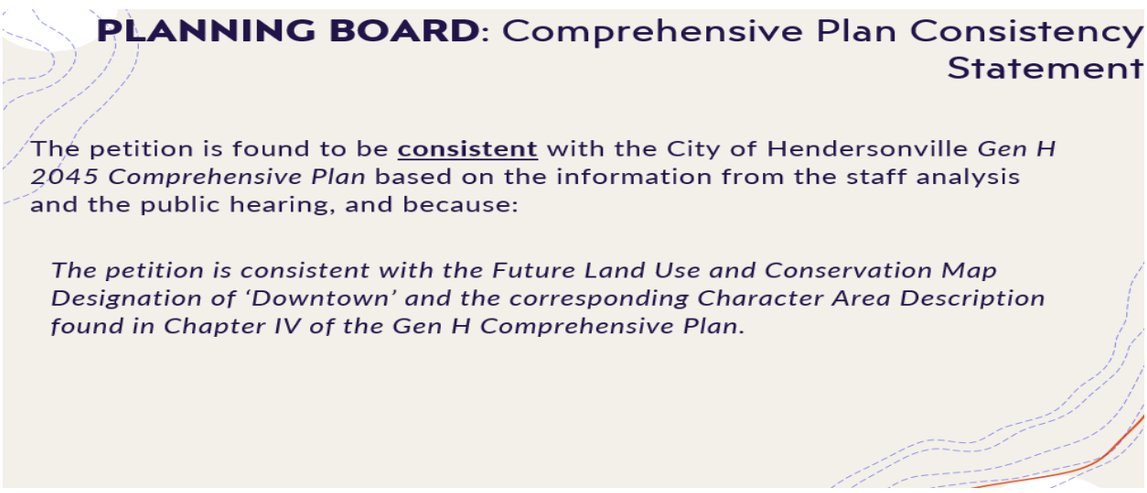
Floor Plan.



The applicant has agreed to all of the staff initiated conditions.



The Planning Board added this Consistency Statement.



The public hearing was re-opened at 6:47 p.m.

Lynne Williams said this was already denied by the Planning Board once. There was a random long term planning committee meeting after it was denied, which has never happened before and the residents were not notified of that. I find this to be misleading and dishonest and not transparent. Planning staff working for out of town developers instead of on behalf of tax-paying residents. It's called the Community Development Department so we would like to see more of the community involved. We're asking you to deny this plan and keep the promise with the plan that you previously made a couple of years ago.

City Manager John Connet asked Mayor Volk if he could speak for a moment. He said "I have consistently pushed back when speakers have challenged the ethics and professionalism of our staff and I'm going to do it again. I will not tolerate the vague innuendos regarding the professionalism and ethics of our team. There is no evidence of that. Our folks are professional. They work with developers, they work with residents to bring projects to this board and the Planning Board so I will not tolerate it. I think it's inappropriate to make vague unsubstantiated comments against our staff so I do not appreciate it and I will continue to push back and I want to go on record saying there's no indication that anything was done inappropriately and it's just not called for."

Ken Fitch spoke against the project. There are a lot of issues and the facts are the facts and the density is the issue.

Mayor Volk read a digital comment from Harriet Fox that read "My name is Harriett Fox and I reside at 332 1st Ave. West. The property next to me is wanting to place 1st Ave Villas which I very much disagree with. I do not want people living next door to me looking out of their windows or on their porch into my house or yard. Where are these folks going to park since most folks have 2 cars today. Have you ever been down 1st Avenue during the Apple Festival ? People park on both sides of the street which makes traveling very difficult and to get out of your driveway nearly impossible. Would you like to sit on your porch to stare at these Villas instead of seeing the magnolia, crepe myrtle and oak trees plus the squirrels, birds and rabbits playing in the grass? I believe this property needs to be re-surveyed also. There is a small bank on this property which is not mine but I have to maintain it in order for my property to look nice. I have been doing this since Brownlow Merrell's property was sold to Andrew Riddle. I have told them before they should be mowing the bank but they still do not . There are 2 dead trees on this which I told Andrew Riddle needed to be removed before they came down on my property to no avail. Most importantly I have 2 autistic grandsons aged 31 and 32 who live with me. They can be loud and use colorful language ,which they don't understand the meaning of other than it is not a nice word which we should not be saying. My neighbors understand this and are not offended, therefore I DO NOT want others getting their feathers ruffled and calling the police or DSS. This is their home where they have lived all their life. I don't know if you are aware but autistic people do not deal well with change. I beg of you please Do Not Approve this."

Attorney Brian Goldman who represents the developer, mentioned overflow parking since it came up several times. We are working with the First Church of the Nazarene which is right across the street and they have signed a letter of intent that if this conditional zoning is approved, we would be able to lease 25 additional parking spaces at an agreed upon amount, $70 for each space. Those spaces would be dedicated for off-street parking for use by the 1st Avenue Villa residents 24 hours a day, 7 days a week. So, in addition to parking that is included which satisfies the Land Use Plan, there's an additional 25 parking spaces that we would have available to us and we have that signed Letter of Intent from the church.

The public hearing closed at 7:03 p.m.

Council member Lowrance asked about gentrification and how would this development benefit and said that two-story would work so much better there as it's a small lot.

The builder, Rafique Charania of Ary Development, said the reason that we want to do three-story is that it would give you more parking and parking was an issue from the beginning. He said that anything lower than that is just not feasible for him.

After considerable conversation between City Council, the builder and the builder's attorney, City Council came to a decision.

Council Member Lyndsey Simpson moved that City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District) 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 is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.***

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

1. ***The petition proposes a development that is incompatible with the existing neighborhood due to height and scale.***
2. ***The petition proposes a density that is out of character with the surrounding neighborhood***
3. ***The petition would generate excessive traffic, noise and light in an existing residential neighborhood.***
4. ***The petition would cause an unreasonable loss of privacy.***

A vote of 4-1 vote in favor of denying the rezoning followed. Council Members, Simpson, Miller, Lowrance and Mayor Volk voted nay. Council Member Hensley voted yay. Motion carried.

9. NEW BUSINESS

A. Final Parks & Greenspace Master Plan – *Mark Stierwalt, Public Works Superintendent*

Mark Stierwalt, Public Works Superintendent Buildings, Properties and Cemeteries, and said he would like to answer any questions that Council may have about the Parks & Greenspace Master Plan.

Council Member Hensley and Council Member Simpson both said that they love the plan. Council Member Hensley thanked Mark and his crew for doing a phenomenal job getting the parks back open after Hurricane Helene.

Council Member Jeff Miller moved that City Council approve the proposed final Parks & Greenspace Plan as presented. A unanimous vote of the Council followed. Motion carried.

B. Tentative Construction Contract Award WWTF Thermal Dryer Project – *Adam Steurer, Utilities Director*

Adam explained that the Wastewater Treatment Facility (WWTF) Biosolids Thermal Dryer project will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application. The thermal dryer equipment, once operational after completion of the project, will reduce the utility's current solids hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets.

On October 24, 2024, formal bids for construction of the project were opened and are summarized in the attached bid tabulation. Turner Murphy Company, Inc. is the lowest responsive and responsible bidder.

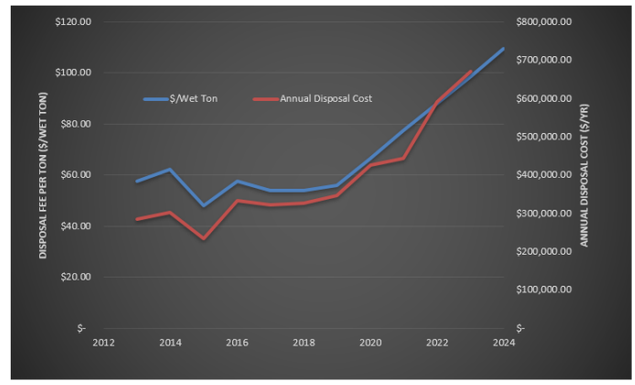
Turner Murphy Company, Inc.:	$11,890,319.56
PC Construction Company:	$11,997,000.00
State Utility Contractors, Inc.:	$13,329,000.00

This project is partially funded through a direct appropriation under S.L. 2023-134 and administered by the North Carolina Department of Environmental Quality (NCDEQ). The final award is tentative and is contingent on approval from NCDEQ, which is administering the grant funding for the project.



Challenges

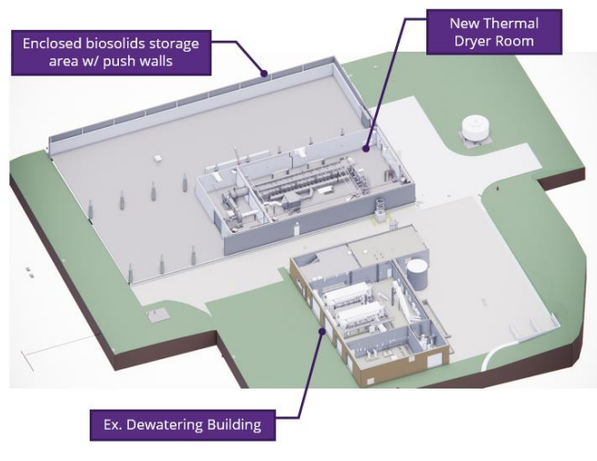
- Current residuals must be landfilled
- Rejection due to water content
- Landfill ownership changes
- Limited local landfills
- Increasing costs



WWTP Biosolids Thermal Dryer

- Produce high-quality biosolid
- Limit vulnerability
- Reduce in solids management costs
- Sustainability
  - Reduction in landfilled material
  - Reduction in transportation costs
  - Solar photovoltaic system





Solar Photovoltaic System

- Offsets 70% -100% of dryer system power demand
- $20k - $30k per year electrical savings
- ~15-year payback period for system
- Ability to add battery storage in future
- No structural mods needed



Project Bid and Schedule

- Three bids received
- $11,890.319.56 low bid.
- Turner Murphy Company, Inc.

- Construction Begins – January 2025
- Completion – ~October 2026



Project Budget and Funding

Project Budget Estimate

Construction	$	11,890,319.56
Dryer Equipment	$	3,646,000.00
Engineering/Administration	$	1,915,000.00
Project Contingency	$	300,000.00
TOTAL	**$**	**17,751,319.56**

Funding Strategy

Grant Proceeds (S.L. 2023-134)	$	14,528,750.00
Revenue Bond	$	3,222,569.56



Annual Operational Savings

- Current Disposal Cost: $670,000 (FY24)

O&M Costs (utilites, maint., etc.)	$ 170,000.00
Debt Service (Revenue Bond, 4% 20-year)	$ 235,000.00
Electricity Savings	$ (20,000.00)
TOTAL	$ 385,000.00

- Year 1 Savings: ~$285,000

Council Member Melinda Lowrance moved that City Council adopt the Resolution by the City of Hendersonville of tentative award and authorization for the City Manager to enter into a contract with Turner Murphy Company, Inc. for the construction of the WWTF Thermal Dryer Project. A unanimous vote of the Council followed. Motion carried.

Resolution #R-24-97

RESOLUTION BY THE CITY OF HENDERSONVILLE OF TENTAIVE AWARD AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WWTF THERMAL DRYER PROJECT

WHEREAS, the City owns and operates a water treatment facility (WWTF) that produces a solid residual effluent as part of the treatment process; and

WHEREAS, the City intends to construct biosolids thermal dryer process equipment that will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application; and

WHEREAS, once completed the project will reduce the utility's current solids residuals hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets; and

WHEREAS, on October 24, 2024, formal bids for construction of the project were opened as follows:

Turner Murphy Company, Inc.:	$11,890,319.56
PC Construction Company:	$11,997,000.00
State Utility Contractors, Inc.:	$13,329,000.00

WHEREAS, formal bids were reviewed for completeness and accuracy. Turner Murphy Company, Inc. is the lowest responsive, responsible bidder; and

WHEREAS, the final contract award is tentative and is contingent on approval from the North Carolina Department of Environmental Quality, which is administering the grant funding for the project.

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

1. The City Manager is authorized to award and execute a contract for the construction of the WWTF Thermal Dryer Project upon approval from the North Carolina Department of Environmental Quality to Turner Murphy Company, Inc., the lowest responsive and responsible bidder in the total amount of $11,890,319.56.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 5% of the approved contract amount of $11,890,319.56, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of November, 2024.

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

C. Helene Response and Recovery Project Ordinance and Reimbursement Resolution – *Adam Murr, Budget & Evaluation Director*

Adam explained that General Statute 159-13.2 provides North Carolina local governments the power to grant and maintain capital and grant project ordinances (CPOs and GPOs).

Helene Response and Recovery Project, #H2024. A grant project ordinance and reimbursement resolution supporting response and recovery actions by the City of Hendersonville related to the Hurricane/Tropical Storm Helene event. This initial project ordinance and reimbursement resolution makes available $5,000,000 to support ongoing response and recovery efforts. The City will continue to leverage available funds for emergency response, with reimbursement for many eligible efforts anticipated from the Federal Emergency Management Agency (FEMA).

Council Member Jennifer Hensley moved that City Council adopt the Project Ordinance and Reimbursement Resolution for the Helene Response and Recovery Project, #H2024 as presented.

Resolution #R-24-98

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE HELENCE RESPONSE AND RECOVERY PROJECT (#H2024), ORDINANCE #O-24-44 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $5,000,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 7th day of November, 2024.

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

Ordinance #O-24-44

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE HELENE RESPONSE AND RECOVERY PROJECT, #H2024

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the Helene Response and Recovery Project, #H2024. Work associated with this project falls into FEMA's disaster response and recovery categories:

Emergency Work
Category A: Debris Removal -- Expenses related to clearing debris from public property, including roads, parks, and other infrastructure.
Category B: Emergency Protective Measures -- Costs for actions taken to protect public health and safety, such as: search and rescue operations; sheltering and evacuation; and medical care and emergency response.

Permanent Work

Category C: Roads and Bridges -- Repairs and restoration of transportation infrastructure, including highways, streets, and bridges.

Category D: Water Control Facilities -- Restoration and repair of drainage systems, levees, and other flood control measures.

Category E: Public Utilities -- Restoration of water, wastewater, electrical systems, and other essential public utilities.

Category F: Parks, Recreational Facilities, and Other -- Repair or replacement of parks, recreational areas, and public spaces.

Category G: Buildings and Equipment -- Repairs or replacements of public buildings, such as schools, community centers, and related equipment.

Administrative Work

Category Z: Management Costs -- Administrative costs related to the overall management of disaster response and recovery efforts, which are capped at a certain percentage of eligible project costs.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	N/A	N/A	H2024	FEMA Reimb.Exp.(Helene 2024)	$5,000,000
				Total Project Appropriation	**$5,000,000**

Section 3: The following revenues are anticipated to be available via contribution proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	H2024	Grant (FEMA - Helene 2024)	($5,000,000)
				Total Project Appropriation	**($5,000,000)**

Section 4: The Finance Director is hereby directed to maintain within the General Fund, Main Street MSD Fund, 7th Avenue MSD Fund, Water & Sewer Fund, Parking Fund, Stormwater Fund and Environmental Services Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund, Main Street MSD Fund, 7th Avenue MSD Fund, Water & Sewer Fund, Parking Fund, Stormwater Fund and Environmental Services Fund, as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 6: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 7: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 8: Copies of this grant project shall be furnished to the City Clerk, Finance Director, and City Manager for direction in carrying out this project.

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 7th day of November, 2024.

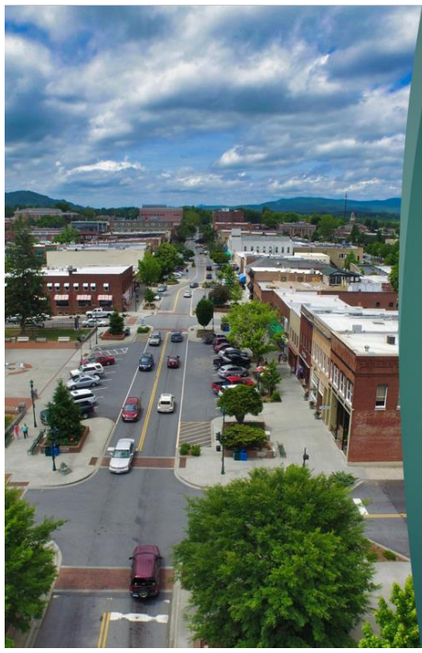
Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

D. Lead Water Service Line Inventory Update – *Adam Steurer, Utilities Director*

Adam Steurer explained that recently the United States Environmental Protection Agency (EPA) issued a final rule requiring drinking water systems to follow the new Lead and Copper Rule Revisions and Improvements Legislation.

Delivering safe drinking water and protecting the health of the community is the Hendersonville Water and Sewer Department's core mission. Staff will provide an update on how the utility is complying with the new legislation.

Gracie Erwin, Utilities Compliance Coordinator, gave the following PowerPoint presentation.

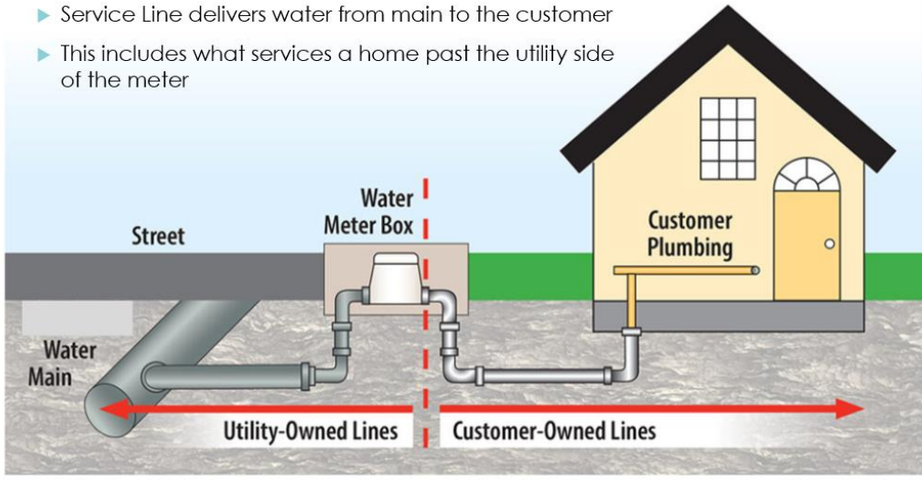


Lead Water Service Line Inventory Update

GRACIE ERWIN-UTILITIES COMPLIANCE COORDINATOR
ADAM STEURER- UTILITIES DIRECTOR

What is a service line?

- Service Line delivers water from main to the customer
- This includes what services a home past the utility side of the meter



How Does Lead Get into Drinking Water?

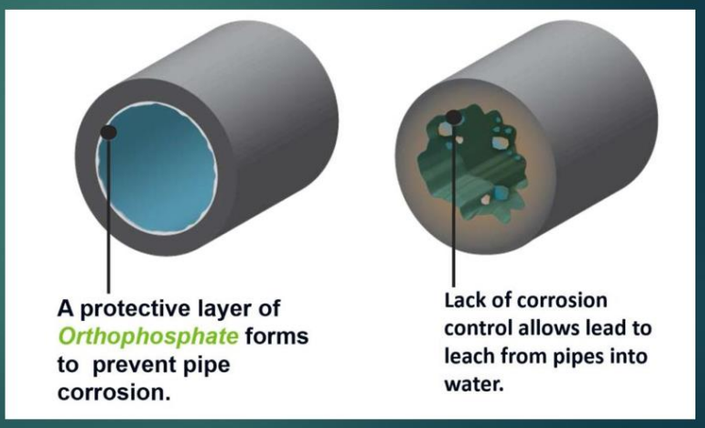
- Not in source water
- Not in water from the treatment plant
- Corrosion from household plumbing that contains lead



Murray, Jill (jmurray@hvlnc.gov) is signed in

How Do We Protect Customers

- Corrosion Control
- pH Adjustment
- System-wide sampling
- Flint changed water sources and didn't adjust for changes in pH resulting in corrosion



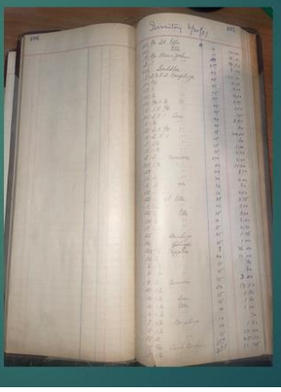
Background- Lead Regulation Overview

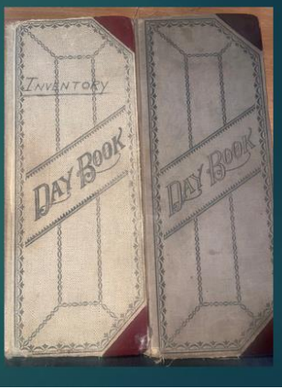
- Regulated in the past by LCR (1991)
- LCRR (2021)
  - **Service line inventory**
  - **Public Education Requirements**
  - Adjustments to lead action levels and sampling techniques



What does this mean for Water Purveyors across the country?

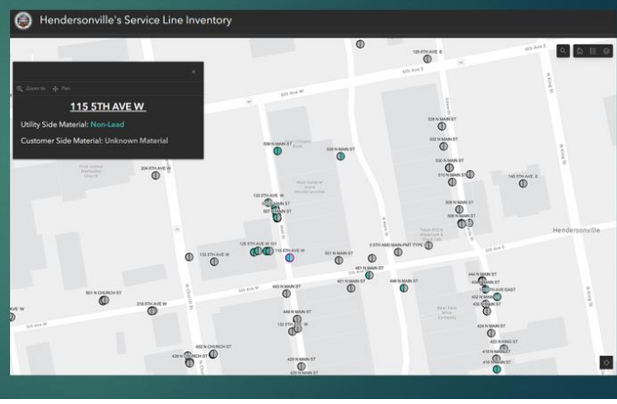
- Service Line Inventory's were submitted nation wide on October 16th 2024
  - Must be publicly available
  - Record review requirements
- Customer Notification deadline of **November 15th 2024.**





Hendersonville's Service Line Inventory

- Prior work includes ID sites to be most likely to contain lead (**All field verified non lead**!)
- 0 known LSL , 21706 Unknown, 20 GRR
- Material type is broken into Lead, Non-Lead, GRR and Unknown
- www.Hendersonvillenc.gov/LCRR



Public Education Notices on Service Line Material

- Notices are to roll out week of Nov 16th via U.S. Mail to customers with unknowns and GRR
- Notices include all required language per EPA regarding potential exposure to lead and health effects from lead
- Email message to customers as well



On Going Work for Classifying Unknowns?

- Partnering with Hazen and Sawyer to develop a statistical Model
- Investigate ~340 more sites representing the entire distribution system
- Do not anticipate finding any lead service lines based on previous work and records review
- Conclusion of model will allow us to be 95% confident that there are no lead pipes on either customer or utility side
- Build more trust via outreach and education with our Water Customers
- Continue Corrosion control methods





No motion was required. Presentation only.

E. Resolution to Accept Grant Funds – *Jay Heatherly, IT Manager*

The City has applied for a grant from the United States Department of Homeland Security for increased network security and infrastructure. The grant amount is $199,286.



SLCGP GRANT

- Provides funding to eligible state and local governments to manage and reduce cyber risk
- Enabled by the Department of Homeland Security
- Reviewed and implemented by the Cybersecurity and Infrastructure Security Agency (CISA) and Federal Emergency Management Agency (FEMA)
- Amount awarded - $199,286



Council Member Lyndsey Simpson moved that City Council adopt a resolution accepting the funds of $199,286 from the FY23 State and Local Cybersecurity Grant to increase network security and infrastructure.

Resolution #R-24-99

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF SUPPLEMENTING EFFORTS TO IMPROVE CYBER SECURITY FOR THE CITY OF HENDERSONVILLE

WHEREAS, Department of Homeland Security (DHS) has established a grant for use by state and local governments to improve and harden network security and infrastructure, distributed by the North Carolina Emergency Management (NCEM); and

WHEREAS, the Information Technology Department applied for and was awarded the FY23 State and Local Cybersecurity Grant Program (SLCGP) from DHS in the amount of $199,286; and

WHEREAS, the City of Hendersonville desires to accept the grant funds; and

WHEREAS, the Grant acceptance provides that the City will undertake activities to increase network security and infrastructure including, but not limited to the purchase of new hardware and the completion of a cybersecurity audit;

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

1. The City hereby accepts the $199,286 FY23 SLCGP Grant to be used for the purposes as set out in the NCEM Grant Agreement; 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 the performance and implementation of the SLCGP Grant and as outlined in the NCEM Grant Agreement.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of November, 2024.

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

10. CITY MANAGER REPORT

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

City Manager John Connet mentioned that the October Contingency Report is in their packet for review. Reminder that the we have started back up the Affordable Housing Listening Sessions. The first one being Tuesday the 19th at Mountain View Baptist Church in the Fellowship Building at 650 Duncan Hill Road hosted by Mayor Pro Tem Lyndsey Simpson from 2:00-3:30pm. Also, later that same day from 6:00-7:30pm at Union Grove Baptist Church at 901 Robinson Terrace, Council Member Lowrance will be there. Finally on December 3rd from 6:00-7:30pm at Immaculate Conception Catholic Church in St. Francis Hall at 208 7th Avenue W., Mayor Volk will host her meeting.

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
010-1002-532260	Service Excellence	5,000	-	5,000	-	Service Excellence	yes	adjustment	10/15/2024
010-1007-532260	Service Excellence	-	5,000	-	5,000	Service Excellence	yes	adjustment	10/15/2024
060-7002-532260	Service Excellence	3,500	-	3,500	-	Service Excellence	yes	adjustment	10/15/2024
060-1007-532260	Service Excellence	-	3,500	-	3,500	Service Excellence	yes	adjustment	10/15/2024
010-1014-534000	Non-Capital	5,400	-	4,906	494	Computer Replacements	yes	adjustment	10/17/2024
010-1502-534000	Non-Capital	40,000	-	1,195	38,805	Computer Replacements	yes	adjustment	10/17/2024
010-1010-534000	Non-Capital	87,300	6,101	-	93,401	Computer Replacements	yes	adjustment	10/17/2024
060-7002-534000	Non-Capital	1,500	-	1,195	305	Computer Replacements	yes	adjustment	10/17/2024
060-1008-534000	Non-Capital	1,000	-	1,000	-	Computer Replacements	yes	adjustment	10/17/2024
060-1008-532400	Misc.	2,200	-	334	1,866	Computer Replacements	yes	adjustment	10/17/2024
060-1014-534000	Non-Capital	12,000	-	2,102	9,898	Computer Replacements	yes	adjustment	10/17/2024
060-1010-534000	Non-Capital	5,000	4,631	-	9,631	Computer Replacements	yes	adjustment	10/17/2024

B. City Manager Hurricane Helene Report Updates – *John Connet, City Manager*

City Manager John Connet said many of our parks are back open thanks to our Public Works Department working hard to get those back open and back to public use so thank you again Tom and your team for that. We continue to have regular meetings regarding Helene. Also, as far as Public Works goes and the folks from Chapel Hill have been here and we've folks from Fayetteville, Shelby and several other communities, they have collected over 7,955 cubic yards which is 357 loads of vegetative debris. Our crews have collected over 10,121 cubic yards which is 896 loads, so total cubic yards is 18,076.25 which is 1253 loads. Compared to the same period last year, 52 loads. I had a conversation with the county today and they're concentrating on vegetative debris. Very limited construction debris so far. Currently the only place in the

county to take construction debris is the landfill so there is very little being collected, if any. They're trying to find sites. They have permitted sites for vegetation and they have permitted sites to accept construction debris however, before they can accept it, they have to do soil testing and identify the base level foundation of the soil so we know if it would cause a problem in the future. That has not been done yet so they're not doing construction debris anywhere in the county. It's a challenge, we all know it's a challenge and we know we're going to hear about it and I just want to reassure the public that we're not picking up some areas and not picking up others. We're just looking for a place to dispose of it at this point. Just want to reassure the public that it's a priority for us. Also we have 746 people in transitional housing, 65 people need direct housing and of those 65, only one person has been placed by FEMA. This is county-wide and we think that 65 number will go up because you have 746 in transitional housing. In addition, there are 4,588 in short term housing meaning they will be there for less than 18 months or less. 26,000 people have filed for individual assistance with FEMA and over thirty million dollars has been distributed into the county. We will continue our construction and you will see projects come before this board regarding recovery and rebuilding. We've had our first meeting with FEMA and we'll have what is known as our scoping meeting going over all of our recovery on December 4th with our team. Lots to do.

11. CITY COUNCIL COMMENTS - None

12. CLOSED SESSION

Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1), (3), (4) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed or retrained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, to discuss matters relating to the location or expansion of industries and businesses in the area served by the public body and to consider the qualifications, competence, performance and character, fitness conditions of an individual public officer.

13. ADJOURN

There being no further business, the meeting adjourned at 8:51 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk

City of Hendersonville Essential Services Aid

Emergency and Disaster Response Fund Grant Program (Hurricane Helene)

City of Hendersonville

John Connet
160 6th Ave E
Hendersonville, NC 28792

cgendusa@hvlnc.gov
O: 8287124464

Caitlyn Gendusa

cgendusa@hvlnc.gov

Application Form

Emergency and Disaster Response Fund Grant Program (Hurricane Helene)

Project Name*
Name of Project

City of Hendersonville Essential Services Aid

Amount Requested ($25,000 or less frontline services/$50,000 or less facility repair or remediation)*
Amount Requested

$25,000.00

County Served*
Select one county, "Multi" or WNC Region.

Henderson

Multiple Counties or Areas
If you selected "Multi" from County Served, list all counties or areas to be served.

N/A

Organization's Mission Statement*
The City of Hendersonville is committed to providing quality, efficient services to all citizens, visitors and businesses through open communication, timely responses, and quality results.

Organization's Operating Budget*
What is your organization's operating budget?

$27,183,860

Application Narrative

If your project is providing assistance to individuals, answer the first question below. If your project is providing direct support to your organization, answer the second question below. (NOTE: Only one of the two "Grant Funding" questions immediately below should be answered.)

Grant Funding*

How will the grant funding be used? (Begin with "*Name of Organization* requests $___ to ...) If grant funds will provide assistance to individuals, this response should include:

- What assistance will be provided or what will be purchased with the grant funds?
- What criteria will you use to determine who receives assistance from your organization?
- Describe the populations or communities that you want to help.

If grant funds will provide direct support to the applicant organization, this response should include:

- How did Hurricane Helene affect the organization and its ability to fulfill its mission?
- How will grant funds be used? (These funds are not for ongoing staffing or operational costs, or for employee assistance.)

If your organization is not located in CFWNC's 18-county service area, reference your WNC nonprofit partners.

Hurricane Helene greatly impacted our ability to fulfill our mission of providing quality services to our community. Our Water and Sewer Department saw water extraction and treatment severely damaged with several millions of dollars in estimated repairs needed. Our City was impacted in a multitude of ways and the full extent of repairs needed is still being sorted through. Water & Sewer customers were without safe drinking water for over two weeks. Our trash and recycling services were canceled for two weeks and as of the date of this submission we have still been unable to recycle due to ongoing contamination due to storm debris. Currently we are unable to fully provide quality services without outside help of other municipalities providing their Public Works and Fire Department staff. Through adversity, the City has done great work in opening an Emergency Operations Call Center to maintain our mission of open communication and timely responses however, our ability to provide quality services will continue to take time to be back to normal. While there are many essential services impacted, Our Water & Sewer operations remains one of the most vital to repair. As such, the City of Hendersonville requests $25,000 to go towards offsetting the unforeseen cost of replacing 10 Water & Sewer vehicles that were flooded and subsequently totaled as a result of Hurricane Helene.

While we have insurance on all vehicles, that still leaves $40,000 in deductibles that will not be paid for by any other funding source except the City's own funds. This means funding will have to be pulled from other essential services which impacts our ability to provide quality services if we don't have adequate funds. Currently, the City is borrowing vehicles from other municipalities as we look into replacements. Funding from the Community Foundation of Western North Carolina would greatly help in offsetting this cost so more funds can go back to repairing our other essential services for our community.

Grant funds*

How long do you anticipate these funds to last?

These funds will be used immediately to secure replacement Water and Sewer vehicles to ensure our community has access to reliable drinking water and sewer services.

Other Funding*

Is your organization eligible for emergency public funding (local, state or federal)? If yes, please explain.

If you are requesting funds from the Emergency and Disaster Response Fund and from other sources, e.g., FEMA, SBA, insurance, etc., please describe in general terms the steps you've taken with those other funding sources and any responses you have received. Include a general description of loans or other grants that might be available to you and, if insurance is an option, the amount, if any, of any deductibles you must meet.

Yes; The City of Hendersonville is eligible for FEMA funding which we have taken full advantage of where expenses are eligible. However, FEMA does not cover all unforeseen costs of the hurricane and is not covering vehicle replacement deductibles.

Other Information

If not addressed in the questions above, feel free to explain how the impacts of Hurricane Helene are affecting your organization or community.

Hurricane Helene caused catastrophic flooding, damage to property, and most importantly loss of life. Unfortunately, Hendersonville was no exception. As of the date of this submission, the City is still under a State of Emergency and issued a Level 4 flood response plan for severe flooding when Hurricane Helene hit. Many residences and businesses were completely destroyed. There were 35 street closings, loss of power, water, and internet for over two weeks for residents and businesses. The N.C. Department of Health and Human Services reported 7 deaths in Henderson County. Impacts have also significantly impacted our economy with local businesses unable to operate for over two weeks or more and residents facing inability to work in cases where businesses were destroyed and services such as daycare and school suspended.

CERTIFICATION

By submitting this form, the above-named organization and the person listed below hereby give permission for this proposal to be shared with Foundation donors and other appropriate parties and hereby certify: (1) that the information provided in this form is correct; (2) that the governing board of the organization has been notified of this proposed project; and (3) that the organization is in compliance with all applicable federal, state, and local laws and regulations, including, but not limited to, those prohibiting discrimination against a person or group on the basis of age, race, national origin, ethnicity, gender, disability or religious belief.

Name of Executive Director or Head of Organization*

Please include job title and email

City Manager

Grant Report Acknowledgment*

By checking the following box, you acknowledge that, if awarded a grant from this grant program: (1) your organization is required to submit a completed grant report in this online grant system by the date(s) specified; and (2) your organization will be ineligible to apply for any future grants from CFWNC if a report is past due and is not submitted to and accepted by CFWNC.

Yes, I am aware of the grant report requirement and of the consequences for failing to meet it.

Electronic Funds Transfer (EFT) Acknowledgment*

CFWNC makes grant payments by electronic funds transfers (EFT) through the Automated Clearing House (ACH) system. If CFWNC approves a grant in connection with the application you are submitting, your organization must have current bank information on file with CFWNC for the organization to receive payment. Failure to provide accurate and timely bank information may delay or prohibit a grant award for this application.

Yes, I am aware of CFWNC's EFT requirements in order to receive a grant award payment.

File Attachment Summary

Applicant File Uploads

No files were uploaded

Resolution #__ ____

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 ___day of _____ 20___.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Caitlyn Gendusa

MEETING DATE:

AGENDA SECTION: CONSENT

DEPARTMENT: Public Works

TITLE OF ITEM: Hurricane Helene Disaster Funds for Water & Sewer Vehicles

SUGGESTED MOTION(S): I move City County adopt the resolution by the City of Hendersonville City Council accepting a grant from the Community Foundation of Western North Carolina for funds used to offset the cost of deductibles for Water & Sewer vehicles that were flooded from Hurricane Helene.

SUMMARY:

Hurricane Helene greatly impacted our ability to fulfill our mission of providing quality services to our community. Our Water and Sewer Department saw water extraction and treatment severely damaged with several millions of dollars in estimated repairs needed. While there are many essential services impacted, Our Water & Sewer operations remains one of the most vital to repair. As such, the $25,000 awarded through this grant will go towards offsetting the unforeseen cost of replacing 10 Water & Sewer vehicles that were flooded and subsequently totaled as a result of Hurricane Helene. These funds assist in offsetting this cost so more funds can go back to repairing our other essential services for our community.

ATTACHMENTS:

- Awarded Grant Application

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adela Gutierrez-Ramirez, Civil Engineer

MEETING DATE: December 5, 2024

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering

TITLE OF ITEM: Utility Extension Agreement for the Sheehan Townhomes Subdivision – *Adela Gutierrez-Ramirez, Civil Engineer*

SUGGESTED MOTION(S): I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Sheehan Road, LLC, for the Sheehan Townhomes Subdivision as presented and recommended by staff.

SUMMARY:

The Sheehan Townhomes Subdivision located off Sheehan Road in Buncombe County proposes to extend the City's water system to serve said expansion. The attached Utility Extension Agreement (UEA) outlines the water utility line extension process and assigns responsibilities to the Developer and City. We welcome any questions that you may have.

BUDGET IMPACT: $0

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

PROJECT NUMBER: 23115

PETITION NUMBER: N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Utility Extension Agreement – Sheehan Townhomes Subdivision

Map showing Sheehan Townhomes Subdivision parcel

CITY OF HENDERSONVILLE
UTILITY AVAILABILITY
Sheehan Townhomes



Sewer Layers

Gravity Main
- Public Gravity Main
- Public Force Main
- Proposed Gravity Main
- Abandoned

Water Layers

Fire Hydrants
- City Fire Hydrant

Water Main
- City Water Main
- Raw Water Main
- Private Fire Line
- Proposed Water Main
- Abandoned Water Main

Road Layers
- State Maintained Road
- Non-State Maintained Road

THE CITY OF HENDERSONVILLE N.C. 1847

JUNE 2023

N W E S

0 125 250 62 500
Feet

The City of Hendersonville makes every effort to confirm the accuracy of this information; however, it does not warrant or guarantee that any information provided is accurate or current.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
Prepared by and return to: Daniel Heyman, Staff Attorney
City of Hendersonville
160 6th Ave E
Hendersonville, NC 28792

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this _____ day of _____, 20____, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situated in Henderson County, herein referred to as the "City", **SHEEHAN ROAD, LLC**, a North Carolina limited liability company, herein referred to as "Developer,"

WITNESSETH:

THAT WHEREAS, Developer is the owner of and is desirous of developing and improving, a tract of land situated in Buncombe County, State of North Carolina, described as follows:

> Consisting of +/- 24.25 acres, and being all of that real property described in the following deeds: (1) that deed recorded in Deed Book 6384 at page 1165, Buncombe County registry, having a PIN of 965387212900000 and (2) that deed recorded in Deed Book 6384 at page 1183, Buncombe County registry, having a PIN of 965386921500000, (1) and (2) hereinafter collectively referred to as the "Property"; and

WHEREAS, the Developer has submitted an application for the development of a project known as Sheehan Townhomes (City project number 23115); and

WHEREAS, in the process of such development and improvement, Developer is desirous of constructing water infrastructure and/or sanitary sewer infrastructure to and on said tract(s) of land, for which the City requires that the Developer enter into a utility extension agreement with the City, said water and/or sewer infrastructure to consist of the following:

> Being and consisting of: Water Service Extension consisting of a +/- 3,050 LF of 8" water line (DIP/CL 350) and +/- 2,800 LF of 6" water line (DIP/CL350), together with all hydrants, valves and related appurtenances

running southerly within the right-of-way of Sheehan Road, connecting to the existing 16" ductile water main in the right-of-way of Cane Creek Rd; and being more particularly shown and described on those construction plans and specifications, dated July 19, 2024 and bearing project number 12325, prepared by Civil Design Concepts, PA, a Civil Engineering firm, said plans being incorporated herein by reference. Said Water Service Extension is hereinafter referred to as the "New Infrastructure". It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be required to meet the standards of the City of Hendersonville. As used herein, "New Infrastructure" shall be deemed to include any and all of any such modifications and amendments; and

WHEREAS, the Developer has received or is in the process of receiving zoning approval from the designated governing body for such development and improvement on the Property; and

WHEREAS, the Property is not located within the City's municipal boundaries but is located within the unincorporated area of Buncombe County, North Carolina; and

WHEREAS, the City is not obligated to offer water or sanitary sewer service to property outside its corporate limits; and

WHEREAS, Developer desires to have the completed New Infrastructure connected to the City's municipal water system and/or sanitary sewer system and made an integral portion thereof; and

WHEREAS, the City will permit said system(s) to be connected to the municipal system(s) under the terms and conditions heretofore established and agreed upon between the parties and specifically in conformance with the requirements of the most recent extension policy, most recent water and sewer standard construction specifications and details, and the City's Code of Ordinances currently in force.

NOW, THEREFORE, in consideration of the mutual benefits which will result to the parties in carrying out the terms of this Agreement, it is agreed as follows:

1. Developer shall, at Developer's own expense, employ a North Carolina registered and licensed professional engineer ("Engineer") to complete design and permitting of the proposed New Infrastructure in conformance with NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T (sanitary sewer), the City's water and sewer standard construction specifications and details, and the City water and/or sewer Master Plan(s).

2. Developer shall require the Engineer to submit plans, reports, technical specifications, fees, permit applications, and any other items as required and approvable by the City ("Required Documents"). The Engineer shall disclose all proposed changes in the approved construction plans to the City in writing. If proposed changes are deemed by the City to be "significant" in nature, the City may require the Engineer to resubmit plans for re-permitting. The determination of whether a change is deemed to be significant shall be in the sole and absolute discretion of the City, and the Developer agrees to be bound thereby. This will require written approval by the City prior to re-submitting to the permitting agency or before proceeding with changes, even if permitting agency re-submittal is not required. City approval of a utility extension is subject to expiration should construction not be completed after a period of two years from the date of approval. Once the Required Documents have been approved by the City, they shall be deemed to be incorporated herein by reference as an amendment to this Agreement to indicate the Developers' construction obligations under this Agreement.

3. The City will perform construction inspection during installation of the New Infrastructure and upon project completion submit written certification that the project was completed in accordance with the approved plans and specifications as required by NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T (sanitary sewer). Water and Sewer inspection fees shall be in accordance with the adopted City Fee Schedule as of the date of this agreement. Fees will be paid by the Developer upon certification and acceptance of the New Infrastructure, with amounts due being based on length of lines inspected, certified and accepted.

4. The Developer shall, at his or her own expense, furnish and transfer to the City all on-site and off-site easements, rights-of-way, and real property required for access to and perpetual maintenance and operation of the New Infrastructure and its appurtenances in accordance with the terms of this Agreement as provided herein below.

   Developer will be required to enter into the City's standard Deed of Dedication and Conveyance with Associated Easements for conveyance of the New Infrastructure and on-site easements, as amended. Further Developer will be required to use the City's standard Utility Infrastructure Easement Agreement when securing the necessary off-site right of way for the operation and maintenance of the New Infrastructure. For the avoidance of doubt, both standard forms permit use of the easements for the future installation of water, sewer and stormwater lines, and their associated appurtenances and accessories, in addition to the New Infrastructure, by or on behalf of the City. The City shall provide a copy of these standard forms upon request by the Developer.

5. Developer shall convey to the City all of the New Infrastructure and easements, on-site and off-site, prior to selling any of the lots in the lots in the development. If the Developer sells or otherwise conveys a lot within the development to a third-party prior to the conveyance of the New Infrastructure and easements, Developer shall be responsible for all costs associated with obtaining title to the New Infrastructure and all easements for each lot, including but not limited to acquisition costs and recording costs.

6. Developer shall, at his or her own cost and expense, furnish all materials and all equipment and perform all the work necessary to complete the construction of the New Infrastructure described in the plans and specifications as approved by the City's authorized representative and permitting agency.

7. The installation and construction of the New Infrastructure shall be performed by a reputable and responsible Contractor possessing a valid North Carolina Public Utility Contractor's License directly related to the installation of the New Infrastructure issued by the North Carolina Licensing Board for General Contractors. As used herein, a "responsible Contractor" shall mean one possessing the requisite knowledge, experience, and financial resources to complete the construction of the New Infrastructure in accordance with the plans and specifications within the time allotted.

8. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be

greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.

9. Developer shall submit the name, address and the Public Utility Contractor's License Identification Number of the proposed Contractor to the City prior to the preconstruction meeting. The City may investigate the validity of the Contractor's license and the Contractor's status as a responsible Contractor by methods including but not limited to contacting the owners of past projects for which the Contractor furnished work in order to obtain reference information

10. City staff will be assigned for the express purpose of periodic construction observation and inspection. The City's construction inspector(s) shall have the authority to report all discrepancies identified in all phases of construction to the Engineer regarding conformance with the approved construction drawings and specifications. This report shall in no way relieve the Developer of his or her obligation to engage a professional engineer to perform construction inspection and coordinate construction.

11. During construction, no deviations from the approved plans and specifications shall be allowed without the prior express written approval of the City and permitting agency if deemed necessary by the City.

12. The City Engineer, or authorized representative, shall be authorized to resolve disagreements between Developer's Contractor(s), and the City's construction inspector(s) regarding conformance with approved plans and/or specifications.

13. Upon completion of construction, the Developer shall cause the Engineer to arrange for a final inspection to be performed jointly by the Engineer, the contractor, and the City's construction inspector to determine if the project is acceptable to the City. At this time, a draft as-built shall be submitted to the City. If the project is not immediately acceptable, any deficiencies shall be noted in a written report (punch list) prepared by the City. This report shall be transmitted to the responsible parties. It shall be the responsibility of the Developer to correct any such deficiencies and arrange for a re-inspection of the system.

14. As part of the final inspection process for sewer collection systems, Developer shall satisfactorily complete the following as described in the most recent water and sewer standard construction specifications and details: air test, manhole vacuum tests, and mandrel deflection test. Video of the new sanitary sewer collection system by means of closed-circuit television (CCTV) will be performed by the City. All testing shall be certified and all certifications, along with the related data and any video of the sewer system, shall be submitted to the City before final acceptance of the project is granted by the City.

15. As part of the final inspection process for water distribution systems, Developer shall satisfactorily complete the following: pressure test lines, bacteriological sampling performed by a certified laboratory. The City's certified laboratory may be utilized. All testing shall be certified and all certifications, along with related data, shall be submitted to the City before final acceptance of the project is granted by the City.

16. Once all deficiencies are corrected and the project is deemed acceptable to the City, the Developer shall cause the Engineer to submit as-builts in formats acceptable to the City. The Engineer shall also submit any easements required for the New Infrastructure and any deeds necessary to convey ownership to the City. The

Developer shall be responsible for acquiring easements from any third parties owning property over which any portion of the New Infrastructure is constructed, said easements to be titled in the name of the City, using forms to be provided by the City.

17. Prior to the activation of services on the newly constructed New Infrastructure, Developer shall convey unencumbered title and ownership to the City, of the New Infrastructure and its appurtenances, and shall assign and transfer all associated permits, licenses and permissions to the City. If a water extension was permitted for the same or similar project, the City shall receive final approval from the permitting agency. In certain circumstances as approved by the City, activation of services on portion(s) of the New Infrastructure may be permitted after partial certification(s) completion and approval(s).

18. The conveyance, assignment or transfer of (1) all permits, licenses or other permissions, and (2) all property and assets to the City, including but not limited to real or personal property, the New Infrastructure and its appurtenances, easements, rights of way or encroachments, (1) and (2) collectively hereinafter referred to as "Required Conveyances," shall be in form as approved by the City's legal counsel, and unless specifically excepted by the City Attorney, shall be in form proper for recording in the appropriate public registry. The conveyance of real property shall be in the form of a fee simple deed and without encumbrance as approved by the City's legal counsel. The Developer shall cause all affiliates or other third parties or entities having an ownership interest in the New Infrastructure or the Property to join the Required Conveyances, as reasonably determined by the City to be necessary to convey full title to the New Infrastructure and Required Conveyances to the City. With the execution hereof, Developer and City specifically agree that the New Infrastructure shall remain personal property, and shall not become a part of the real property, regardless of whether or not the New Infrastructure is permanently affixed to the real property comprising the Property.

19. The Developer shall provide a written release of the City's interest in the Required Conveyances (in form approved by the City Attorney) from any and all liens or other legal interests held by lenders, vendors or other third parties. The release(s) must be delivered in form for recording in the appropriate public registry, and must be received by the City in conjunction with the City's receipt of the Required Conveyances.

20. To the fullest extent allowed by law, and regardless of the approval(s) of any document(s) by the City's legal counsel, the Developer shall indemnify and hold the City harmless from all actions, causes and claims whatsoever against the City by any persons, firms, and corporations whatsoever relating in any manner to this Agreement (including but not limited to damages to persons or property related to construction and/or installation of the New Infrastructure) or the Required Conveyances. Without limiting the Developer's obligations under this paragraph in any manner, the Developer shall defend any and all claims, causes or actions whatsoever regarding the City's title or ownership in any of the Required Conveyances.

21. Developer shall guarantee the accepted and dedicated New Infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one calendar year from the date of final acceptance by the City. During this year of guarantee, Developer shall correct, or have corrected, any defects that may develop in material, equipment, or workmanship. Should Developer fail to correct defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects, and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized

representative to attend, a warranty inspection with the City prior to the expiration of said warranty period. For purposes of this paragraph 21, final acceptance shall be the date the Letter of Acceptance is issued by the City as described in paragraph 23 hereinbelow.

22. Before the issuance of final acceptance, the Developer or Engineer shall schedule a project closeout meeting with the City. The Developer or Engineer shall submit to the City, not later than the start of the project closeout meeting, all required closeout documents, including but not limited to recorded easement plats, warranty deeds, affidavits of lien waiver, as-built drawings with georeferenced infrastructure data, final walk-through inspection punch list and evidence of completion of said punch list, utility extension agreements, fixed asset evaluation form and infrastructure testing results. The City shall be under no obligation to [and in the absence of extraordinary circumstances will not] activate any services before receipt of all required documentation. Partial receipt shall be treated as an incomplete project closeout and no services shall be activated. A project closeout form shall be completed and executed by the Developer or by an authorized representative of the Developer and the City for each project. If the project described in this utility extension agreement is divided into phases, a project closeout form shall be executed for each phase prior to issuance of final acceptance. For purposes of this paragraph, and notwithstanding any other provision of this agreement, every required document shall be considered material, and "substantial compliance" shall not apply.

23. Once all items required by the Developer under this Agreement are complete, the City shall issue a formal "Letter of Acceptance" to the Developer for the project. The City shall incorporate the accepted system as an integral part of its utility system and shall furnish service therefrom in accordance with the rules, regulations, rates, and policies established for its customers. For the avoidance of doubt, "final acceptance" as used in this Agreement shall refer only to the date the Letter of Acceptance as described in this paragraph is issued by the City.

24. There shall be no intended nor incidental third-party beneficiaries of this Agreement.

25. This Agreement may not be assigned by the Developer without the express written consent of the City. Any assignment without the express written consent of the City shall be void. Any assignment approved by the City shall be in form approved by the City's legal counsel. Such consent by the City and approval by the City's legal counsel shall be for the sole and exclusive benefit and reliance of the City, and shall not be relied upon by the Developer nor any third party as to the validity or legal effect of an assignment.

26. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents, with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.

27. This agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts for Henderson County, North Carolina.

28. Failure of either party to enforce any terms of this Agreement shall not be deemed a waiver, in whole or in part, to enforcing any of its terms against the other party, unless such waiver is delivered to the other party in writing. Failure of either party to exercise the rights under this Agreement shall not be deemed a waiver or abandonment of such rights unless such waiver or abandonment be delivered in writing to the other party.

29. This Agreement may be recorded in the Register of Deeds Office at the option of the City.

PLEASE BE ADVISED: The City shall not allow the activation of any water or sewer services until the City receives partial certification approval or final approval from the permitting agency and reserves the right to not allow the issuance of any certificates of occupancy until the City deems the project complete.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

SHEEHAN ROAD, LLC,
a North Carolina limited liability company

BY:_____ (SEAL)
(signature)

Printed name:_____

Title:_____

THE CITY OF HENDERSONVILLE

BY:_____ (SEAL)
John F. Connet, City Manager

STATE OF _____, COUNTY OF _____

I, _____, (printed name of notary) a Notary Public of said County and State, do hereby certify that _____, personally appeared before me this day, and being duly swom, stated that they are the _____(title) for **SHEEHAN ROAD, LLC**, and that they executed and acknowledged the foregoing instrument on behalf of the entity pursuant the due authorization for the purposes stated therein.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____
Notary Public Signature (OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John F. Connet, personally appeared before me and, being duly sworn, stated that he is City Manager of the **City of Hendersonville**, North Carolina, and that he executed and acknowledged the foregoing instrument on behalf of the **City of Hendersonville** pursuant to order of the City Council of said City and that the instrument is the act and deed of the **City of Hendersonville**.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____

Notary Public Signature (OFFICIAL SEAL)

Resolution # __-____

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.

_____

Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adela Gutierrez-Ramirez, Civil Engineer

MEETING DATE: June 4, 2023

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering

TITLE OF ITEM: Utility Extension Agreement for the Enclave on West Park Subdivision – *Adela Gutierrez-Ramirez, Civil Engineer*

SUGGESTED MOTION(S): I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Ourco Construction Company, LLC, for the Enclave on West Park Subdivision as presented and recommended by staff.

SUMMARY:

The Enclave on West Park Subdivision located off Greenville Highway in Henderson County proposes to extend the City's sewer system to serve said expansion. The attached Utility Extension Agreement (UEA) outlines the sewer utility line extension process and assigns responsibilities to the Developer and City. We welcome any questions that you may have.

BUDGET IMPACT: $0

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

PROJECT NUMBER: 23117

PETITION NUMBER: N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Utility Extension Agreement – Enclave on West Park Subdivision

Map showing Enclave on West Park Subdivision parcel

Resolution # __-____

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.

Attest: _____ Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON
Prepared by and return to: Daniel Heyman, Staff Attorney, City of Hendersonville, in the City Box

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this _____ day of _____, 20____, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situate in Henderson County, herein referred to as the "City", and **OURCO CONSTRUCTION COMPANY LLC**, a North Carolina limited liability company, herein referred to as "Developer,"

WITNESSETH:

THAT WHEREAS, Developer is desirous of developing and improving, a tract of land situated in Henderson County, State of North Carolina, described as follows:

> Consisting of +/- 1.62 acres, and being Lots 1 through 5 as shown on that Plat recorded in Plat Book 2024 at page 14993, Henderson County registry, having the following PINs: 9577-27-2609, 9577-27-0679 9577-17-9673, 9577-27-0588, and 9577-27-2529, hereinafter referred to as the "Property"; and

WHEREAS, the Developer has submitted an application for the development of a project known as Enclave on West Park (project number 23117); and

WHEREAS, in the process of such development and improvement, Developer is desirous of constructing water infrastructure and/or sanitary sewer infrastructure to and on said tract(s) of land, for which the City requires that the Developer enter into a utility extension agreement with the City, said water and/or sewer infrastructure to consist of the following:

> Being and consisting of: Sanitary Service Extension consisting of a s +/- 2048 lineal feet of 8" PVC and +/- 66 lineal feet of 8" DIP sewer line and +/- 269 lineal feet of 8" PVC sewer line connecting to an existing manhole within the ROW of Lakeside Drive near the intersection of Willow Road, and being more particularly shown and described on those construction plans and specifications, dated June 13, 2024, prepared by Edsel Engineering a Civil Engineering firm, said plans being incorporated herein by reference, the foregoing hereinafter referred to as the "New Infrastructure". It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be

required to meet the standards of the City of Hendersonville. As used herein, “New Infrastructure” shall be deemed to include any and all of any such modifications and amendments.; and

WHEREAS, the Developer has received, or is in the process of receiving, zoning approval from the designated governing body for such development and improvement on the Property; and

WHEREAS, the Property is not located within the City’s municipal boundaries but is located in the unincorporated area of Henderson County; and

WHEREAS, the City is not obligated to offer water or sanitary sewer service to property outside its corporate limits; and

WHEREAS, Developer desires to have the completed New Infrastructure connected to the City's municipal water system and/or sanitary sewer system and made an integral portion thereof; and

WHEREAS, the City will permit said system(s) to be connected to the municipal system(s) under the terms and conditions heretofore established and agreed upon between the parties and specifically in conformance with the requirements of the most recent extension policy, most recent water and sewer standard construction specifications and details, and the City's Code of Ordinances currently in force.

NOW, THEREFORE, in consideration of the mutual benefits which will result to the parties in carrying out the terms of this Agreement, it is agreed as follows:

1. Developer shall, at Developer’s own expense, employ a North Carolina registered and licensed professional engineer ("Engineer") to complete design and permitting of the proposed New Infrastructure in conformance with NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T(sanitary sewer), the City's water and sewer standard construction specifications and details, and the City water and/or sewer Master Plan(s).

2. Developer shall require the Engineer to submit plans, reports, technical specifications, fees, permit applications, and any other items as required and approvable by the City (“Required Documents”). The Engineer shall disclose all proposed changes in the approved construction plans to the City in writing. If proposed changes are deemed by the City to be "significant" in nature, the City may require the Engineer to resubmit plans for re-permitting. The determination of whether a change is deemed to be significant shall be in the sole and absolute discretion of the City, and the Developer agrees to be bound thereby. This will require written approval by the City prior to re-submitting to the permitting agency or before proceeding with changes, even if permitting agency re-submittal is not required. City approval of a utility extension is subject to expiration should construction not be completed after a period of two years from the date of approval. Once the Required Documents have been approved by the City, they shall be deemed to be incorporated herein by reference as an amendment to this Agreement to indicate the Developers’ construction obligations under this Agreement.

3. The City will perform construction inspection during installation of the New Infrastructure and upon project completion submit written certification that the project was completed in accordance with the approved plans and specifications as required by NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T (sanitary sewer). Water and Sewer inspection fees shall be in accordance with the adopted City Fee Schedule

as of the date of this agreement. Fees will be paid by the Developer upon certification and acceptance of the New Infrastructure, with amounts due being based on length of lines inspected, certified and accepted.

4. The Developer shall, at his or her own expense, furnish and transfer to the City all on-site and off-site easements, rights-of-way, and real property required for access to and perpetual maintenance and operation of the New Infrastructure and its appurtenances in accordance with the terms of this Agreement as provided herein below.

   Developer will be required to enter into the City's standard Deed of Dedication and Conveyance With Associated Easements for conveyance of the New Infrastructure and on-site easements, as amended. Further Developer will be required to use the City's standard Utility Infrastructure Easement Agreement when securing the necessary off-site right of way for the operation and maintenance of the New Infrastructure. For the avoidance of doubt, both standard forms permit use of the easements for the future installation of water, sewer and stormwater lines, and their associated appurtenances and accessories, in addition to the New Infrastructure, by or on behalf of the City. The City shall provide a copy of these standard forms upon request by the Developer.

5. Developer shall convey to the City all of the New Infrastructure and easements, on-site and off-site, prior to selling any of the lots in the lots in the development. If the Developer sells a lot within the development to a third-party prior to the conveyance of the New Infrastructure and easements, Developer shall be responsible for all costs associated with obtaining title to the New Infrastructure and easements.

6. Developer shall, at his or her own cost and expense, furnish all materials and all equipment and perform all the work necessary to complete the construction of the New Infrastructure described in the plans and specifications as approved by the City's authorized representative and permitting agency.

7. The installation and construction of the New Infrastructure shall be performed by a reputable and responsible Contractor possessing a valid North Carolina Public Utility Contractor's License directly related to the installation of the New Infrastructure issued by the North Carolina Licensing Board for General Contractors. As used herein, a "responsible Contractor" shall mean one possessing the requisite knowledge, experience, and financial resources to complete the construction of the New Infrastructure in accordance with the plans and specifications within the time allotted.

8. Developer shall be required to establish a discharge point for the flushing of the waterlines that are installed pursuant to this Agreement and that provided the City utilizes the method provided by the Developer, the City shall not be liable, and Developer shall, to the fullest extent allowed by law, indemnify and hold the City harmless during the warranty period for any damages whatsoever as a result of the flushing of water lines.

9. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.

10. Developer shall submit the name, address and the Public Utility Contractor's License Identification Number of the proposed Contractor to the City prior to the preconstruction meeting. The City may investigate the validity of the Contractor's license and the Contractor's status as a responsible Contractor by methods including but not limited to contacting the owners of past projects for which the Contractor furnished work in order to obtain reference information

11. City staff will be assigned for the express purpose of periodic construction observation and inspection. The City's construction inspector(s) shall have the authority to report all discrepancies identified in all phases of construction to the Engineer regarding conformance with the approved construction drawings and specifications. This report shall in no way relieve the Developer of his or her obligation to engage a professional engineer to perform construction inspection and coordinate construction.

12. During construction, no deviations from the approved plans and specifications shall be allowed without the prior express written approval of the City and permitting agency if deemed necessary by the City.

13. The City Engineer, or authorized representative, shall be authorized to resolve disagreements between Developer's Contractor(s), and the City's construction inspector(s) regarding conformance with approved plans and/or specifications.

14. Upon completion of construction, the Developer shall cause the Engineer to arrange for a final inspection to be performed jointly by the Engineer, the contractor, and the City's construction inspector to determine if the project is acceptable to the City. At this time, a draft as-built shall be submitted to the City. If the project is not immediately acceptable, any deficiencies shall be noted in a written report (punch list) prepared by the City. This report shall be transmitted to the responsible parties. It shall be the responsibility of the Developer to correct any such deficiencies and arrange for a re-inspection of the system.

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any portion of the New Infrastructure is constructed, said easements to be titled in the name of the City, using forms to be provided by the City.

18. Prior to the activation of services on the newly constructed New Infrastructure, Developer shall convey unencumbered title and ownership to the City, of the New Infrastructure and its appurtenances, and shall assign and transfer all associated permits, licenses and permissions to the City. If a water extension was permitted for the same or similar project, the City shall receive final approval from the permitting agency. In certain circumstances as approved by the City, activation of services on portion(s) of the New Infrastructure may be permitted after partial certification(s) completion and approval(s).

19. The conveyance, assignment or transfer of (1) all permits, licenses or other permissions, and (2) all property and assets to the City, including but not limited to real or personal property, the New Infrastructure and its appurtenances, easements, rights of way or encroachments, (1) and (2) collectively hereinafter referred to as "Required Conveyances," shall be in form as approved by the City's legal counsel, and unless specifically excepted by the City Attorney, shall be in form proper for recording in the appropriate public registry. The conveyance of real property shall be in the form of a fee simple deed and without encumbrance as approved by the City's legal counsel. The Developer shall cause all affiliates or other third parties or entities having an ownership interest in the New Infrastructure or the Property to join the Required Conveyances, as reasonably determined by the City to be necessary to convey full title to the New Infrastructure and Required Conveyances to the City. With the execution hereof, Developer and City specifically agree that the New Infrastructure shall remain personal property, and shall not become a part of the real property, regardless of whether or not the New Infrastructure is permanently affixed to the real property comprising the Property.

20. The Developer shall provide a written release of the City's interest in the Required Conveyances (in form approved by the City Attorney) from any and all liens or other legal interests held by lenders, vendors or other third parties. The release(s) must be delivered in form for recording in the appropriate public registry, and must be received by the City in conjunction with the City's receipt of the Required Conveyances.

21. To the fullest extent allowed by law, and regardless of the approval(s) of any document(s) by the City's legal counsel, the Developer shall indemnify and hold the City harmless from all actions, causes and claims whatsoever against the City by any persons, firms, and corporations whatsoever relating in any manner to this Agreement (including but not limited to damages to persons or property related to construction and/or installation of the New Infrastructure) or the Required Conveyances. Without limiting the Developer's obligations under this paragraph in any manner, the Developer shall defend any and all claims, causes or actions whatsoever regarding the City's title or ownership in any of the Required Conveyances. The obligations in this paragraph shall survive any termination or expiration of this Agreement.

22. Developer shall guarantee the accepted and dedicated New Infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one calendar year from the date of final acceptance by the City. During this year of guarantee, Developer shall correct, or have corrected, any defects that may develop in material, equipment, or workmanship. Should Developer fail to correct defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects, and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized

representative to attend, a warranty inspection with the City prior to the expiration of said warranty period. For purposes of this paragraph 22, final acceptance shall be the date the Letter of Acceptance is issued by the City as described in paragraph 24 hereinbelow.

23. Before the issuance of final acceptance, the Developer or Engineer shall schedule a project closeout meeting with the City. The Developer or Engineer shall submit to the City, not later than the start of the project closeout meeting, all required closeout documents, including but not limited to recorded easement plats, warranty deeds, affidavits of lien waiver, as-built drawings with georeferenced infrastructure data, final walk-through inspection punch list and evidence of completion of said punch list, utility extension agreements, fixed asset evaluation form and infrastructure testing results. The City shall be under no obligation to [and in the absence of extraordinary circumstances will not] activate any services before receipt of all required documentation. Partial receipt shall be treated as an incomplete project closeout and no services shall be activated. A project closeout form shall be completed and executed by the Developer or by an authorized representative of the Developer and the City for each project. If the project described in this utility extension agreement is divided into phases, a project closeout form shall be executed for each phase prior to issuance of final acceptance. For purposes of this paragraph, and notwithstanding any other provision of this agreement, every required document shall be considered material, and “substantial compliance” shall not apply.

24. Once all items required by the Developer under this Agreement are complete, the City shall issue a formal "Letter of Acceptance" to the Developer for the project. The City shall incorporate the accepted system as an integral part of its utility system and shall furnish service therefrom in accordance with the rules, regulations, rates, and policies established for its customers. For the avoidance of doubt, “final acceptance” as used in this Agreement shall refer only to the date the Letter of Acceptance as described in this paragraph is issued by the City.

25. There shall be no intended nor incidental third-party beneficiaries of this Agreement.

26. This Agreement may not be assigned by the Developer without the express written consent of the City. Any assignment without the express written consent of the City shall be void. Any assignment approved by the City shall be in form approved by the City’s legal counsel. Such consent by the City and approval by the City’s legal counsel shall be for the sole and exclusive benefit and reliance of the City, and shall not be relied upon by the Developer nor any third party as to the validity or legal effect of an assignment.

27. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents, with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.

28. Developer is put on notice, and Developer agrees that, in the event that the meter boxes or cleanouts which are part of the New Infrastructure are installed, set, damaged, moved, or altered in any manner that requires the City to make repairs or adjustments to the meter boxes or cleanouts for their proper operation, or if the

City has to perform any work, including but not limited to grading or removal of obstructions, to provide access to the City, Developer shall reimburse the City's full cost and expense incurred.

29. This agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts for Henderson County, North Carolina.

30. Failure of either party to enforce any terms of this Agreement shall not be deemed a waiver, in whole or in part, to enforcing any of its terms against the other party, unless such waiver is delivered to the other party in writing. Failure of either party to exercise the rights under this Agreement shall not be deemed a waiver or abandonment of such rights unless such waiver or abandonment be delivered in writing to the other party.

31. This Agreement may be recorded in the Henderson County Register of Deeds Office at the option of the City.

PLEASE BE ADVISED: The City shall not allow the activation of any water or sewer services until the City receives partial certification approval or final approval from the permitting agency and shall not allow the issuance of any certificates of occupancy until the City deems the project complete.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

OurCo Construction Company, LLC, a North Carolina limited liability company, Developer

BY: _____(SEAL)
Manager

Print Name:

City of Hendersonville

BY: _____(SEAL)
John Connet, City Manager

STATE OF _____, COUNTY OF _____

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that _____, **Manager for OurCo Construction Company, LLC**, personally appeared before me acknowledged the due execution of the foregoing instrument on behalf of the entity.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____
Notary Public Signature (OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John Connet, City Manager for the City of Hendersonville, personally appeared before me acknowledged the due execution of the foregoing instrument on behalf of the City of Hendersonville.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____

Notary Public Signature (OFFICIAL SEAL)

CITY OF HENDERSONVILLE
UTILITY AVAILABILITY
Enclave on West Park Avenue



Sewer Layers
Gravity Main
- Proposed Gravity Main
- Public Gravity Main
- Abandoned

Water Layers
Fire Hydrants
- City Fire Hydrant

Water Main
- City Water Main
- Private Fire Line
- Abandoned Water Main

APRIL 2024

The City of Hendersonville makes every effort to confirm the accuracy of this information; however, it does not warrant or guarantee that any information provided is accurate or current.

0 50 100 200 Feet

Z:\COH_ArcPro_Projects\Water_Sewer_Availability_Map\Availability_Template_2020

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Brendan Shanahan, Project Division Manager

MEETING DATE: December 5, 2024

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering

TITLE OF ITEM: Utility Extension Agreement for Apple Ridge Development – *Brendan Shanahan, Project Division Manager*

SUGGESTED MOTION(S): I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Housing Assistance Corporation for the Apple Ridge Development as presented and recommended by staff.

SUMMARY:

Attached for Council's approval is a proposed Utility Extension Agreement (UEA) outlining the duties and responsibilities for Housing Assistance Corporation with respect to the construction and conveyance of water and sewer infrastructure to the City. Please note the agreement reflects a payment of $800,000 from the City for this conveyance, and for the provision of affordable housing units within the City of Hendersonville.

BUDGET IMPACT: $800,000

ATTACHMENTS:

Utility Extension Agreement –

Resolution

Resolution # __-____

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.

Attest: _____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON
Prepared by and return to: Angela S. Beeker, City Attorney, City of Hendersonville, in the City Box

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this day of _____, 20____, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situate in Henderson County, herein referred to as the "City", and **THE HOUSING ASSISTANCE CORPORATION**, a North Carolina nonprofit corporation, herein referred to as "Developer,"

WITNESSETH:

THAT WHEREAS, Developer is the owner of, and is desirous of developing and improving, a tract of land situated in Henderson County, State of North Carolina, described as follows:

> Consisting of +/- 16.90 acres, divided into 2 tracts, Tract One being a +/- 5.02 acre tract, and Tract Two being a +/- 11.88 acre tract, both Tracts One and Two being shown on that plat recorded in Plat Book 2024 at Page 15370 of the Henderson County Registry, Developer having acquired the +/- 16.90 acres by way of that deed recorded in Deed Book 3968 at page 264 , Henderson County registry, Tract One having a REID of 10013075, and Tract Two having an REID of 10013076, Tracts One and Two collectively hereinafter referred to as the "Property"; and

WHEREAS, the Developer has received conditional zoning approval for the development of a project known as Apple Ridge (project number 22101); and

WHEREAS, in the process of such development and improvement, Developer is desirous of constructing water infrastructure and/or sanitary sewer infrastructure to and on said tract(s) of land, for which the City requires that the Developer enter into a utility extension agreement with the City, said water and/or sewer infrastructure to consist of the following:

> Being and consisting of: 1) Water Service Extension consisting of a _____; and 2) a Sanitary Service Extension consisting of _____ and being more particularly shown and described on those construction plans and specifications, dated _____, prepared by _____ a Civil Engineering firm, said plans being incorporated herein by reference. 1) and 2) collectively are collectively

hereinafter referred to as the “New Infrastructure”. It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be required to meet the standards of the City of Hendersonville. As used herein, “New Infrastructure” shall be deemed to include any and all of any such modifications and amendments.; and

WHEREAS, the Property is not located within the City’s municipal boundaries but is located within the City’s extraterritorial jurisdiction; and

WHEREAS, the City is not obligated to offer water or sanitary sewer service to property outside its corporate limits but has agreed to do so pursuant to the terms and conditions of this Agreement; and

WHEREAS, Developer desires to have the completed New Infrastructure connected to the City's municipal water system and/or sanitary sewer system and made an integral portion thereof; and

WHEREAS, the City will permit said system(s) to be connected to the municipal system(s) under the terms and conditions heretofore established and agreed upon between the parties and specifically in conformance with the requirements of the most recent extension policy, most recent water and sewer standard construction specifications and details, and the City's Code of Ordinances currently in force.

NOW, THEREFORE, in consideration of the mutual benefits which will result to the parties in carrying out the terms of this Agreement, it is agreed as follows:

1. Developer shall, at Developer’s own expense, employ a North Carolina registered and licensed professional engineer ("Engineer") to complete design and permitting of the proposed New Infrastructure in conformance with NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T(sanitary sewer), the City's water and sewer standard construction specifications and details, and the City water and/or sewer Master Plan(s), and provide construction administration services during the construction of the New Infrastructure.

2. Developer shall require the Engineer to submit plans, reports, technical specifications, fees, permit applications, and any other items as required and approvable by the City (“Required Documents”). The Engineer shall disclose all proposed changes in the approved construction plans to the City in writing. If proposed changes are deemed by the City to be "significant" in nature, the City may require the Engineer to resubmit plans for re-permitting. The determination of whether a change is deemed to be significant shall be in the sole and absolute discretion of the City, and the Developer agrees to be bound thereby. This will require written approval by the City prior to re-submitting to the permitting agency or before proceeding with changes, even if permitting agency re-submittal is not required. City approval of a utility extension is subject to expiration should construction not be completed after a period of two years from the date of approval. Once the Required Documents have been approved by the City, they shall be deemed to be incorporated herein by reference as an amendment to this Agreement to indicate the Developers construction obligations under this Agreement.

3. The City will perform construction inspection during installation of the New Infrastructure and upon project completion submit written certification that the project was completed in accordance with the approved plans and specifications as required by NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T (sanitary sewer). Water and Sewer inspection fees shall be in accordance with the adopted City Fee Schedule as of the date of this agreement. Fees will be paid by the Developer upon certification and acceptance of the New Infrastructure, with amounts due being based on length of lines inspected, certified and accepted.

4. The Developer shall, at his or her own expense, furnish and transfer to the City all on-site and off-site easements, rights-of-way, and real property required for access to and perpetual maintenance and operation of the New Infrastructure and its appurtenances in accordance with the terms of this Agreement as provided herein below.

   Developer will be required to enter into the City's standard Deed of Dedication and Conveyance With Associated Easements for conveyance of the New Infrastructure and on-site easements, as amended. Further Developer will be required to use the City's standard Utility Infrastructure Easement Agreement when securing the necessary off-site right of way for the operation and maintenance of the New Infrastructure. For the avoidance of doubt, both standard forms permit use of the easements for the future installation of water, sewer and stormwater lines, and their associated appurtenances and accessories, in addition to the New Infrastructure, by or on behalf of the City. The City shall provide a copy of these standard forms upon request by the Developer.

5. For and in consideration of the sum of $800,000.00, paid by the City to Developer, Developer shall cause the New Infrastructure to be constructed and, upon completion, convey to the City all of the New Infrastructure and easements, on-site and off-site, prior to selling any of the lots in the lots in the development. The City shall pay $400,000.00 of the purchase price at the execution of this Agreement. The remaining balance shall be paid in four monthly installments of $100,000 per month, beginning with the first month following the start of construction. If the Developer sells a lot within the development to a third-party prior to the conveyance of the New Infrastructure and easements, Developer shall be responsible for all costs associated with obtaining title to the New Infrastructure and easements. It is also understood and agreed by the parties hereto that the City is purchasing the New Infrastructure in reliance upon the Developer's agreement that the Apple Ridge project will be used to provide housing that is affordable to households having a household income that is less than or equal to 80% of the area median income for Henderson County.

6. Developer shall comply with North Carolina General Statutes Chapter 143, Article 8, in bidding and constructing the New Infrastructure. Developer shall furnish all materials and all equipment and perform all the work necessary to complete the construction of the New Infrastructure described in the plans and specifications as approved by the City's authorized representative and permitting agency.

7. The installation and construction of the New Infrastructure shall be performed by a reputable and responsible Contractor possessing a valid North Carolina Public Utility Contractor's License directly related to the installation of the New Infrastructure issued by the North Carolina Licensing Board for General Contractors. As used herein, a "responsible Contractor" shall mean one possessing the requisite knowledge, experience, and financial resources to complete the construction of the New Infrastructure in accordance with the plans and specifications within the time allotted.

8. Developer shall be required to establish a discharge point for the flushing of the waterlines that are installed pursuant to this Agreement and that provided the City utilizes the method provided by the Developer, the City shall not be liable and Developer shall, to the fullest extent allowed by law, indemnify and hold the City harmless during the warranty period for any damages whatsoever as a result of the flushing of water lines.

9. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.

10. Developer shall submit the name, address and the Public Utility Contractor's License Identification Number of the proposed Contractor to the City prior to the preconstruction meeting. The City may investigate the validity of the Contractor's license and the Contractor's status as a responsible Contractor by methods including but not limited to contacting the owners of past projects for which the Contractor furnished work in order to obtain reference information

11. City staff will be assigned for the express purpose of periodic construction observation and inspection. The City's construction inspector(s) shall have the authority to report all discrepancies identified in all phases of construction to the Engineer regarding conformance with the approved construction drawings and specifications. This report shall in no way relieve the Developer of his or her obligation to engage a professional engineer to perform construction inspection and coordinate construction.

12. During construction, no deviations from the approved plans and specifications shall be allowed without the prior express written approval of the City and permitting agency if deemed necessary by the City.

13. The City Engineer, or authorized representative, shall be authorized to resolve disagreements between Developer's Contractor(s), and the City's construction inspector(s) regarding conformance with approved plans and/or specifications.

14. Upon completion of construction, the Developer shall cause the Engineer to arrange for a final inspection to be performed jointly by the Engineer, the contractor, and the City's construction inspector to determine if the project is acceptable to the City. At this time, a draft as-built shall be submitted to the City. If the project is not immediately acceptable, any deficiencies shall be noted in a written report (punch list) prepared by the City. This report shall be transmitted to the responsible parties. It shall be the responsibility of the Developer to correct any such deficiencies and arrange for a re-inspection of the system.

15. As part of the final inspection process for sewer collection systems, Developer shall satisfactorily complete the following as described in the most recent water and sewer standard construction specifications and details: air test, manhole vacuum tests, and mandrel deflection test. Video of the new sanitary sewer collection system by means of closed-circuit television (CCTV) will be performed by the City. All testing shall be certified and all certifications, along with the related data and any video of the sewer system, shall be submitted to the City before final acceptance of the project is granted by the City.

16. As part of the final inspection process for water distribution systems, Developer shall satisfactorily complete the following: pressure test lines, bacteriological sampling performed by a certified laboratory. The City's certified laboratory may be utilized. All testing shall be certified and all certifications, along with related data, shall be submitted to the City before final acceptance of the project is granted by the City.

17. Once all deficiencies are corrected and the project is deemed acceptable to the City, the Developer shall cause the Engineer to submit as-builts in formats acceptable to the City. The Engineer shall also submit any easements required for the New Infrastructure and any deeds necessary to convey ownership to the City. The Developer shall be responsible for acquiring easements from any third parties owning property over which any portion of the New Infrastructure is constructed, said easements to be titled in the name of the City, using forms to be provided by the City.

18. Prior to the activation of services on the newly constructed New Infrastructure, Developer shall convey unencumbered title and ownership to the City, of the New Infrastructure and its appurtenances, and shall assign and transfer all associated permits, licenses and permissions to the City. If a water extension was permitted for the same or similar project, the City shall receive final approval from the permitting agency. In certain circumstances as approved by the City, activation of services on portion(s) of the New Infrastructure may be permitted after partial certification(s) completion and approval(s).

19. The conveyance, assignment or transfer of (1) all permits, licenses or other permissions, and (2) all property and assets to the City, including but not limited to real or personal property, the New Infrastructure and its appurtenances, easements, rights of way or encroachments, (1) and (2) collectively hereinafter referred to as "Required Conveyances," shall be in form as approved by the City's legal counsel, and unless specifically excepted by the City Attorney, shall be in form proper for recording in the appropriate public registry. The conveyance of real property shall be in the form of a fee simple deed and without encumbrance as approved by the City's legal counsel. The Developer shall cause all affiliates or other third parties or entities having an ownership interest in the New Infrastructure or the Property to join the Required Conveyances, as reasonably determined by the City to be necessary to convey full title to the New Infrastructure and Required Conveyances to the City. With the execution hereof, Developer and City specifically agree that the New Infrastructure shall remain personal property, and shall not become a part of the real property, regardless of whether or not the New Infrastructure is permanently affixed to the real property comprising the Property.

20. The Developer shall provide a written release of the City's interest in the Required Conveyances (in form approved by the City Attorney) from any and all liens or other legal interests held by lenders, vendors or other third parties. The release(s) must be delivered in form for recording in the appropriate public registry, and must be received by the City in conjunction with the City's receipt of the Required Conveyances.

21. To the fullest extent allowed by law, and regardless of the approval(s) of any document(s) by the City's legal counsel, the Developer shall indemnify and hold the City harmless from all actions, causes and claims whatsoever against the City by any persons, firms, and corporations whatsoever relating in any manner to this Agreement (including but not limited to damages to persons or property related to construction and/or installation of the New Infrastructure) or the Required Conveyances. Without limiting the Developer's obligations under this paragraph in any manner, the Developer shall defend any and all claims, causes or actions whatsoever regarding the City's title or ownership in any of the Required Conveyances.

22. Developer shall guarantee the accepted and dedicated New Infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one calendar year from the date of final acceptance by the City. During this year of guarantee, Developer shall correct, or have corrected,

any defects that may develop in material, equipment, or workmanship. Should Developer fail to correct defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized representative to attend, a warranty inspection with the City prior to the expiration of said warranty period. For purposes of this paragraph 22, final acceptance shall be the date the Letter of Acceptance is issued by the City as described in paragraph 24 hereinbelow.

23. Before the issuance of final acceptance, the Developer or Engineer shall schedule a project closeout meeting with the City. The Developer or Engineer shall submit to the City, not later than the start of the project closeout meeting, all required closeout documents, including but not limited to recorded easement plats, warranty deeds, affidavits of lien waiver, as-built drawings with georeferenced infrastructure data, final walk-through inspection punch list and evidence of completion of said punch list, utility extension agreements, fixed asset evaluation form and infrastructure testing results. The City shall be under no obligation to [and in the absence of extraordinary circumstances will not] activate any services before receipt of all required documentation. Partial receipt shall be treated as an incomplete project closeout and no services shall be activated. A project closeout form shall be completed and executed by the Developer or by an authorized representative of the Developer and the City for each project. If the project described in this utility extension agreement is divided into phases, a project closeout form shall be executed for each phase prior to issuance of final acceptance. For purposes of this paragraph, and notwithstanding any other provision of this agreement, every required document shall be considered material, and “substantial compliance” shall not apply.

24. Once all items required by the Developer under this Agreement are complete, the City shall issue a formal "Letter of Acceptance" to the Developer for the project. The City shall incorporate the accepted system as an integral part of its utility system and shall furnish service therefrom in accordance with the rules, regulations, rates, and policies established for its customers. For the avoidance of doubt, “final acceptance” as used in this Agreement shall refer only to the date the Letter of Acceptance as described in this paragraph is issued by the City.

25. There shall be no intended nor incidental third-party beneficiaries of this Agreement.

26. This Agreement may not be assigned by the Developer without the express written consent of the City. Any assignment without the express written consent of the City shall be void. Any assignment approved by the City shall be in form approved by the City’s legal counsel. Such consent by the City and approval by the City’s legal counsel shall be for the sole and exclusive benefit and reliance of the City, and shall not be relied upon by the Developer nor any third party as to the validity or legal effect of an assignment.

27. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents, with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.

28. Developer is put on notice, and Developer agrees that, in the event that the meter boxes or cleanouts which are part of the New Infrastructure are installed, set, damaged, moved, or altered in any manner that requires the City to make repairs or adjustments to the meter boxes or cleanouts for their proper operation, or if the City has to perform any work, including but not limited to grading or removal of obstructions, to provide access to the City, Developer shall reimburse the City's full cost and expense incurred.

29. This agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts for Henderson County, North Carolina.

30. Failure of either party to enforce any terms of this Agreement shall not be deemed a waiver, in whole or in part, to enforcing any of its terms against the other party, unless such waiver is delivered to the other party in writing. Failure of either party to exercise the rights under this Agreement shall not be deemed a waiver or abandonment of such rights unless such waiver or abandonment be delivered in writing to the other party.

31. This Agreement may be recorded in the Henderson County Register of Deeds Office at the option of the City.

PLEASE BE ADVISED: The City shall not allow the activation of any water or sewer services until the City receives partial certification approval or final approval from the permitting agency and shall not allow the issuance of any certificates of occupancy until the City deems the project complete.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

DEVELOPER: HOUSING ASSISTANCE CORPORATION, an Ohio Limited Liability Company

BY:_____ (SEAL)
(signature)

Printed name:_____
Title:_____

THE CITY OF HENDERSONVILLE

BY:_____ (SEAL)
John Connet, City Manager

This instrument has been preaudited in that manner Required by the North Carolina Local Budget and Fiscal Control Act.

_____
John Buchanan, Finance Director

STATE OF _____ COUNTY OF _____

I, _____, (printed name of notary) a Notary Public of said County and State, do hereby certify that _____, personally appeared before me this day, and being duly sworn, stated that they are the _____(title) for The Housing Assistance Corporation, a North Carolina nonprofit corporation, and that they executed and acknowledged the foregoing instrument on behalf of The

Housing Assistance Corporation pursuant the due authorization by The Housing Assistance Corporation and that the instrument is the act and deed of The Housing Assistance Corporation.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____

Notary Public Signature (OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John F. Connet, personally appeared before me and, being duly sworn, stated that he is City Manager of the City of Hendersonville, North Carolina, and that he executed and acknowledged the foregoing instrument on behalf of the City of Hendersonville pursuant to order of the City Council of said City and that the instrument is the act and deed of the City of Hendersonville.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____

Notary Public Signature (OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John Buchanan, personally appeared before me and, being duly sworn, stated that he is Finance Director of the City of Hendersonville, North Carolina, and acknowledged the due execution of the foregoing instrument

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____

Notary Public Signature (OFFICIAL SEAL)

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 12/05/2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: December 2024 Budget Amendments– *Jennifer Floyd, Budget & Management Analyst II*

SUGGESTED MOTION(S):

I move City Council adopt budget amendments 12052024-01, 12052024-02, 12052024-03 as presented.

SUMMARY:

12052024-01: An amendment increasing the budget for the Ewart Hill Reservoir Project (fund 460, #19025) by $2,261 to prepare for closing.
12052024-02: An amendment increasing the budget for the Governor's Crime Commission Virtra Project (fund 301, #G2206) by $9,600 to prepare for closing.
12052024-03: An amendment increasing the budget for the Governor's Crime Safer Schools Project (fund 301, #GC210) by $185 to prepare for closing

BUDGET IMPACT: Summarized above.

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. Budget Amendments 12052024-01 through 12052024-03

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 .

City Manager Date

City Clerk Date

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 .

City Manager Date

City Clerk Date

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 General Fund	TOTAL REVENUES	-	-	-	137,340
	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 Grant Project	TOTAL REVENUES	34,999	185	-	35,184
	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 .

City Manager Date

City Clerk Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 12/5/2024

AGENDA SECTION: PRESENTATIONS **DEPARTMENT:** Administration

TITLE OF ITEM: Presentation of Housing Needs Assessment – *UNC School of Government Development Finance Initiative*

SUGGESTED MOTION(S):

NA

SUMMARY:

The UNC Development Finance Initiative will provide the findings from our Housing Needs Assessment.

BUDGET IMPACT: $ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

NA

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Matthew Manley	**MEETING DATE:**	December 5, 2024
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

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

SUGGESTED MOTION(S):

For Recommending Approval:

I move 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

[DISCUSS & VOTE]

For Recommending Denial:

I move City Council **deny** 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' 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 [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:

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

[DISCUSS & VOTE]

SUMMARY: *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.

PROJECT/PETITIONER NUMBER:	P24-66-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Comprehensive Plan Consistency & Criteria Evaluation 4. Draft Ordinance

ZONING TEXT AMENDMENT: ALIGNMENT OF URBAN RESIDENTIAL & URBAN VILLAGE ZONING DISTRICTS WITH GEN H COMPREHENSIVE PLAN (P24-66-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Urban Residential & Urban Village Alignment with Gen H Comp Plan
  - P24-66-ZTA
- Applicant:
  - City of Hendersonville
- Articles Amended:
  - Zoning Ordinance
    - Section 5-24
    - Section 5-25
  - Subdivision Ordinance
    - Section 1.07
- Zoning Districts Impacted:
  - Urban Village
  - Urban Residential
- Future Land Use Designations:
  - Multi-Generational Living
  - Neighborhood Center
  - Mixed Use-Commercial
  - Mixed Use-Employment
  - Downtown

Summary

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.

Additionally, the 2030 Comprehensive Plan is specifically referenced in the City's Subdivision Ordinance. This update would be to make the Subdivision generally reference the currently adopted Comprehensive Plan rather than reference a specific plan by year or title.

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

The Urban Residential and Urban Village Zoning Districts are two of the conditional zoning districts outline in Article V of the City's Zoning Ordinance. In both Conditional Zoning Districts (Section 5-24 & Section 5-25), references under "Procedure" are made to Future Land Use designations found in the City's *2030 Comprehensive Plan*. The purpose of referencing these designations found in the Future Land Use Map (FLUM) is to identify the appropriate locations in the City where Urban Village and Urban Residential zoning would be appropriate. Given that the new *Gen H 2045 Comprehensive Plan* has been adopted, these Future Land Use references are outdated and need to be aligned with the Character Area designations in City's newly adopted Future Land Use & Conservation Map. The indirect relationship between the Future Land Use designations in the *2030 Comprehensive Plan* and the *Gen H Comprehensive Plan* are as follows:

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

In addition to making these new references, staff is proposing to include language that supports the added density provided by the Urban Residential Zoning District within the "Focused Intensity Nodes" found on p. 119 of the *Gen H Comprehensive Plan*. The Focused Intensity Nodes are nearly 100% comprised of the Future Land Use Designations proposed for Urban Residential (listed above), but in cases where there is a Future Land Use designation, other than those listed but within one of these Focused Intensity Nodes, the proposed language to allow Urban Residential in these areas will provide clarity and align with the growth strategy proposed by the *Gen H Comprehensive Plan*.

Additionally, in an effort to further align with the goals of the Gen H Comprehensive Plan, staff is proposing to add additional residential uses to the list of permitted uses in the Urban Residential district. Currently, single-family (attached or detached) residential units are not permissible in the Urban Residential Zoning District, but are permitted in the Urban Village Zoning District. To provide opportunities for a range of housing types in new developments, it is proposed that single-family detached, single-family attached and two-family housing types be added to the list of permitted uses in the Urban Residential District. To ensure a mix of housing types other than just single-family detached, the proposed language limits the use of single-family detached housing to no more than 50% of the total units in the development.

Lastly, the City's Subdivision Ordinance makes a reference to the *2030 Comprehensive Plan* in the list of adopted policies that shall provide guidance towards "administration, enforcement, and amendments" to the Subdivision Ordinance. Staff is proposing that the reference be made broadly to the "most-recently" adopted "Comprehensive Plan" rather than reference a Comprehensive Plan from a specific year.

LEGISLATIVE COMMITTEE RECOMMENDATION

The proposed amendment was developed by staff after the August Legislative Committee meeting had already taken place. Therefore the Legislative Committee was unable to evaluate this proposal in advance of the September Planning Board meeting.

PROPOSED TEXT REVISIONS

The following revisions to the zoning code are presented for your consideration:

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 standards in Section 5-25-6

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.

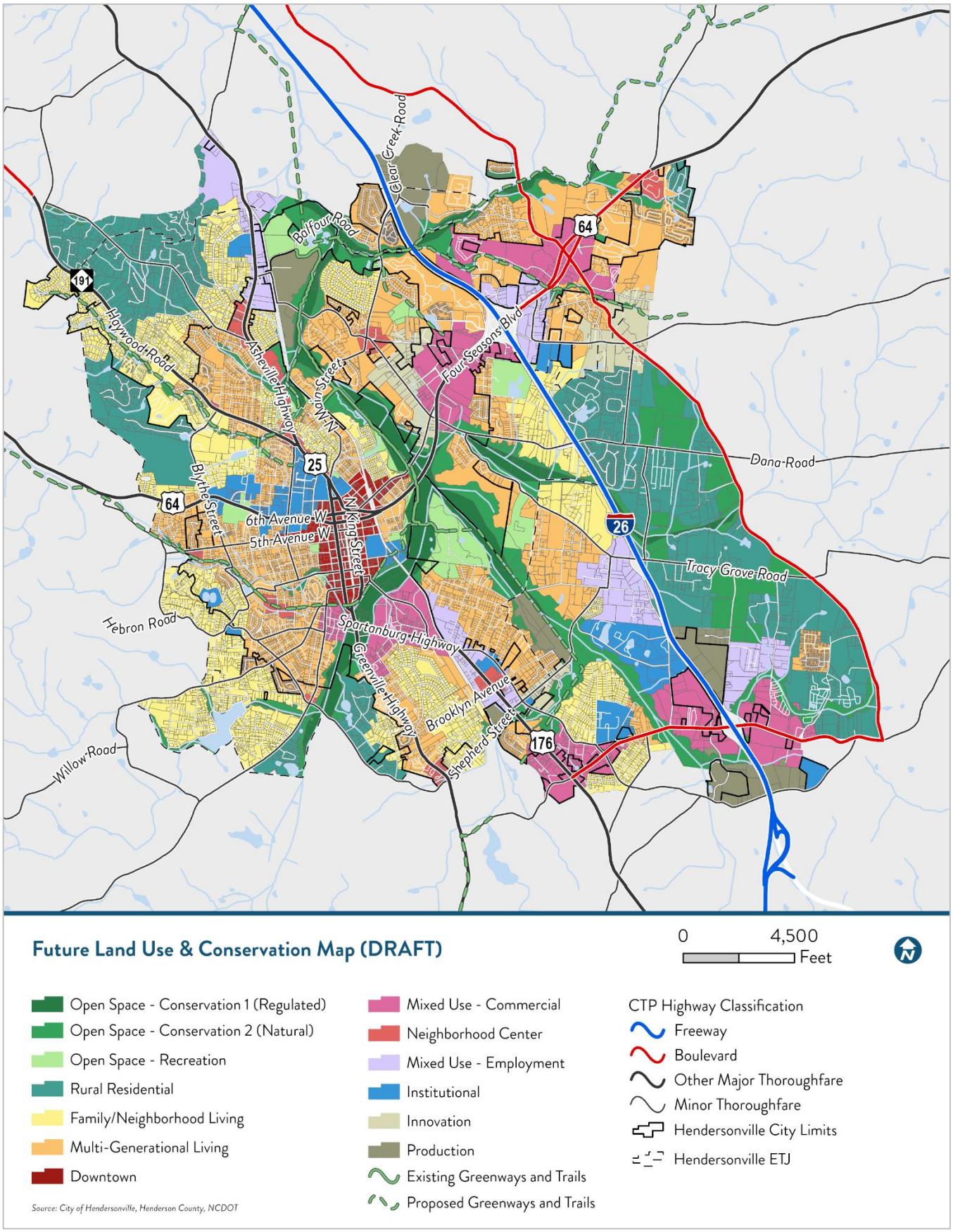
SUBDIVISION ORDINANCE

Sec. 1.07. Relationship to other laws and policies.

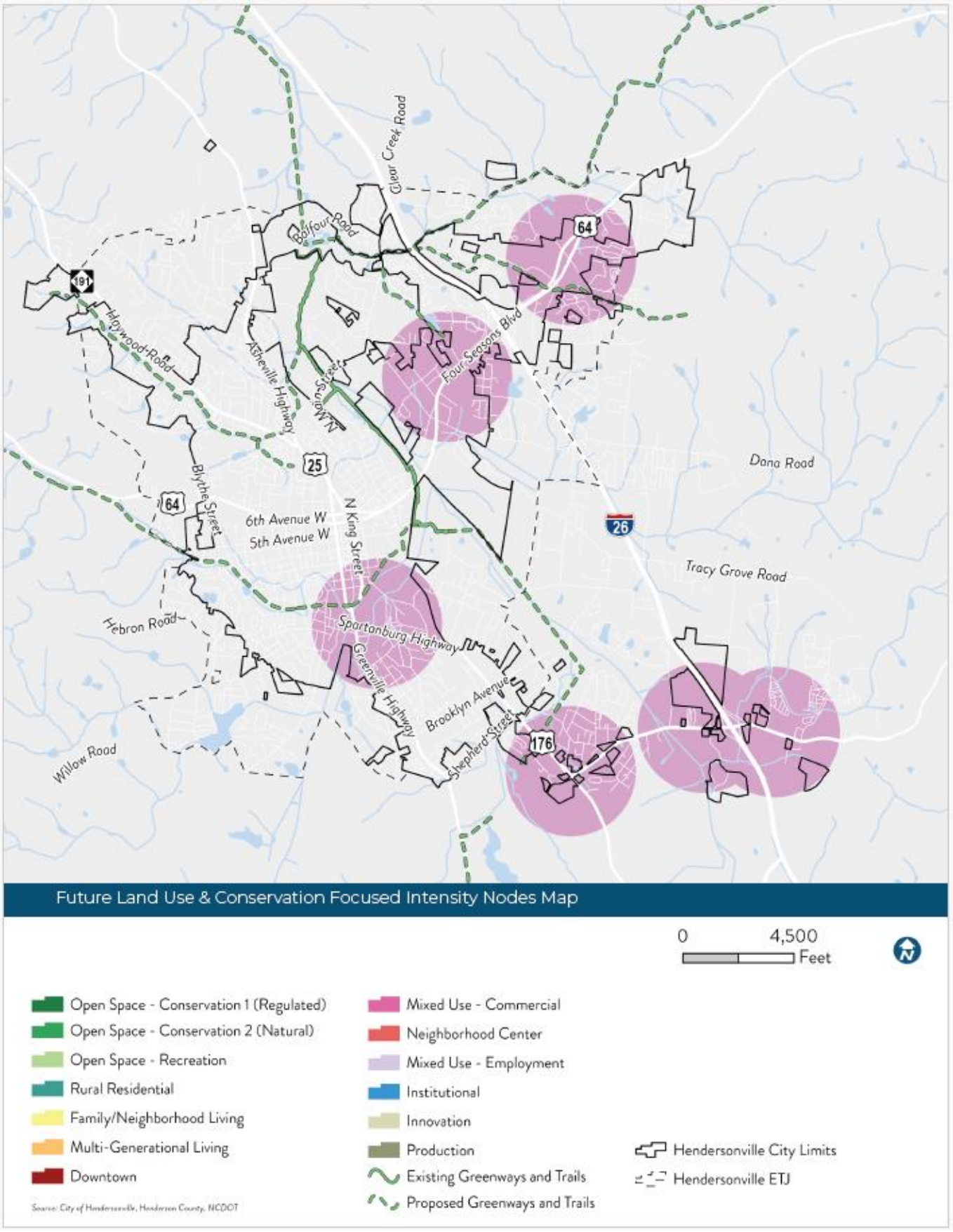
A. **Adopted policy guidance.** The administration, enforcement, and amendment of this ordinance shall be accomplished in accordance with the city's most-recently adopted policy guidance. The city's adopted policy guidance includes, but is not limited to:

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

GEN H COMPREHENSIVE PLAN -FUTURE LAND USE AND CONSERVATION MAP



FUTURE LAND USE & CONSERVATION FOCUSED INTENSITY NODES MAP



AMENDMENT STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	**LAND SUPPLY, SUITABILITY & INTENSITY** N/A
	FUTURE LAND USE & CONSERVATION MAP **Character Area Designations:** Downtown **Character Area Descriptions:** Consistent **Zoning Crosswalk:** Inconsistent **Focus Area Map:** N/A
2) COMPATIBILITY	***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property***
	In addition to a general analysis, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating the zoning text amendment's compatibility. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project the Downtown Character Areas, staff evaluated the project according to Chapter V of the Gen H Plan.
	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.
	GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) **Vibrant Neighborhoods**: Consistent **Abundant Housing Choices**: Consistent **Healthy and Accessible Natural Environment**: Consistent **Authentic Community Character**: Consistent **Safe Streets and Trails**: Consistent **Reliable & Accessible Utility Services**: N/A **Satisfying Work Opportunities**: Consistent **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:** Consistent **Compact Development:** Consistent

	Sense of Place: Consistent **Conserved & Integrated Open Spaces:** Consistent **Desirable & Affordable Housing**: Consistent **Connectivity**: Consistent **Efficient & Accessible Infrastructure:** Consistent
	DESIGN GUIDELINES ASSESSMENT (Chapter V) **Public Realm** - Consistent **Site Design** - Consistent **Building Design** - Consistent
3) **Changed Conditions**	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	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**	**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 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.
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**
	N/A
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 is no immediate development proposed.

Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description. One area of inconsistency is with the Zoning Crosswalk which only reflects Urban Residential and Urban Village as being appropriate zoning districts in the Multi-Generational Living Character Area. However, it is staffs' opinion that this zoning district can be applied in a range of Character Areas as one of the better tools to achieve the densities desired in certain areas of the city. One logical reason for Urban Residential not being more broadly applicable to other Character Areas, as identified in the Zoning Crosswalk, is due to the limitations on commercial uses as prescribed in 5-25-3. While Urban Village does not have these limitations on commercial uses and is more of a true mixed use zoning district, it is limited to developments that are 10 acres or greater in size.
2. Compatibility - The proposed text amendment would improve the compatibility of the Urban Residential Zoning District by expanding the mix of housing types permitted.
3. Changed Conditions - The text amendment is being prompted by the need for updated language in due to the newly adopted Gen H Comprehensive Plan which was adopted in early August 2024.
4. Public Interest - The text amendment maintains and improves the use of Urban Residential and Urban Village as critical zoning tools which advance the goals of the Gen H Comprehensive Plan.
5. Public Facilities - N/A
6. Effect on Natural Environment - N/A

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS 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.

We **[find/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:

DRAFT [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 [Rational for Denial]

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

PLANNING BOARD RECOMMENDATION

PROJECT #: P24-66-ZTA

MEETING DATES: September 12 & November 14, 2024

PETITION REQUEST: Alignment of Urban Village and Urban Residential with Gen H Comprehensive Plan

APPLICANT/PETITIONER: City of Hendersonville

PLANNING BOARD ACTION SUMMARY:

Staff gave a 10-minute presentation on the proposed text amendment at the September 12 Planning Board meeting. Staff reviewed the proposal in light of guidance from the Gen H Comprehensive Plan and the criteria for considering a rezoning. The public hearing, deliberation and decision were deferred to the November 14th Planning Board meeting due to noticing issues. At the November 14th meeting, staff gave an abbreviated recap presentation. In total, the Planning Board considered this item for 13 minutes.

PUBLIC COMMENT:

- Lynne Williams, Chadwick Ave – expressed concerns in regards to Urban Residential creeping into existing neighborhoods. She also expressed concerns about Urban Village and its impact on historic preservation based on information she had read related to zoning in other areas.

DELIBERATION:

- The Planning Board asked about how Urban Residential zoning would be applied. Staff explained that it was a CZD-only zoning district and that no areas of the city have a base zoning of Urban Residential.

MOTION:

- Kyle Gilgis moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

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

REASONABLENESS STATEMENT:

[Rationale for Approval]

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.

BOARD ACTION

- **Motion/Second**: Gilgis / Hanley
- **Yeas**: J. Robertson (Chair), B. Johnson, L. Flores, Peacock (Vice Chair), Hanley, Waters, Gilgis
- **Nays**: N/A
- **Absent**: B. Robertson, Whiting,
- **Recused**: N/A

UR & UV Alignment with Comp Plan | P24-66-ZTA		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	N/A	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	N/A	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Downtown**	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)		Inconsistent
Focus Area Map (Pg. 134-159)	Consistent	

UR & UV Alignment with Comp Plan | P24-66-ZTA		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
GOALS		
Vibrant Neighborhoods (Pg. 93)		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
Abundant Housing Choices (Pg. 93)		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
Healthy and Accessible Natural Environment (Pg. 94)		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent	
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	N/A	N/A
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent	NA
Authentic Community Character (Pg. 94)		
Downtown remains the heart of the community and the focal point of civic activity	Consistent	
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent	
Historic preservation is utilized to maintain the city's identity.	Consistent	
City Centers and neighborhoods are preserved through quality development.	Consistent	
Safe Streets and Trails (Pg. 95)		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Consistent	
Reliable & Accessible Utility Services		

Wastewater treatment (service and capacity) adequately serves existing and future development	N/A	N/A
Satisfying Work Opportunities (pg. 96)		
The development promotes quality job options.	Consistent	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent	
Welcoming & Inclusive Community		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent	
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	Consistent	
Accessible & Available Community Uses and Services (Pg. 97)		
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A
Resilient Community		
N/A		
GUIDING PRINCIPALS (pg. 98)		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	Consistent	
New business and office space promotes creative hubs.	Consistent	
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive [Small Infill Site].	Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.	Consistent	
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure	Consistent	

UR & UV Alignment with Comp Plan | P24-66-ZTA		
Chapter 5 - Downtown Design Guidelines	**Consistent**	**Inconsistent**
PUBLIC REALM		
Blocks (Pg. 212)		
Provide vehicle access to nearby buildings via alleyways or shared driveways.	Consistent	
Utilize smaller curb radii to shorten crossing distances for pedestrians.	N/A	
Extend the historic downtown block pattern throughout the entirety of the downtown character districts.	Consistent	
Implement interior pedestrian cut throughs as necessary to achieve the ideal block size (300-500').	Consistent	
Main Street & Downtown Edge Character Districts (Pg. 213)		
Any future development or redevelopment within the Main Street and Downtown Edge character districts should maintain consistent with the existing block size and grid layout along Main Street and in the downtown core.	Consistent	
New connector streets and alleys should be considered where appropriate to increase better access and circulation.	Consistent	NA
Streetscape Character (Pg. 218-222)		
The streetscape character matches the street classification the development is located on. (Pg. 218-219)	Consistent	
The streetscape zones are sufficient for the street classification. (Pg. 224-234)	Consistent	
Pedestrian & Bike Infrastructure (Pg. 238-243)		
Sidewalks (Pg. 238)		
Internal sidewalk connections should be provided between buildings and from buildings to all on-site facilities including parking areas, bicycle facilities, open spaces, and amenities.	Consistent	
External sidewalks should be provided from all buildings onsite to the existing or proposed sidewalk system and to abutting multi-use trails, parks, and greenways.	Consistent	
Greenways & Trails (Pg. 238)		
Expand and improve greenway and trail networks to create connections between neighborhoods, parks, and destinations.	Consistent	NA
On-Road Facilities		
Sidewalks (Pg. 240)		
Expand existing sidewalk network to fill gaps in connectivity. Downtown sidewalks, where feasible, should be a minimum of 10' in width to promote walkability.	Somewhat Consistent	

Incorporate buffer zones, such as landscaped areas or street furniture, between sidewalks and vehicular traffic	Consistent	
SITE DESIGN (Pg. 254-265)		
Frontage Types (Pg. 254)		
Identify which Frontage Type the development is and write in cell to the right.	N/A	
Building Placement & Setback Character (Pg. 254-255)		
Orientation (Pg. 254-255)		
Building faces the street and is accessible from the sidewalk.	Consistent	
Site layout shall prioritize placing buildings towards the front of the lot, with parking situated to the side and/or rear of the building	Consistent	
Buildings located on a corner should have one of the following architectural features: Two entrances, one primary and one secondary, located on each frontage. Architecturally prominent corner entry with vertical emphasis through building height or architectural elements like porches, colonnades, etc.	Consistent	
Setback Line (Pg. 255)		
The setback line is based off of the future back of curb - based on Frontage Type (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Zone		
The Build-to-Zone begins at the required Frontage Type setback line (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Percentage		
The Build-To-Percentage refers to the proportion of a lot's frontage that must be occupied by the building façade. (Pg. 256, refer to Figure 5.26)	Consistent	
Setback Exceptions (Pg. 255)		
Refer to this section for setback exceptions for Primary and Primary-Other classification. (Pg. 255)	NA	NA
Building Height		
Story (Pg. 257)		
New downtown buildings must be at least two stories tall, with exceptions for certain accessory structures like retail kiosks or public restrooms	Consistent	
Building Height by District		
The permitted building height varies according to the specific character district. Refer to Figure 5.28	Consistent	
The building height is appropriate based off of the maximum heights set by the Building Heights Map (Figure 5.31, Pg. 259).	Consistent	

Rear and Side Setbacks for Development		
Character District Transitions (Pg. 260)		
When development is located next to a district with a lower height restriction, the development should be no more than one-story differential for the first 50 feet of building width.		Inconsistent
Residential Transitions (Pg. 260)		
Development adjacent to residentially zoned land and/or historic structure should be no more than one-story differential for the first 50 feet of building width.		Inconsistent
Greenway & Trail Frontage (Pg. 260)		
When future development is planned along a proposed trail as outlined on any adopted plans, it is the responsibility of the development to construct the portion of the trail along the development frontage.	Consistent	
Connections to Parks and Greenways (Pg. 261)		
When a development abuts an existing or future greenway, park, or open space area, pedestrian/bicycle accessways must be provided at a minimum of every 1000 feet when feasible as determined by City staff.	Consistent	
Landscape (Pg. 261)		
Design landscaping, fencing, and retaining walls to be integrated into the site and its architecture.	Consistent	
Screen service areas, utilities, and parking areas with trees, shrubs, and other landscaping.	Consistent	
Install pedestrian bulbouts at street intersections within the downtown districts to reduce pedestrian crossing distance and expand public space. Integrate plantings, monumentation, public art, and seating within these spaces	N/A	N/A
Stormwater Management (Pg. 261)		
Underground stormwater detention should be utilized within the downtown districts versus surface detention facilities.	NA	N/A
Low impact stormwater management methods such as pervious paving, bioretention, and vegetated landscape islands shall be utilized in surface parking lots.	N/A	N/A
Utilize innovative stormwater management methods such as the use of bioretention in planting strips along nonprimary streets.	N/A	N/A
Parking (Pg. 262)		
Surface parking lots shall not be a principal use in any character district		Inconsistent
For commercial and institutional/semi-public uses within the character districts, 5% of the total parking spaces should allow for public use during offpeak business hours.	N/A	N/A
Shared parking is encouraged.	Consistent	
Structured Parking (Pg. 262)		

Parking structures are encouraged within the downtown districts to reduce the footprint of surface lots.	N/A	N/A
Developments requiring 200 vehicular parking spaces or more must build structured parking.		Inconsistent
Parking structures may be a principal use in the character districts.	Consistent	
Parking structures should be wrapped with liner buildings and follow these design duidelines: When adjacent to a frontage, parking structures shall include active uses along 80% of the primary frontage and 60% of the ground floor building length along any seconding frontage, excluding areas of required vehicular and pedestrian egress, and utility rooms. Vertical and horizontal architectural elements should be designed in a manner to approximate the window openings on adjacent habitated portions of the building. 60% of all openings on or visible from a frontage shall be screened with architectural louvers and/or panels.	N/A	N/A
Parking Requirements (Pg. 262-263)		
Within the Main Street character district, parking requirements are optional with the provision of a fee in lieu of.	N/A	N/A
Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking requirements are per the underlying zoning district.	Consistent	
The following parking maximums apply to properties within each of the character districts regardless of the underlying zoning designation (Figure 5.33, Pg. 263).	Consistent	
Trailhead Parking (Pg. 263)		
Surface lots for trailhead parking are allowed within the 7th Avenue and Lower Trailhead character districts.	Consistent	
Trailhead parking lots must be spaced a minimum ½ mile from each other.	N/A	N/A
These parking lots shall hold 10 spaces or fewer, including ADA spaces.	N/A	N/A
Trailhead parking lots may incorporate amenities such as restrooms, water fountains, trash/recycling receptacles, and benches.	Consistent	
Parking lots must be screened from the trail and the public street utilizing landscaping at a minimum width of a 10' landscape buffer.	Consistent	
On-Site Open Space (Pg. 264)		
All proposed developments are required to provide onsite open space except for developments on parcels onefourth acre or less in size.	Consistent	
Developments shall provide a minimum of on-site open space in accordance with the following: Main Street: 5%, Downtown Edge: 10%, 7th Avenue: 10%, Lower Trailhead: 15%	Consistent	
Public On-Site Open Space (Pg. 264)		
Public on-site open space should be provided in accordance with Table 5.34 on Pg. 264.	Consistent	
On-Site Open Space Types (Pg. 264)		

Appropriate on-site open space is provided in accordance with Figure 5.36 Pg. 265.	Consistent	
BUILDING DESIGN		
Architectural Character (Pg. 266)		
Development design fits into the existing architectural character of the character district its located in.	Consistent	
Façade Articulationa and Massing (Pg. 268-269)		
For buildings 150 feet in length or longer: Façades shall be divided into shorter segments by means of modulation; such modulation shall occur at intervals of no more than 60 feet and shall be no less than 2 feet in depth. A courtyard, with a minimum width and depth of 60 feet, shall be visible from the street on primary frontages spaced no more than 150 feet.	Consistent	
Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas shall be incorporated into the building façade and are considered in meeting required build-to percentages. The first two floors above the street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance pedestrian environment. Special interest to the base shall be provided by incorporating elements such as corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base. Buildings on a corner or at an axial terminus should be designed with additional height or architectural embellishment. Examples include: Chamfered or rounded corners. Projecting and recessed balconies and entrances. Enhanced window designs	Consistent	
Building Elements (Pg. 270-275)		
Entry		
The main pedestrian entry shall be a prominent entrance on the primary frontage	Consistent	
For corner buildings with two frontages, the main pedestrian entry can be located on the corner.	Consistent	
Enhance the design of entry areas with materials, as well as architectural and landscape features, that will naturally guide pedestrians	Consistent	
Windows		
Shopfront windows shall not be lower than 2 feet from the ground plane except where architectural elements like floor or ceiling glass curtain walls or glass roll up doors are utilized.	Consistent	
Windows should comprise more than 60% of the building façade in the Main Street and Downtown Edge districts.	Consistent	
Windows should comprise more than 40% of the building façade in the 7th Avenue and Lower Trailhead districts.	Consistent	
Windows shall be set back 4-6 inches from the façade rather than flush.	Somewhat Consistent	

Roof		
Infill development in the Main Street district shall have flat roofs to match the existing architecture of Main Street.	Somewhat Consistent	
Pitched roofs are permitted in the Downtown Edge, 7th Avenue, and Lower Trailhead districts.	Consistent	
Recessed Doorways		
Recessed doorways are encouraged with 5 feet as the maximum distance of recess from the front wall.	Consistent	
No glass shall be positioned lower than two feet above ground level.	Consistent	
Doors are not permitted to swing into the sidewalk/ pedestrian zone		Inconsistent
Activated Ground Floor		
Ground floor façades should be composed primarily of glass to allow views of the use and activity within the buildings	Consistent	
Within the Main Street and Downtown Edge districts, the ground floor shall be composed of commercial uses.	Consistent	
Private residences are prohibited on primary frontages within Main Street and Downtown Edge districts.		Inconsistent
Primary residence entries, including those for townhomes and brownstones, should incorporate features such as stoops, porches, etc.	Consistent	
Ground floor design should incorporate elements such as retail displays, planters, art, and canopy coverings to encourage pedestrian activity.	Consistent	
Materiality		
Materials chosen for building façades, balconies, windows, or roof should be compatible with the surrounding context of the district but should not be identical as to not allow for any diversity.	Consistent	
All façades visible from a primary frontage shall utilize high-quality finish materials such as: brick, wood, stone, concrete-based stucco, horizontal wood siding, architectural metal panel, or wood shingle.	Consistent	
Within the Main Street and Downtown Edge districts, brick shall be the primary building material. Predominant shall mean more than (50%) of the non-glasses wall surface	N/A	
The following materials are prohibited within any of the downtown districts: EFIS, concrete board, concrete block, pre-engineered corrugated metal panels, and vinyl.	Somewhat Consistent	
Franchise Architecture		
Franchise architecture, a standardized architectural building style used as part of a standardized program to promote brand identity through visual recognition, is not permitted within the character districts.	Consistent	
Franchise architecture should be modified as necessary to be in line with the existing character district in which it is proposed.	Consistent	

Franchise architecture must conform with all Downtown Design Guidelines.	Consistent	
Drive-Throughs		
Drive-through facilities or services are not permitted within the Main Street, Downtown Edge, or 7th Avenue districts. • This applies to any type of drive-through facility or service including restaurants and financial institutions. Walk-up service windows are the preferred service window in a downtown pedestrian-oriented district	Consistent	
Within the Lower Trailhead District, drive-throughs are permitted but cannot be along the primary frontage. They shall be located to the rear of the building.		Inconsistent
Signs		
Landmark signs may include historic painted wall signs on a building façade; even if that business or product is no longer on site, the sign adds character to the area, and should be considered a landmark sign.	NA	NA

Ordinance #

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.

Attest: _____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Matthew Manley	**MEETING DATE:**	December 5, 2024
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – 329 Signal Hill Rd (Givens) | P24-71-RZO – *Matthew Manley, Long-Range Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:
I move 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 (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]

[DISCUSS & VOTE]

For Recommending Denial:
I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 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 do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

1. There is no other C-2 Zoning in this area
2. C-2 Zoning is found to be incompatible with the Goals and Guiding Principles of the City's adopted plans.
3. C-2 Zoning would increase commercial activity along Signal Hill Rd and potentially lead to detrimental impacts on traffic flow and residential uses.

[DISCUSS & VOTE]

SUMMARY: *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.

PROJECT/PETITIONER NUMBER:	P24-71-RZO
PETITIONER NAME:	o Sean & Helen Givens [Applicant/Owner]
ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Zoning District Comparison 4. Comprehensive Plan Consistency & Criteria Evaluation Worksheet 5. Draft Ordinance 6. Proposed Zoning Map 7. Application

STANDARD REZONING: 329 SIGNAL HILL RD - GIVENS (P24-71-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - 329 Signal Hill RD (Givens)
  - P24-71-RZO
- Applicant & Property Owner:
  - Sean & Helen Givens
- Property Address:
  - 329 Signal Hill Rd
- Project Acreage:
  - .42 Acres
- Parcel Identification (PINS):
  - 9579-06-4126
- Current Parcel Zoning:
  - RCT, Residential-Commercial Transition
- Proposed Zoning District:
  - C-2, Secondary Business
- Future Land Use Designation:
  - Innovation



SITE VICINITY MAP

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 <u>not</u> be a binding site plan, list of uses, nor conditions placed on the site. 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.

SITE IMAGES



View of current structure on subject property



View along Signal Hill Rd facing west. Linda Vista Dr on left. Subject Property on right.

SITE IMAGES



View along Signal Hill Rd facing east. WHKP property and Signal Hill Storage on right. Subject Property on left.



Swale along western edge of property located in unopened right-of-way

SITE IMAGES

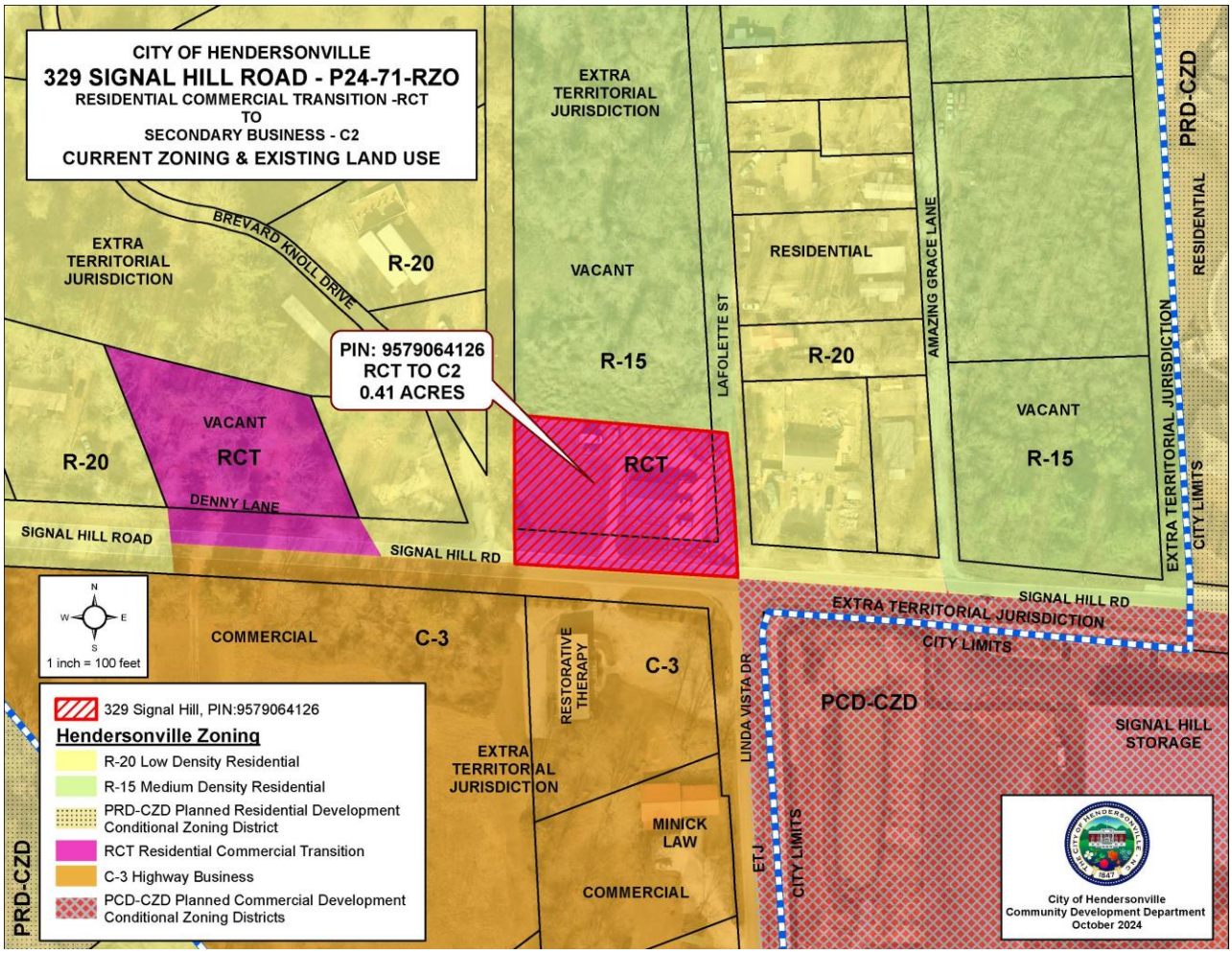


View of the rear of the subject property



View of adjacent property to the rear of subject property

EXISTING ZONING & LAND USE

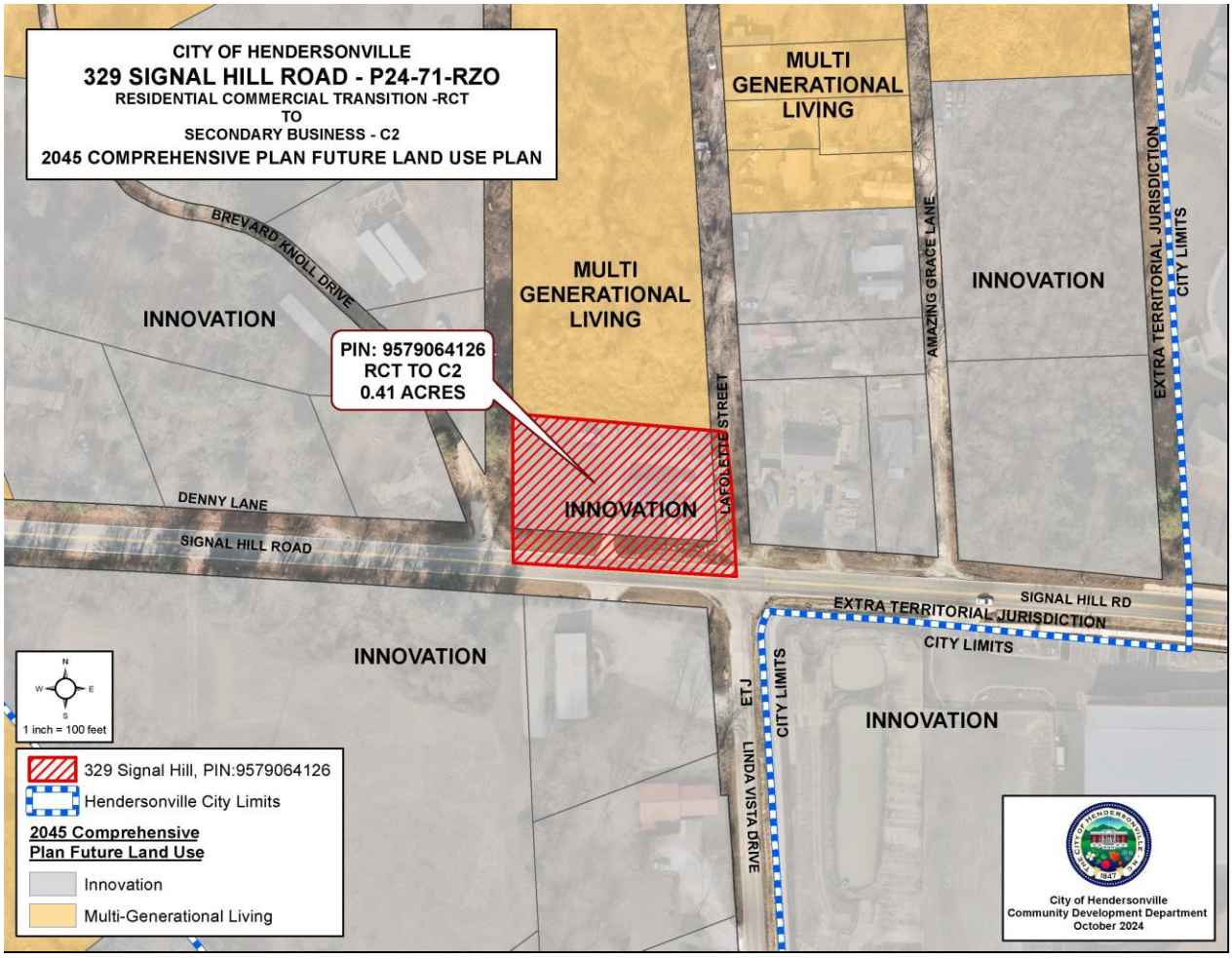


Existing Zoning & Current Land Use Map

The subject property is currently outside the municipal limits in the City's ETJ and is zoned RCT, Residential-Commercial Transition. The property is made up of 1 0.42 acre lot with 1 principal building, driveway and parking area. There is one other property zoned RCT along Signal Hill Rd. Other properties on the north side of Signal Hill Rd are zoned R-20, R-15, PRD and C-3 at the intersection with Thompson St. On the south side of Signal Hill Rd, zoning districts include PRD, PCD, C-3 and R-20.

The land uses in this area are typical of a urban-rural transition area ranging from vacant and low density residential to higher intensity commercial uses. The residential uses are primarily individual properties on larger parcels and not part of planned developments, however there is one multi-family development in close proximity and another nearby apartment complex that has been approved but not constructed. The commercial uses include radio station tower, self-storage and automobile body shop.

FUTURE LAND USE



Future Land Use & Conservation Map

The City's Gen H 2045 Comprehensive Plan designates the subject property as "Innovation" in the Future Land Use & Conservation Map. The adjacent properties flanking east, west and south are also designated Innovation. To the north, the properties transition to Multi-Generational Living. The Character Area description for Innovation is as follows:

> *This area supports light manufacturing, maker spaces, creative offices, and warehouses. Commercial services cater to both daytime workers and local residents. It's conveniently located near major transportation routes. The design follows compatibility standards, using transitional spaces and landscaping to hide loading docks. The area features diverse parcel and building sizes, with a central open space and connected greenway system. Streets vary between pedestrian-friendly and those accommodating trucks.*

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	**LAND SUPPLY, SUITABILITY & INTENSITY** The subject property is not located on a vacant or underutilized property in the Land Supply Map and therefore is not ranked for Suitability for Residential, Commercial and Industrial uses. The subject property is located in an area designated as "Moderate" for Development Intensity. The subject property is not located in one the 5 Focus Areas. The subject property is located in a Focused Intensity Node.
	FUTURE LAND USE & CONSERVATION MAP **Character Area Designation:** Innovation **Character Area Description:** Consistent **Zoning Crosswalk:** Consistent **Focus Area Map:** Consistent
2) COMPATIBILITY	***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property***
	In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to "compatibility". The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan.
	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 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.
	GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) **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 **Accessible & Available Community Uses and Services**: Consistent **Resilient Community**: N/A
	GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) **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
	DESIGN GUIDELINES ASSESSMENT – N/A
3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	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 and 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	**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 -**
	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.
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**
	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	**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 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.

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Crosswalk.
2) Compatibility – Despite finding that the "Innovation" Future Land Use correlates with uses permitted under C-2 zoning, other aspects of C-2 zoning are found to be inconsistent with the Goals and Guiding Principles of the Gen H Comprehensive Plan.
3) Changed Conditions - Staff finds that the changed conditions relate to increased commercial activity along the Signal Hill Rd corridor and future transportation improvements.
4) Public Interest - Staff finds while new economic activity could be introduced by C-2 zoning, the expansion of intense commercial development along this corridor could have negative impacts on traffic flow and residential uses.
5) Public Facilities - Staff finds that increased economic use of the property would require the expansion of City services.
6) Effect on Natural Environment - N/A

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'.

We **[find/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:

DRAFT [Rationale for Approval]

- *C-2 Zoning would allow for greater economic use of the subject property*
- *Introduction of C-2 Zoning along this corridor could lead to further expansion of commercial opportunities in this area*

DRAFT [Rational for Denial]

- *There is no other C-2 Zoning in this area*
- *C-2 Zoning is found to be incompatible with the Goals and Guiding Principles of the City's adopted plans.*
- *C-2 Zoning would increase commercial activity along Signal Hill Rd and potentially lead to detrimental impacts on traffic flow and residential uses.*

PLANNING BOARD RECOMMENDATION
PROJECT#: P24-71-CZD
MEETING DATE: November 14, 2024

PETITION REQUEST: 329 Signal Hill Rd (RCT to C-2)

APPLICANT/PETITIONER: Sean & Helen Givens (applicant/owners)

PLANNING BOARD ACTION SUMMARY:

Staff gave an 8-minute presentation on the requested development - reviewing a comparison of the two zoning districts, guidance from the Gen H Comprehensive Plan and the criteria for considering a rezoning. The Planning Board asked questions pertaining to the permitted uses in RCT vs C-2. In total Planning Board considered this item for 21 minutes.

APPLICANT PRESENTATION:

The applicant was not present.

PUBLIC COMMENT:

Limited to 3 minutes per person.

- Ken Fitch, 1046 Patton St – asked questions regarding sewer availability and its impact on future development.

DELIBERATION:

The Planning Board deliberated about several aspects of the proposed rezoning including the linear expansion of commercial along Signal Hill Rd and how that would expand vehicular congestion similar to that found on Four Seasons Blvd. Other topics discussed included the need to revamp the C-2 Zoning District to align with the Gen H Comp Plan as well as the presence of existing commercial uses and zoning along this corridor.

MOTION:

Peter Hanley moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

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'.

REASONABLENESS STATEMENT:
[Rationale for Approval]

1. C-2 Zoning would allow for greater economic use of the subject property

BOARD ACTION

- **Motion/Second**: Hanley / Flores
- **Yeas**: Hanley, Flores, Peacock, Gilgis
- **Nays**: J. Robertson (Chair), Waters
- **Absent**: B. Robertson, Whiting, Johnson

PERMITTED & SPECIAL USES	
RCT Residential-Commercial Transition (Current) *Green = Same in both districts* *Red = Different from proposed district* *Orange = Caveat on use*	**C-2 Secondary Business (Proposed)** *Green = Same in both districts* *Red = Different from proposed district* *Orange = Caveat on use*
Permitted Uses: • Accessory dwelling units, subject to supplementary standards contained in section 16-4, below • Accessory uses and structures • Adult care centers registered with the NC Department of Health and Human Services (DHSS) • Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling • Animal hospitals and clinics, subject to dimensional requirement for commercial uses and so long as they contain no outdoor kennels • Automobile car washes so long as no attendants are employed on the premises • Banks and other financial institutions subject to dimensional requirements for commercial uses • Business services subject to dimensional requirements for commercial uses • Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling • Greenhouses and nurseries, commercial, subject to dimensional requirements for commercial uses • Home occupations • Laundries, coin-operated, subject to dimensional requirements for commercial uses • Music and art studios • Neighborhood community centers	**Permitted Uses:** • Accessory dwelling units subject to supplementary standards contained in section 16-4, below • Accessory uses and structures • Adult care centers registered with the NC Department of Health and Human Services (DHSS) • Animal hospitals and clinics so long as the use contains no outdoor kennels • Automobile car washes • Automobile sales & service establishments • Banks and other financial institutions • Bed and breakfast facilities (SU) • Business services • Congregate care facilities, subject to supplementary standards contained in section 16-4, below • Construction trades facilities so long as the storage of equipment and materials is screened from view from public rights-of-way • Convenience stores with or without gasoline sales • Cultural arts buildings • Dance and fitness facilities • Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area • Farm equipment sales and service • Food pantries, subject to the supplementary standards contained in section 16-4, below • Funeral homes • Golf driving ranges and par three golf courses • Greenhouses and nurseries, commercial • Home occupations • Hotels and motels • Laundries, coin-operated

- Offices, business, professional and public, subject to dimensional requirements for commercial uses
- Parks
- Personal services, subject to dimensional requirements for commercial uses
- Planned residential developments (minor), subject to procedures and regulations contained in article VII
- Religious institutions
- Residential dwellings, single-family
- Residential dwellings, two-family
- Retail stores, subject to dimensional requirements for commercial uses
- Signs, subject to the provisions of article XIII
- Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

Special Uses:

- Bed & breakfast facilities
- Child care centers
- Civic clubs & fraternal organizations
- Public utility facilities
- Pet-sitting
- Residential care facilities
- Restaurants (P)

- Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below
- Mobile food vendors, subject to supplementary standards contained in section 16-4, below
- Music and art studios
- Neighborhood community centers
- Newspaper offices and printing establishments
- Nursing homes subject to supplementary standards contained in section 16-4, below
- Offices, business, professional and public
- Parking lots and parking garages
- Parks
- Personal services
- Planned residential developments (minor), subject to the requirements of article VII, below
- Private clubs
- Progressive care facilities subject to supplementary standards contained in section 16-4, below
- Public and semi-public buildings
- Recreational facilities, indoors
- Recreational facilities, outdoors, commercial
- Religious institutions
- Repair services, miscellaneous
- Residential care facilities
- Residential dwellings, single-family
- Residential dwellings, two-family
- Residential dwellings, multi-family, subject to supplementary standards contained in section 16-4, below
- Rest homes, subject to supplementary standards contained in section 16-4, below
- Restaurants (SU)
- Retail stores
- Schools, post-secondary, business, technical and vocational
- Schools, primary and secondary
- Service stations

	• Signs, subject to the provisions of article XIII • Small scale manufacturing, subject to the supplementary standards contained in section 16-4, below • Telecommunications antennas, subject to supplementary standards contained in section 16-4, below • Theaters, indoor • Wholesale businesses **Special Uses:** • Animal kennels • Automotive paint and body work • Bus stations • Child care centers • Civic clubs and fraternal organizations • Light manufacturing • Public utility facilities
DIMENSIONAL STANDARDS	
<u>RCT Residential-Commercial Transition</u> (Current) *Green = Same in both districts* *Red = Different from proposed district* *Orange = Caveat on standard*	**<u>C-2 Secondary Business</u> (Proposed)** *Green = Same in both districts* *Red = Different from proposed district* *Orange = Caveat on standard*
Dimensional Requirements: Minimum Lot Area in Square Feet: 8,000 Lot Area per Dwelling Unit in Square Feet: N/A; Minimum Lot Width at Building Line in Feet: 75 Minimum Lot Width (residential only): N/A Minimum Yard Requirements in Feet: Principal Structure: Front: 20 Side: 15 Rear: 15 Maximum Height in Feet: 35	Dimensional Requirements: Minimum Lot Area in Square Feet: 8,000 (6,000 for residential) Lot Area per Dwelling Unit in Square Feet: 6,000; 4,000 (for one additional dwelling unit) Minimum Lot Width at Building Line in Feet: 0 Minimum Lot Width (residential only): 50 Minimum Yard Requirements in Feet: Principal Structure: Front: 15 (20 for Res) Side: 0 or 5. 10’ on Corner Lots Rear: 0 / 10 when abutting Res District (15 for Res) Maximum Height in Feet: 48

329 Signal Hill Rd - RCT to C-2 | P24-71-RZO		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	Consistent	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	Consistent	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Downtown**	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent	
Focus Area Map (Pg. 134-159)	Consistent	

329 Signal Hill Rd - RCT to C-2 | P24-71-RZO		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
GOALS		
Vibrant Neighborhoods (Pg. 93)		
Promote lively neighborhoods that increase local safety.		Inconsistent
Enable well-maintained homes, streets, and public spaces.		Inconsistent
Promote diversity of ages (stage of life), income levels, and a range of interests.		Inconsistent
The design allows people to connect to nearby destinations, amenities, and services.		Inconsistent
Abundant Housing Choices (Pg. 93)		
Housing provided meets the need of current and future residents.		Inconsistent
Range of housing types provided to help maintain affordability in Hendersonville.		Inconsistent
Housing condition/quality exceeds minimum standards citywide	N/A	N/A
Healthy and Accessible Natural Environment (Pg. 94)		
Recreational (active and passive) open spaces are incorporated into the development.		Inconsistent
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.		Inconsistent
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.		Inconsistent
Development is compact (infill/redevelopment) to minimize the ecological footprint.		Inconsistent
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	N/A	N/A
Authentic Community Character (Pg. 94)		
Downtown remains the heart of the community and the focal point of civic activity	N/A	N/A
A development near a gateway sets the tone, presenting the image/brand of the community.	N/A	N/A
Historic preservation is utilized to maintain the city's identity.	N/A	N/A
City Centers and neighborhoods are preserved through quality development.		Inconsistent
Safe Streets and Trails (Pg. 95)		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.		Inconsistent
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.		Inconsistent
Reliable & Accessible Utility Services		

Wastewater treatment (service and capacity) adequately serves existing and future development	N/A	N/A
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.		Inconsistent
Satisfying Work Opportunities (pg. 96)		
The development promotes quality job options.	Consistent	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent	
Welcoming & Inclusive Community		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.		Inconsistent
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.		Inconsistent
Accessible & Available Community Uses and Services (Pg. 97)		
Private development is plentiful, meeting the demands of current and future populations.	Consistent	
Resilient Community		
N/A		
GUIDING PRINCIPALS (pg. 98)		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas		Inconsistent
New business and office space promotes creative hubs.		Inconsistent
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.		Inconsistent
The infill project is context sensitive [Small Infill Site].		Inconsistent
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]		Inconsistent
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.		Inconsistent
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.		Inconsistent
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.		Inconsistent
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure		Inconsistent

Ordinance #___-____

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.

Attest: _____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

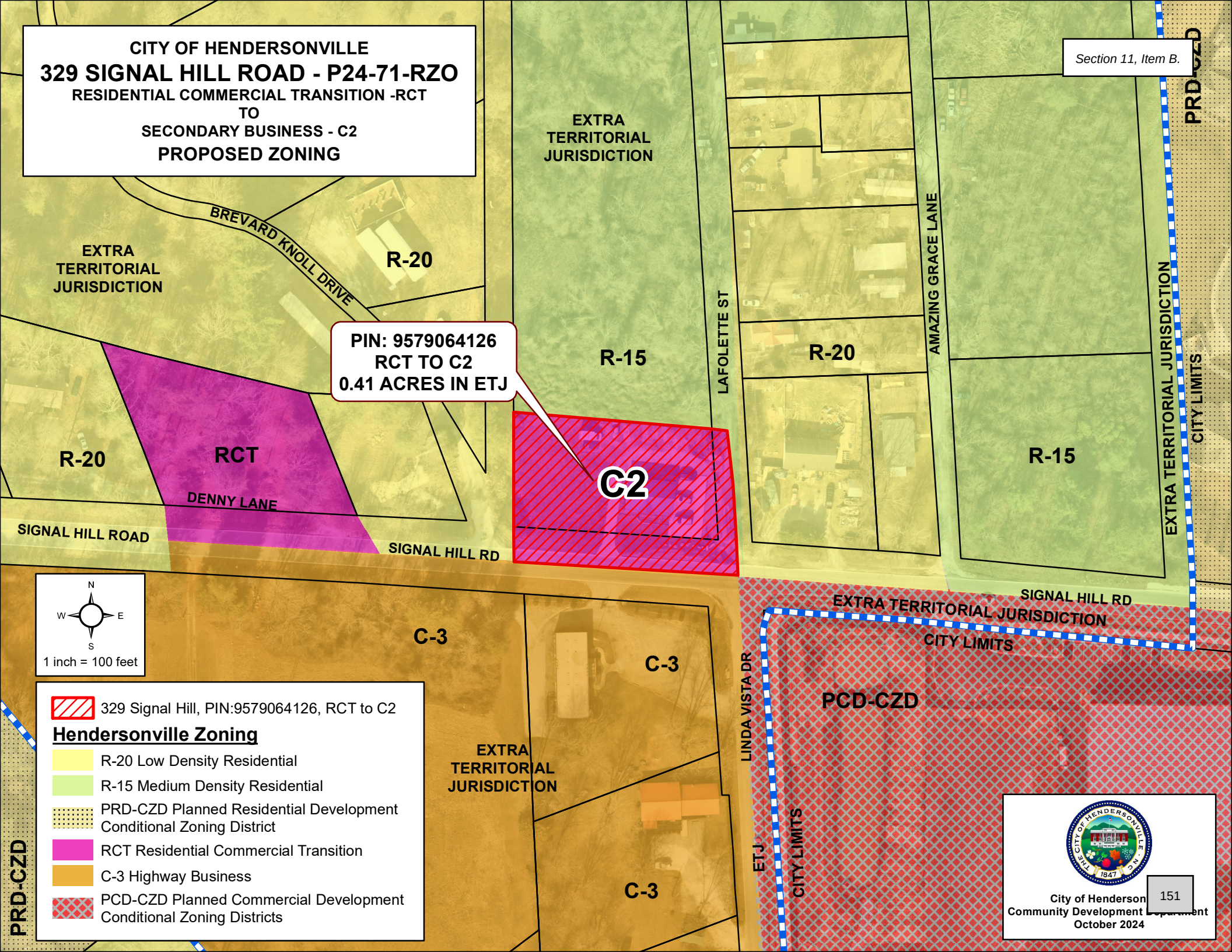
_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

329 SIGNAL HILL ROAD - P24-71-RZO

RESIDENTIAL COMMERCIAL TRANSITION -RCT
TO
SECONDARY BUSINESS - C2

PROPOSED ZONING



City of Henderson
Community Development Department
October 2024

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Zoning Ordinance Map Amendment

Section 11-1 of the City Zoning Ordinance

The following are the **required** submittals for a complete application for a Zoning Map Amendment. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Completed Application Form
- ☐ 2. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☐ 3. Application Fee

A. Property Information

Date: 9-23-24

PIN(s): 9579064126

Address(es) / Location of Property: 329 Signal Hill Road

Current Zoning: RCT

Proposed Zoning: C-2

B. Adjacent Parcel Numbers and Uses

PIN:	9579065791	**Use:**	Vacant
PIN:	9579066107	**Use:**	Single Family Home
PIN:	9579064091	**Use:**	Office Space
PIN:	9579058899	**Use:**	Storage Facility
PIN:	9579063217	**Use:**	Vacant

Office Use:
Date Received: 9/24/24 **By:** Terri Swann **Fee Received?** Y/N
#275.00

C. Applicant Contact Information

SEAN + HELEN GIVENS

* Printed Applicant Name

N/A

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

S-S-S / Helen Givens

Applicant Signature

Property owners

Applicant Title (if applicable)

3T. JTOS Dr.

Address of Applicant

Hendersonville, N.C. 28792

City, State, and Zip Code

828-676-7030

Telephone

SIGIVENSSR@bellsouth.NET

Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

D. Property Owner Contact Information (If different from Applicant)

Sean + Helen Gaines
* Printed Property Owner Name

N/A
Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

Helen Gaines
Property Owner Signature

Property Owners
Property Owner Title (if applicable)

3 Tiptoe Drive.
Address of Property Owner

Hendersonville NC. 28792
City, State, and Zip Code

828-676-7030
Telephone

Slgaines@bellsouth.net
Email

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

D. Section 11-1 Standards

The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) **Comprehensive Plan Consistency** – Consistency with the Comprehensive Plan and amendments thereto.

The property is designated as "Innovation" in the Gen H comprehensive plan. The recommended zoning district for this designation is C-2 Secondary Business. C-2 aligns with the goals of this designation.

A used car lot

b) **Compatibility with surrounding uses** – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property. (Also, see NCGS 160-601 (d) Down-Zoning)

YES "SEE Adjacent Parcels"

c) **Changed Conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)

None Needed

d) **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 heath, safety and general welfare. (Also, see NCGS 160D-601 (d) Down-Zoning)

Employment, competion is good for Business giving the public choices.

e) **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. (Also, see NCGS 160D-601 (d) Down-Zoning)

YES

f) **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.

N/O

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Sam Hayes **MEETING DATE:** December 5th, 2024

AGENDA SECTION: PUBLIC HEARING **DEPARTMENT:** Community Development

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

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move 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	I move City Council **deny** 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 [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**: 1. The proposed text amendment would cause an undue burden on the developments through requirements to establish a marginal access street. 2. The proposed text amendment will not sufficiently address the impact on the greater community established through a double frontage lot. **[DISCUSS & VOTE]**

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. **[DISCUSS & VOTE]**	

SUMMARY: *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.

PROJECT/PETITIONER NUMBER:	P24-048-STA
PETITIONER NAME:	Zachary Grogan
ATTACHMENTS:	1. Application 2. Staff Report 3. Draft Ordinance 4. Planning Board Action Summary

Entry #: 4 - 7/15/2024 **Status:** Submitted **Submitted:** 7/15/2024 5:17 PM

Date:

7/15/2024

Section of Ordinance proposed to be changed:

Appendix B: Subdivisions, Sec 3.03(D)

Proposed change:

An additional #3 to Appendix B: Subdivisions, Section 3.03(D):
A waiver of the requirements outlined in this section (including section 3.04.C), including the 25-foot buffer requirement, may be granted if the plan provides equivalent or superior aesthetic and functional benefits, including the reduction of the number of driveways on the City's Main Roadways (Gateway, Expressway, Freeway, Boulevard, or Thoroughfare).

Reason for change:

This issue of reverse or double frontage lots, according to Planning Staff, is recurring in preliminary site planning discussions. This text amendment offers a common-sense change that allows for more urban site design options while aligning with NCDOT requirements.

Applicant Name:

Zachary Grogan

Address

31 Wade Hampton Blvd, Greenville, South Carolina 29609

Phone

(813) 240-1223

Email

zg@magnoliapropertygroup.com

Fax Number:

N/A

Signature



Official Use:

Date Received:

Received By:

Fee Received:

Section 11-4 Standards. The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto

This text amendment aligns with the Comprehensive Plan and will allow for more functional and aesthetic developments.

b) Compatibilty with surrounding uses. Whether and to the extent which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

This is a design element for future subdivisions, compatibility with surrounding uses is addressed in other areas of the code.

c) Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

The City recognizes that the area is constrained due to topography, wetlands and utility availability. This text amendment allows for more efficient use of available land and improved safety.

d) 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.

This text amendment makes available a site designs which are logical, orderly a benefit to the surrounding neighborhood.

e) Public facilites. 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 is a design element for future subdivisions, utility verification is addressed in other areas of the code.

f) Effect on natural environment. Whether and the extent to which the proposed amendment would reult in significantly adverse impacts on the natural environment including but not limited to water, air, noise, stormwater management, streams, vegetation, wetlands and wildlife.

This is a design element for future subdivisions, impacts to the natural environment is addressed in other areas of the code.

SUBDIVISION TEXT AMENDMENT: CHANGES TO DOUBLE FRONTAGE REQUIREMENTS (P24-048-STA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Changes to Double Frontage Requirements (Subdivision)
  - P24-048-STA
- Applicant:
  - Zachary Grogan
- Subdivision Ordinance Articles Amended:
  - Sec. 3.03. Lots.
  - Sec. 3.04. Access to lots.
  - Sec. 4.03. Streets.
- Planning Board - Legislative Committee Meeting
  - August 20th, 2024
- Summary Basics:
  - The applicant's petition proposes a waiver for the requirements in section 3.03(D) and section 3.04(C) of the Subdivision Ordinance to allow for double frontage lots in more instances.
  - City staff is proposing different changes to the double frontage requirements that would do the following:
    1. Establish a lesser buffer standard dependent on the street classification.
    2. Expand the number of street classifications that would require a marginal access street.
    3. Establish a trigger for marginal access streets that would be dependent on Annual Average Dailey Traffic (AADT) counts.

Summary of Amendment Petition:

Zachary Grogan initiated a text amendment to the City's Double Frontage requirements after talking with City staff about a proposed development. Mr. Grogan initiative this text amendment partially 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 case, Brooklyn Ave is classified as a local street and, 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.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

Due to the requirements in our ordinance, Mr. Grogan would not be able to subdivide the property along Brooklyn Avenue as planned because several of the proposed townhomes would have double frontage. Given the existing ordinance, Mr. Grogan would be forced to alter his development to either 1) avoid subdividing the property, 2) to create a buffer of land along the road frontage separate from the subdivided properties, or 3) avoid double frontage entirely but create driveways along Brooklyn Avenue that would be incompatible with the existing street (and likely not allowed by NCDOT). Mr. Grogan submitted a Subdivision Text Amendment that would enable double frontage in more circumstances throughout the City.

Staff has noted several other subdivision requests in recent months in addition to Mr. Grogan's that also have proposed double frontage lots. The proposed subdivision would either require numerous driveways onto existing streets or would create a double frontage lot that would not be allowed in the current ordinance. Planning staff identified Double Frontage Lots as a top priority for a text amendment in 2022.

In revising the subdivision ordinance, staff has initiated three main changes that, when taken together, expand where double frontage is allowed while also maintaining sufficient buffering. The following changes were made throughout the subdivision ordinance:

1. In Section 3.03 (D), we created two different buffer zone types for the varying street classifications.
2. In section 3.04 (B-C), we expand the number of street classifications that would require a marginal access street
3. In Section 3.04 (B-C), we establish a trigger to require marginal access streets that is based upon Annual Average Dailey Traffic counts.

SUBDIVISION TEXT AMENDMENT – DOUBLE FRONTAGE LOTS

The following language is recommended for addition / ~~deletion~~.

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.

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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.

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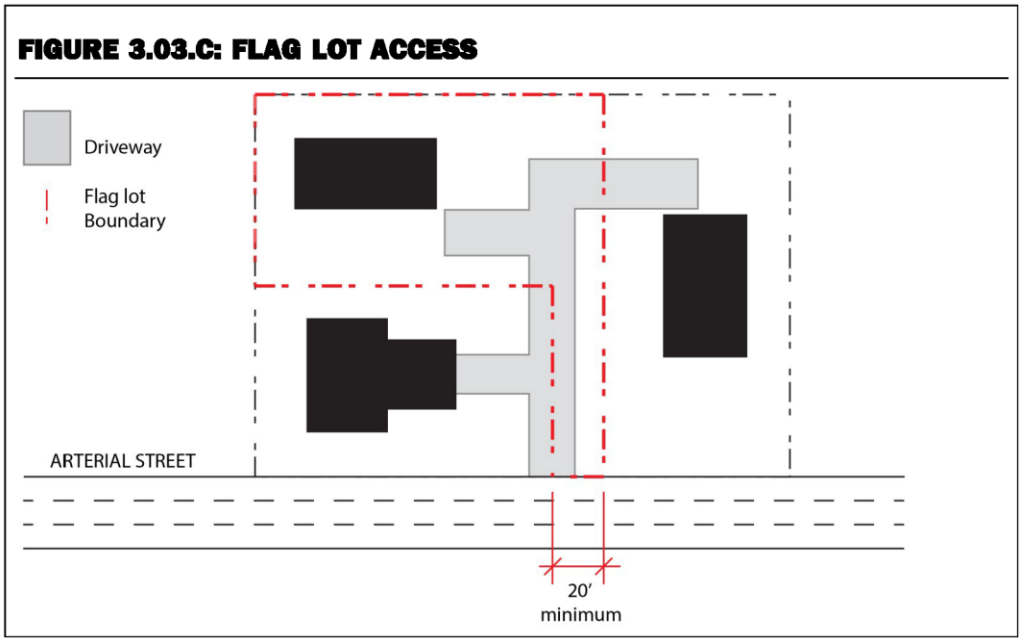

D. **Double or reverse frontage lots.**

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.

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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.

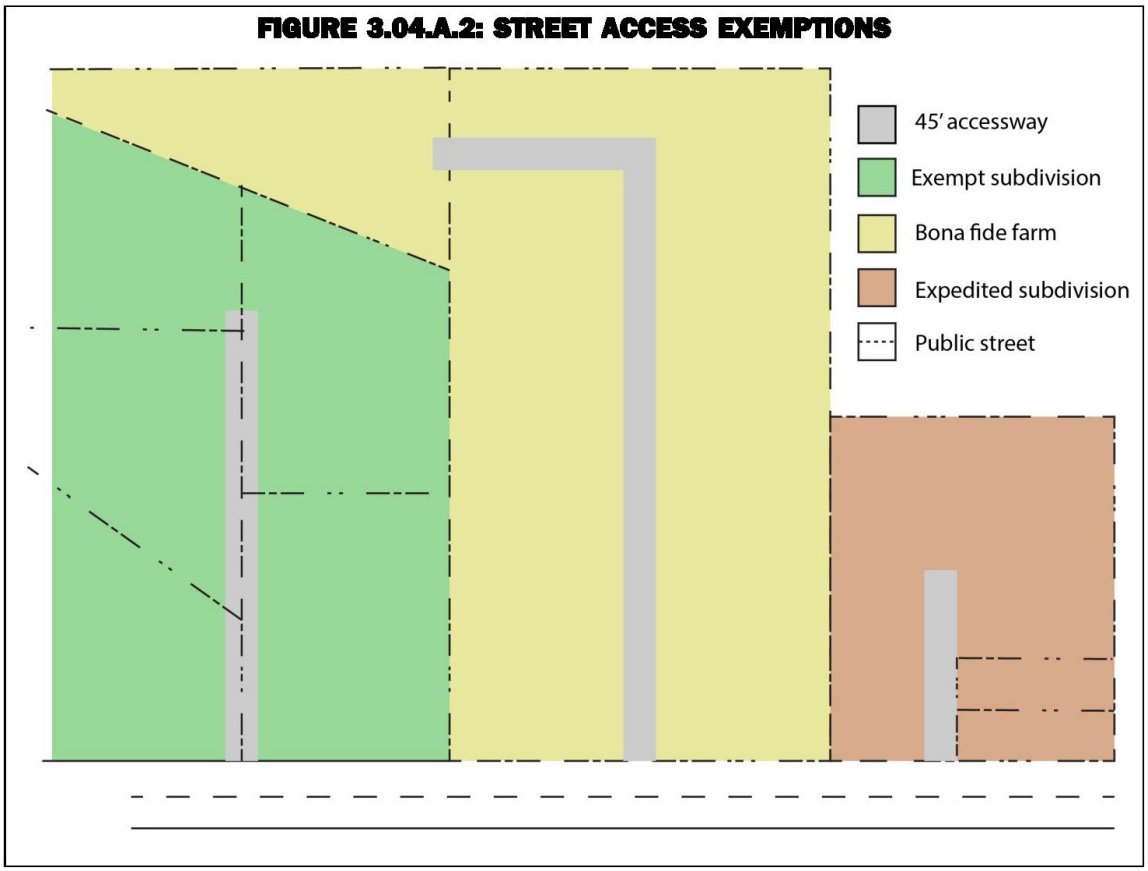
2. **Street access exemptions.**

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 expressway<u>s</u>, ~~or~~ boulevard<u>s</u> ~~streets~~<u>, thoroughfares, or other streets</u>.**

<u>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</u>

<u>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.</u>

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.

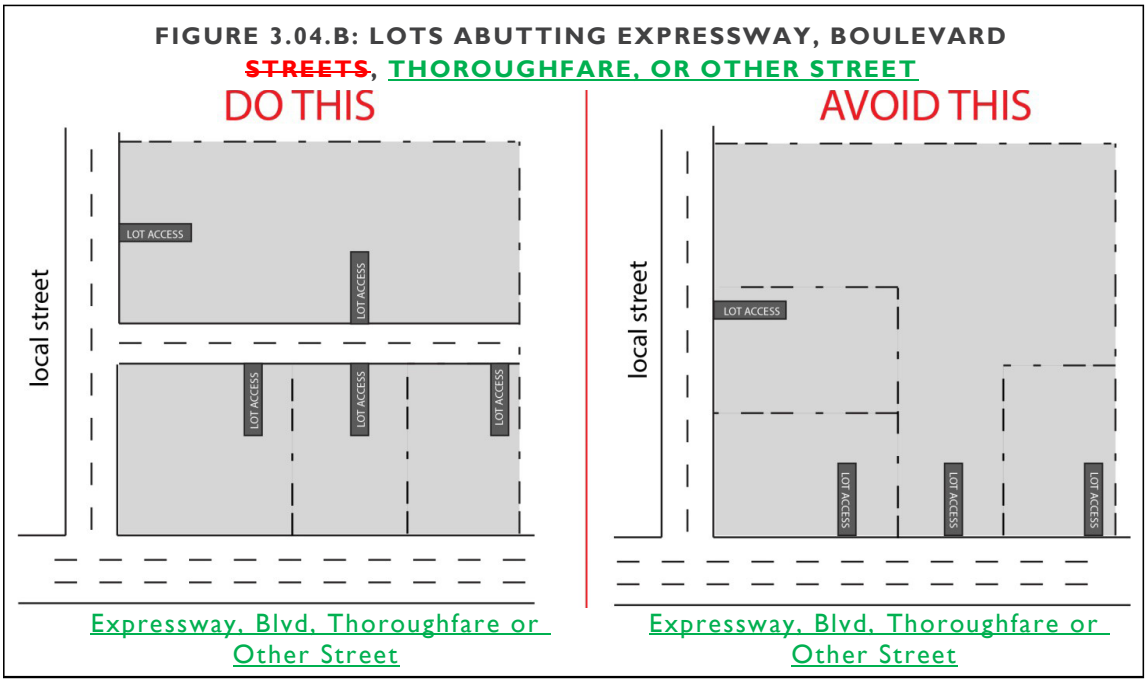
~~1.~~ 2. In cases where a tract or site abutting an expressway, ~~or~~ boulevard ~~streets~~, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different 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.

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 4.03.3: 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.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – August 20th, 2024

The Legislative Committee reviewed this subdivision text amendment. Planning Board members Donna Waters, Bob Johnson, and Jim Robertson were present for the meeting. Staff discussed the nature of the text amendment and the reasoning behind the changes. All members of the Legislative Committee voiced support of the changes. The only recommendations that were made were related to clarifying the role the Community Development Director in making changes (has since been removed from the ordinance), as well as clarifying which street building entrances should front onto. No formal vote was taken by the committee.

GENERAL REZONING STANDARDS	
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.
	LEGISLATIVE COMMITTEE RECOMMENDATION The Legislative Committee reviewed the proposed changes at their meeting on August 20th. At the time of the meeting a simplified version was presented. The staff recommendations have since evolved to include more quantifiable triggers.
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
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.

DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS 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.

We [find/do not find] this proposed subdivision text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *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 point for pedestrians, cyclists and vehicles.*
- *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.*
- *The proposed text amendment will assist in redeveloping smaller lots in areas targeted for infill.*

DRAFT [Rational for Denial]

- *The proposed text amendment would cause an undue burden on the developments through requirements to establish a marginal access street.*
- *The proposed text amendment will not sufficiently address the impact on the greater community established through a double frontage lot.*

PLANNING BOARD RECOMMENDATION

Project #: P24-048-STA

Meeting Date: September 12th, 2024

PETITION REQUEST: Subdivision Text Amendment – Changes to Double Frontage Requirements

APPLICANT/PETITIONER: Zachary Grogan

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request, the feedback from the Legislative Committee, and reviewed the guidance from the 2045 Comprehensive Plan, 2018 Bicycle Plan, and the 2023 Walk Hendo Pedestrian Plan, as well as the criteria for considering a text amendment.

The applicant, Zachary Grogan, spoke in favor of the proposal. He questioned the need for a non-access buffer zone. Staff addressed the reasoning for including this in the ordinance, which is to ensure that limited driveways or accessways enter onto existing streets.

One member of the public expressed their thoughts on the amendment.

1. Lynne Williams, 309 Chadwick Ave – Concerned about how this ordinance will play out over time.

The Planning Board discussed the following topics during their deliberations on this item.

- The process for doing traffic counts on streets.
- The difference between a right-of-way and a non-access buffer zone.

MOTION:
Mr. Hanley made a motion to approve the petition, it was seconded by Ms. Waters. The motion passed 5-0 with the following language:

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS 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.

REASONABLENESS STATEMENT

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:

[Rationale for Approval]

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 point 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.*

BOARD ACTION

- **Motion/Second**: Hanley/ Waters
- **Yeas**: Hanley, Peacock, Waters, Whiting, Gilgis
- **Nays**: None
- **Absent**: Robertson (Beth), Robertson (Jim), Flores, Johnson
- **Recused**: N/A

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Tyler Morrow

MEETING DATE: December 5th, 2024

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – 715 Greenville Highway Multi-Family (P24-39-CZD) – *Tyler Morrow– Current Planning Manager*

SUGGESTED MOTION(S):

For Approval:

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9568-83-4302, 9568-83-2474 and, 9568-83-2082) from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District, for the construction of 185 multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 11-4-24] 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:

1. Residential Dwellings, Multi-Family

***[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language**. Disregard #2 if not needed]*

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

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 Open Space-

For Denial:

I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PINs: 9568-83-4302, 9568-83-2474 and, 9568-83-2082) from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District 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 is consistent with the Future Land Use and Conservation Map Designations of Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a Focused Intensity Node within Chapter 4 of the Gen H Comprehensive Plan.

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

   1. The proposed development adds impervious surfaces to a subject property that is within the floodplain while only sparingly offsetting their impacts with a small amount of pervious materials (6 parking spaces).
   2. The height and scale of the proposed development is incompatible with the surrounding area and character.

Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a Focused Intensity Node within Chapter 4 of the Gen H Comprehensive Plan. **4. 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. The petition proposes to provide additional housing to offset local rental demand. 2. The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail. 3. The site plan clusters development impacts outside of the floodway portions of the site. **[DISCUSS & VOTE]**	3. The proposed development is in an area that is prone to flooding and the development does not provide additional mitigation that would benefit future residents (i.e. first floor garages or first floor commercial uses.) First floor commercial is supported by the Gen H comprehensive plan. **[DISCUSS & VOTE]**

SUMMARY: *The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Travis Fowler of First Victory Inc., applicant and Richard Herman of South Market LLC., property owner. The applicant is requesting to rezone the subject property, PINs 9568-83-4302, 9568-83-2474 and, 9568-83-2082 and located off Greenville Highway, from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District for the construction of 185 multi-family units on approximately 9.01 acres. This equates to a density of 20.5 units per acre.*

The proposal includes the construction of 1 multi-family structure with a footprint of 58,367 square feet and a gross floor area of 231,037 square feet. Additionally, the development proposes 288 parking spaces.

The proposed site includes floodway, 100 year floodplain and 500 year floodplain within its boundary. The proposed development is shown to be constructed completely outside of the floodway.

PROJECT/PETITIONER NUMBER:	P24-39-CZD
PETITIONER NAME:	• Travis Fowler, First Victory Inc. [Applicant] • Richard Herman (Manager) – South Market LLC [Owner]
ATTACHMENTS:	1. Staff Report 2. Comprehensive Plan Review 3. Neighborhood Compatibility Summary

	4. Planning Board Meeting Summary 5. Proposed Site Plan / Elevations 6. Proposed Zoning Map 7. Draft Ordinance 8. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING –715 GREENVILLE HIGHWAY MULTI-FAMILY(P24-39-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - 715 Greenville Highway Multi-Family
  - P24-39-CZD
- Applicant & Property Owner:
  - Travis Fowler, First Victory Inc. [Applicant]
  - Richard Herman (Manager) – South Market LLC [Owner]
- Property Address:
  - 715 Greenville Highway
- Project Acreage:
  - 9.01 Acres
- Parcel Identification (PIN):
  - 9568-83-4302
  - 9568-83-2474
  - 9568-83-2082
- Current Parcel Zoning:
  - PCD- Planned Commercial Development
- Future Land Use Designation:
  - Open Space-Conservation (Natural)
  - Open Space-Conservation (Regulated)
  - Mixed Use Commercial
- Requested Zoning:
  - UR-CZD-Urban Residential Conditional Zoning District.
- Requested Uses:
  - Residential, Multi-Family
- Neighborhood Compatibility Meeting:
  - July 19, 2024



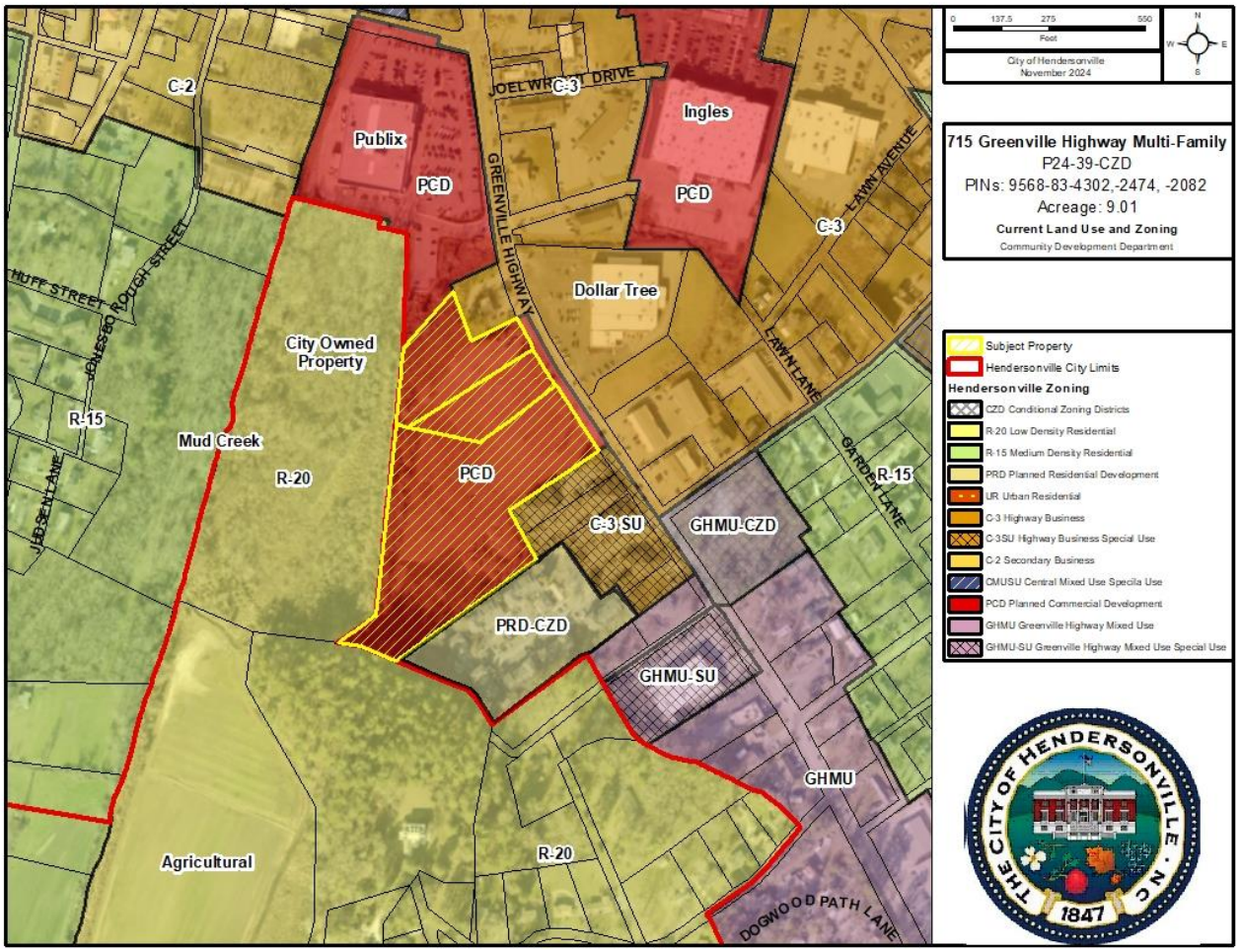
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Travis Fowler of First Victory Inc., applicant and Richard Herman of South Market LLC., property owner. The applicant is requesting to rezone the subject property, PINs 9568-83-4302, 9568-83-2474 and, 9568-83-2082 and located off Greenville Highway, from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District for the construction of 185 multi-family units on approximately 9.01 acres. This equates to a density of 20.5 units per acre.

The proposal includes the construction of 1 multi-family structure with a footprint of 58,367 square feet and a gross floor area of 231,037 square feet. Additionally, the development proposes 288 parking spaces.

The proposed site includes floodway, 100 year floodplain and 500 year floodplain within its boundary. The proposed development is shown to be constructed completely outside of the floodway.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The three parcels that make up the subject property are currently zoned PCD (Planned Commercial Development) and is attached to an expired Special Use permit. The current zoning was granted by City Council in 2008 for the construction of an 89,200 square feet commercial development. This development was never constructed.

The Greenville Highway corridor consists of Planned Commercial Development and Highway Business zoning before transitioning to mixed used zoning at Chadwick Ave. The mixed-use zoning follows the Greenville Highway frontage corridor for the remainder of the City's jurisdiction in that direction.

To the west and southwest of the property, you will find traditional single-family districts. These districts are comprised of single family residential, vacant land, farmland and property that has historically been used as flood storage.

The subject property abuts an existing multi-family development to the south. The Residences at Chadwick is a 68-unit apartment project on 3.85 acres under PRD zoning. (18 units per acre and 104 parking spaces).

SITE IMAGES



Typical view of the subject property (10-25-24)



Typical view of the site looking southward towards Chadwick Square. (10-25-24)

SITE IMAGES



View of the pond that is under a Water Conservation Easement
DB 1668 Pg 98, PB 2016 SL 10216
Army Corp Permit- SAW-2014-00219 (January 2024)



View of wetland area on the western portion of the subject property. (January 2024)

SITE IMAGES



View of the blueline stream that runs along the western property boundary. (January 2024)



Typical view of property looking northeastern from the southwestern corner. (January 2024)

SITE IMAGES

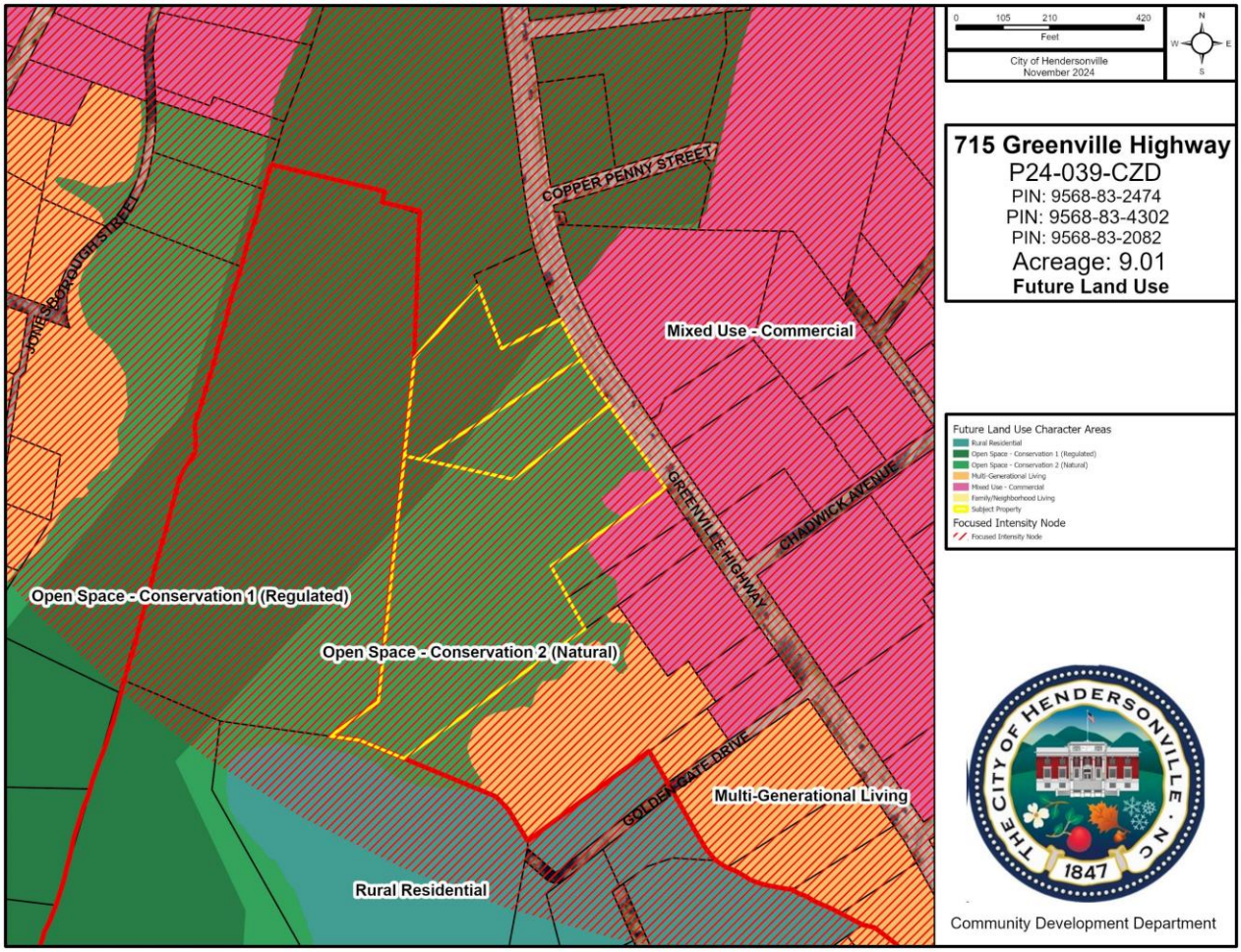


View of southern property frontage looking westward. Area of proposed access #2. (January 2024)



View of existing power lines that are associated with the utility easement on the north side of the site. (January 2024)

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property has split future land use designations. The floodway portions of the property are designated as Open Space-Conservation (Regulated), while the floodplain proportions are designated as Open Space-Conservation (Natural). The small portion of the property that is outside of the flood hazard area is designated as Mixed-Use Commercial. The subject property is within the focused intensity node that encompasses properties near the Spartanburg Highway and Greenville Highway intersection.

The surrounding area has many parcels designated as Open space due to the known floodplain and floodway impacts. Many of these parcels are long standing commercial uses. Very few of these parcels are vacant areas serving as functional floodplain or open space.

REZONING HISTORY

Prior Rezoning (P06-79-SUR)	Summary of Prior Petition	Status
6-5-2008 (R-20 & C-3 to PCD SU)	9.03 acre development for the construction of 6 buildings totaling approximately 89,200 square feet. 316 parking spaces provided.	Expired June 5th 2013

Full Minutes from City Council Meeting:
https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9a769a4e52c

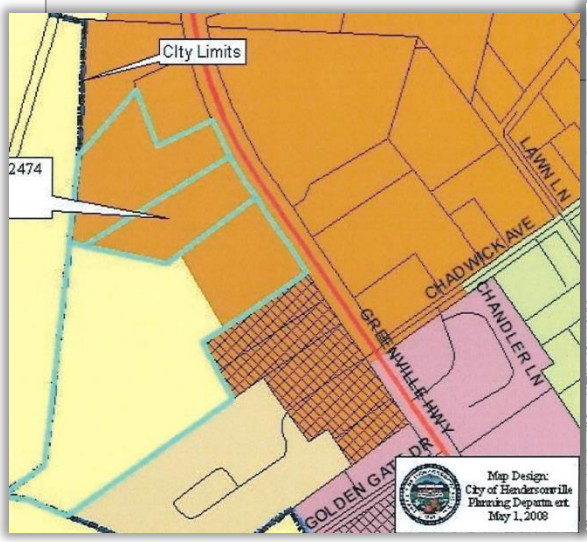
South Market Village

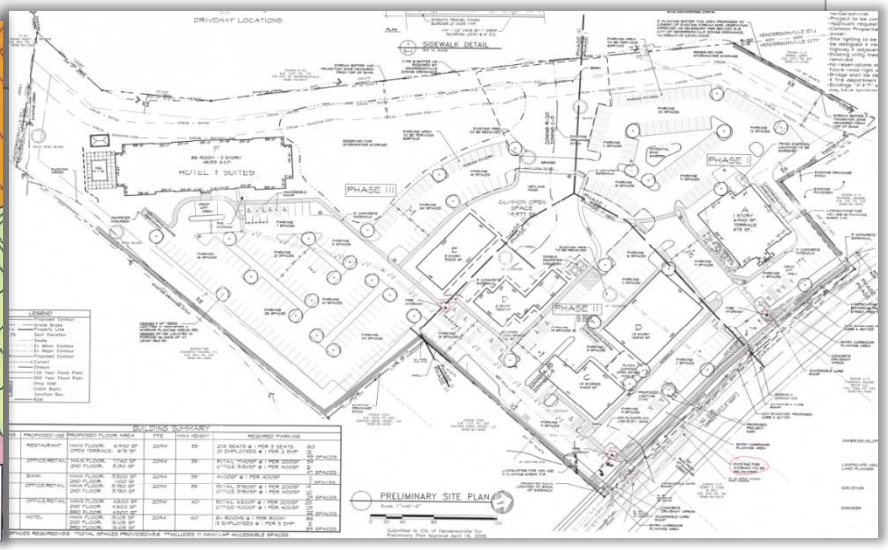
6 Buildings (Total Building Square Footage = 89,200 Sq Ft)

- Building A- Restaurant
  - Floor Area- Main Floor- 6,940 SF, Open terrace 675 SF.
  - 35' Max Height
- Building B- Office/Retail
  - Floor Area- Main Floor- 7,740 SF, 2nd floor 3,130 SF.
  - 35' Max Height
- Building C- Bank
  - Floor Area- Main Floor- 3,300 SF, 2nd floor 1,100 SF.
  - 35' Max Height
- Building D- Office/Retail
  - Floor Area- Main Floor- 3,750 SF, 2nd floor 3,750 SF.
  - 35' Max Height
- Building E- Office/Retail
  - Floor Area- Main Floor- 4,500 SF, 2nd floor 4,500 SF, 3rd floor 4,500 SF.
  - 40' Max Height
- Building F- Hotel
  - Floor Area- Main Floor- 15,105 SF, 2nd floor15,105 SF, 3rd floor15,105 SF.
  - 40' Max Height

Parking:

- Included surface parking with pervious parking in certain areas.
  - 315 spaces required.
  - 316 spaces proposed.





STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
  - Residential, Multi-Family

- Building:
  - 185 Units
  - Gross Floor area: 231,037 SF
  - Building footprint: 58,367 SF (14.8% of the site)
  - 4 stories (52' at the highest point, per the civil plans)
  - The building/site is required to meet all building and design requirements of Urban Residential developments, and this includes but is not limited to building materials, building offsets, building projections, building orientation, building scale, etc.

- Transportation:
  - The site will have two access points, both off of Greenville Highway (NC 225).
    - Access 1 (northern access) is shown as a full access stop control with 100 feet of stem length as per NCDOT guidelines. The plan also shows a dedicated left turn lane on the NC 225 northbound approach and a dedicated right decel lane on the NC 225 southbound approach.
    - Access 2 (southern access) is shown as a right-in/right-out access stop control and has a 50' stem length as per NCDOT. The plan also shows the installation of a dedicated right turn lane on the NC 225 southbound approach.
  - The developer is dedicating 40' of R/W from the center line of Greenville Highway to NCDOT to aid in any future improvements of the major thoroughfare. There appears to be no recorded R/W for this property along Greenville Highway.

- Sidewalks
  - A 7' wide public sidewalk will be provided along the entire property frontage of Greenville Highway. This sidewalk will tie into the existing sidewalk at Chadwick Square. All frontage sidewalks will be constructed within the right of way or easement area and will be publicly maintained by the City. All internal sidewalks will be privately maintained by the developer.

- Lighting
  - All site lighting will be required to conform to the City's lighting standards for multi-family developments as well as lighting for areas abutting stream buffers.

- Parking:
  - Parking required at 1 per each dwelling unit or 1.5 per each dwelling unit containing three or more bedrooms:
    - Parking required: 193 spaces.
    - Parking provided: 288 spaces (8 handicapped parking spaces)
  - The site plan shows 2 electronic charging stations for the development.

- Natural Resources
  - According to the 2008 floodplain maps, all portions of this property except for a +- 1536 SF section at the southeastern corner are within flood hazard areas. The subject property has floodway, 100 year floodplain and 500 year floodplain all present on it.
  - The proposed development is shown completely outside of the floodway portions of the property, except for conceptual locations for at-grade walking trails with benches as shown on the plans. They are however proposing to build in the 100- and 500-year floodplain portions. If approved by the City Council, the development would be required to receive a floodplain development permit during final site plan review from the City's Floodplain Administrator.
  - Historic imagery from 2002 (below) shows the commercial uses that were once present on the site.



- Reviewing historic aerial imagery and available documents. It appears the site has had quite an extensive amount of grading throughout the years. It also appears that fill has been placed on the site as well. (photo below from 2010)



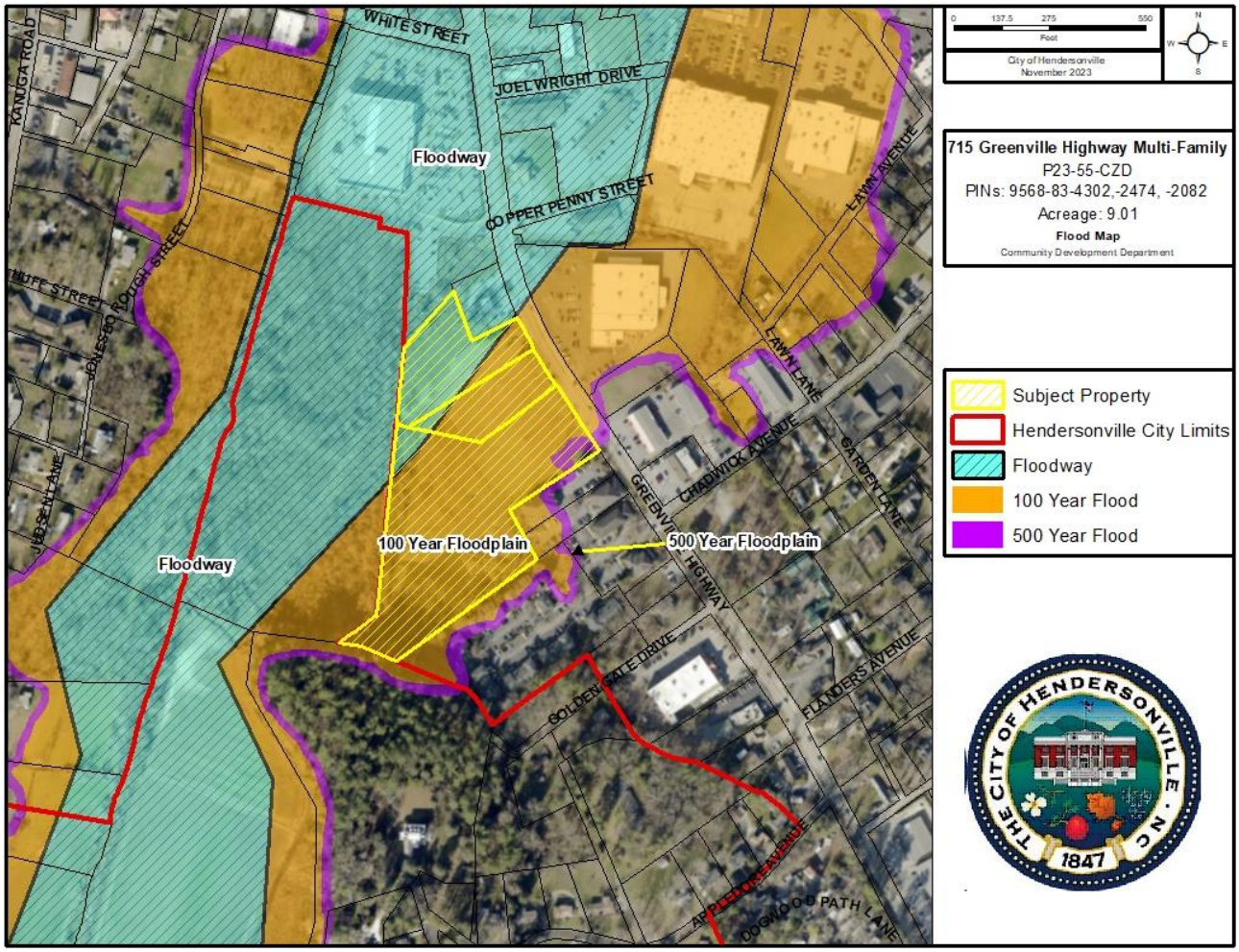
- Per Article 17, this project would be considered "redevelopment" in accordance with section "17-2-4 - Redevelopment in the floodway and special flood hazard area". The ordinance states "The proposal is to redevelop an existing developed site as of the date of this ordinance evidenced by substantial coverage of the site by buildings, fill, gravel or paved drives or parking areas or other impervious surfaces."
- Historically, some areas of the city's planning jurisdiction were developed despite the fact that they lie within the 100-year floodplain. In order to address concerns about urban blight, section 17-2-4 allows redevelopment to occur on existing developed sites which no longer function as natural flood plain and when such redevelopment will not result in any further loss of flood-plain functionality. Where feasible, redevelopment proposals should demonstrate an improvement in the site's functionality as a flood plain. In light of this intent, redevelopment of existing developed sites shall be permitted within the floodway and special flood hazard area only when the applicant has satisfactorily demonstrated that they meet the requirements of section 17-2-4.
- Any redevelopment that occurs in accordance with the zoning ordinance

must adhere to the requirements:

- "There shall be no loss of flood storage capacity on the site as a result of the redevelopment.
- The applicant, utilizing best management practices, shall reduce the post-redevelopment rate of stormwater runoff from the pre-redevelopment rate of runoff, if feasible. In any event, the post-redevelopment rate of runoff shall not be greater than the pre-redevelopment rate.
- The project design, including any best management practices (BMPs) will result in a project which is consistent with the purposes of the Natural Resources Protection Ordinance as stated in section 17-1, above. In this regard, the applicant shall demonstrate the following:
    - The project shall not degrade the quality of the water in creeks, streams, ponds and lakes that flow into and out of the city.
    - The project shall not contribute to future flooding problems.
    - The project preserves the water carrying capacity of watercourses and the natural water storage of the special flood hazard area.
    - The project protects land and watercourses from pollutants, sedimentation and erosion.
    - The project retains open spaces in order to protect their environmentally-sensitive character; and
    - The project protects and conserves significant natural resources from degradation due to urbanization.
- The applicant shall comply with all relevant provisions of the flood damage prevention ordinance including obtaining a no-rise certificate, if needed."

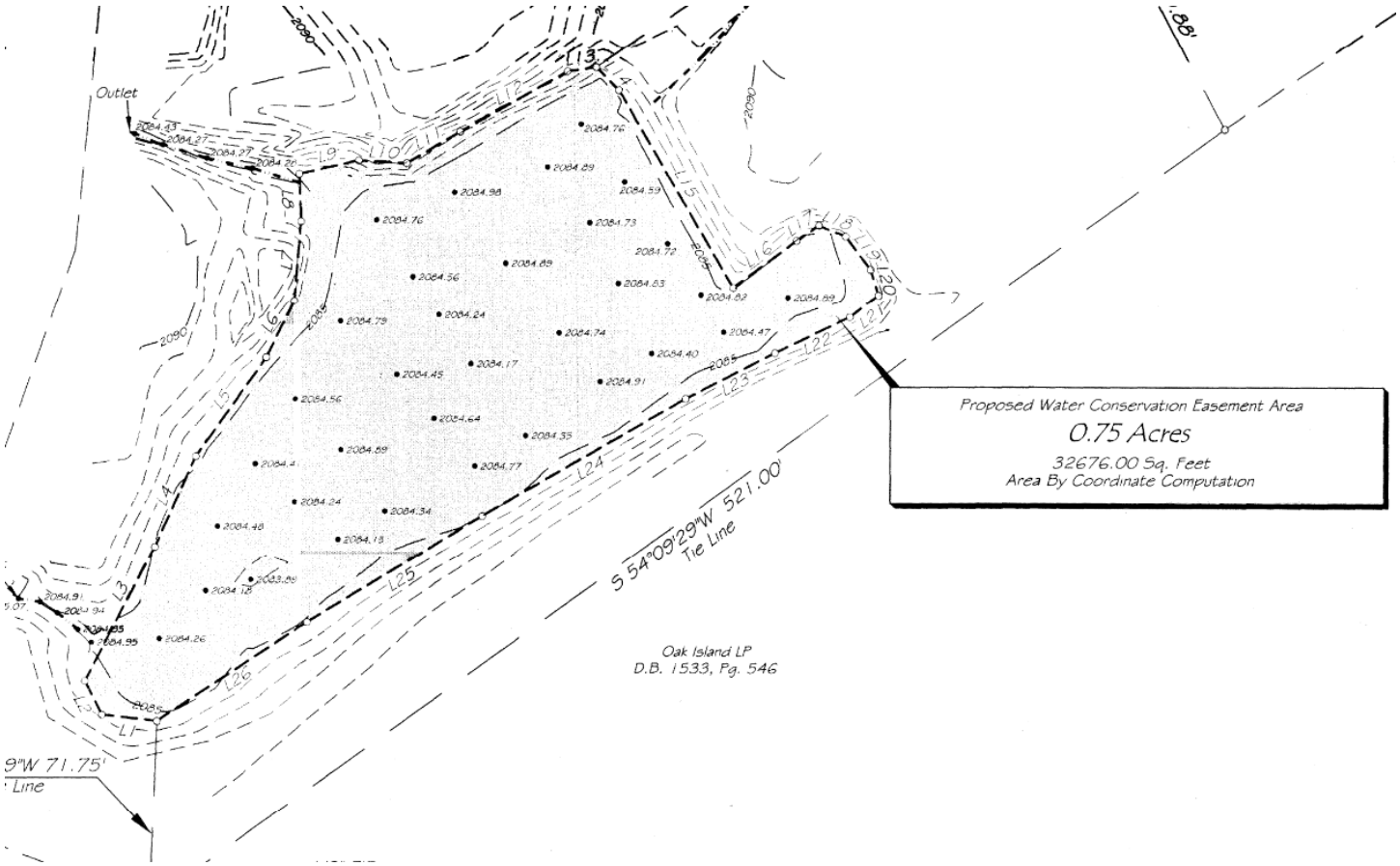
- The City's Floodplain Administrator has reviewed this project as a member of the City's Development Review Committee and does not have any concerns that this project cannot meet the requirements listed above during the Floodplain Development Permit process at final site plan (if the project is approved).
- Due to the information provided above concerning the previous development of the land; this project **would not** be considered "greenfield" or new development of the land which would fall under "17-2-2 - Development allowed in the floodway and special flood hazard area".
- The site plan states that 98.7% of the site is inside the 1% annual chance area (100-year floodplain) and floodway. It states that 73.5% of the 100 year floodplain is proposed to be filled.

- 17.8% of the project is within the floodway alone. 0% of the floodway is proposed to been filled.



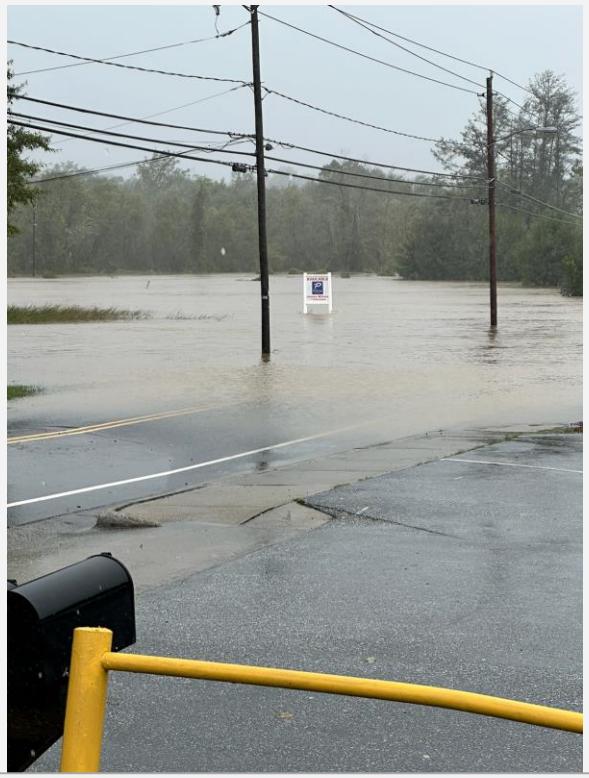
- The property does have a blueline stream along the western property edge where a stream buffer is required. The proposed development shows the 30' stream buffer and 20' transitional zone on the site plan. One section of their plan does show 6 parking spaces that are proposed to be located in the 20' transitional zone. They are proposing that this parking utilize a pervious material which is allowed by the ordinance. This is the only proposed intrusion into the stream buffer or transitional area.
- The site also has delineated wetlands along their western property boundary.

- There is an existing pond on the site that is under a water conservation easement. The easement can be found in Deed Book 1668 Page 98 and on Plat Book 2016 Slide 10216. The deed was recorded on June 21st, 2016. The proposed development is not proposing to impact this easement area. The easement area is also associated with work that was done in accordance with Army Corp Permit SAW-2014-00219 from October 22nd 2014.



- Landscaping and Tree preservation
  - The site will be required to provide the following landscaping:
    - Vehicular use area plantings
    - Common and Open Space plantings
    - Street trees
  - They are proposing to save 48,464 square feet of tree canopy with this project. This equates to 78.5% of the existing tree canopy.

HURRICANE HELENE FLOODING IMAGES



View of the subject property taken during Hurricane Helene (9-27-2024)



View of the subject property from the same area (post storm-10-25-2024)

HURRICANE HELENE FLOODING IMAGES



View of the gas station next to the subject property during Hurricane Helene

(9-27-2024)



View of the subject property showing proximity to the gas station next door (10-25-2024)

HURRICANE HELENE FLOODING IMAGES



View of the plaza across the street from subject property during Hurricane Helene

(9-27-2024)



View from the subject property showing proximity to the plaza across the street (10-25-2024)

NON-TROPICAL STORM OR HURRICANE RAIN EVENT IMAGES



View of the subject property from the Dollar General Plaza (1-9-2024)



View from the subject property at the approximate location for driveway access 1 (the full movement access) (1-9-2024)

NON-TROPICAL STORM OR HURRICANE RAIN EVENT IMAGES



View of Greenville Highway at the approximate location for access number 2. The developer proposed right in right out access.

(1-9-2024)



View of standing water on the subject property (1-9-2024)

NON-TROPICAL STORM OR HURRICANE RAIN EVENT IMAGES



View of Greenville Highway during the rain event before Helene (9-26-24)



View from the subject property showing the approximate location of access 1 (1-9-2024)

DEVELOPER PROPOSED CONDITIONS:

- PARKING SPACES
  - The number of permitted parking spaces shall be 288 (approx. 1.56 spaces per unit), as shown on the Site Plan. See Sec. 6-5 (providing a minimum requirement of 1 to 1.5 spaces per unit); Sec. 5-25-5.16 (providing that the applicant must demonstrate that parking is "adequate," while also providing that the number of parking spaces "should not exceed the minimum requirements" found in Sec. 6-5).

- TREE PLANTINGS
  - The number, size, and type of tree plantings required by Section 5-25-5.20 shall be planted. However, due to planting limitations within the floodway and conservation easement areas on the Project site, some of the 3" caliper trees required by Section 5-25-5.20 shall be planted in areas that also qualify for Vehicular Use Area plantings, as shown on the Landscape Plan.

- BUILDING FACADE
  - Façade offsets along the East Elevation may exceed the 16 ft. offset requirement provided in Section 5-25-12(b) as shown on the Site Plan and Elevations. No wall shall exceed 26 feet in length without an offset. Offsets may be provided either in exterior walls or at balconies.

- BUS SHELTER
  - A bus shelter (Sec. 5-25-5.13) shall not be required due to the proximity of an existing bus shelter on a neighboring property (Henderson County PIN #9568-82-7951) to the south of the Project site.
- LOADING ZONES
  - In lieu of the required 12'x40' loading zone, the developer proposes to provide three parking spaces that are designated as loading zones. See Sec. 6-6.

- FLOODWAY PLANTINGS / MAINTENANCE
  - To the extent practicable within the limitations of the Floodplain Development Permit required by the attached site plan and grading plan, Developer shall implement a vegetative planting and management plan that will create and enhance the existing wetland and wildlife habitat of the open space areas outside the footprint of the developed area, stream buffer(s) and the Wetland Conservation Area. The plan should include diverse and appropriate species of native upland and/or wetland shrubs, appropriate trees and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators), and all planted species shall be selected from the City's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses may be used.

The plan shall be developed by a qualified landscape architect (with wildlife habitat management expertise) and shall incorporate an appropriate long-term invasive species management and control plan.

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Urban Residential (5-25) (minus any developer proposed conditions).
    - Comments that will be reviewed/addressed during final site plan review process and do not need to be addressed during the preliminary site plan review process:
        - Landscaping:
            - Final determination on planting credits, species, locations, final quantity of required vs. proposed new plantings. The current plans show "areas to be screened, fenced, walled and/or landscaped" which is what is required at the preliminary site plan stage.
            - All final landscaping comments will be addressed as part of the final site plan approval between City staff and the project designer in accordance with the City's ordinances.

Proposed City-Initiated Conditions:

- None

DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff have provided only the relevant/outstanding comments / conditions below:

PUBLIC WORKS

Site Plan Comments:

- "Consider adding electric vehicle charging stations in parking lot for residents."
    - The developer agreed to include this in their development and shows them on their site plan.

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT (KIMLEY HORN)

TIA Comments:

- The expected Trip Generation for the proposed development is as follows:
  - 836 Daily Trips
  - 70 AM Peak Hour Trips
  - 72 PM Peak Hour Trips

TIA Proposed Mitigation:

- **Intersection 1: NC 225 (Greenville Highway) at US 176 (Spartanburg Highway)**
  - **Mercer Design Group** recommends no changes to this intersection.
- **Intersection 2: NC 225 at White Street / Walgreen's**
  - **Mercer Design Group** recommends no changes to this intersection.
- **Intersection 3: NC 225 at Chadwick Avenue / Chadwick Square Court**
  - **Mercer Design Group** recommends no changes to this intersection.
- **Intersection 4: US 176 at Chadwick Avenue**
  - **Mercer Design Group** recommends no changes to this intersection.

- **Intersection 5: NC 225 at Access #1**
  - **Mercer Design Group** recommends that Access #1 be constructed with a dedicated right turn lane on the southbound NC 225 (Greenville Highway) approach with 25 feet of full storage and appropriate tapers per NCDOT coordination. MDG recommends that the northbound NC 225 (Greenville Highway) approach be constructed with a dedicated left turn lane with 100 feet of full storage and appropriate tapers. The eastbound Access #1 approach should be constructed as shown on the approved final site plan with at least 50 feet of internal protected stem length per the direction of NCDOT.

- **Intersection 6: NC 225 at Access #2**
  - **Mercer Design Group** recommends that Access #2 be constructed with a dedicated right turn lane on the southbound NC 225 (Greenville Highway) approach with 100 feet of full storage and appropriate tapers. MDG recommends that the eastbound NC 225 (Greenville Highway) approach be constructed with right out only control. The eastbound Access #2 approach should be constructed as shown on the approved final site plan with at least 50 feet of internal protected stem length per the direction of NCDOT.
- Per the developer's traffic engineer "Based on the available information and the analyses contained in this report, it is the opinion of Mercer Design Group that there is no indication that the development of 715 Greenville Highway will have an undue adverse impact on the surrounding infrastructure if the development is constructed as shown in the site plans."

Proposed Condition:

- Developer shall install all recommended traffic mitigations found in the approved Traffic Impact Analysis, in accordance with City and NCDOT requirements prior to final certificate of occupancy.

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
1) Comprehensive Plan Consistency	**Land Supply, Suitability & Intensity** The subject property is not listed on the land suitability or supply maps due to the large amount of floodway and floodplain that make up the property. The subject property is in a Focused Intensity Node centered at the intersection of Greenville Hwy & Spartanburg Hwy.
	Future Land Use & Conservation Map- See Gen H appendix. **Designation:** Open Space-Conservation (Natural) **Character Area Description:** Somewhat Consistent **Zoning Crosswalk:** Consistent **Designation:** Open Space-Conservation (Regulated) **Character Area Description:** Consistent **Zoning Crosswalk:** Consistent **Designation:** Mixed Use Commercial **Character Area Description:** Inconsistent **Zoning Crosswalk:** Inconsistent
2) Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	The subject property is currently a vacant and previously developed site. The proposed development site is located in a commercial corridor near the US and State route intersection of Spartanburg Highway (US 176) and Greenville Highway (NC225). In the vicinity of the proposed development are the apartment complexes of Residences at Chadwick (68 units), The Lofts at Chadwick (60 units, entitled but not built) and Southgate apartments (70 units, entitled but not built).
3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The subject property is currently tied to an expired Special Use Permit. A rezoning would be required for any development to occur on the site.
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 -**

	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 1,901 rental units. If this project is approved, Hendersonville's recently-approved rental units would total 2,086. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exist for those income levels greater than 120% AMI.
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**
	The site will be served by City water and sewer service. Greenville Highway (NC 225) is designated as a Major Thoroughfare (needing improvement) in the Comprehensive Transportation Plan and is maintained by NCDOT. The subject property is already serviced by the City Fire and Police departments. The proposed development is located within 800' of STIP project U-5886 (the realignment and roadway extension between Willow Road SR1171 and Spartanburg Highway US176). The proposed project is showing the dedication of 40' of R/W measured from the centerline of Greenville Highway for their entire frontage.
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 -**
	According to the 2008 floodplain maps, all portions of this property except for a +-1536 SF section at the southeastern corner are within the floodplain. The subject property has floodway, 100 year floodplain and 500 year floodplain present on it. There is a blueline stream that runs along the property's boundary that triggers the City's stream buffer protection measures. The site has an existing water conservation easement area that was established in 2016. The plans show saving 48,464 square feet of tree canopy with this project. This equates to 78.5% of the existing tree canopy. The property was previously developed and appears to have been largely graded and filled in places. The proposed plans show that 73.5 % of the 100 year floodplain is proposed to be filled. The floodplain and blueline stream are the most prevalent natural features present on this site. The site flooded during Hurricane Helene and the portion of Greenville Highway in front of the subject property is known to flood during larger rain events.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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 Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

We **[find/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:

DRAFT [Rationale for Approval]

- *The petition proposes to provide additional housing to offset local rental demand.*
- *The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail.*
- *The site plan clusters development impacts out of the floodway portions of the site.*

DRAFT [Rational for Denial]

- *The proposed development adds impervious surfaces to a subject property that is entirely within the floodplain while only sparingly offsetting their impacts with a small amount of pervious materials (6 parking spaces).*
- *The height and scale of the proposed development is incompatible with the surrounding area and character.*
- *The proposed development is in an area that is prone to flooding and the development does not provide additional mitigation that would benefit future residents (i.e. first floor garages or first floor commercial uses.) First floor commercial is supported by the Gen H comprehensive plan.*

715 Greenville Highway Multi-Family (P24-39-CZD)

Chapter 4 - The Vision for the Future	Consistent	Inconsistent	Staff Notes
SUPPLY, SUITABILITY, & INTENSITY			
LAND SUPPLY MAP (Pg. 81, Figure 4.4)		Inconsistent	Not listed in the land supply map due to floodplain and floodway on the property.
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)		Inconsistent	Not listed in the land suitability map due to floodplain and floodway on the property.
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent		
FUTURE LAND USE & CONSERVATION MAP			
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Open Space-Conservation (Natural)**		
Character Area Description (Pg. 122-131)	Somewhat Consistent		..."Though some development can be supported in these areas, including redevelopment when floodplain function is maintained or improved and new development with limited impacts which improve use of site,..." The project would have to meet the zoning requirements for Article 17-2-4 - Redevelopment in the floodway and special flood hazard area
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent		
FUTURE LAND USE & CONSERVATION MAP			
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Open Space-Conservation (Regulated)**		
Character Area Description (Pg. 122-131)	Consistent		No development is occurring in the floodway
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent		
FUTURE LAND USE & CONSERVATION MAP			
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Mixed Use Commercial**		
Character Area Description (Pg. 122-131)		Inconsistent	No mix of uses are proposed.
Zoning Crosswalk (Pg. 132-133, Figure 4.18)		Inconsistent	

715 Greenville Highway Multi-Family (P24-39-CZD)

Chapter 4 - The Vision for the Future	Consistent	Inconsistent	Staff Notes
GOALS			
Vibrant Neighborhoods (Pg. 93)			
Promote lively neighborhoods that increase local safety.	Consistent		
Enable well-maintained homes, streets, and public spaces.	Consistent		
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent		
The design allows people to connect to nearby destinations, amenities, and services.	Consistent		
Abundant Housing Choices (Pg. 93)			
Housing provided meets the need of current and future residents.	Consistent		
Range of housing types provided to help maintain affordability in Hendersonville.		Inconsistent	No information has been provided to staff that any units would be considered affordable (80% or lower AMI).
Housing condition/quality exceeds minimum standards citywide	Consistent		
Healthy and Accessible Natural Environment (Pg. 94)			
Recreational (active and passive) open spaces are incorporated into the development.	Consistent		
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Somewhat Consistent		
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent		
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Somewhat Consistent		The scale of the development appears to extend beyond the areas of the floodplain that previously had structures instead of staying in the same previously built on area.
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	N/A	N/A	
Authentic Community Character (Pg. 94)			
Downtown remains the heart of the community and the focal point of civic activity	N/A		
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent		
Historic preservation is utilized to maintain the city's identity.	N/A		
City Centers and neighborhoods are preserved through quality development.	Consistent		
Safe Streets and Trails (Pg. 95)			
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.		Inconsistent	No interconnectivity or cross access easements are provided between this development and the Chadwick Square Development.
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent		
Design embraces the principles of walkable development.	Consistent		

Reliable & Accessible Utility Services			
Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent		
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent		
Satisfying Work Opportunities (pg. 96)			
The development promotes quality job options.	N/A		
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	N/A		
Welcoming & Inclusive Community			
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	N/A		
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	N/A		
Accessible & Available Community Uses and Services (Pg. 97)			
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A	
Resilient Community			
N/A			
GUIDING PRINCIPALS (pg. 98)			
Mix of Uses (Pg. 98)			
Revitalization of Outdated Commercial Areas	N/A		
New business and office space promotes creative hubs.	N/A		
Compact Development (Pg. 100)			
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent		
The infill project is context sensitive [Large Infill Site].	Consistent		
Sense of Place (Pg. 102)			
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Place keeping and Placemaking and 3rd Places]	Somewhat Consistent		
Conserved & Integrated Open Spaces (Pg. 106)			
A diverse range of open space elements are incorporated into the development.	Consistent		
Desirable & Affordable Housing (Pg. 108)			
Missing middle housing concepts are used in the development.		Inconsistent	"Having more missing middle housing in Hendersonville would provide more diverse housing options for both renters and owners and help to foster socioeconomic diversity in the community. It would be a welcome change compared to the largescale, standalone garden apartment complexes that have been built in Hendersonville over the last decade"
Connectivity (Pg. 112)			
The development encourages multimodal design solutions to enhance mobility.	Consistent		

Efficient & Accessible Infrastructure (Pg. 114)			
The development utilizes existing infrastructure	Consistent		

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
715 GREENVILLE HIGHWAY MULTI-FAMILY (P24-39-CZD)
NCM Meeting Dates: July 19, 2024

PETITION REQUEST: Rezoning: Urban Residential - Conditional Zoning District (UR-CZD)

APPLICANT/PETITIONER: Travis Fowler, First Victory Inc. [Applicant] & Richard Herman of South Market LLC. [Owner]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on July 19th, 2024 at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 1 hour and 3 minutes.

There were 9 members of the public in attendance in-person while 2 attended virtually. The applicant and their development team were present as were 2 members of City staff.

Staff gave the formal introduction and a brief overview of the request.

There were 7 pre-submitted which were read by staff.

The development team was allowed to present their project proposal for the proposed apartment development.

Concerns and questions from the public related to:

- Consideration of impacts from increased traffic.
- Flooding impacts.
- School bus traffic.
- Adding impervious surfaces in the floodplain.
- No other 4 story buildings in the area.
- Stormwater concerns.
- Animal habitat loss.
- Stream buffers and their protection.
- Density
- The size of the building footprint.
- Accident data on the nearby roads.
- Affordability.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

PLANNING BOARD RECOMMENDATION
715 GREENVILLE HIGHWAY MULTI-FAMILY (P24-39-CZD)
MEETING DATE: NOVEMBER 14TH, 2024

PETITION REQUEST: Rezoning: Urban Residential - Conditional Zoning District (UR-CZD)

APPLICANT/PETITIONER: Travis Fowler, First Victory Inc. [Applicant] & Richard Herman of South Market LLC. [Owner]

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 3-3 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Mr. Hanley moved the 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: 9568-83-4302, 9568-83-2474 and, 9568-83-2082) from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District, for the construction of 185 multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 11-4-24] 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.
    a. Permitted Uses:
        i. 1. Residential Dwellings, Multi-Family
2. 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 Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.
3. 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:
    a. The petition proposes to provide additional housing to offset local rental demand.
    b. The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail.
    c. The site plan clusters development impacts out of the floodway portions of the site.

OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES:

The Planning Board convened on this project for **56 minutes**.

Ms. Gilgis stated the developer had said he was going to build up the land, how high are you going to go?

John Kinard, project engineer stated they will be at least three feet above the Base Flood Elevation and on average the site is getting raised up four or five feet more than what it is now. Chair stated it has already been elevated in the past. Mr. Kinard stated correct. Chair stated you are going four or five feet higher than that. Mr. Kinard stated yes. Ms. Gilgis stated water still has to go somewhere even when you elevate your property, water is going to have to go somewhere.

Ms. Gilgis stated Walgreens built up, Publix built up, Fresh Market built up and there is obviously a flooding problem in that area. Are you going to make it better or are you going to make it worse? Mr. Kinard stated he does not think their site will impact the flood elevations at all. They are just going up above the flood waters. There is a mitigation project behind them to help with that flooding situation and they are providing access to the site and helping them in any way they can with that mitigation project. Ms. Gilgis asked if they would have any kind of retention ponds. Mr. Kinard stated yes, they will have underground storm tech retention chambers. It does several things, one is water quality so it treats the first one inch of runoff, solids, oils that kind of thing in accordance with state regulations. In addition to that they are retaining the two and ten year storm, which is a Hendersonville requirement.

Ms. Peacock stated the site was previously paved and now there is some dirt over it and they are only going up but since the asphalt that is probably underneath that dirt is not permeable, are you budgeted to remove the old asphalt? Mr. Fowler stated there is no asphalt under there. Mr. Kinard stated it sounds like it has been removed already. When they did the filling they removed it. Mr. Fowler stated they have done analysis on the property and there is not asphalt, it has all been removed.

Ms. Peacock asked if it would be feasible to add more pervious parking, could you make most of the parking pervious? Mr. Fowler stated they can talk about it and see what they can work out. He feels it is not really financially feasible though. They are trying to keep a high quality product at a lower price. He would rather try to retain the water with a storm tech system than have pervious paving.

Mr. Hanley asked if Publix is higher than they will be when they are done. Mr. Fowler stated they will be higher than Publix.

Ms. Peacock asked in what ways do you think this development will improve the drainage in that area. Mr. Fowler stated this is a previously developed site, it is not a pristine open field, it is not a beautiful canopy, it use to be a parking lot so the soils that are out there now are not organic soils and the water that falls out of the sky is not falling on organic ground and it absorbs that water not at a normal rate. It doesn't perk at a normal rate. The water that leaves the site now is not treated. It falls on the ground, it runs through the dirt of a previously developed site that is not perfect soil and it goes straight into Mud Creek behind them. So what they are going to do is they will catch all of that water and they will retain the first inch and treat it. It will clean up the water that will leave the site. They will not make the flood not happen. Mother nature will have her way. They will not make the flood not happen. Ms. Peacock stated the water from other areas flows through their site. Mr. Fowler stated they are raising their site up so the water that is in the road will stay in the road. The water over at Chadwick will not come onto their site. If it falls on their site they will treat it and release it, which is not happening right now.

OVERVIEW OF BOARD DISCUSSION FROM MINUTES:

The Board had a discussion on the project. Chair found this irresponsible in a sense. You have people that went to bed that night not living in a floodplain and now they are gone. We are going to put 450 people in a floodplain. It is irresponsible. Right now the timing of this is very insensitive. Mr. Hanley stated once they raise the dirt up it will be outside of the floodplain. Chair stated the water has to go somewhere. The reason this piece of property is green on the 2045 Comp Plan is because it needs to be a cornfield. If a cornfield floods you buy off on your insurance, nobody dies. Chair stated they can make a motion but he finds this irresponsible and insensitive. Ms. Waters stated her concern is access and how they will be able to get to a hospital. Mr. Hanley stated he drives this area everyday and the access they are putting up on Greenville Highway, you will be able to get in and out of. Chair stated that does not change his mind

PUBLIC COMMENTS:

Ken Fitch, 1046 Patton Street *stated the flood images and photos may prove more eloquent as the star witness than any other comments that have been made. He was concerned with the history of the flooding in this area is it logical to place this development in this location. It would seem to defy common sense to do this. He talked about the issues of access to the area as a huge concern during flooding. He was concerned about the impact on first floor uses. Access to local amenities won't happen when it floods. He talked about these being condos or rentals, that was something people would want to know. He understands wanting to utilize the property but mother nature still has a claim here.*

Lynne Williams, Chadwick Avenue (zoom) *stated the photo submitted during Helene was actually taken by her family because this is actually very real for them. They cannot get to the hospital because they are on Chadwick Avenue and it is an island. They have to take swift water boats to get there, This is why this conversation is completely absurd. Publix was supposed to make the flooding better, how did that go? Notice how Publix was not flooded at all but how about the surrounding areas, how did they look? The water went all the way from South Rock Grill to chest height at the front of Fresh Market, do you understand that? This project was going to go before the Planning Board earlier this year but it was pulled because the whole property was flooded in January. The pictures and the comments that were submitted then are still relevant even though she does not believe they have been submitted here. The entrances and exits were under water. And during Hurricane Helene they were under water for over a day. It did not just dissipate in a few hours. She has been warning both the Planning Board and the Council that Chadwick and South Main would become an island and that is exactly what happened. Our public safety was completely at risk. The only way to the hospital was by swift boat from Grove Street. This will be built in the floodplain. There is no affordable housing and there are no other buildings like this towering nearby. She was very concerned about the height of the buildings and raising the site plus having a three to four story building on the site. She stated 73.5% to be built in the floodplain. She is not sure why we are even having this conversation. This is absolutely shocking. If Southgate had been built it would have been completely flooded, The public interest is that we are not interested. We find this to be a slap in the face. We ask you to reject this. This has everything to do with public safety. This is not the perfect location.*

BOARD ACTION:

Motion:

- Peter Hanley

Second:

- Tamara Peacock (Vice Chair)

Yeas:

- Tamara Peacock (Vice Chair), Peter Hanley, Laura Flores,

Nays:

- Jim Robertson (Chair), Donna Waters, Kyle Gilgis

Absent: Bob Johnson, Chauncy Whiting

Recused: None

715 GREENVILLE HWY APARTMENTS

APARTMENTS

CITY OF HENDERSONVILLE

NOTES

SITE NOTES:

1. PROJECT ADDRESS: 715 GREENVILLE HWY, HENDERSONVILLE NC 28792
2. TOTAL ACREAGE: 9.01 AC
3. ZONING: PCD
4. PROJECT PIN NUMBER(S): 9568832082, 9568834302, 9568832474
5. EXISTING TOPO INFO SHOWN WAS PROVIDED BY: JOHN COLE
6. EXISTING BOUNDARY INFO PROVIDED BY: JOHN COLE
7. FEMA FLOOD PANEL: 3700956800J
8. RECEIVING STREAM: JOHNSON DRAINAGE DITCH
9. SOIL TYPE(S): SOIL TYPES
10. DEED BOOK / PAGE: DEED BK / PG
11. LATITUDE / LONGITUDE: 35.3034 / -82.4580
12. DISTURBED ACREAGE: 6.0 AC
13. EROSION CONTROL REVIEW: HENDERSON COUNTY
14. STORMWATER MANAGEMENT REVIEW: CITY OF HENDERSONVILLE

GENERAL NOTES:

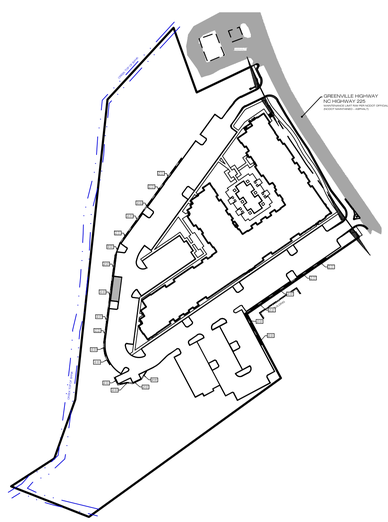
1. CONTRACTOR(S) SHALL BE RESPONSIBLE FOR ADEQUATE SUPERVISION TO PREVENT DAMAGE AND/OR MOVEMENT OF ANY SURVEY-LOCATED CONSTRUCTION STAKES. CONSTRUCTION STAKING SHALL REMAIN IN PLACE AND BE PROTECTED UNTIL THE OWNER APPROVES THEIR REMOVAL. ANY STAKES THAT HAVE BEEN DISPLACED AS A RESULT OF CONSTRUCTION ACTIVITY ARE TO BE REPLACED BY A LICENSED SURVEYOR ENGAGED BY THE CONTRACTOR AT NO COST TO THE OWNER.
2. THE ENGINEER WILL NOT BE CONTINUOUSLY PRESENT IN THE FIELD TO SUPERVISE CONSTRUCTION. IT IS SPECIFICALLY UNDERSTOOD THAT THE ENGINEERING FIRM DOES NOT UNDERTAKE NOR ASSUME ANY OBLIGATION FOR SUPERVISION OF CONSTRUCTION MEANS AND METHODS AND/OR SAFETY MEASURES TAKEN DURING THE COURSE OF CONSTRUCTION.
3. THE ENGINEERING FIRM IS NOT RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE CONSTRUCTION DOCUMENTS AND/OR ALL APPLICABLE REGULATORY RULES. THE ENGINEERING FIRM MAY BE CONTRACTED TO OBSERVE CONSTRUCTION AND ADVISE WITH REGARD TO ADHERENCE TO THE CONSTRUCTION DOCUMENTS AND REGULATORY COMPLIANCE, BUT NO RESPONSIBILITY WITH REGARD TO THE CONTRACTOR'S PERFORMANCE IS PROVIDED OR IMPLIED.
4. CONTRACTOR SHALL PROTECT ALL EXISTING AND NEW IMPROVEMENTS ON THE SUBJECT SITE AND ADJACENT PROPERTIES. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL DAMAGES WHICH OCCUR DURING CONSTRUCTION.
5. LOCATION OF ALL EXISTING UTILITIES, AS SHOWN HEREON, ARE PROVIDED BY THE PROJECT SURVEYOR. THE LOCATION AND ANY INCLUSION OR OMISSION OF UNDERGROUND OR OVERHEAD UTILITIES IS THE SOLE RESPONSIBILITY OF THE PROJECT SURVEYOR AND NO WARRANTY IS PROVIDED OR IMPLIED BY THE LOCATION REFLECTED IN THE PLANS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE TYPE, SIZE AND LOCATION OF ALL UTILITIES AND OTHER FEATURES WHICH MAY AFFECT CONSTRUCTION. CONTRACTOR SHALL NOTIFY DESIGNER PRIOR TO CONSTRUCTION IF EXISTING CONDITIONS DIFFER FROM THOSE INDICATED IN THE PLANS.
6. NO STREAM OR WETLAND DISTURBANCE SHALL OCCUR WITHOUT THE APPLICABLE PERMITTING FROM THE ARMY CORPS OF ENGINEERS AND STATE AND LOCAL AGENCIES.
7. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, ANY LAND DISTURBING ACTIVITIES. EROSION CONTROL IS A REQUIREMENT REGARDLESS OF PERMIT REQUIREMENTS AND MEASURES SHOWN OR NOT SHOWN IN THESE PLANS.
8. ANY EXCESS CUT/SPOIL MATERIAL DEVELOPED IN THE CONSTRUCTION OF THIS SITE SHALL BE DISPOSED OF AT AN APPROPRIATELY PERMITTED SPOIL SITE. CONTRACTOR TO PROVIDE PROOF OF PERMITS PRIOR TO PLACEMENT AT AN OFF-SITE LOCATION.
9. ANY ALTERATION TO THE PLANS MUST BE APPROVED BY THE PROJECT ENGINEER AND/OR APPROPRIATE REGULATORY AGENCY PRIOR TO THE COMMENCEMENT OF WORK.

INSPECTION SCHEDULE:

1. NO CONSTRUCTION SHALL COMMENCE PRIOR TO A PRECONSTRUCTION MEETING WITH THE OWNER, THE CONTRACTOR, THE ENGINEER, AND A REPRESENTATIVE OF THE APPROVING JURISDICTION.
2. ALL SHOP DRAWINGS SHALL BE SUBMITTED AT OR PRIOR TO THE PRECONSTRUCTION MEETING.
3. ENGINEER TO BE CALLED FOR PERIODIC INSPECTIONS.
4. CALL ENGINEERING PRIOR TO COVERING UNDERGROUND STRUCTURES FOR FINAL INSPECTIONS.
5. REFER TO MANUFACTURER'S SPECIFICATION MANUAL AND STATE AND LOCAL STANDARDS FOR ADDITIONAL REQUIREMENTS AND STANDARDS.

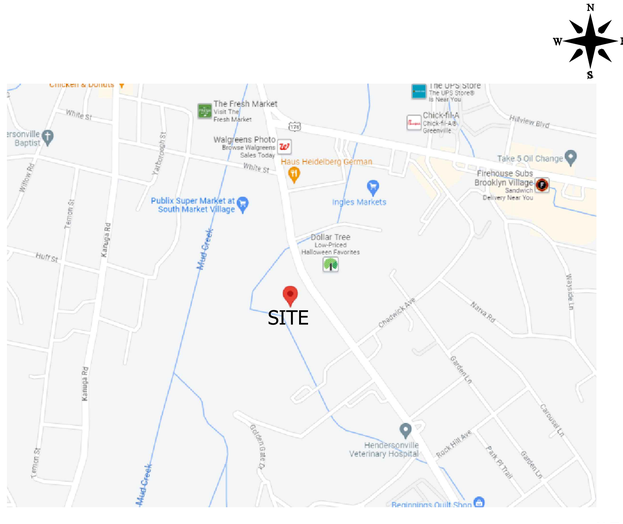
BEFORE YOU DIG !
CALL 811
N.C. ONE-CALL CENTER
IT'S THE LAW !

PROJECT MAP



N.T.S.

VICINITY MAP



N.T.S.

CONTACTS

DEVELOPER:	CONTACT INFO:
FIRST VICTORY, INC	TRAVIS FOWLER travis@firstvictory.com 828-808-6433 542 S CALDWELL ST BREVARD, NC 28712
OWNER:	**CONTACT INFO:**
SOUTH MARKET, LLC	RICHARD HERMAN ---- 828-577-4201 2809 HAMPTON DRIVE HENDERSONVILLE NC 28792
ENGINEER:	**CONTACT INFO:**
BROOKS ENGINEERING ASSOCIATES, PA	JOHN KINNAIRD JKINNAIRD@BROOKSEA.COM (828) 232-4700 15 ARLINGTON STREET ASHEVILLE, NC 28801
SURVEYOR:	**CONTACT INFO:**
COLE SURVEY & DESIGN	JOHN COLE N/A 549 ELK PARK DRIVE, SUITE 707 ASHEVILLE NC 28804
LANDSCAPE ARCHITECT:	**CONTACT INFO:**
FIND THE LINE STUDIOS	ROB DULL ROB@FINDTHELINESTUDIOS.COM 305 POLE CREASMAN ROAD ASHEVILLE NC 28806

SHEET INDEX

NO.:	TITLE:
C-0	COVER SHEET
C-1.0	MASTER PLAN
C-1.1	WIDENING PLAN
C-2.0	EXISTING CONDITIONS / SURVEY
C-5.0	OVERALL STORMWATER PLAN
C-7.0	UTILITY PLAN
L-200	OVERALL SITE PLAN
L-201	PRELIMINARY SITE PLAN
L-202	PRELIMINARY SITE PLAN
L-203	PRELIMINARY SITE PLAN
L-300	OVERALL LANDSCAPE PLANS
L-301	PRELIMINARY LANDSCAPE PLAN
L-302	PRELIMINARY LANDSCAPE PLAN
L-303	PRELIMINARY LANDSCAPE PLAN
L-304	PRELIMINARY LANDSCAPE PLAN
L-400	TREE CANOPY PLAN
ES.11	PHOTOMETRIC SITE PLAN
ES.12	SITE LIGHT FIXTURE SPECIFICATIONS
A1.01	OVERALL FLOOR PLAN - LEVEL 1
A2.01	ELEVATIONS - E FACADE & NE CORNER
A2.02	ELEVATIONS - S FACADE
ES.11	PHOTOMETRIC SITE PLAN
ES.12	SITE LIGHTING FIXTURE SPECIFICATIONS

DEVELOPER PROPOSED CONDITIONS

1. PARKING SPACES
   The number of permitted parking spaces shall be 288 (approx. 1.56 spaces per unit), as shown on the Site Plan. See Sec. 6-5 (providing a minimum requirement of 1 to 1.5 spaces per unit); Sec. 5-25-5.16 (providing that the applicant must demonstrate that parking is "adequate," while also providing that the number of parking spaces "should not exceed the minimum requirements" found in Sec. 6-5).
2. TREE PLANTINGS
   The number, size, and type of tree plantings required by Section 5-25-5.20 shall be planted. However, due to planting limitations within the floodway and conservation easement areas on the Project site, some of the 3" caliper trees required by Section 5-25-5.20 shall be planted in areas that also qualify for Vehicular Use Area plantings, as shown on the Landscape Plan.
3. BUILDING FAÇADE
   Façade offsets along the East Elevation may exceed the 16 ft. offset requirement provided in Section 5-25-12(b) as shown on the Site Plan and Elevations. No wall shall exceed 26 feet in length without an offset. Offsets may be provided either in exterior walls or at balconies.
4. BUS SHELTER
   A bus shelter (Sec. 5-25-5.13) shall not be required due to the proximity of an existing bus shelter on a neighboring property (Henderson County PIN #9568-82-7951) to the south of the Project site.
5. LOADING ZONES
   In lieu of the required 12'x40' loading zone, the developer proposes to provide three parking spaces that are designated as loading zones. See Sec. 6-6.
6. FLOODWAY PLANTINGS / MAINTENANCE
   To the extent practicable within the limitations of the Floodplain Development Permit required by the attached site plan and grading plan, Developer shall implement a vegetative planting and management plan that will create and enhance the existing wetland and wildlife habitat of the open space areas outside the footprint of the developed area, stream buffer(s) and the Wetland Conservation Area. The plan should include diverse and appropriate species of native upland and/or wetland shrubs, appropriate trees and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators), and all planted species shall be selected from the City's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses may be used. The plan shall be developed by a qualified landscape architect (with wildlife habitat management expertise), and shall incorporate an appropriate long-term invasive species management and control plan.

CITY PROPOSED CONDITIONS

1. Developer shall install all recommended traffic mitigations found in the approved Traffic Impact Analysis, in accordance with City and NCDOT requirements prior to final certificate of occupancy.

No.	REVISIONS/SUBMISSIONS	Date
1	PLANNING AND ZONING SUBMITTAL	8/01/2024
2	PLANNING BOARD SUBMITTAL	11/04/2024

Revision/Submission number with a triangle indicates changes made on this sheet

NORTH CAROLINA ENGINEERING CORPORATION CERT # C - 4073

PRELIMINARY - NOT FOR CONSTRUCTION

Designed: JHK
Drawn: JHK
Checked: JHK
Reviewed: JHK
Scale: AS NOTED
Date: 8/01/2024

15 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brookssea.com

CDG ENGINEERS AND ASSOCIATES, INC

715 GREENVILLE HWY APARTMENTS
CITY OF HENDERSONVILLE NORTH CAROLINA

Project No: 597223

C-0

Drawing Title: COVER SHEET

Location: C:\Users\johnkinnaird\CDG, Inc\Civil Site - Documents\Projects\2024\First Victory - 715 Greenville Hwy\Civil_CAD_Baseline\Civil-Base-597223.dwg

MASTER PLAN LEGEND

- EXIST. BOUNDARY
- EXIST. ADJOINER
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT
- FEMA FLOOD HAZARD AREA (1%)
- FEMA FLOOD HAZARD AREA (0.2%)
- EXIST. RIGHT OF WAY
- EXIST. BUILDING SETBACK
- EXIST. BUILDING
- EXISTING SIDEWALK
- EXISTING PAVEMENT
- EXIST. CURB
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- NEW EASEMENT
- BUILDING SETBACK LINE
- NEW LANDSCAPE BUFFER
- NEW COMMON OPEN SPACE
- NEW BUILDING
- NEW PAVEMENT
- NEW HD PAVEMENT
- NEW CONCRETE SIDEWALK
- NEW GRAVEL
- NEW CURB & GUTTER
- NEW WALL (BY OTHERS)

IMPERVIOUS AREA SUMMARY:
Proposed Impervious Area: 184,401sf
Proposed Impervious Percent: 47.0%

DEVELOPER PROPOSED CONDITIONS

1. PARKING SPACES
   The number of permitted parking spaces shall be 288 (approx. 1.56 spaces per unit), as shown on the Site Plan. See Sec. 6-5 (providing a minimum requirement of 1 to 1.5 spaces per unit); Sec. 5-25-5.16 (providing that the applicant must demonstrate that parking is "adequate," while also providing that the number of parking spaces "should not exceed the minimum requirements" found in Sec. 6-5).
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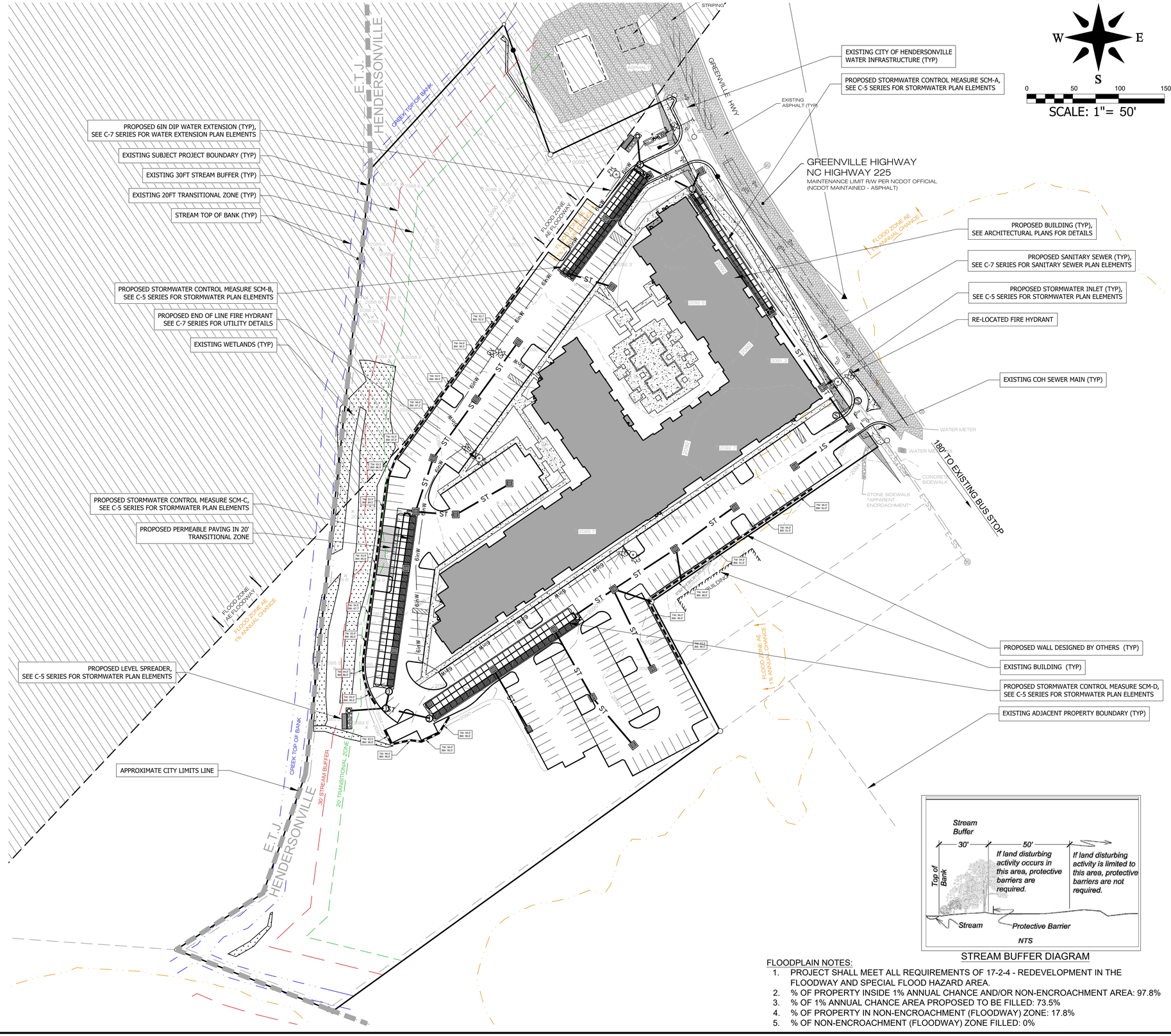
CITY PROPOSED CONDITIONS

1. Developer shall install all recommended traffic mitigations found in the approved Traffic Impact Analysis, in accordance with City and NCDOT requirements prior to final certificate of occupancy.

DEVELOPMENT DATA

PROPERTY ADDRESS: 715 GREENVILLE HWY
HENDERSONVILLE NC 28792
PIN NUMBER: 9568832082, 9568834302, 9568832474
PROPERTY SIZE: 9.01 AC
ZONING REVIEW: CITY OF HENDERSONVILLE
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: CITY OF HENDERSONVILLE
ZONING CLASSIFICATION: PCD
PROPOSED NUMBER OF UNITS: 185
PROPOSED DENSITY: 20.55 UNITS / AC
PROPERTY OWNER: SOUTH MARKET, LLC
CONTACT: RICHARD HERMAN
ADDRESS: 2809 HAMPTON DRIVE
HENDERSONVILLE NC 28792
EMAIL: ----
PHONE: 828-577-4201
DEVELOPER: FIRST VICTORY, INC
CONTACT: TRAVIS FOWLER
ADDRESS: 542 S CALDWELL ST
BREVARD, NC 28712
EMAIL: travis@firstvictory.com
PHONE: 828-808-6433
ENGINEER: BROOKS ENGINEERING ASSOCIATES
CONTACT: JOHN KINNAIRD
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: JKINNAIRD@BROOKSEA.COM
PHONE: 828-232-4700
LANDSCAPE ARCH.: FIND THE LINE STUDIOS
CONTACT: ROB DULL
ADDRESS: 305 POLE CREASMAN ROAD
ASHEVILLE NC 28806
EMAIL: ROB@FINDTHELINESTUDIOS.COM
PHONE: 828-674-5592



STREAM BUFFER DIAGRAM

FLOODPLAIN NOTES:

1. PROJECT SHALL MEET ALL REQUIREMENTS OF 17-2-4 - REDEVELOPMENT IN THE FLOODWAY AND SPECIAL FLOOD HAZARD AREA.
2. % OF PROPERTY INSIDE 1% ANNUAL CHANCE AND/OR NON-ENCROACHMENT AREA: 97.8%
3. % OF 1% ANNUAL CHANCE AREA PROPOSED TO BE FILLED: 73.5%
4. % OF PROPERTY IN NON-ENCROACHMENT (FLOODWAY) ZONE: 17.8%
5. % OF NON-ENCROACHMENT (FLOODWAY) ZONE FILLED: 0%

No.	REVISIONS/SUBMISSIONS	Date
1	PLANNING AND ZONING SUBMITTAL	8/01/2024
2	PLANNING BOARD SUBMITTAL	11/04/2024

Revision/Submission number with a triangle indicates changes made on this sheet

PRELIMINARY - NOT FOR CONSTRUCTION

CDG ENGINEERS AND ASSOCIATES, INC
CERT # C - 4073

Designed: JHK
Drawn: JHK
Checked: JHK
Reviewed: JHK
Scale: AS NOTED
Date: 8/01/2024

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Asheville, N.C. 28801
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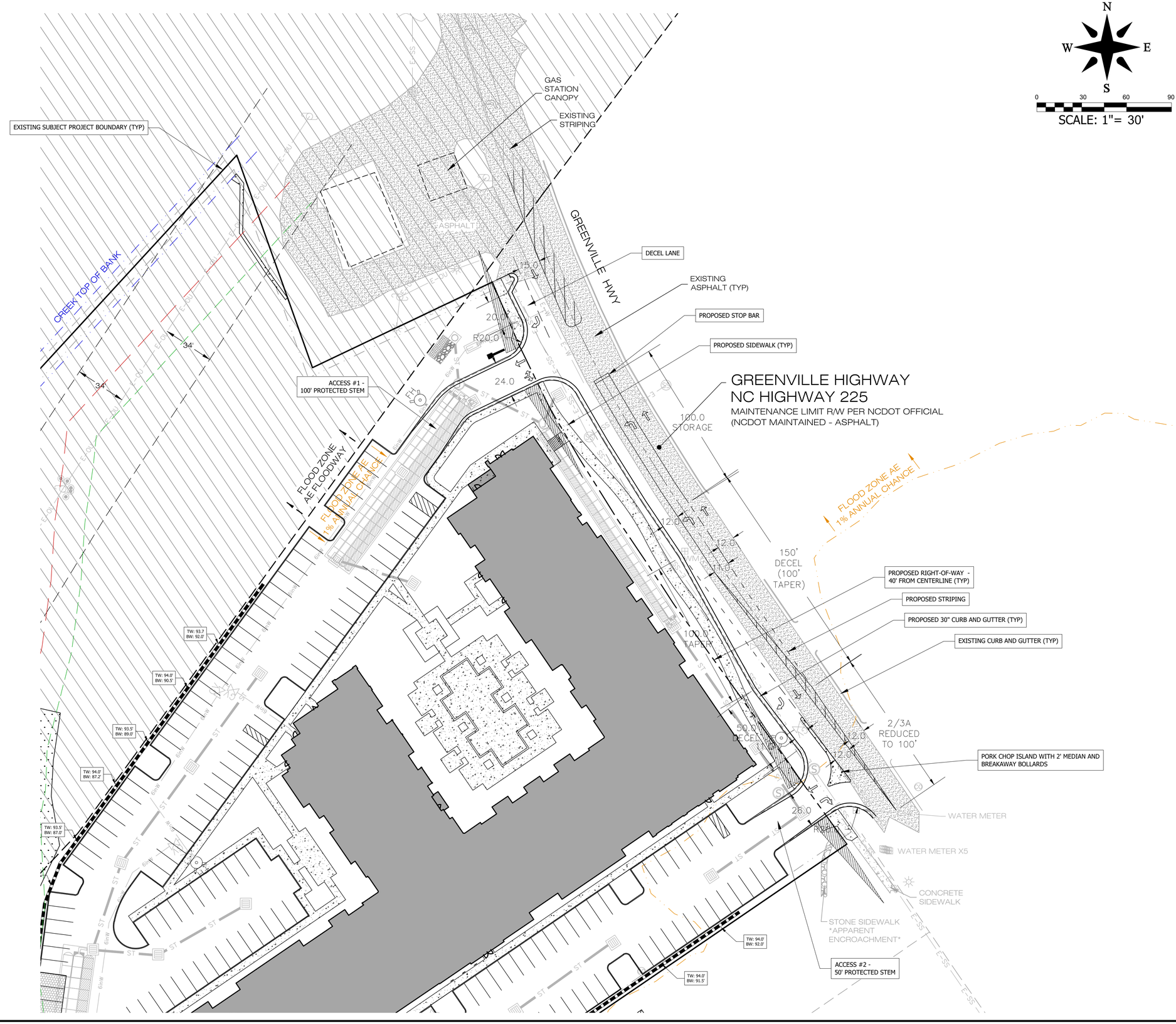
715 GREENVILLE HWY
APARTMENTS
CITY OF HENDERSONVILLE NORTH CAROLINA

Project No: 597223
C-1.0
Drawing Title: MASTER PLAN

Location: C:\Users\john.kinnaird\CDG, Inc\Civil Site - Documents\Projects\2024\First Victory - 715 Greenville Hwy\Civil_CAD_Baseline\Civil-Base-597223.dwg

MASTER PLAN LEGEND

- EXIST. BOUNDARY
- EXIST. ADJOINER
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT
- FEMA FLOOD HAZARD AREA (1%)
- FEMA FLOOD HAZARD AREA (0.2%)
- EXIST. RIGHT OF WAY
- EXIST. BUILDING SETBACK
- EXIST. BUILDING
- EXISTING SIDEWALK
- EXISTING PAVEMENT
- EXIST. CURB
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- NEW EASEMENT
- BUILDING SETBACK LINE
- NEW LANDSCAPE BUFFER
- NEW COMMON OPEN SPACE
- NEW BUILDING
- NEW PAVEMENT
- NEW HD PAVEMENT
- NEW CONCRETE SIDEWALK
- NEW GRAVEL
- NEW CURB & GUTTER
- NEW WALL (BY OTHERS)



N
W E
S

0 30 60 90

SCALE: 1"= 30'

GREENVILLE HIGHWAY
NC HIGHWAY 225
MAINTENANCE LIMIT R/W PER NCDOT OFFICIAL
(NCDOT MAINTAINED - ASPHALT)

DEVELOPMENT DATA

PROPERTY ADDRESS: 715 GREENVILLE HWY
HENDERSONVILLE NC 28792
PIN NUMBER: 9568832082, 9568834302, 9568832474
PROPERTY SIZE: 9.01 AC
ZONING REVIEW: CITY OF HENDERSONVILLE
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: CITY OF HENDERSONVILLE
ZONING CLASSIFICATION: PCD
PROPOSED NUMBER OF UNITS: 185
PROPOSED DENSITY: 20.55 UNITS / AC
PROPERTY OWNER: SOUTH MARKET, LLC
CONTACT: RICHARD HERMAN
ADDRESS: 2809 HAMPTON DRIVE
HENDERSONVILLE NC 28792
EMAIL: ----
PHONE: 828-577-4201
DEVELOPER: FIRST VICTORY, INC
CONTACT: TRAVIS FOWLER
ADDRESS: 542 S CALDWELL ST
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EMAIL: travis@firstvictory.com
PHONE: 828-808-6433
ENGINEER: BROOKS ENGINEERING ASSOCIATES
CONTACT: JOHN KINNAIRD
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: JKINNAIRD@BROOKSEA.COM
PHONE: 828-232-4700
LANDSCAPE ARCH.: FIND THE LINE STUDIOS
CONTACT: ROB DULL
ADDRESS: 305 POLE CREASMAN ROAD
ASHEVILLE NC 28806
EMAIL: ROB@FINDTHELINESTUDIOS.COM
PHONE: 828-674-5592

No.	REVISIONS/SUBMISSIONS	Date
1	PLANNING AND ZONING SUBMITTAL	8/01/2024
2	PLANNING BOARD SUBMITTAL	11/04/2024

Revision/Submission number with a triangle indicates changes made on this sheet

PRELIMINARY - NOT FOR CONSTRUCTION

CDG ENGINEERS AND ASSOCIATES, INC

715 GREENVILLE HWY
APARTMENTS
CITY OF HENDERSONVILLE NORTH CAROLINA

Designed: JHK
Drawn: JHK
Checked: JHK
Reviewed: JHK
Scale: AS NOTED
Date: 8/01/2024

15 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksea.com

Project No: 597223

C-1.1

Drawing Title: WIDENING PLAN

File Location: C:\Users\john.kinnaird\CDG, Inc\Civil Site - Documents\Projects\2024\First Victory - 715 Greenville Hwy\Civil_CAD_Basefiles\Civil-Base-597223.dwg

EXIST. CONDITIONS LEGEND

- EXIST. BOUNDARY
- EXIST. ADJOINER
- MONUMENT FOUND
- REBAR FOUND
- IRON PIPE FOUND
- NAIL FOUND
- CORNER TREE FOUND
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT
- FEMA FLOOD HAZARD AREA (1%)
- FEMA FLOOD HAZARD AREA (0.2%)
- EXIST. RIGHT OF WAY
- EXIST. EASEMENT
- EXIST. BUILDING SETBACK
- EXISTING BUILDING
- EXISTING SIDEWALK
- EXISTING PAVEMENT
- EXISTING GRAVEL
- EXIST. CURB
- EXIST. MANHOLE
- EXIST. MANHOLE
- E–SS — EXIST. SANITARY SEWER
- EXIST. SEWER CLEAN OUT
- E–W — EXIST. WATER LINE
- EXIST. WATER METER
- EXIST. FIRE HYDRANT
- EXIST. WATER VALVE
- E–OU — EXIST. OVERHEAD UTILITIES
- EXIST. POWER POLE
- E–U — EXIST. UNDRGRND UTILITIES
- E–ST — EXIST. STORM DRAIN
- EXIST. CURB INLET
- EXIST. JUNCTION BOX
- EXIST. DROP INLET
- EXIST. TELE MANHOLE
- EXIST. DROP INLET
- EXIST. TRANFORMER
- EXIST. LIGHT POLE
- EXIST. MINOR CONTOUR
- –ELEV– EXIST. MAJOR CONTOUR
- ABANDON EASEMENT
- ABANDON PROPERTY LINE
- DEMO BUILDING
- DEMO CONCRETE
- DEMO PAVEMENT
- DEMO GRAVEL
- DEMO CURB
- D–SS — DEMO SANITARY SEWER
- D–W — DEMO WATER LINE
- D–U — DEMO OTHER UTILITIES
- D–ST — DEMO STORM DRAIN
- EXISTING TREELINE
- TREE TO REMAIN
- TREE TO BE REMOVED
- EXIST. FENCE

DEVELOPMENT DATA

PROPERTY ADDRESS: 715 GREENVILLE HWY
HENDERSONVILLE NC 28792
PIN NUMBER: 9568832082, 9568834302, 9568832474
PROPERTY SIZE: 9.01 AC
ZONING REVIEW: CITY OF HENDERSONVILLE
EROSION CONTROL REVIEW: HENDERSON COUNTY
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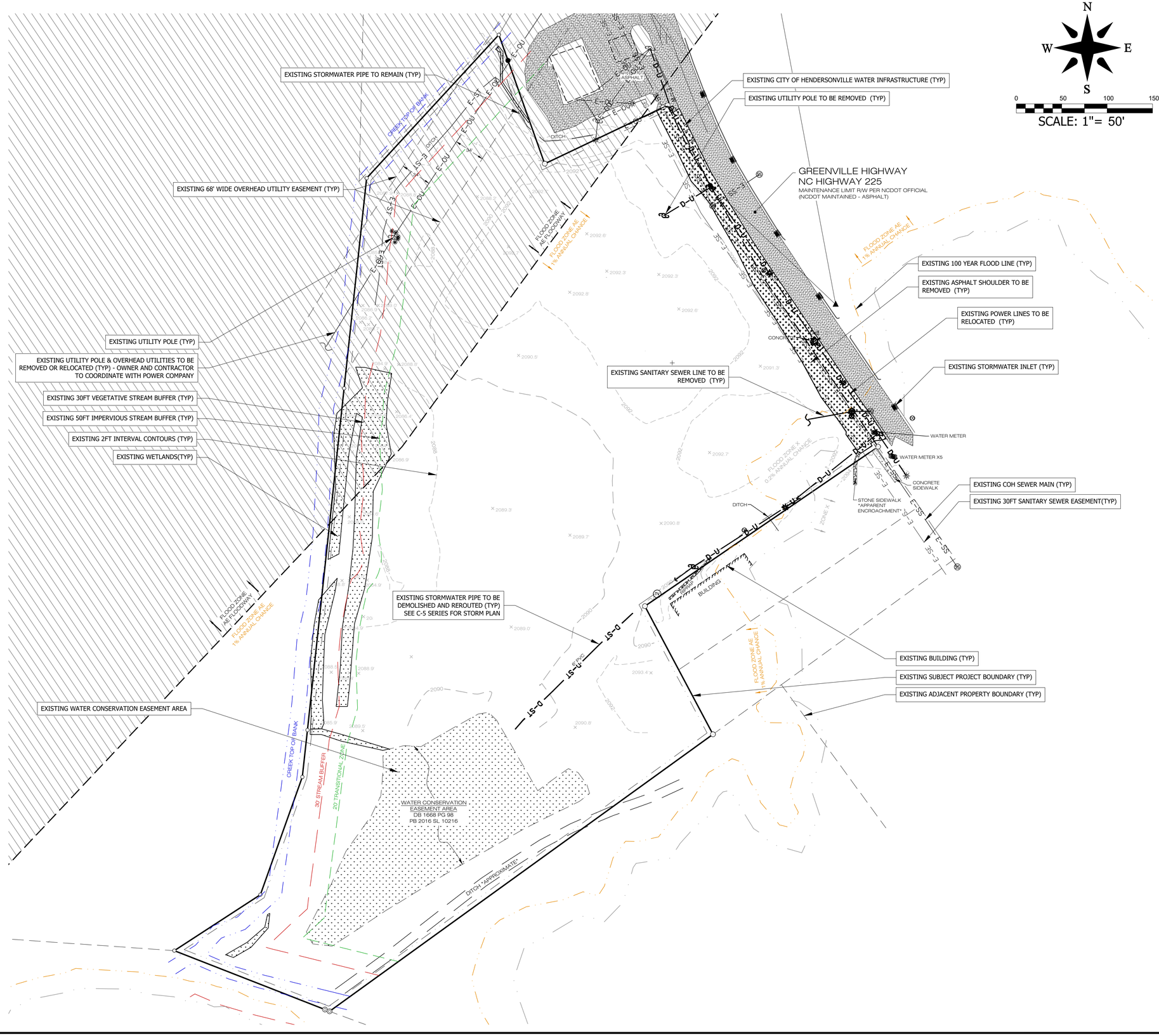

No.	REVISIONS/SUBMISSIONS	Date
1	PLANNING AND ZONING SUBMITTAL	8/01/2024
2	PLANNING BOARD SUBMITTAL	11/04/2024

Revision/Submission number with a triangle indicates changes made on this sheet

PRELIMINARY - NOT FOR CONSTRUCTION

NORTH CAROLINA ENGINEERS & ASSOCIATES, INC. CERT # C - 4073

CDG ENGINEERS AND ASSOCIATES, INC

Designed: JHK
Drawn: JHK
Checked: JHK
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715 GREENVILLE HWY
APARTMENTS
CITY OF HENDERSONVILLE NORTH CAROLINA

Project No: 597223

C-2.0

Drawing Title: EXISTING CONDITIONS AND SURVEY

Location: C:\Users\john.kinnaird\CDG, Inc\Civil Site - Documents\Projects\2024\First Victory - 715 Greenville Hwy\Civil_CAD_Basefiles\Civil-Base-597223.dwg

GRADING AND STORMWATER LEGEND

- EXIST. BOUNDARY
- EXIST. ADJOINER
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT
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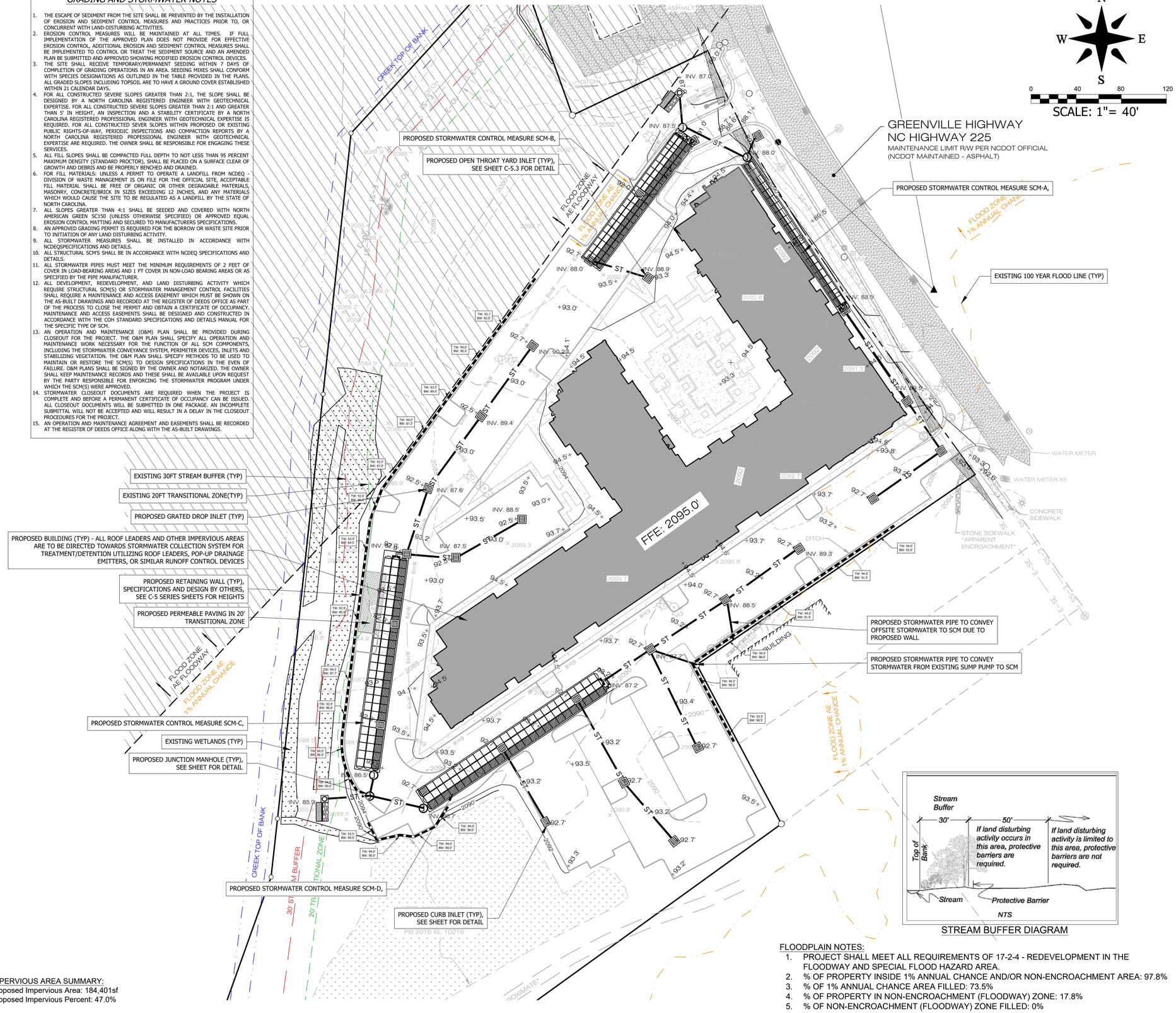
- EXIST. DROP INLET
- EXIST. TELE MANHOLE
- EXIST. DROP INLET
- EXIST. TRANFORMER
- EXIST. LIGHT POLE
- EXIST. MINOR CONTOUR
- EXIST. MAJOR CONTOUR
- NEW BUILDING
- NEW PAVEMENT
- NEW HD PAVEMENT
- NEW CONCRETE SIDEWALK
- NEW GRAVEL
- NEW CURB & GUTTER
- NEW YARD INLET
- NEW DROP INLET
- NEW CURB INLET
- NEW JUNCTION BOX
- NEW HEADWALL
- NEW FLARED END SECTION
- NEW RIP-RAP OUTLET PROTECTION
- NEW STORM PIPE
- GRASS-LINED DITCH WITH MATTING
- RIP-RAP LINED DITCH
- NEW MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW SPOT GRADE
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- NEW WATER DISTRIBUTION MAIN
- NEW WATER FIRE HYDRANT
- NEW MANHOLE
- NEW SEWER LINE
- LIMITS OF DISTURBANCE
- NEW WALL (BY OTHERS)
- TEMP. TREE PROTECTION FENCE

GRADING AND STORMWATER NOTES

1. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH LAND-DISTURBING ACTIVITIES.
2. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE AND AN AMENDED PLAN BE SUBMITTED AND APPROVED SHOWING MODIFIED EROSION CONTROL DEVICES.
3. THE SITE SHALL RECEIVE TEMPORARY/PERMANENT SEEDING WITHIN 7 DAYS OF COMPLETION OF GRADING OPERATIONS IN AN AREA. SEEDING MIXES SHALL CONFORM WITH SPECIES DESIGNATIONS AS OUTLINED IN THE TABLE PROVIDED IN THE PLANS. ALL GRADED SLOPES INCLUDING TOPSOIL ARE TO HAVE A GROUND COVER ESTABLISHED WITHIN 21 CALENDAR DAYS.
4. FOR ALL CONSTRUCTED SEVERE SLOPES GREATER THAN 2:1, THE SLOPE SHALL BE DESIGNED BY A NORTH CAROLINA REGISTERED ENGINEER WITH GEOTECHNICAL EXPERTISE. FOR ALL CONSTRUCTED SEVERE SLOPES GREATER THAN 2:1 AND GREATER THAN 5' IN HEIGHT, AN INSPECTION AND A STABILITY CERTIFICATE BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEER WITH GEOTECHNICAL EXPERTISE IS REQUIRED. FOR ALL CONSTRUCTED SEVER SLOPES WITHIN PROPOSED OR EXISTING PUBLIC RIGHTS-OF-WAY, PERIODIC INSPECTIONS AND COMPACTION REPORTS BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEER WITH GEOTECHNICAL EXPERTISE ARE REQUIRED. THE OWNER SHALL BE RESPONSIBLE FOR ENGAGING THESE SERVICES.
5. ALL FILL SLOPES SHALL BE COMPACTED FULL DEPTH TO NOT LESS THAN 95 PERCENT MAXIMUM DENSITY (STANDARD PROCTOR), SHALL BE PLACED ON A SURFACE CLEAR OF GROWTH AND DEBRIS AND BE PROPERLY BENCHED AND DRAINED.
6. FOR FILL MATERIALS: UNLESS A PERMIT TO OPERATE A LANDFILL FROM NCDEQ - DIVISION OF WASTE MANAGEMENT IS ON FILE FOR THE OFFICIAL SITE, ACCEPTABLE FILL MATERIAL SHALL BE FREE OF ORGANIC OR OTHER DEGRADABLE MATERIALS, MASONRY, CONCRETE/BRICK IN SIZES EXCEEDING 12 INCHES, AND ANY MATERIALS WHICH WOULD CAUSE THE SITE TO BE REGULATED AS A LANDFILL BY THE STATE OF NORTH CAROLINA.
7. ALL SLOPES GREATER THAN 4:1 SHALL BE SEEDED AND COVERED WITH NORTH AMERICAN GREEN SC150 (UNLESS OTHERWISE SPECIFIED) OR APPROVED EQUAL EROSION CONTROL MATTING AND SECURED TO MANUFACTURERS SPECIFICATIONS.
8. AN APPROVED GRADING PERMIT IS REQUIRED FOR THE BORROW OR WASTE SITE PRIOR TO INITIATION OF ANY LAND DISTURBING ACTIVITY.
9. ALL STORMWATER MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH NCDEQSPECIFICATIONS AND DETAILS.
10. ALL STRUCTURAL SCM'S SHALL BE IN ACCORDANCE WITH NCDEQ SPECIFICATIONS AND DETAILS.
11. ALL STORMWATER PIPES MUST MEET THE MINIMUM REQUIREMENTS OF 2 FEET OF COVER IN LOAD-BEARING AREAS AND 1 FT COVER IN NON-LOAD BEARING AREAS OR AS SPECIFIED BY THE PIPE MANUFACTURER.
12. ALL DEVELOPMENT, REDEVELOPMENT, AND LAND DISTURBING ACTIVITY WHICH REQUIRE STRUCTURAL SCM(S) OR STORMWATER MANAGEMENT CONTROL FACILITIES SHALL REQUIRE A MAINTENANCE AND ACCESS EASEMENT WHICH MUST BE SHOWN ON THE AS-BUILT DRAWINGS AND RECORDED AT THE REGISTER OF DEEDS OFFICE AS PART OF THE PROCESS TO CLOSE THE PERMIT AND OBTAIN A CERTIFICATE OF OCCUPANCY. MAINTENANCE AND ACCESS EASEMENTS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE COH STANDARD SPECIFICATIONS AND DETAILS MANUAL FOR THE SPECIFIC TYPE OF SCM.
13. AN OPERATION AND MAINTENANCE (O&M) PLAN SHALL BE PROVIDED DURING CLOSEOUT FOR THE PROJECT. THE O&M PLAN SHALL SPECIFY ALL OPERATION AND MAINTENANCE WORK NECESSARY FOR THE FUNCTION OF ALL SCM COMPONENTS, INCLUDING THE STORMWATER CONVEYANCE SYSTEM, PERIMETER DEVICES, INLETS AND STABILIZING VEGETATION. THE O&M PLAN SHALL SPECIFY METHODS TO BE USED TO MAINTAIN OR RESTORE THE SCM(S) TO DESIGN SPECIFICATIONS IN THE EVEN OF FAILURE. O&M PLANS SHALL BE SIGNED BY THE OWNER AND NOTARIZED. THE OWNER SHALL KEEP MAINTENANCE RECORDS AND THESE SHALL BE AVAILABLE UPON REQUEST BY THE PARTY RESPONSIBLE FOR ENFORCING THE STORMWATER PROGRAM UNDER WHICH THE SCM(S) WERE APPROVED.
14. STORMWATER CLOSEOUT DOCUMENTS ARE REQUIRED WHEN THE PROJECT IS COMPLETE AND BEFORE A PERMANENT CERTIFICATE OF OCCUPANCY CAN BE ISSUED. ALL CLOSEOUT DOCUMENTS WILL BE SUBMITTED IN ONE PACKAGE. AN INCOMPLETE SUBMITTAL WILL NOT BE ACCEPTED AND WILL RESULT IN A DELAY IN THE CLOSEOUT PROCEDURES FOR THE PROJECT.
15. AN OPERATION AND MAINTENANCE AGREEMENT AND EASEMENTS SHALL BE RECORDED AT THE REGISTER OF DEEDS OFFICE ALONG WITH THE AS-BUILT DRAWINGS.



DEVELOPMENT DATA

PROPERTY ADDRESS: 715 GREENVILLE HWY HENDERSONVILLE NC 28792
PIN NUMBER: 9568832082, 9568834302, 9568832474
PROPERTY SIZE: 9.01 AC
ZONING REVIEW: CITY OF HENDERSONVILLE
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: CITY OF HENDERSONVILLE
ZONING CLASSIFICATION: PCD
PROPOSED NUMBER OF UNITS: 185
PROPOSED DENSITY: 20.55 UNITS / AC
PROPERTY OWNER: SOUTH MARKET, LLC
CONTACT: RICHARD HERMAN
ADDRESS: 2809 HAMPTON DRIVE HENDERSONVILLE NC 28792
EMAIL: ----
PHONE: 828-577-4201
DEVELOPER: FIRST VICTORY, INC
CONTACT: TRAVIS FOWLER
ADDRESS: 542 S CALDWELL ST BREVARD, NC 28712
EMAIL: travis@firstvictory.com
PHONE: 828-808-6433
ENGINEER: BROOKS ENGINEERING ASSOCIATES
CONTACT: JOHN KINNAIRD
ADDRESS: 15 ARLINGTON ST ASHEVILLE, NC 28801
EMAIL: JKINNAIRD@BROOKSEA.COM
PHONE: 828-232-4700
LANDSCAPE ARCH.: FIND THE LINE STUDIOS
CONTACT: ROB DULL
ADDRESS: 305 POLE CREASMAN ROAD ASHEVILLE NC 28806
EMAIL: ROB@FINDTHELINESTUDIOS.COM
PHONE: 828-674-5592

IMPERVIOUS AREA SUMMARY:
Proposed Impervious Area: 184,401sf
Proposed Impervious Percent: 47.0%

STREAM BUFFER DIAGRAM

FLOODPLAIN NOTES:
1. PROJECT SHALL MEET ALL REQUIREMENTS OF 17-2-4 - REDEVELOPMENT IN THE FLOODWAY AND SPECIAL FLOOD HAZARD AREA.
2. % OF PROPERTY INSIDE 1% ANNUAL CHANCE AND/OR NON-ENCROACHMENT AREA: 97.8%
3. % OF 1% ANNUAL CHANCE AREA FILLED: 73.5%
4. % OF PROPERTY IN NON-ENCROACHMENT (FLOODWAY) ZONE: 17.8%
5. % OF NON-ENCROACHMENT (FLOODWAY) ZONE FILLED: 0%

No.	REVISIONS/SUBMISSIONS	Date
1	PLANNING AND ZONING SUBMITTAL	8/01/2024
2	PLANNING BOARD SUBMITTAL	11/04/2024

Revision/Submission number with a triangle indicates changes made on this sheet

PRELIMINARY - NOT FOR CONSTRUCTION

ENGINEERS & ASSOCIATES, INC. NORTH CAROLINA CERT # C - 4073

Designed: JHK
Drawn: JHK
Checked: JHK
Reviewed: JHK
Scale: AS NOTED
Date: 8/01/2024

15 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brookssea.com

CDG ENGINEERS AND ASSOCIATES, INC

715 GREENVILLE HWY APARTMENTS
CITY OF HENDERSONVILLE NORTH CAROLINA

Project No: 597223
C-5.0
Drawing Title: OVERALL STORMWATER PLAN

Location: C:\Users\john.kinnaird\CDG, Inc\Civil Site - Documents\Projects\2024\Final Victory - 715 Greenville Hwy\Civil_CAD_Baseflies\Civil-Base-597223.dwg

UTILITIES LEGEND

- EXIST. BOUNDARY
- EXIST. ADJOINER
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT
- FEMA FLOOD HAZARD AREA (1%)
- FEMA FLOOD HAZARD AREA (0.2%)
- EXIST. RIGHT OF WAY
- EXIST. EASEMENT
- EXIST. BUILDING SETBACK
- EXISTING BUILDING
- EXISTING SIDEWALK
- EXISTING PAVEMENT
- EXIST. CURB
- EXIST. MANHOLE
- EXIST. MANHOLE
- E–SS EXIST. SANITARY SEWER
- EXIST. SEWER CLEAN OUT
- E–W EXIST. WATER LINE
- EXIST. WATER METER
- HYD EXIST. FIRE HYDRANT
- WV EXIST. WATER VALVE
- E–OU EXIST. OVERHEAD UTILITIES
- PP EXIST. POWER POLE
- E–U EXIST. UNDRGRND UTILITIES
- E–ST EXIST. STORM DRAIN
- EXIST. CURB INLET
- EXIST. JUNCTION BOX
- EXIST. DROP INLET
- EXIST. TELE MANHOLE
- EXIST. DROP INLET
- EXIST. TRANFORMER
- EXIST. LIGHT POLE
- EXIST. SEWER EASEMENT
- E–WE EXIST. WATER EASEMENT
- EXIST. MINOR CONTOUR
- EXIST. MAJOR CONTOUR
- NEW BUILDING
- NEW PAVEMENT
- NEW CONCRETE SIDEWALK
- NEW GRAVEL
- NEW CURB & GUTTER
- NEW YARD INLET
- NEW DROP INLET
- NEW CURB INLET
- NEW JUNCTION BOX
- NEW HEADWALL
- NEW FLARED END SECTION
- ST NEW STORM PIPE
- RIP RAP LINED DITCH
- NEW MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW PROPERTY LINES
- NEW RIGHT OF WAY
- 6inW NEW WATER DISTRIBUTION MAIN
- NEW WATER FIRE HYDRANT
- NEW WATER VALVE
- NEW AIR/VAC RLS VALVE
- NEW WATER BLOW-OFF VALVE
- W NEW WATER DOMESTIC METER
- P–WE NEW WATER EASEMENT
- NEW MANHOLE
- 6inSS NEW SEWER LINE
- NEW SANITARY CO / SERVICE
- NEW SEWER EASEMENT
- NEW WALL (BY OTHERS)

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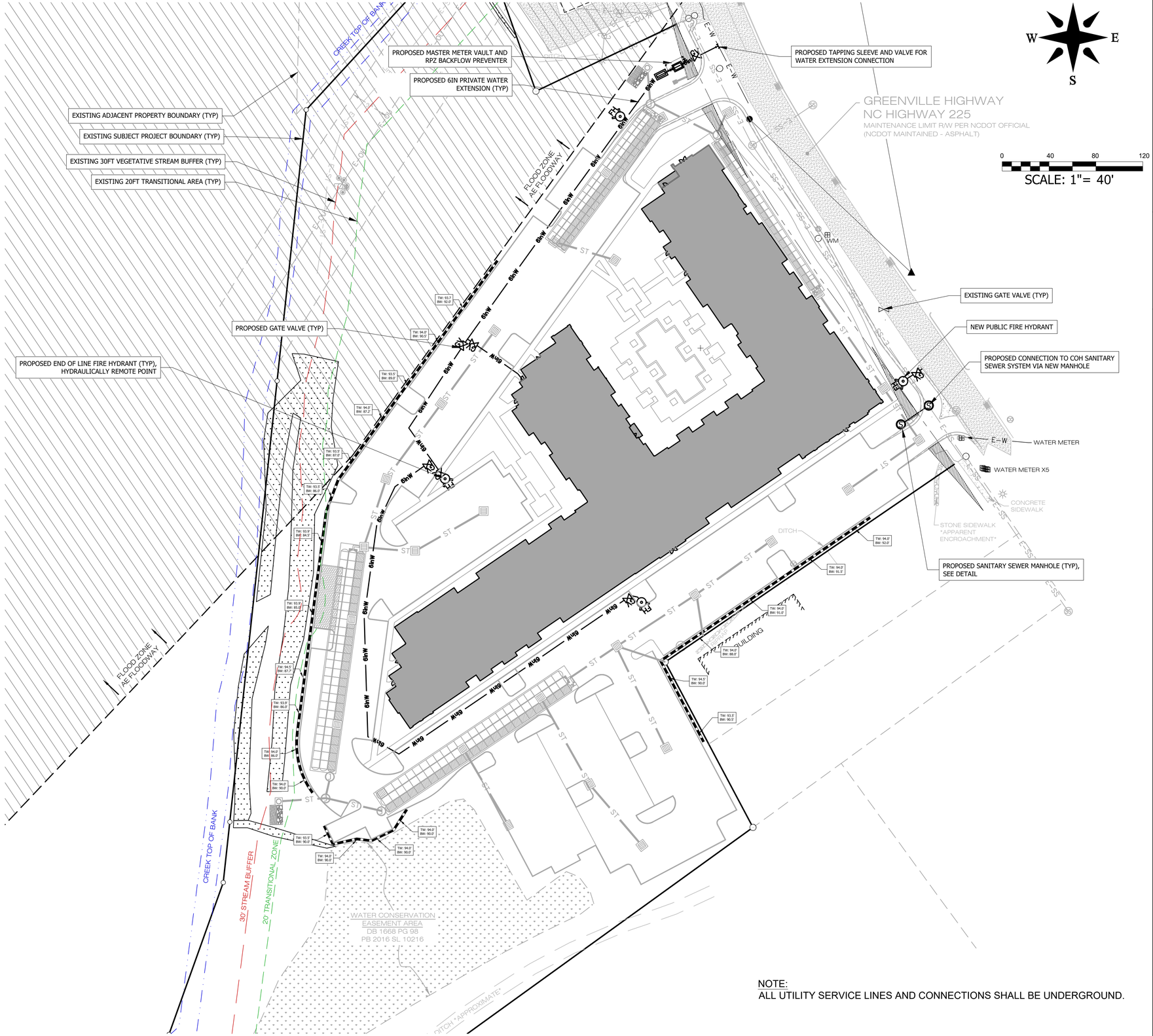

NOTE:
ALL UTILITY SERVICE LINES AND CONNECTIONS SHALL BE UNDERGROUND.

No.	REVISIONS/SUBMISSIONS	Date
1	PLANNING AND ZONING SUBMITTAL	8/01/2024
2	PLANNING BOARD SUBMITTAL	11/04/2024

Revision/Submission number with a triangle indicates changes made on this sheet

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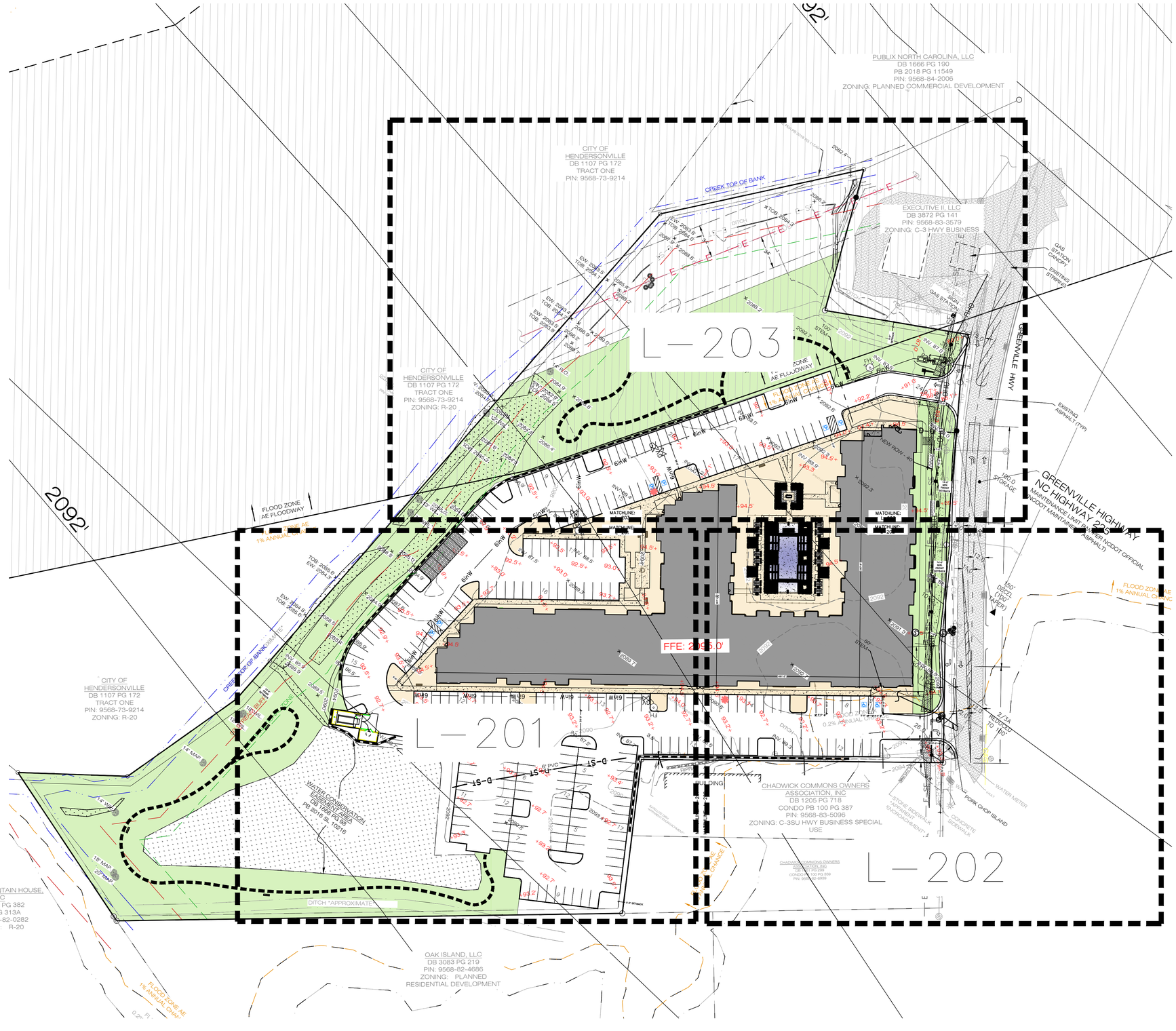
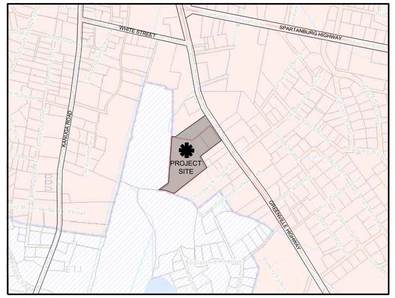
Scale: AS NOTED
Date: 8/01/2024

715 GREENVILLE HWY
APARTMENTS
CITY OF HENDERSONVILLE NORTH CAROLINA

Project No: 597223
C-7.0
Drawing Title: UTILITY PLAN

Location: C:\Users\john.kinnaird\CDG, Inc\Civil Site - Documents\Projects\2024\First Victory - 715 Greenville Hwy\Civil_CAD_Baselines\Civil-Base-597223.dwg





VICINITY MAP

PROJECT ADDRESS:
715 GREENVILLE HWY
HENDERSONVILLE, NC

TOTAL PROPERTY AREA:
9.01 ACRES (392,475.6 SF)

SITE COVERAGE:
BUILDING GROSS FLOOR AREA: 231,037 SF

BUILDING FOOTPRINT: 58,367 SF
PERCENTAGE OF TOTAL SITE: 14.8%

BUILDING HEIGHT: 52'0" (SEE ARCHITECTURAL PLANS)

PROPOSED NUMBER OF UNITS: 185 UNITS
PROPOSED DENSITY: 20.5 UNITS / AC

STREET AND PARKING SQUARE FOOTAGE: 102,231 SF
STREET AND PARKING PERCENTAGE OF SITE: 26% OF SITE

LANDSCAPE ARCHITECT:
ROB DULL, PLA
FIND THE LINE STUDIOS, PLLC
ASHEVILLE, NC
828.674.5592

PROPERTY OWNER:
SOUTH MARKET, LLC (RICHARD HERMAN)
2809 HAMPTON DRIVE
HENDERSONVILLE, NC 28792

DEVELOPER:
TRAVIS FOWLER
FIRST VICTORY INC
542 S CALDWELL STREET
BREVARD, NC 28712
TRAVIS@FIRSTVICTORY.COM
828-884-7934

CIVIL ENGINEER:
JOHN KINNAIRD, PE
BROOKS ENGINEERING ASSOC.
17 ARLINGTON ST.
ASHEVILLE, NC 28801
828.232.4700

ZONING:
CURRENT ZONING: PCD
PROPOSED ZONING: URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT

SETBACKS:
FRONT: 40' NCDOT RIGHT-OF-WAY*
*14' MINIMUM FRONT SETBACK FROM BACK OF EXISTING OR PROPOSED CURBS, WHICHEVER IS GREATER. IF THE EXISTING RIGHT-OF-WAY IS GREATER THAN THE MINIMUM SETBACK FROM THE BACK OF EXISTING OR PROPOSED CURBS, THE RIGHT-OF-WAY LINE WILL BECOME MINIMUM SETBACK.
SIDE: 5'
REAR: 10'

OPEN SPACE REQUIREMENTS:
OPEN SPACE REQUIRED: 117,743 SF (30%)
OPEN SPACE PROVIDED: 118,725 SF (30.3%)

OPEN SPACE WITHIN WETLANDS/OPEN WATER/FLOODPLAIN (58,136 SF); 49% OF REQUIRED OPEN SPACE AREA

COMMON SPACE REQUIREMENTS:
COMMON SPACE REQUIRED: 39,248 SF (10%)
COMMON SPACE PROVIDED: 44,372 SF (11.3%)

ENCLOSED GROUND FLOOR LEVEL COMMON SPACE (4,195 SF); 9.5% OF REQUIRED COMMON SPACE AREA

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PARKING REQUIRED AT 1 PER EACH DWELLING UNIT OR 1.5 PER EACH DWELLING UNIT CONTAINING THREE OR MORE BEDROOMS:
NUMBER OF UNITS: 185 UNITS (170 1/2 BEDROOM & 15 3 BEDROOM)
PARKING REQUIRED: 193 SPACES
PARKING PROVIDED: 288 SPACES (8 HANDICAPPED PARKING SPACES)

NOTES:

PROJECT SHALL MEET ALL REQUIREMENTS OF 17-2-4-REDEVELOPMENT IN THE FLOOD WAY AND SPECIAL FLOOD HAZARD AREA

ALL UTILITY SERVICE LINES AND CONNECTIONS SHALL BE UNDERGROUND

OPEN SPACE SHOWN MUST BE PRESERVED AND MAINTAINED IN PERPETUITY. OPEN SPACE TO BE MAINTAINED BY DEVELOPER.

0 25' 50' 100' 150' 200'

FIND THE LINE STUDIOS
LANDSCAPE ARCHITECTURE AND PLANNING

CONSULTANTS

NOT FOR CONSTRUCTION

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

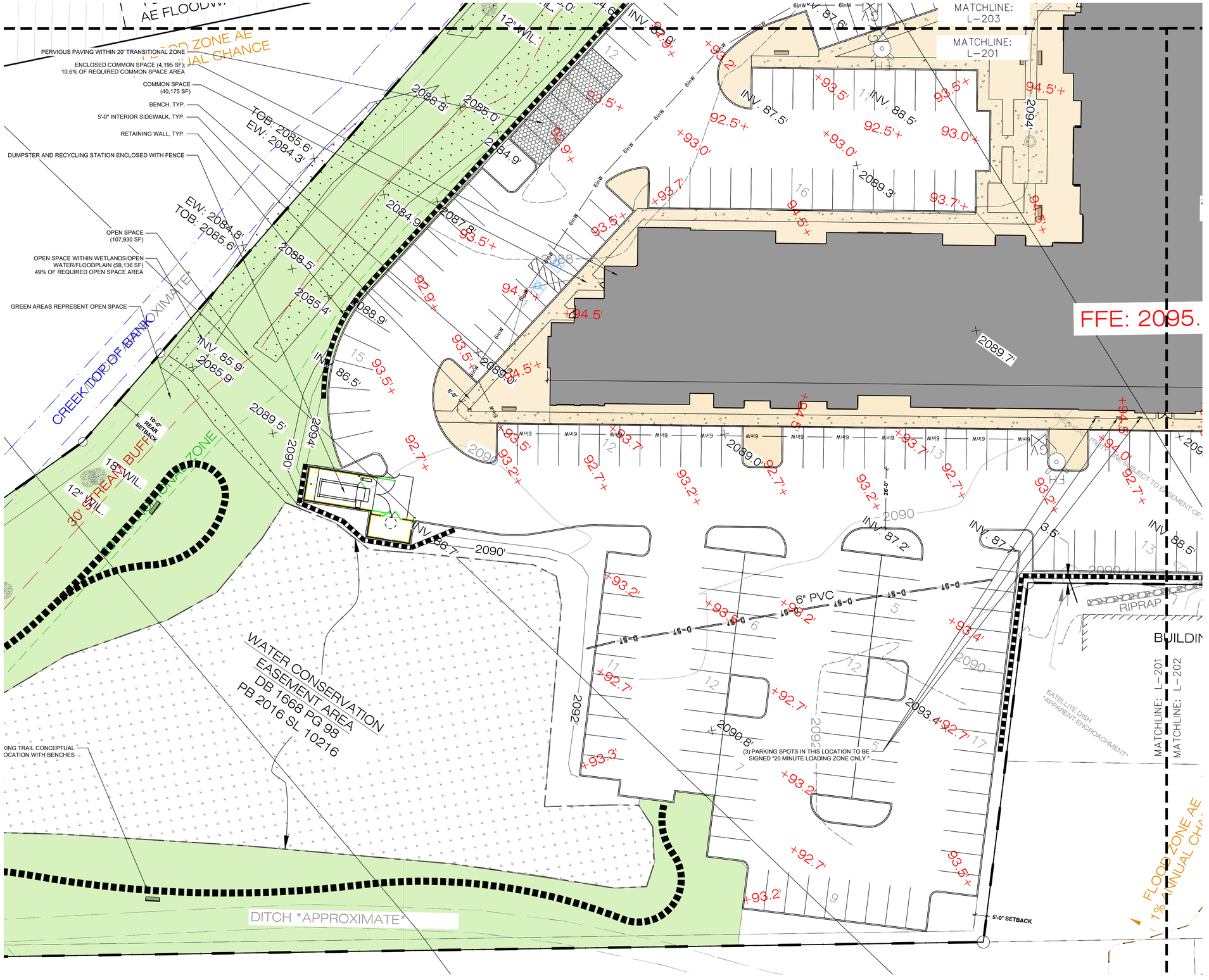
OVERALL SITE PLAN

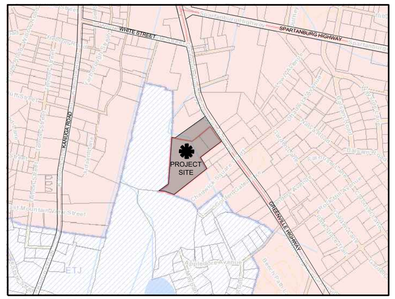
PLAN SET

#	DATE	DESCRIPTION
1	7.29.24	CZD SUBMITTAL
2	11.4.24	P&Z SUBMITTAL

SHEET NO.
L—200

THIS DOCUMENT IS THE PROPERTY OF FIND THE LINE STUDIOS, PLLC. IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT FROM FIND THE LINE STUDIOS, PLLC.





VICINITY MAP

PROJECT ADDRESS:
715 GREENVILLE HWY
HENDERSONVILLE, NC

TOTAL PROPERTY AREA:
9.01 ACRES (392,475.6 SF)

SITE COVERAGE:
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BUILDING FOOTPRINT: 58,367 SF
PERCENTAGE OF TOTAL SITE: 14.8%

BUILDING HEIGHT: 52'0" (SEE ARCHITECTURAL PLANS)

PROPOSED NUMBER OF UNITS: 185 UNITS
PROPOSED DENSITY: 20.5 UNITS / AC

STREET AND PARKING SQUARE FOOTAGE: 102,231 SF
STREET AND PARKING PERCENTAGE OF SITE: 26% OF SITE

LANDSCAPE ARCHITECT:
ROB DULL, PLA
FIND THE LINE STUDIOS, PLLC
ASHEVILLE, NC
828.674.5592

PROPERTY OWNER:
SOUTH MARKET, LLC (RICHARD HERMAN)
2809 HAMPTON DRIVE
HENDERSONVILLE, NC 28792

DEVELOPER:
TRAVIS FOWLER
FIRST VICTORY INC
542 S CALDWELL STREET
BREVARD, NC 28712
TRAVIS@FIRSTVICTORY.COM
828-884-7934

CIVIL ENGINEER:
JOHN KINNAIRD, PE
BROOKS ENGINEERING ASSOC.
17 ARLINGTON ST.
ASHEVILLE, NC 28801
828.232.4700

ZONING:
CURRENT ZONING: PCD
PROPOSED ZONING: URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT

SETBACKS:
FRONT: 40' NCDOT RIGHT-OF-WAY*
*14' MINIMUM FRONT SETBACK FROM BACK OF EXISTING OR PROPOSED CURBS, WHICHEVER IS GREATER. IF THE EXISTING RIGHT-OF-WAY IS GREATER THAN THE MINIMUM SETBACK FROM THE BACK OF EXISTING OR PROPOSED CURBS, THE RIGHT-OF-WAY LINE WILL BECOME MINIMUM SETBACK.
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OPEN SPACE REQUIREMENTS:
OPEN SPACE REQUIRED: 117,743 SF (30%)
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PARKING PROVIDED: 288 SPACES (8 HANDICAPPED PARKING SPACES)

FIND THE LINE STUDIOS
LANDSCAPE ARCHITECTURE AND PLANNING

CONSULTANTS

NOT FOR CONSTRUCTION

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

PRELIMINARY SITE PLAN

PLAN SET

#	DATE	DESCRIPTION
1	7.29.24	CZD SUBMITTAL
2	11.4.24	P&Z SUBMITTAL

SHEET NO.
L-201

0 10' 20' 40' 60' 80'

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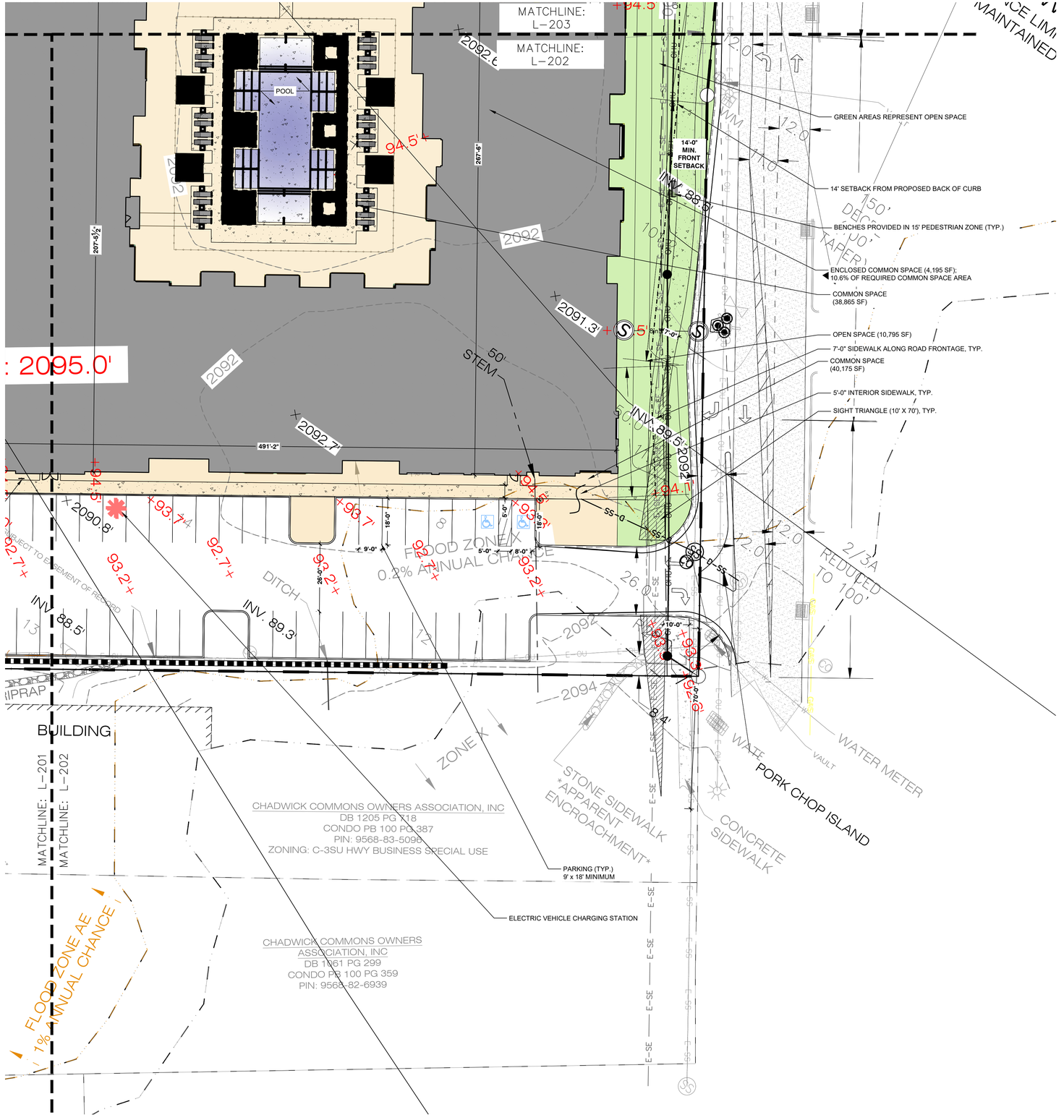

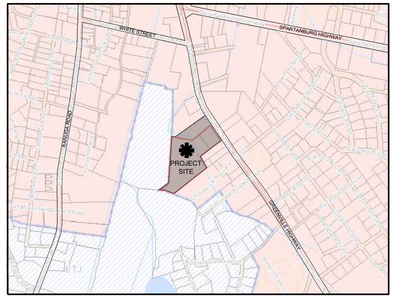

VICINITY MAP

PROJECT ADDRESS:
715 GREENVILLE HWY
HENDERSONVILLE, NC

TOTAL PROPERTY AREA:
9.01 ACRES (392,475.6 SF)

SITE COVERAGE:
BUILDING GROSS FLOOR AREA: 231,037 SF

BUILDING FOOTPRINT: 58,367 SF
PERCENTAGE OF TOTAL SITE: 14.8%

BUILDING HEIGHT: 52'0" (SEE ARCHITECTURAL PLANS)

PROPOSED NUMBER OF UNITS: 185 UNITS
PROPOSED DENSITY: 20.5 UNITS / AC

STREET AND PARKING SQUARE FOOTAGE: 102,231 SF
STREET AND PARKING PERCENTAGE OF SITE: 26% OF SITE

LANDSCAPE ARCHITECT:
ROB DULL, PLA
FIND THE LINE STUDIOS, PLLC
ASHEVILLE, NC
828.674.5592

PROPERTY OWNER:
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HENDERSONVILLE, NC 28792

DEVELOPER:
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CIVIL ENGINEER:
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ZONING:
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FIND THE LINE STUDIOS
LANDSCAPE ARCHITECTURE AND PLANNING

CONSULTANTS

NOT FOR CONSTRUCTION

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

PRELIMINARY SITE PLAN

PLAN SET

#	DATE	DESCRIPTION
1	7.29.24	CZD SUBMITTAL
2	11.4.24	P&Z SUBMITTAL

SHEET NO.
L–202

0 10' 20' 40' 60' 80'

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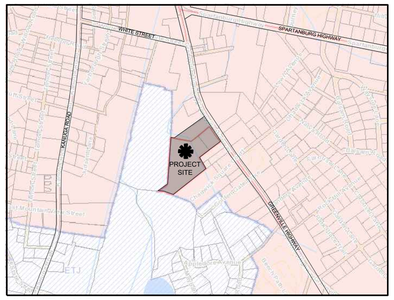

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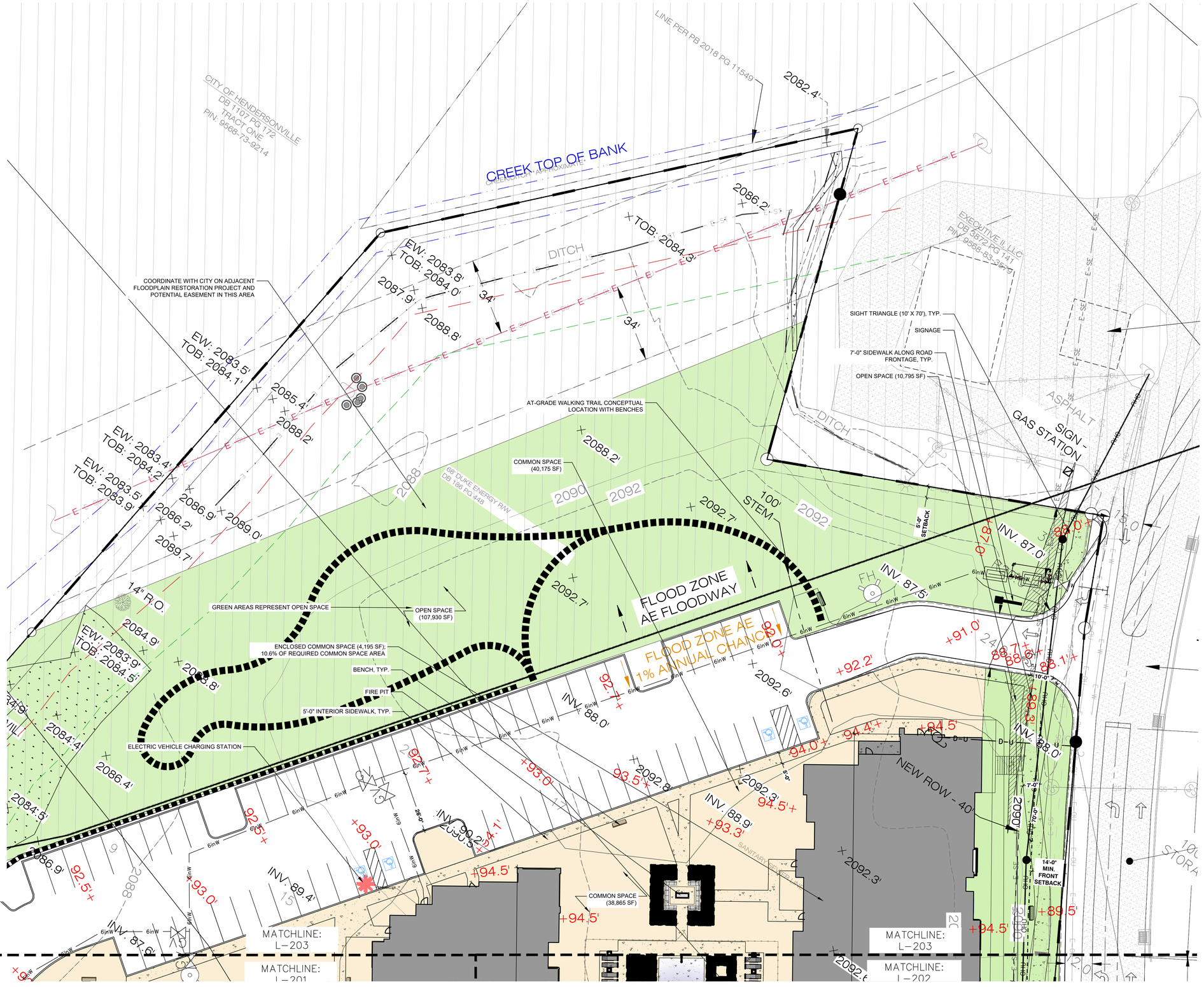

FIND THE LINE STUDIOS
LANDSCAPE ARCHITECTURE AND PLANNING

CONSULTANTS

NOT FOR CONSTRUCTION

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

PRELIMINARY SITE PLAN

PLAN SET

#	DATE	DESCRIPTION
1	7.29.24	CZD SUBMITTAL
2	11.4.24	P&Z SUBMITTAL

SHEET NO.
L-203

0 10' 20' 40' 60' 80'

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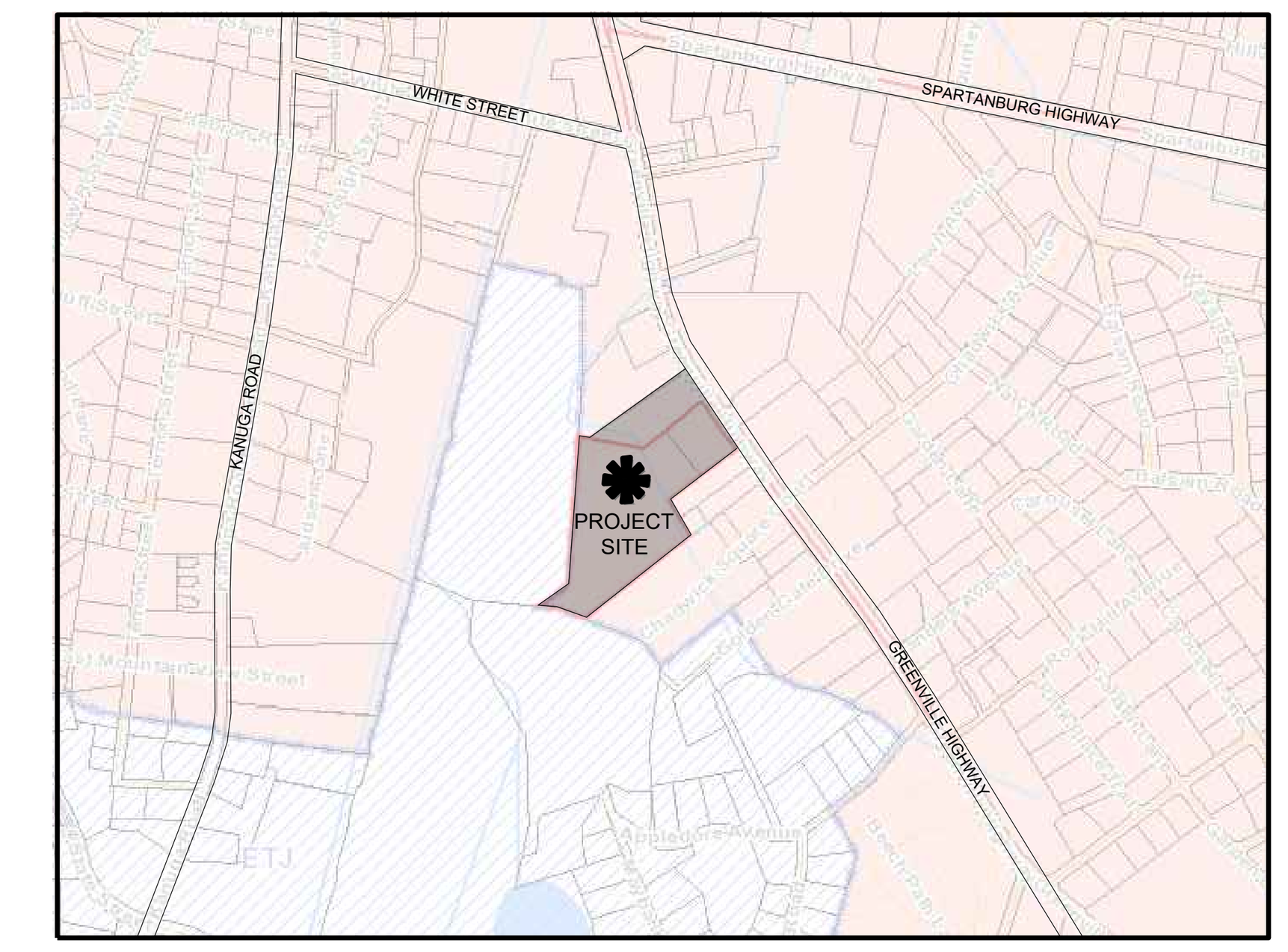
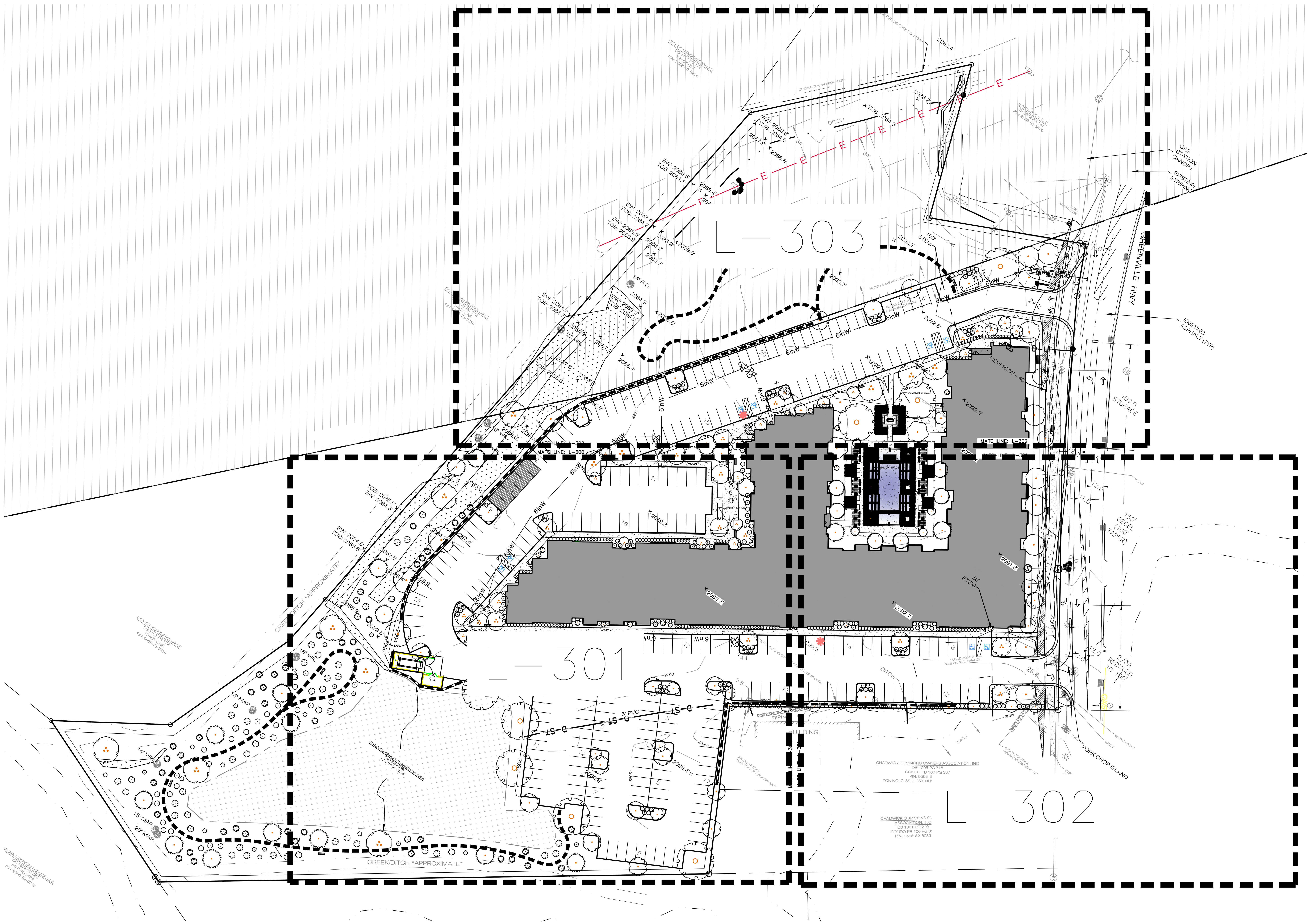


VICINITY MAP



PROJECT ADDRESS:
715 GREENVILLE HWY
HENDERSONVILLE, NC

TOTAL PROPERTY AREA:
9.01 ACRES (392,475.6 SF)

LANDSCAPE ARCHITECT:
ROB DULL, PLA
FIND THE LINE STUDIOS, PLLC
ASHEVILLE, NC
828.674.5592

PROPERTY OWNER:
SOUTH MARKET, LLC (RICHARD HERMAN)
2809 HAMPTON DRIVE
HENDERSONVILLE, NC 28792

DEVELOPER:
TRAVIS FOWLER
FIRST VICTORY INC
542 S CALDWELL STREET
BREVARD, NC 28712
TRAVIS@FIRSTVICTORY.COM
828-884-7934

CIVIL ENGINEER:
JOHN KINNAIRD, PE
BROOKS ENGINEERING ASSOC.
17 ARLINGTON ST.
ASHEVILLE, NC 28801
828.232.4700

OPEN SPACE REQUIREMENTS:
OPEN SPACE REQUIRED: 117,743 SF (30%)
OPEN SPACE PROVIDED: 118,725 SF (30.3%)

OPEN SPACE WITHIN WETLANDS/OPEN WATER/FLOODPLAIN (58,136 SF);
49% OF REQUIRED OPEN SPACE AREA

COMMON SPACE REQUIREMENTS:
COMMON SPACE REQUIRED: 39,248 SF (10%)
COMMON SPACE PROVIDED: 44,372 SF (11.3%)

ENCLOSED GROUND FLOOR LEVEL COMMON SPACE (4,195 SF);
9.5% OF REQUIRED COMMON SPACE AREA

LANDSCAPE REQUIREMENTS:

VEHICLE USE AREA (VUA):
1 TREE AND 2 SHRUBS PER 3,000 SF
TOTAL VUA: 102,231 SF
TREES REQUIRED: 35 TREES
TREES PROVIDED: 74 TREES
SHRUBS REQUIRED: 69 SHRUBS
SHRUBS PROVIDED: 73 SHRUBS

PLANTING STRIPS (PS):
1 TREE & 5 SHRUBS PER 40LF
TOTAL LF: 374 LF
TREES REQUIRED: 10 TREES
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4. ALL PROPOSED PARKING SPACES ARE WITHIN 45' OF A VUA TREE PLANTING AS REQUIRED.

5. 50% OFF ALL REQUIRED VUA PLANTINGS ARE LOCATED WITHIN PROPOSED LANDSCAPE ISLANDS AS REQUIRED.

PLANTING LEGEND

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3 — # OF PLANTS
Plant Description
Large Deciduous Tree (ST)
ZONING USE ABBREVIATION (SEE LEGEND)

0 25' 50' 100' 150' 200'

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

OVERALL LANDSCAPE PLAN

PLAN SET

#	DATE	DESCRIPTION
1	7.29.24	CZD SUBMITTAL
2	11.4.24	P&Z SUBMITTAL

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L-300

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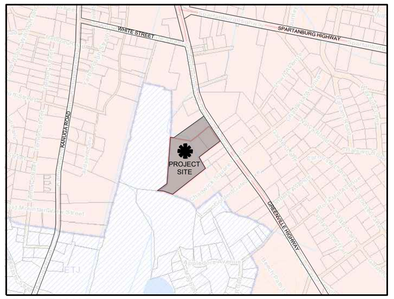

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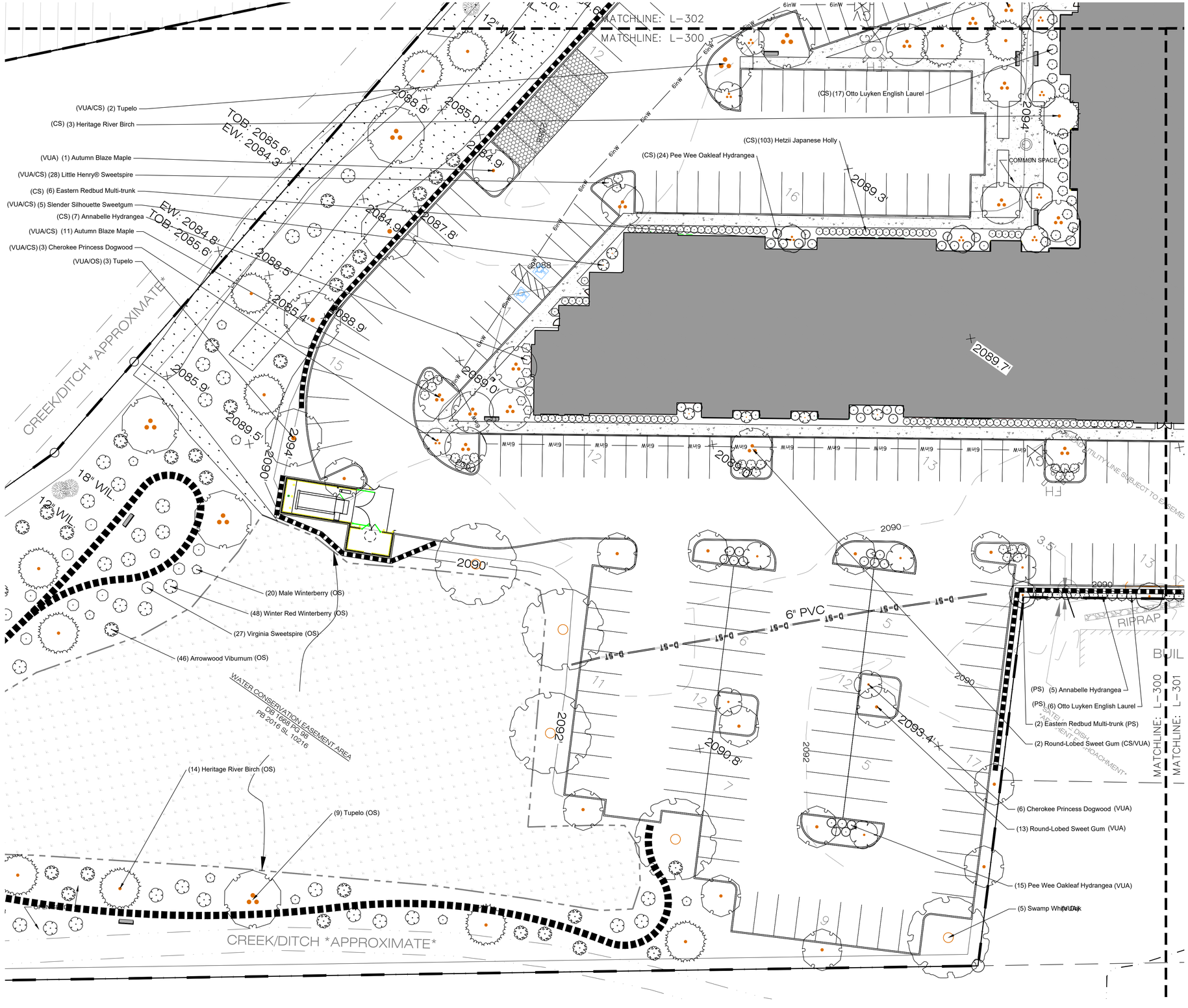

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715 GREENVILLE HWY MULTI-FAMILY

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HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

PRELIMINARY LANDSCAPE PLAN

PLAN SET

#	DATE	DESCRIPTION
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2	11.4.24	P&Z SUBMITTAL

SHEET NO.
L-301

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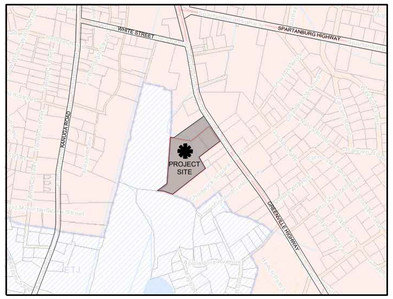

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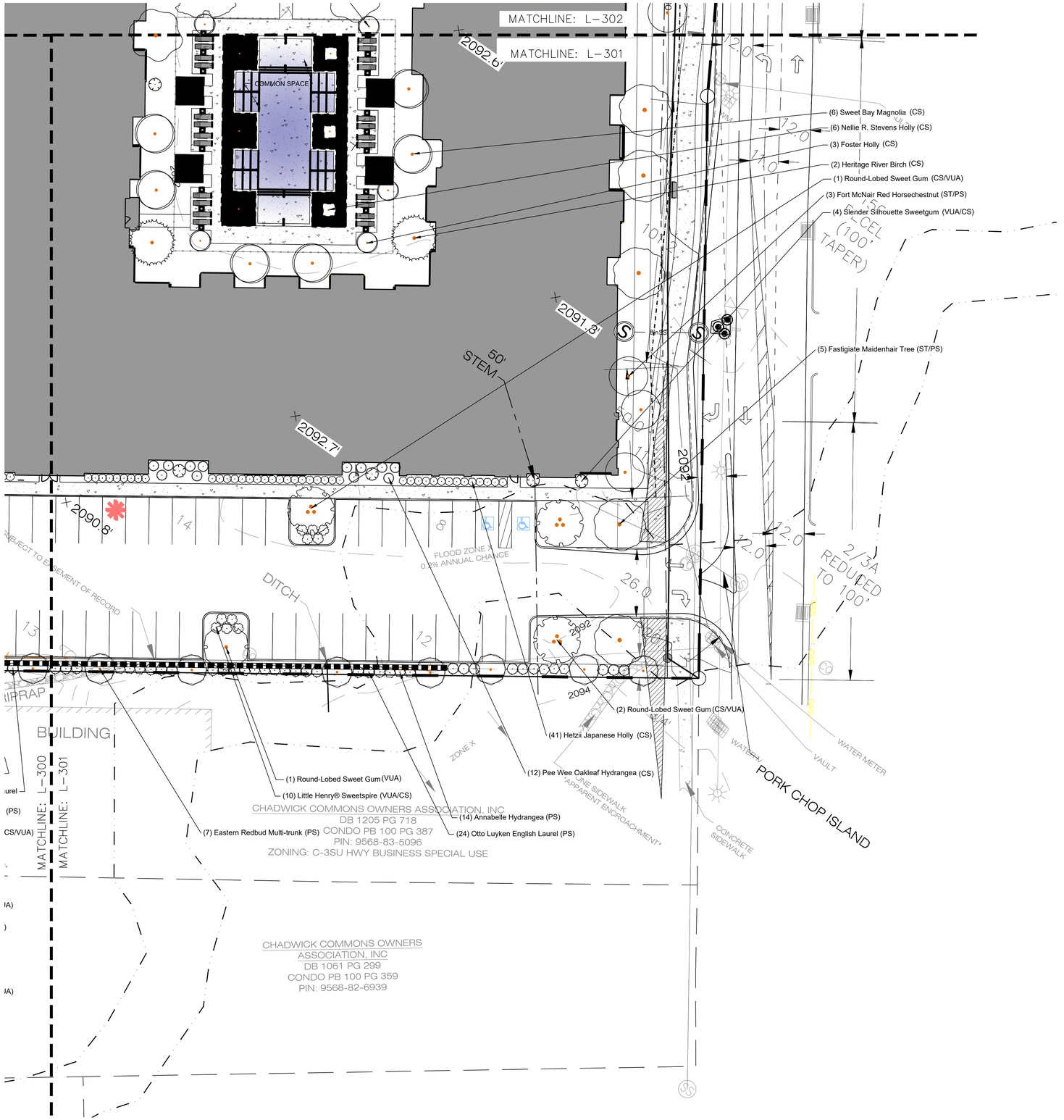

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PRELIMINARY LANDSCAPE PLAN

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#	DATE	DESCRIPTION
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SHEET NO.
L-302

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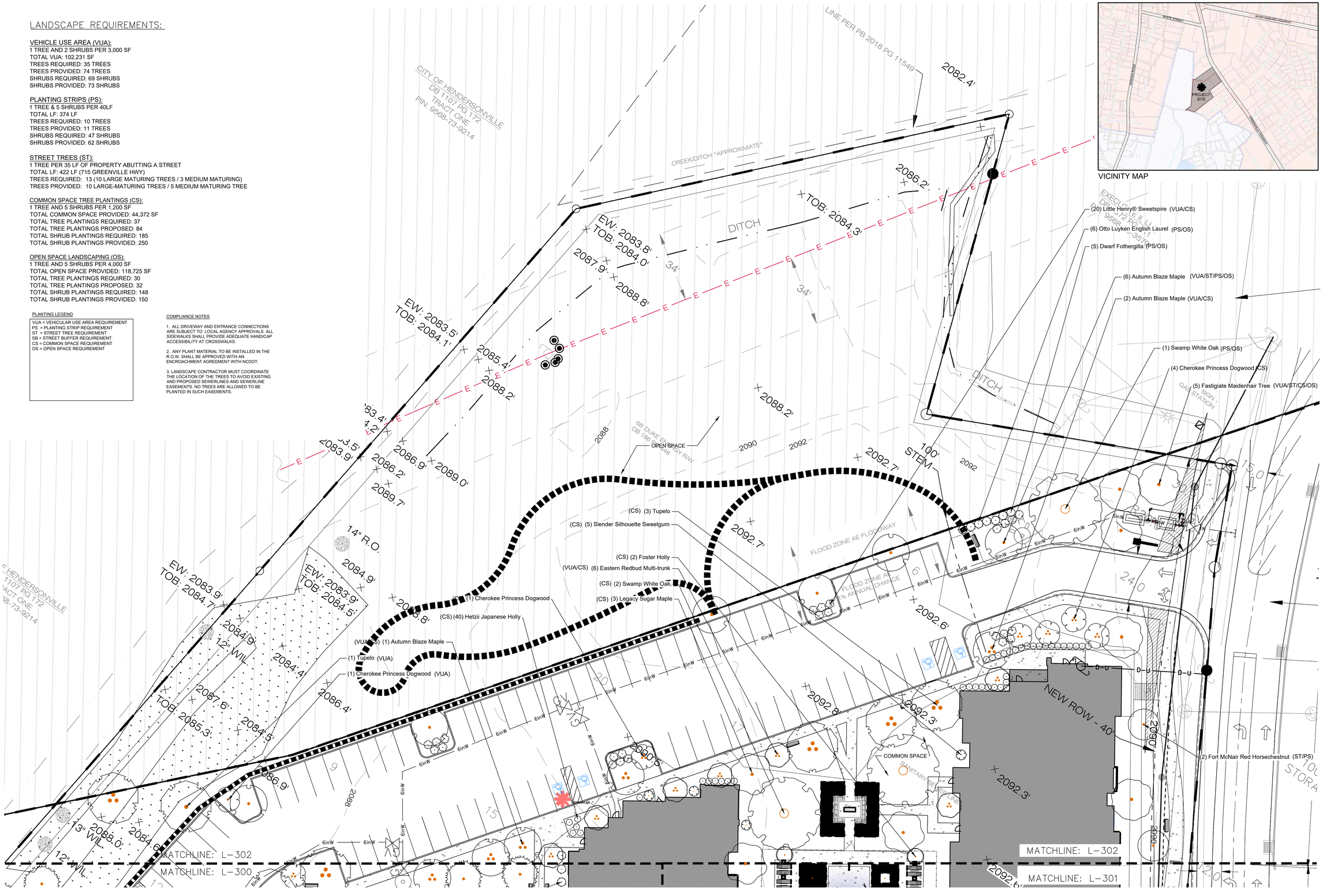

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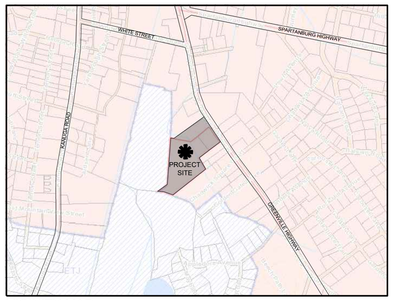

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PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY	REMARKS
TREES					
	Acer saccharum 'Legacy' / Legacy Sugar Maple	3" Cal.	B&B	3	
	Acer x freemanii 'Jeffsred' / Autumn Blaze Maple	1.5" Cal.	B&B	7	
	Acer x freemanii 'Jeffsred' / Autumn Blaze Maple	3" Cal.	B&B	14	
	Aesculus x carnea 'Fort McNair' / Fort McNair Red Horsechestnut	3" Cal.	B&B	5	
	Betula nigra 'Heritage' / Heritage River Birch	3" Cal.	B&B	19	Multi-Stemmed
	Cercis canadensis / Eastern Redbud Multi-trunk	1.5" Cal.	B&B	9	
	Cercis canadensis / Eastern Redbud Multi-trunk	3" Cal.	B&B	12	
	Cornus florida 'Cherokee Princess' / Cherokee Princess Dogwood	3" Cal.		8	
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	Ginkgo biloba 'Fastigiata' / Fastigiate Maidenhair Tree	3" Cal.	B&B	10	
	Ilex x 'Nellie R. Stevens' / Nellie R. Stevens Holly	3" Cal.	B&B	6	
	Ilex x attenuata 'Fosteri' / Foster Holly	3" Cal.	B&B	5	
	Liquidambar styraciflua 'Rotundiloba' / Round-Lobed Sweet Gum	1.5" Cal.	B&B	14	
	Liquidambar styraciflua 'Rotundiloba' / Round-Lobed Sweet Gum	3" Cal.	B&B	5	
	Liquidambar styraciflua 'Slender Silhouette' / Slender Silhouette Sweetgum	3" Cal.	B&B	15	
	Magnolia virginiana / Sweet Bay Magnolia	3" Cal.	B&B	6	
	Nyssa sylvatica / Tupelo	1.5" Cal.	B&B	4	
	Nyssa sylvatica / Tupelo	3" Cal.	B&B	12	
	Quercus bicolor / Swamp White Oak	3" Cal.	B&B	8	
SHRUBS					
	Fothergilla gardenii / Dwarf Fothergilla	3 gal.		5	
	Hydrangea arborescens 'Annabelle' / Annabelle Hydrangea	3 gal.		26	
	Hydrangea quercifolia 'Pee Wee' / Pee Wee Oakleaf Hydrangea	3 gal.		51	
	Ilex crenata 'Hetzi / Hetzii Japanese Holly	3 gal.		184	
	Ilex verticillata 'Male' / Male Winterberry	3 gal.		20	
	Ilex verticillata 'Winter Red' / Winter Red Winterberry	3 gal.		48	
	Itea virginica / Virginia Sweetspire	3 gal.		27	
	Itea virginica 'Sprich' / Little Henry® Sweetspire	3 gal.		58	
	Prunus laurocerasus 'Otto Luyken' / Otto Luyken English Laurel	3 gal.		53	
	Viburnum dentatum 'Arrowwood' / Arrowwood Viburnum	3 gal.		46	

FIND THE LINE STUDIOS
LANDSCAPE ARCHITECTURE AND PLANNING

CONSULTANTS

NOT FOR CONSTRUCTION

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

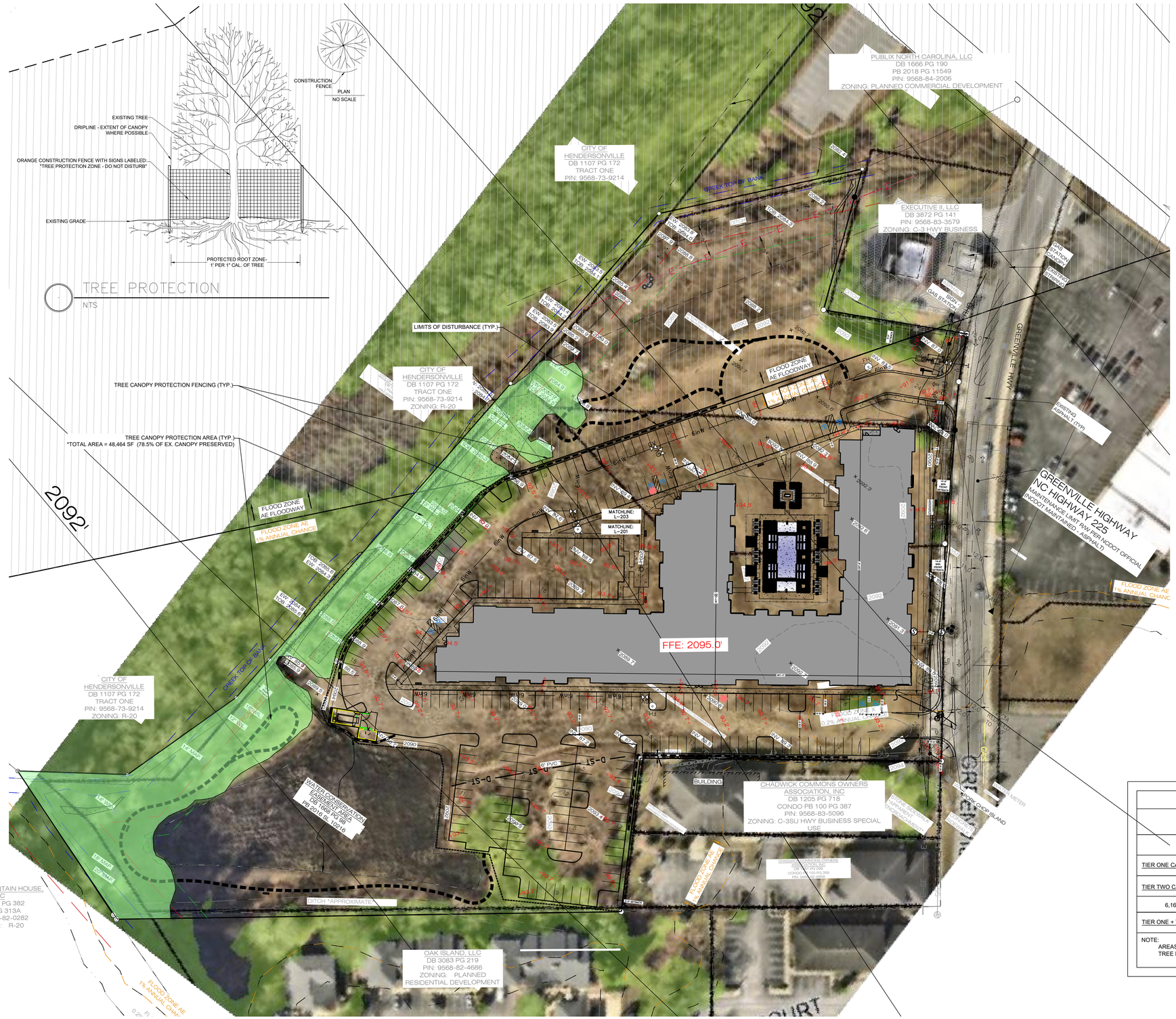
PRELIMINARY LANDSCAPE PLAN

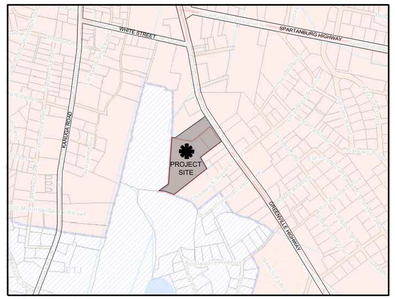
PLAN SET

#	DATE	DESCRIPTION
1	7.29.24	CZD SUBMITTAL
2	11.4.24	P&Z SUBMITTAL

SHEET NO.
L-304

THIS DOCUMENT IS THE PROPERTY OF FIND THE LINE STUDIOS, PLLC. IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT FROM FIND THE LINE STUDIOS, PLLC.





VICINITY MAP

PROJECT ADDRESS:
715 GREENVILLE HWY
HENDERSONVILLE, NC

TOTAL PROPERTY AREA:
9.01 ACRES (392,475.6 SF)

SITE COVERAGE:
BUILDING GROSS FLOOR AREA: 231,037 SF

BUILDING FOOTPRINT: 58,367 SF
PERCENTAGE OF TOTAL SITE: 14.8%

BUILDING HEIGHT: 52'0" (SEE ARCHITECTURAL PLANS)

PROPOSED NUMBER OF UNITS: 185 UNITS
PROPOSED DENSITY: 20.5 UNITS / AC

STREET AND PARKING SQUARE FOOTAGE: 102,231 SF
STREET AND PARKING PERCENTAGE OF SITE: 26% OF SITE

LANDSCAPE ARCHITECT:
ROB DULL, PLA
FIND THE LINE STUDIOS, PLLC
ASHEVILLE, NC
828.674.5592

PROPERTY OWNER:
SOUTH MARKET, LLC (RICHARD HERMAN)
2809 HAMPTON DRIVE
HENDERSONVILLE, NC 28792

DEVELOPER:
TRAVIS FOWLER
FIRST VICTORY INC
542 S CALDWELL STREET
BREVARD, NC 28712
TRAVIS@FIRSTVICTORY.COM
828-884-7934

CIVIL ENGINEER:
JOHN KINNAIRD, PE
BROOKS ENGINEERING ASSOC.
17 ARLINGTON ST.
ASHEVILLE, NC 28801
828.232.4700

ZONING:
CURRENT ZONING: PCD
PROPOSED ZONING: URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT

TREE CANOPY PROTECTION DATA			
TOTAL LAND AREA: 392,475.6 SF (9.01 AC)			
EXISTING TREE CANOPY (FROM GIS TREE CANOPY MAP) 15.7 % (61,672.68 SF)			
TIER ONE CANOPY REQUIRED 20 % (12,334.5 sf)	TIER ONE CANOPY PROVIDED 20 % (12,334.5 SF)		
TIER TWO CANOPY REQUIRED	TIER TWO PRESERVED	TIER TWO PLANTED	TIER TWO PAYMENT-IN-LIEU
6,167.3 sf (10 %)	36,129.5 sf (58.5%)	0 sf (0 %)	0 sf (0 %)
TIER ONE + TIER TWO TOTAL CANOPY PRESERVED 78.5 % (48,464 SF)			

NOTE:
AREAS DESIGNATED AS TREE CANOPY PROTECTION AREAS SHALL REMAIN AS SUCH IN PERPETUITY. TREE REMOVAL SHALL BE PROHIBITED IN THESE AREAS UNLESS OTHERWISE PERMITTED.

FIND THE LINE STUDIOS
LANDSCAPE ARCHITECTURE AND PLANNING

CONSULTANTS

NOT FOR CONSTRUCTION

715 GREENVILLE HWY MULTI-FAMILY

715 GREENVILLE HWY
HENDERSONVILLE, NC

PREPARED FOR:
FIRST VICTORY INC.

TREE CANOPY PROTECTION PLAN

PLAN SET

#	DATE	DESCRIPTION
1	11.4.24	P&Z SUBMITTAL

SHEET NO.
L-400

0 25' 50' 100' 150' 200'

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APPROVAL, PERMITTING,
OR CONSTRUCTION.

ARCHITECTURE & INTERIORS, LLC
BIRMINGHAM, AL ATLANTA, GA
AUSTIN, TX
www.5dsi.com

CZD SUBMITTAL

715 GREENVILLE HIGHWAY MULTIFAMILY

CREST RESIDENTIAL
715 GREENVILLE HIGHWAY
HENDERSONVILLE, NC 28792

REVISIONS

Δ	DATE	DESCRIPTION

PROJ. NO.	ISSUE DATE
23013	12/13/23

SHEET NAME:
OVERALL FLOOR PLAN - LEVEL 1

SHEET NO:
A1.01

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EXTERIOR MATERIAL LEGEND

M1	BRICK VENEER
L1	FIBER CEMENT LAP SIDING, 6" EXPOSURE - PAINT 1
L2	FIBER CEMENT LAP SIDING, 6" EXPOSURE - PAINT 2
L3	FIBER CEMENT LAP SIDING, 6" EXPOSURE - PAINT 3
L4	FIBER CEMENT LAP SIDING, STAGGERED - PAINT 2
L5	FIBER CEMENT LAP SIDING, 2" EXPOSURE DIAGONAL - PAINT 2
P1	FIBER CEMENT PANELS - PAINT 1
P2	FIBER CEMENT PANELS - PAINT 2
B1	BOARD & BATTEN - PAINT 1
B2	BOARD & BATTEN - PAINT 2
R1	ASPHALT SHINGLE ROOF
R2	METAL ROOF



2 NORTH ELEVATION - LEASING ENTRY
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION - GREENVILLE HIGHWAY FRONTAGE
SCALE: 1/8" = 1'-0"

PRELIMINARY

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FIFTH DIMENSION
ARCHITECTURE & INTERIORS, LLC
BIRMINGHAM, AL AUSTIN, TX ATLANTA, GA
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PLANNING AND ZONING SUBMITTAL

715 GREENVILLE HIGHWAY MULTIFAMILY

CREST RESIDENTIAL
715 GREENVILLE HIGHWAY
HENDERSONVILLE, NC 28792

REVISIONS

Δ	DATE	DESCRIPTION
2	12/15/2023	PLANNING AND ZONING SUBMITTAL
3	1/02/2024	PLANNING AND ZONING RESUBMITTAL

PROJ. NO. 23013
ISSUE DATE 10/31/23

SHEET NAME:
ELEVATIONS - E FACADE & NE CORNER

SHEET NO:
A2.01

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EXTERIOR MATERIAL LEGEND

M1	BRICK VENEER
L1	FIBER CEMENT LAP SIDING, 6" EXPOSURE - PAINT 1
L2	FIBER CEMENT LAP SIDING, 6" EXPOSURE - PAINT 2
L3	FIBER CEMENT LAP SIDING, 6" EXPOSURE - PAINT 3
L4	FIBER CEMENT LAP SIDING, STAGGERED - PAINT 2
L5	FIBER CEMENT LAP SIDING, 2" EXPOSURE DIAGONAL - PAINT 2
P1	FIBER CEMENT PANELS - PAINT 1
P2	FIBER CEMENT PANELS - PAINT 2
B1	BOARD & BATTEN - PAINT 1
B2	BOARD & BATTEN - PAINT 2
R1	ASPHALT SHINGLE ROOF
R2	METAL ROOF



3 SOUTH ELEVATION - RIGHT
SCALE: NTS



2 SOUTH ELEVATION - LEFT
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION - OVERALL
SCALE: 1/16" = 1'-0"

PRELIMINARY

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FIFTH DIMENSION
ARCHITECTURE & INTERIORS, LLC
BIRMINGHAM, AL AUSTIN, TX ATLANTA, GA
www.5da-i.com

PLANNING AND ZONING SUBMITTAL

715 GREENVILLE HIGHWAY MULTIFAMILY

CREST RESIDENTIAL
715 GREENVILLE HIGHWAY
HENDERSONVILLE, NC 28792

REVISIONS

Δ	DATE	DESCRIPTION
2	12/15/2023	PLANNING AND ZONING SUBMITTAL
3	1/02/2024	PLANNING AND ZONING RESUBMITTAL

PROJ. NO.	ISSUE DATE
23013	10/31/23

SHEET NAME:
ELEVATIONS - S FACADE

SHEET NO:
A2.02



EXTERIOR CONCEPTS

LPA HENDERSONVILLE MUILT-FAMILY | HENDERSONVILLE, NC | OCTOBER 01,2024



MAIN LEASING CORNER AND ENTRY



REAR ENTRIES



STREET VIEW



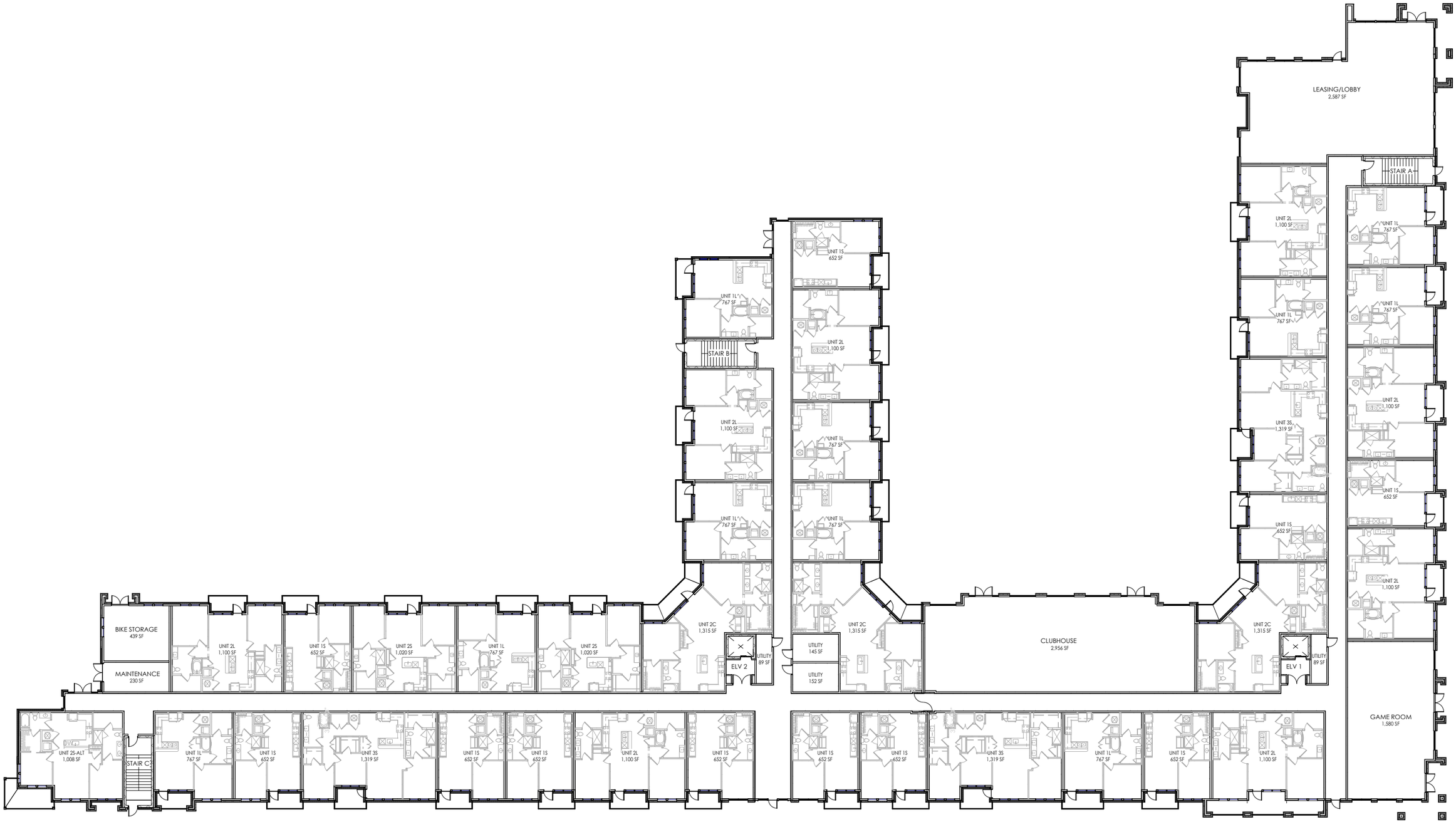
SOUTH ENTRANCE



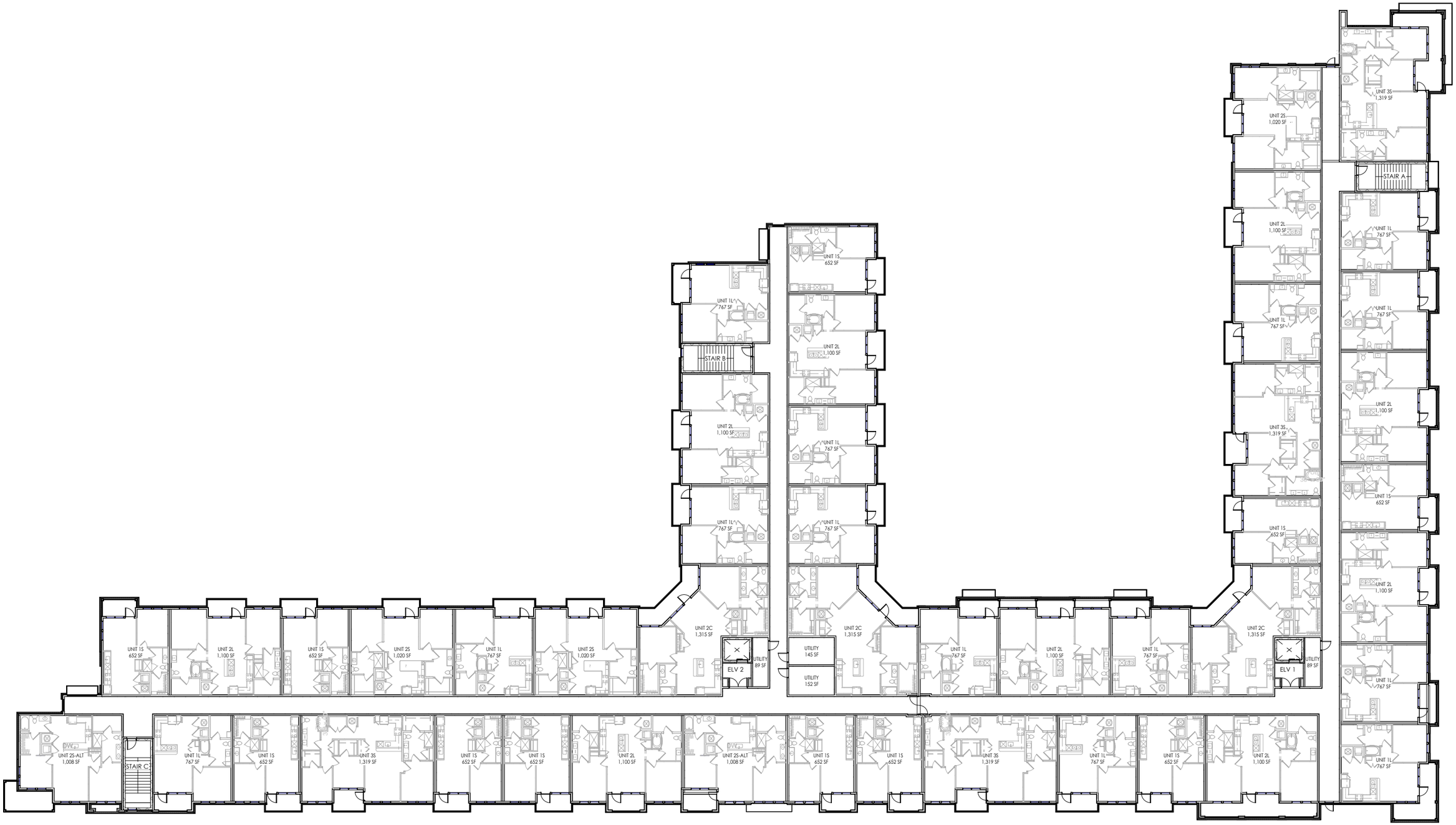
POOL COURTYARD



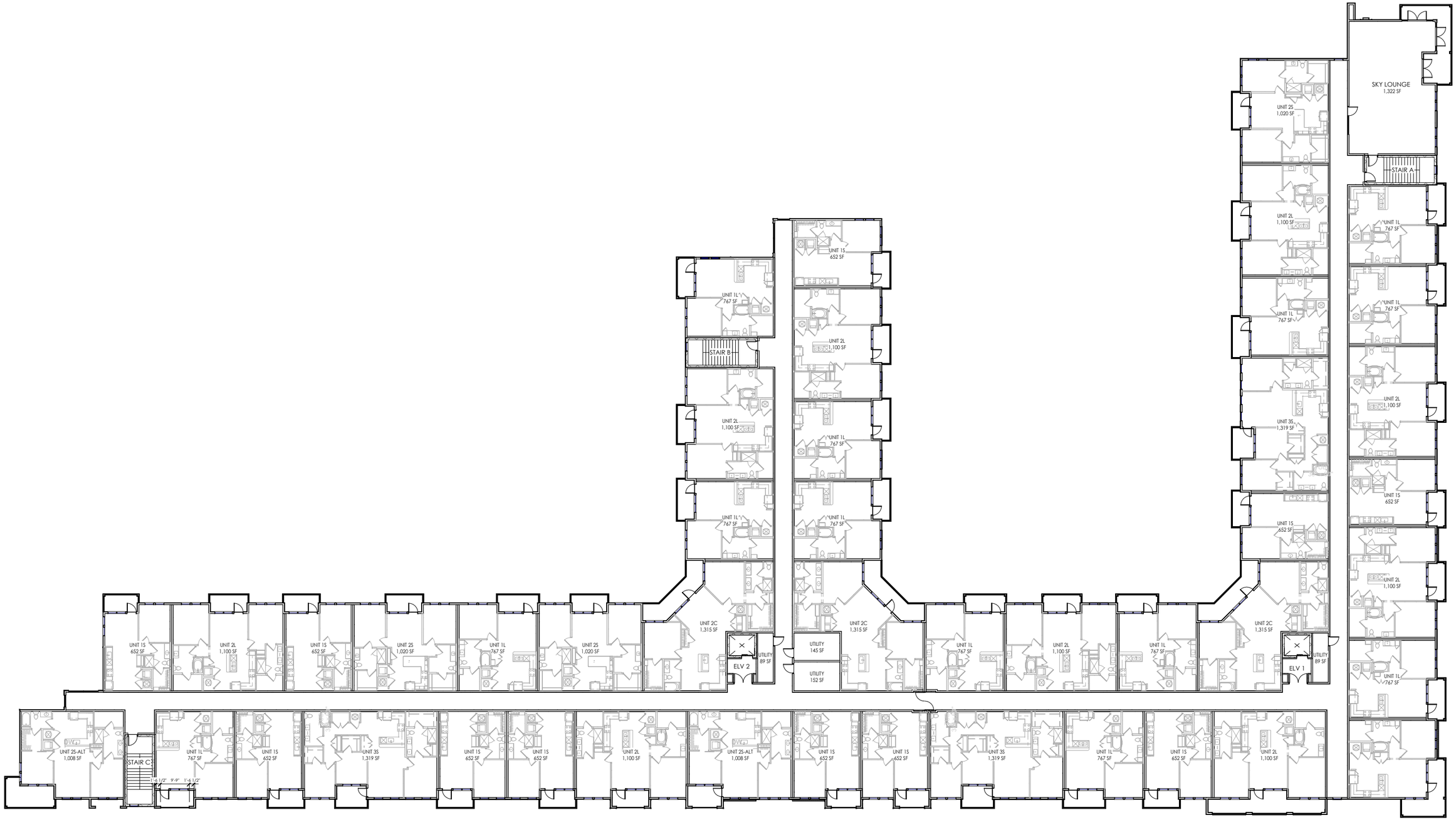
REAR SIDE



OVERALL PLAN: LEVEL 1



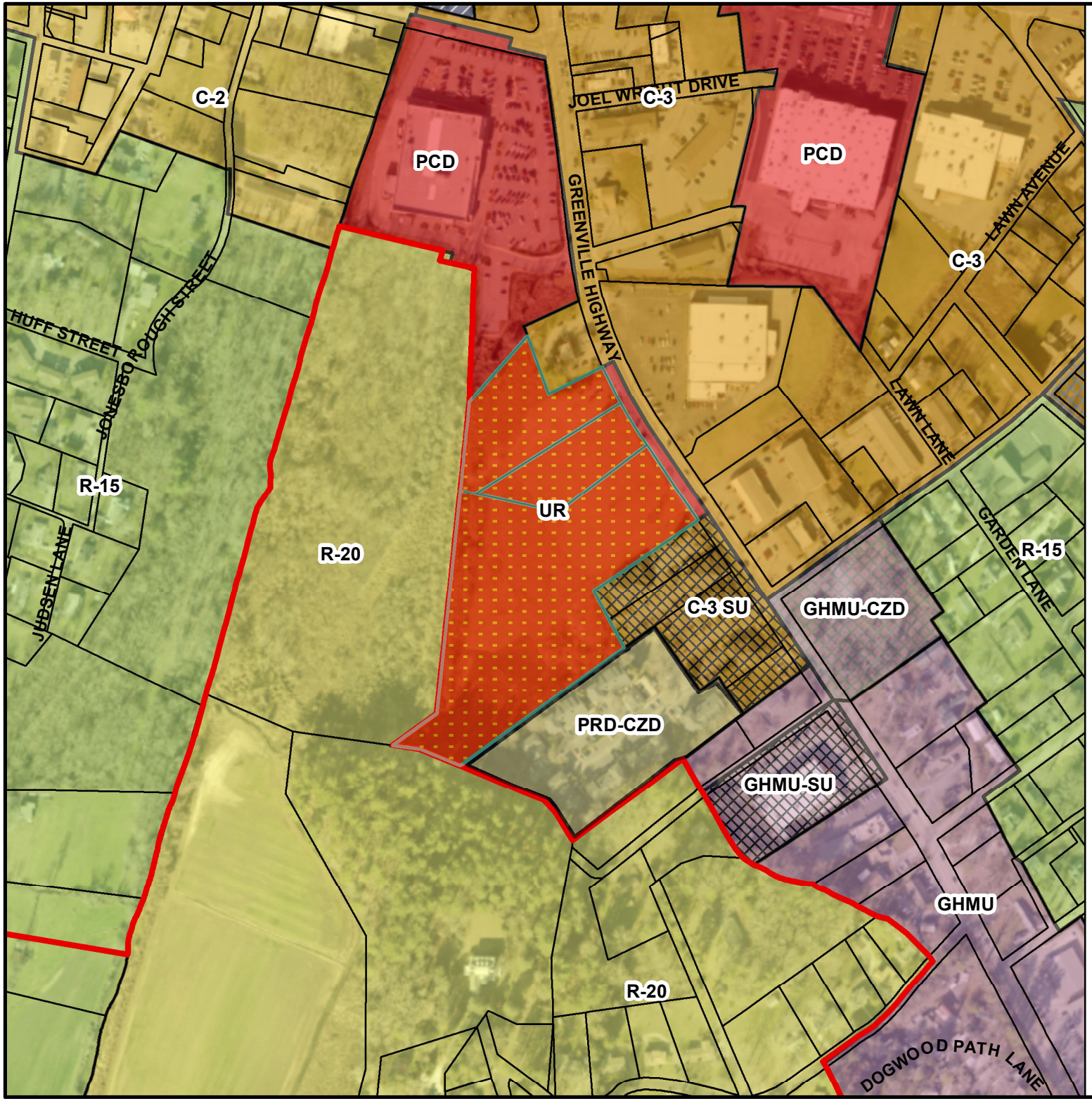
OVERALL PLAN: LEVEL 2-3



OVERALL PLAN: LEVEL 4



MAIN LEASING CORNER AND ENTRY



0 137.5 275 550
Feet

City of Hendersonville
November 2024

N
E
S

715 Greenville Highway Multi-Family

P24-39-CZD

PINs: 9568-83-4302,-2474, -2082

Acreage: 9.01

Proposed Zoning

Community Development Department

- Subject Property (UR)
- Hendersonville City Limits

Hendersonville Zoning

- CZD Conditional Zoning Districts
- R-20 Low Density Residential
- R-15 Medium Density Residential
- PRD Planned Residential Development
- UR Urban Residential
- C-3 Highway Business
- C-3SU Highway Business Special Use
- C-2 Secondary Business
- CMUSU Central Mixed Use Specila Use
- PCD Planned Commercial Development
- GHMU Greenville Highway Mixed Use
- GHMU-SU Greenville Highway Mixed Use Special Use

THE CITY OF HENDERSONVILLE · N.C. · 1847

Ordinance #___-____

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: 9568-83-4302, 9568-83-2474 AND, 9568-83-2082 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO UR-CZD, URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9568-83-4302, 9568-83-2474 and, 9568-83-2082
Address: 715 Greenville Highway
715 Greenville Highway Multi-Family: (File # P24-39-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Travis Fowler, First Victory Inc., and property owner, Richard Herman (Manager)–South Market LLC, for the construction of a 185 unit multi-family development on approximately 9.01 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on November 14, 2024; voting 3-3 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 5th, 2024, and

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: 9568-83-4302, 9568-83-2474 and, 9568-83-2082, changing the zoning designation from PCD, Planned Commercial Development to UR-CZD, 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 master site plan submitted by the applicant dated November 4th, 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, Multi-Family

    c. Additional conditions that shall be satisfied prior to final site plan approval include:
        i.

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.

Attest: _____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9568-83-4302, 9568-83-2474 and, 9568-83-2082
Addresses: 715 Greenville Highway
715 Greenville Highway Multi-Family: (File # P24-39-CZD)

Applicant/Developer: Travis Fowler (Manager) – First Victory Inc

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Richard Herman (Manager) – South Market LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Conditional Zoning District Petition

Section 7-4 and Article 11 City Zoning Ordinance

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Completed Pre-Application meeting with Planning Staff
- ☐ 2. Scheduled Neighborhood Compatibility Meeting
  NCM Date: _____ Time: _____
- ☑ 3. Water and Sewer Availability Request
- ☑ 4. Completed Application Form
- ☑ 5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☑ 6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☑ 7. Detailed explanation of any Proposed Development Description
- ☑ 8. Application Fee
- 9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

Office Use:
Date Received: 6/21/2024 1:45 PM **By:** KATHY BRAGG **Fee Received? Y/N**

PD CK# 6755 $850.00

A. Applicant Contact Information

Travis A Fowler

* Printed Applicant Name

First Victory INc

Printed Company Name (if applicable)

☑ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Applicant Signature

president

Applicant Title (if applicable)

542 South Caldwell street

Address of Applicant

Brevard, NC 28712

City, State, and Zip Code

828-884-7934

Telephone

Travis@firstvictory.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

BUSINESS CORPORATION ANNUAL REPORT

1/6/2022

NAME OF BUSINESS CORPORATION: **First Victory, Inc.**

SECRETARY OF STATE ID NUMBER: 1313733 STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2023

Filing Office Use Only

E - Filed Annual Report
1313733
CA202415703136
6/5/2024 03:15

☒ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Fowler, Travis A.

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY

542 S Caldwell St
Brevard, NC 28712-5643 Transylvania County

4. REGISTERED AGENT OFFICE MAILING ADDRESS

542 S Caldwell St
Brevard, NC 28712-5643

SECTION B: PRINCIPAL OFFICE INFORMATION

1. **DESCRIPTION OF NATURE OF BUSINESS:** Construction & Development

2. **PRINCIPAL OFFICE PHONE NUMBER:** (828) 884-7934

3. **PRINCIPAL OFFICE EMAIL:** Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

542 S Caldwell St
Brevard, NC 28712-5643

5. PRINCIPAL OFFICE MAILING ADDRESS

542 S Caldwell St
Brevard, NC 28712-5643

6. **Select one of the following if applicable. (Optional see instructions)**

☐ The company is a veteran-owned small business

☐ The company is a service-disabled veteran-owned small business

SECTION C: OFFICERS (Enter additional officers in Section E.)

NAME:	Travis A. Fowler	Mary Fowler	
TITLE:	Chief Executive Officer	Corporate Secretary	
ADDRESS:	920 Island Cove Rd Penrose, NC 28766	920 Island Cove Rd Penrose, NC 28766	

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Mary Fowler, by Mary Elizabeth Fowler Secretary & CFO — SIGNATURE

6/5/2024 — DATE

Form must be signed by an officer listed under Section C of this form.

Mary Fowler, by Mary Elizabeth Fowler Secretary & CFO — Print or Type Name of Officer

Corporate Secretary — Print or Type Title of Officer

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

B. Property Owner Contact Information (if different from Applicant)

Richard T. Herman

*Printed Owner Name (Authorized Representative for entities other than individuals)

South Market LLC

Printed Company Name (if applicable, check corresponding box below)

☑ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Richard T. Herman

Property Owner/Authorized Representative Signature

President

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

Hendersonville, NC

City, State, and Zip Code

828 243-3425

Telephone

Richard.herman@rjherman.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

CA202309006476

SOSID: 0856509
Date Filed
Elaine F.
North Carolina Secretary of State
CA2023 090 06476

LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: South Market, LLC

SECRETARY OF STATE ID NUMBER: 0856509 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only

☒ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Richard Herman

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY
2809 Hampton Drive
Hendersonville, NC 28792 Henderson

4. REGISTERED AGENT OFFICE MAILING ADDRESS
PO Box 1700
Hendersonville, NC 28792 Henderson

SECTION B: PRINCIPAL OFFICE INFORMATION

1. **DESCRIPTION OF NATURE OF BUSINESS:** Commercial Real Estate

2. **PRINCIPAL OFFICE PHONE NUMBER:** (828) 243-3425

3. **PRINCIPAL OFFICE EMAI** Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS
2809 Hampton Drive
Hendersonville, NC 28792 Henderson

5. PRINCIPAL OFFICE MAILING ADDRESS
PO Box 1700
Hendersonville, NC 28792 Henderson

6. **Select one of the following if applicable. (Optional see instructions)**

☐ The company is a veteran-owned small business

☐ The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME:	NAME:	NAME:
Richard Herman		
TITLE: Manager	TITLE:	TITLE:
ADDRESS:	ADDRESS:	ADDRESS:
2809 Hampton Drive		
Hendersonville, NC 28792 Henderson		

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Richard L Herman — 3-13-23

SIGNATURE — DATE

Form must be signed by a Company Official listed under Section C of This form.

RICHARD HERMAN — MANAGER

Print or Type Name of Company Official — Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF $200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

C. Property Information

Name of Project: 715 Greenville Hwy Apartments

PIN(s): 9568832082, 9568834302, 9568832474

Address(es) / Location of Property: 715 Greenville hwy

Type of Development: ☑ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: CZD

Total Acreage: 8.8 acres

Proposed Zoning: Urban res-CZD

Proposed Building Square Footage: 151,550

Number of Dwelling Units: 185

List of Requested Uses:

185 apartments

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

re-devleopement of the site located at 715 grenville hwy, 185 apartments; 300 parking spaces that is a 1.45 parking ratio. appropriate open space for the zoning and landscaping. we ahve worked with the Storm Water/flood plain department to allow the City project behind our project to the Mud Creek basin to be faciitated with access. NCDOT TIA scope has been approved and is avialble for the rezoning.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Matthew Manley, Long-Range Planning Manager	**MEETING DATE:**	December 5, 2024
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

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

SUGGESTED MOTION(S):

For Recommending Approval:

I move 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.**

[for amendments to uses or conditions discussed and agreed upon by the City & the Developer in the meeting and not yet represented on the site plan, please use the following language]:

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

For Recommending Denial:

I move City Council **deny** 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 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 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'.

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

1. The proposed development would have negative environmental impacts from tree canopy loss.
2. The proposed development is incompatible with the surrounding land uses

[DISCUSS & VOTE]

Brooklyn Ave. The removal of bamboo canopy shall not adversely affect canopy preservation calculations.

2) The Mabry name shall be represented on internal streets
3) 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
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]

3. The petition is found to be <u>consistent</u> 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.

[DISCUSS & VOTE]

SUMMARY: *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.

PROJECT/PETITIONER NUMBER:	P24-62-CZD
PETITIONER NAME:	• Zach Grogan, MPG Shelby, LLC. (Applicant) • Eugene Holbert (Owner) • John Holbert (Owner) • Edgar Holbert (Owner) • Wanda Ponder (Owner)

ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Neighborhood Compatibility Summary 4. Application / Owner Signature Addendum / LLC Record 5. Proposed Site Plan & Building Elevations 6. Developer Exhibits 7. Comprehensive Plan & FLUM Consistency and Evaluation Worksheets 8. Draft Ordinance 9. Proposed Zoning Map

STANDARD REZONING: BROOKLYN AVE TOWNHOMES (P24-62-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Brooklyn Ave Townhomes
  - P24-62-CZD
- Applicant & Property Owner:
  - Zach Grogan, MPG Shelby, LLC. (Applicant)
  - Eugene Holbert (Owner)
  - John Holbert (Owner)
  - Edgar Holbert (Owner)
  - Wanda Ponder (Owner)
- Property Address:
  - 914 Brooklyn Ave
  - 924 Brooklyn Ave
- Parcel Identification (PINS):
  - 9578-43-7077
  - 9578-53-0013
  - 9578-43-9238
- Project Acreage:
  - 6.33 Acres
- Current Parcel Zoning:
  - R-15 Medium Density Residential
- Proposed Zoning District:
  - Urban Residential Conditional Zoning District
- Future Land Use Designation:
  - Multi-Generational Living



SITE VICINITY MAP

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.

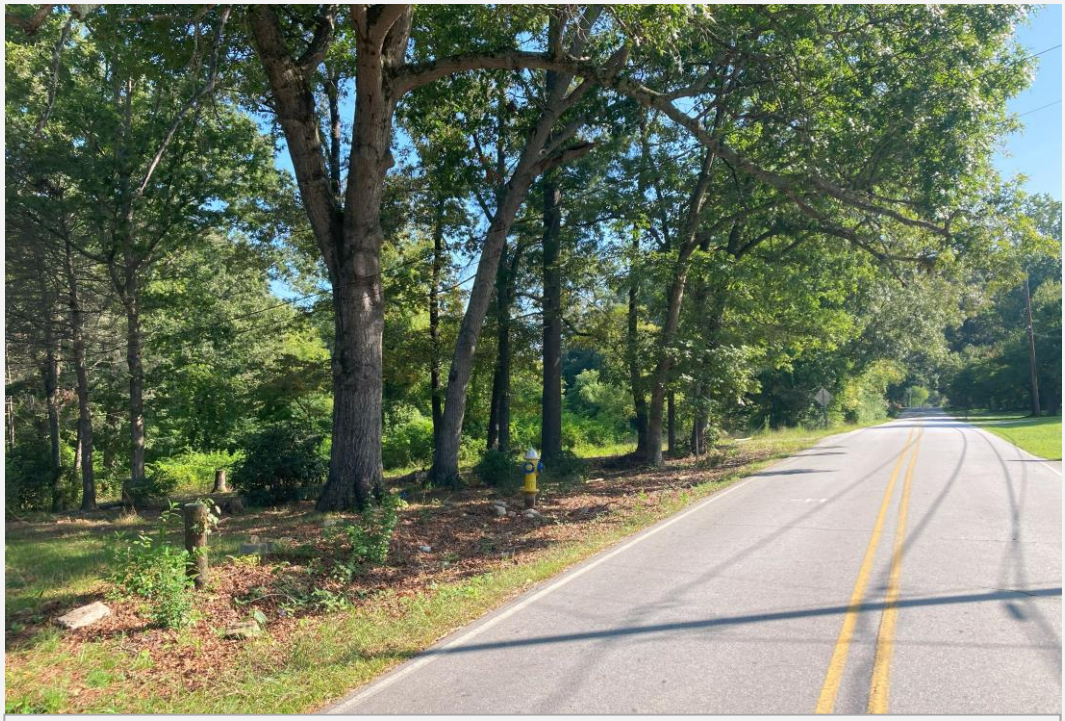
The development proposes 60 townhomes with new public streets, above ground stormwater facility, open space, common space and tree preservation area. The proposed density is 8.6 units per acre.

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

SITE IMAGES

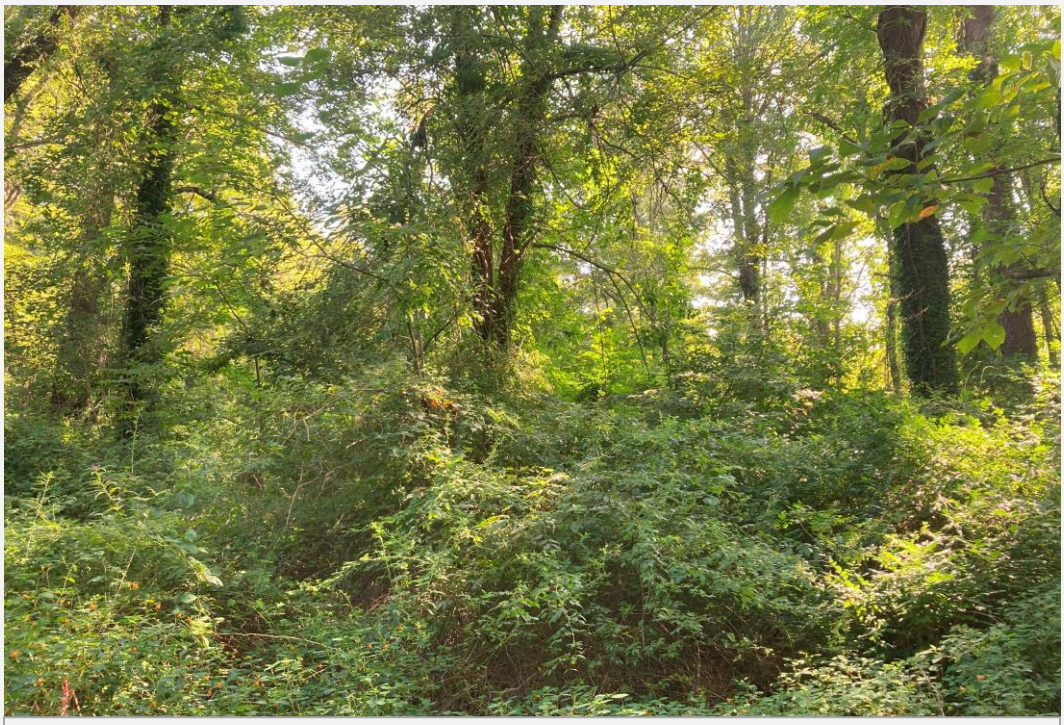


View of corner of the site from Brooklyn Ave at Old Spartanburg Rd.



View of frontage of site along Brooklyn Ave facing east/northeast

SITE IMAGES

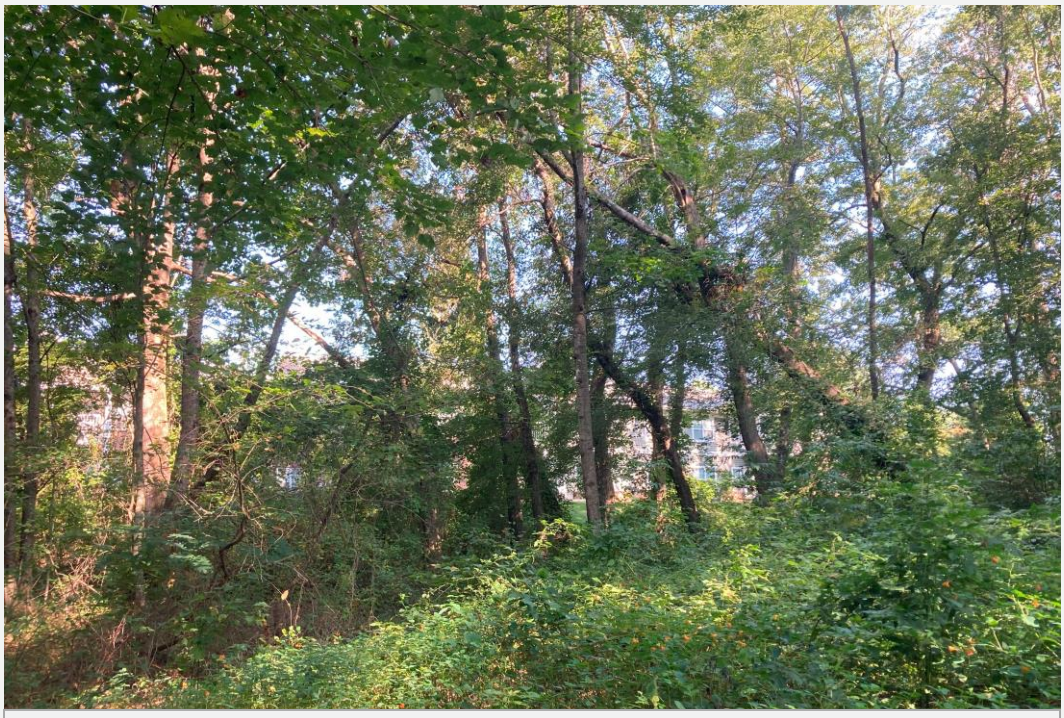


View of interior of site in vicinity of wetlands



View of existing structures on the site

SITE IMAGES

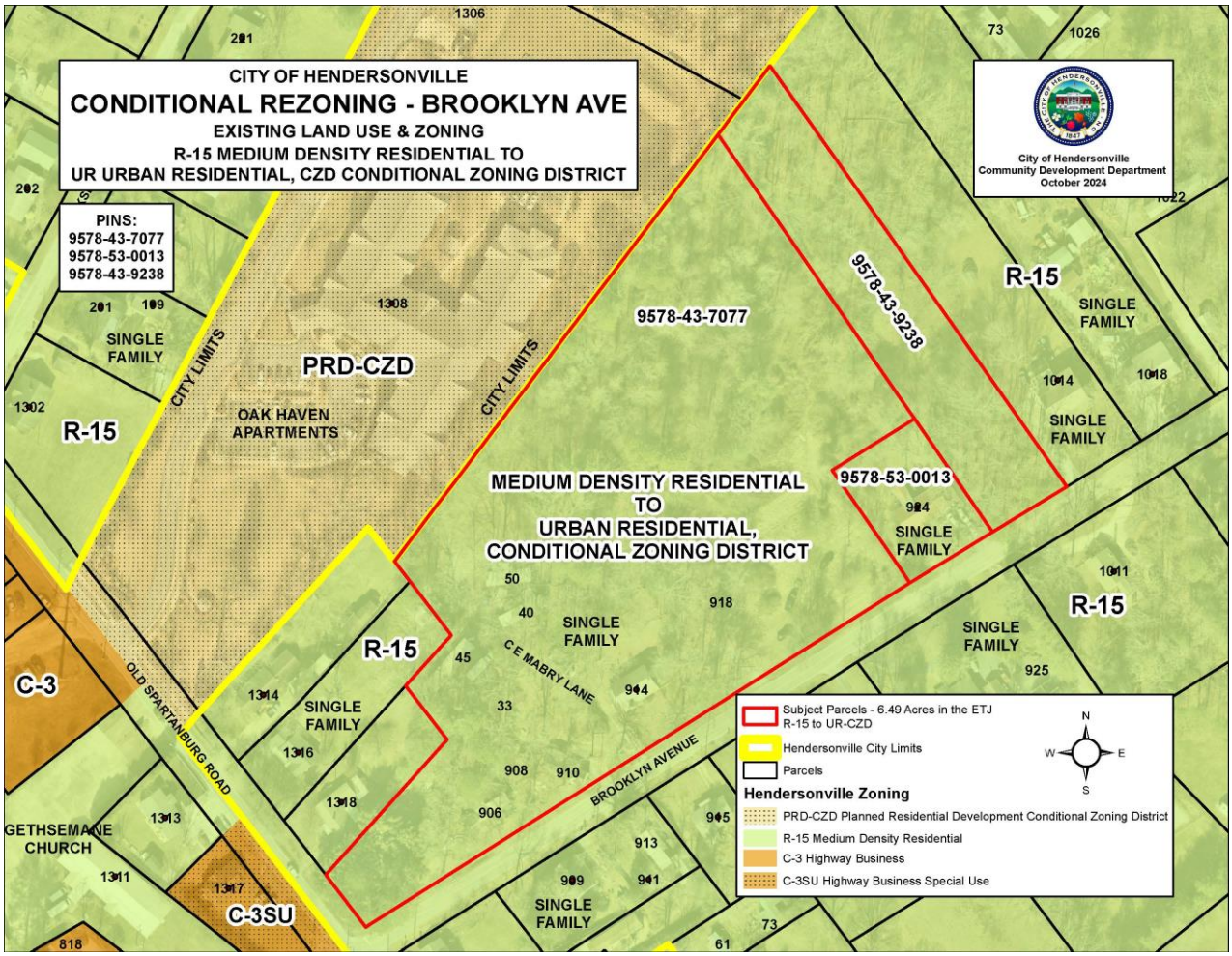


View of rear of site. Neighboring apartments to the north visible through foliage in background.



View of neighboring single-family home to the east at 1014 Brooklyn Ave

EXISTING ZONING & LAND USE



Existing Land Use & Current Zoning Map

The subject property is currently in the City's ETJ and zoned R-15. The property is made up of 3 parcels and was the former location of mobile home park. The lots also feature some existing single-family homes, one of which is currently occupied.

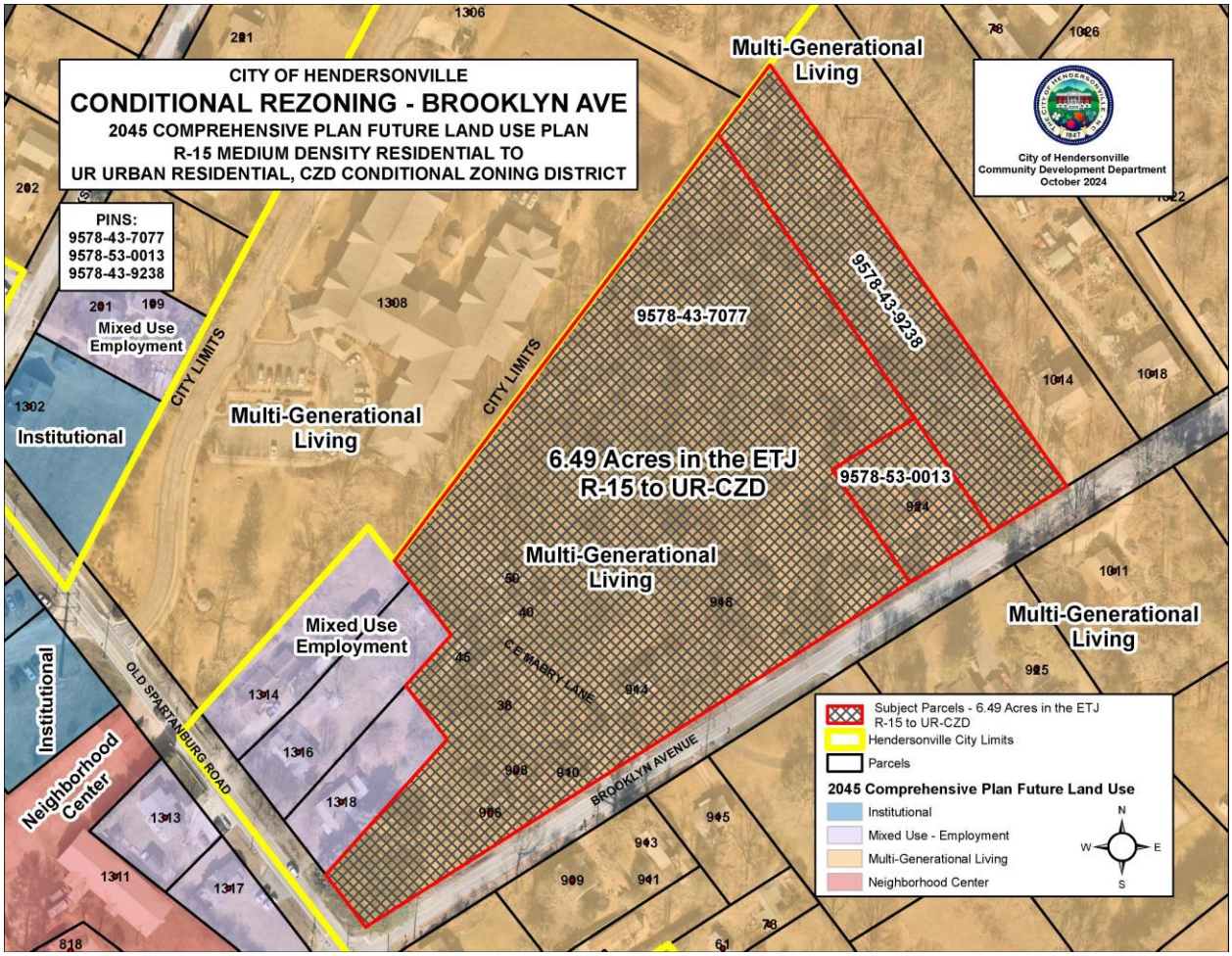
The remainder of the properties fronting Brooklyn Ave east of Old Spartanburg Rd are zoned R-15 and feature single-family homes.

Adjacent to the rear of the site is an apartment complex zoned PRD. There are two 2-story structures featuring 80 units on 8.36 acres (9.5 units / acre).

Across Old Spartanburg Rd from the site the zoning is C-3/C-3SU, Highway Business.

The site is 750' from the intersection of Spartanburg Hwy and Brooklyn Ave.

FUTURE LAND USE



Future Land Use & Conservation Map

The City's Gen H 2045 Comprehensive Plan designates the subject property as "Multi-Generational Living" in the Future Land Use & Conservation Map. Most of the surrounding properties, including frontage along Brooklyn Ave and nearby blocks to the east are also designated as "Multi-Generational Living". The site is also adjacent to Mixed Use – Employment. Across Old Spartanburg Rd, the Character areas are Neighborhood Center and Mixed Use Employment. The Character Area description for Multi-Generational Living includes the following:

> *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. Improved open spaces in the form of greens, pocket parks, and neighborhood parks are interspersed. Lot sizes are similar to those in FNL, but with increased densities.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Use: Residential, single-family (attached)
- Total Dwelling Units: 60
- Site: 6.94 Acres
- Density: 8.6 Units / Acre
- Buildings:
  - Total Footprint – 63,440 Sq Ft
    - 1,057 Sq Ft per Unit
    - 9 Buildings with varying number of units
  - Height:
    - Mid-point of gable between ridge and eaves (height by definition) = max 35'
- Open Space: 86,872 Sq Ft
  - Tree Preservation Tier 1: 50,769 Sq Ft
  - Common Open Space: 36,106 Sq Ft
- Parkland Dedication: 30,430 Sq Ft
  - Condition Proposed
- Transportation:
  - 2 Access Points from Brooklyn Ave
  - The projected Average AM Peak Trips = 29 (Threshold for TIA = 100)
  - The projected Average PM Peak Trips = 34 (Threshold for TIA = 100)
  - The projected Daily Trips = 432 (Threshold for TIA = 1,000)
- Sidewalks:
  - 5' Proposed along Brooklyn Frontage – 7' Required
  - 5' Proposed along one side of internal streets – 7' on both sides Required
  - Condition proposed
- Lighting:
  - All site lighting will be required to conform to the City's lighting standards for multi-family developments. The lighting plan is a component of the final site plan review.
- Parking:
  - Off-Street Parking
    - Required: 1 per unit (1&2-bedroom units) = 60 spaces
    - Provided: 130 spaces (2 spaces per unit + 8 common)
      - 0 ADA
  - On-Street Parking
    - Required but not provided
- Landscaping:
  - This development will be required to plant:
    - Street Trees (Sec. 5-25)
    - Common Space Plantings (5-25)
    - Any Tier II plantings that are elected to offset canopy loss. Currently showing the provision of 17,648 Sq Ft of replacement canopy.
  - This development is required to plant or use credits for the following:

- Open Space Plantings (Article 15)
- Buffer Plantings (Article 15)
- Vehicular Use Area Plantings (Article 15)
- Common Open Space Plantings (Article 15)
- Street Trees (Article 15)

  - A detailed Landscaping Plan will be provided at final site plan

- Building Design:
  - 2-Story attached Single-Family Units
  - Brooklyn Ave side has front-facing entries
  - Interior units have front-facing garages
  - All units have gabled roofs

- Floodplain: N/A

- Stream Buffer: Northeast corner of the site

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT:

Preliminary Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for UR-CZD and Subdivision Ordinance for Major Subdivision with the following exceptions.

- These outstanding items shall need to be resolved as part of the CZD process.
  - Developer-Proposed Condition is needed in order to plant the proposed medium-size street trees along Brooklyn Ave. As shown this does not meet our standards, however the City would consider a condition given feedback received from NCDOT. If no condition is offered, the Developer will have to meet the Zoning Ordinance standards at the time of Final Site Plan [Unresolved – Resolve at CZD]

- These outstanding items shall be resolved at the time of Final Site Plan and/or Preliminary Plat.
  - Building elevations lack the specifications and details to reasonably determine if they are compliant with design standards. [Unresolved – resolve at Final Site Plan].
  - Loading Zone is encumbering the public street ROW. A condition and Fire Marshal approval would be needed to locate as shown. Alternatively, since On-Street Parking is required, you can utilize On-Street Parking to comply with Loading Zone requirements. [Unresolved – resolve at Final Site Plan]
  - Bulb-Outs required at crosswalks per 5-25-5.15 [Unresolved – resolve at Final Site Plan]
  - Pedestrian walkways should connect to front entrance of each unit per 5-25-5.15 [Unresolved – resolve at Final Site Plan]

- On-street parking required where it can be provided per 5-25-5.16 b) [Unresolved – resolve at Final Site Plan]
- Details needed to illustrate the intent and standards for the development of common space are met per 5-25-5.20 [Unresolved – resolve at Final Site Plan]
- Tier 2 Tree Canopy Preservation area may overlap with area designated for Parkland Dedication (if accepted by City). [Unresolved – resolve at Final Site Plan]
- Tree Credits allowed under Article 15 cannot be applied to tree plantings required per Sec. 5-25, i.e. Street Trees, Parking Lot trees, and Common Space trees. [Unresolved – resolve at Final Site Plan]
- Street Trees are required on all internal and external streets [Unresolved – resolve at Final Site Plan]
- A waiver of the Fee-in-Lieu for Parkland Dedication cannot be waived during the CZD process.

- The following comments need to be addressed to improve clarity or improve site design and function [Resolved/Unresolved]:
  - Create Standalone Plan Set submittal. Application, comment sheets, etc. shall be submitted separately [Unresolved]
  - Improve readability of symbology used for open space, common open space, tree preservation areas [Unresolved].

Proposed City-Initiated Conditions:

1. As was discussed and agreed to at the Neighborhood Compatibility Meeting, the developer shall remove bamboo stand at/near the corner of Old Spartanburg Rd and Brooklyn Ave to improve sight visibility, reduce future impacts on new sidewalks, and to reduce stress on other existing mature vegetation in that area (that shall be preserved).

DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consist of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff has provided only the relevant/outstanding comments / conditions below:

PUBLIC WORKS:

Preliminary Site Plan Comments:

1. Driveway and Parking Locations:
   - Driveways need to be properly spaced away from intersections, minimum of 50' away from the end of the radius point per policy on street and driveway access to NC highways. [Resolve at Final Site Plan]
   - MUTCD restricts parking within 20' of a stop intersection. [Resolve at Final Site Plan]
2. Parkland Dedication
   - The proposed parkland dedication does not appear to meet the standards

necessary to be accepted by the City. [Resolve at Preliminary Plat]

Proposed City-Initiated Conditions:

2. None

DEVELOPER-PROPOSED CONDITIONS:

1. 5-25-2.3.1 Traffic Impact Analysis. Traffic Impact Analysis requirement for Urban Residential zoning waived for not reaching City of Hendersonville TIA standards. [Staff is agreeable to this condition]
2. 5-25-5.13 Internal Access and Connectivity. Waiver of the limitation of two driveways per block face. [Staff is agreeable to this condition. The condition will not be necessary if changes proposed by the Urban Residential Zoning Text Amendment (P24-66-ZTA) are adopted]
3. 5.25-5.15 Pedestrian Zone and Sidewalks. Waiver of the requirement for sidewalks on both sides of internal streets. And 5.25-5.15 Reduction of sidewalk width on internal streets from 7' to 5'. [Staff is agreeable to this condition]

**Condition Justification included as exhibits to the application.

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	**LAND SUPPLY, SUITABILITY & INTENSITY** The subject property is located on an underdeveloped property in the Land Supply Map. It ranks as "Most Suitable" for residential development in the Suitability Assessment. The subject property is located in an area designated as "Highest" for Development Intensity. The subject property is located between two Focused Intensity Nodes. The subject property is just adjacent to the Spartanburg Hwy Focus Area. Townhomes are featured in this Focus Area in vicinity of the subject property.
	FUTURE LAND USE & CONSERVATION MAP **Character Area Designation:** Multi-Generational Living **Character Area Description:** Consistent - with some considerations related to design compatibility. **Zoning Crosswalk:** Consistent **Focus Area Map:** Consistent
2) COMPATIBILITY	***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property***
	In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to "compatibility". The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the

	Gen H Plan. **EXISTING CONDITIONS** The subject property is currently in the City's ETJ and zoned R-15. The property is made up of 3 parcels and was the former location of a mobile home park. The lots also feature some existing single-family homes, one of which is currently occupied. The abutting neighboring land uses are multi-family (north) and single-family (east and west). Single-family homes are also located to the south along Brooklyn Ave. The subject property is heavily wooded and features a blueline stream and wetlands. **GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV) **Vibrant Neighborhoods**: Consistent **Abundant Housing Choices**: Consistent **Healthy and Accessible Natural Environment**: Consistent **Authentic Community Character**: Consistent **Safe Streets and Trails**: Consistent **Reliable & Accessible Utility Services**: Consistent **Satisfying Work Opportunities**: N/A **Welcoming & Inclusive Community**: N/A **Accessible & Available Community Uses and Services**: N/A **Resilient Community**: N/A **GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES** (Chapter IV) **Mix of Uses:** Consistent **Compact Development:** Somewhat Consistent **Sense of Place:** Consistent **Conserved & Integrated Open Spaces:** Consistent **Desirable & Affordable Housing**: Consistent **Connectivity**: Consistent **Efficient & Accessible Infrastructure:** Consistent **DESIGN GUIDELINES ASSESSMENT** (Chapter V): N/A
3) **Changed Conditions**	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -** Aerial imagery from as far back as 1984 show the subject property was formerly the site of a mobile home park featuring 6-7 manufactured homes and 2-3 single-family homes. The mobile homes are no longer present on the site and multiple structures are uninhabitable.
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 development provides additional opportunities for owner-occupied housing. The proposed development is clustered towards the least environmentally-sensitive areas on the site.

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**
	The subject property will be served by City of Hendersonville services. Brooklyn Ave is an NCDOT designated as a Local Street. Old Buncombe Rd is an NCDOT street designated as a Minor Thoroughfare. The site is one block from the Major Thoroughfare of Spartanburg Hwy.
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 -**
	The 2023 Tree Canopy Coverage map indicates that just short of 90% of the site is covered with tree canopy. The applicant proposes to meet the new tree preservation requirements by preserving a minimum of 20% of the site's tree canopy.

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
2) Compatibility - Staff finds that the general location of the rezoning and the proposed 'missing middle housing' type are compatible with the city's overall growth strategies.
3) Changed Conditions - Staff finds that the changed conditions present an opportunity for infill development that will provide needed "owner occupied" housing.
4) Public Interest - Staff finds that it is in the public interest to provide for infill residential development.
5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure.
6) Effect on Natural Environment – Staff finds that despite the loss of some tree canopy, the most environmentally-sensitive areas of the site are slated for preservation.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS 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 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'.

We **[find/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:

DRAFT [Rationale for Approval]

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

DRAFT [Rational for Denial]

- *The proposed development would have negative environmental impacts from loss of tree canopy*
- *The proposed development is incompatible with the surrounding land uses*

PLANNING BOARD RECOMMENDATION
PROJECT#: P24-62-CZD
MEETING DATE: November 14, 2024

PETITION REQUEST: Brooklyn Townhomes (R-15 to UR)

APPLICANT/PETITIONER: Zach Grogan, MPG Shelby (applicant)
Holbert Family (owners)

PLANNING BOARD ACTION SUMMARY:

Staff gave a 16-minute presentation on the requested development - reviewing the site plan in light of guidance from the Gen H Comprehensive Plan and the criteria for considering a rezoning. The Planning Board asked questions pertaining to fire access, wetlands/stormwater, creation of a homeowners' association, sidewalk widths, and the condition of the occupied single-family home on the site. In total Planning Board considered this item for 1 hour and 25 minutes.

APPLICANT PRESENTATION:

The applicant was present. He gave a brief presentation and made himself available to answer questions from the Planning Board.

PUBLIC COMMENT:

Limited to 3 minutes per person.

- Lauren Chale, 1014 Brooklyn Avenue – live adjacent to site, concerned about impact of neighborhood, specifically the alignment of the street with their house and traffic.
- Ken Fitch, 1046 Patton St – raised issues regarding unresolved comments, waiving the TIA, elimination of sidewalks on one side, street layout, buffering and wetlands.
- Glenn Lange, 623 Ferncliff – concerned with unresolved issues particularly as it relates to tree canopy preservation and landscaping.
- Wanda Ponder, Pace Rd – subject property was former family property where she was raised. Provided some history of the property. Strongly in favor of development.
- Peter Johnson, 924 Brooklyn Ave – lives on the subject property. His home would be removed if approved. He is in total support of the proposed development.
- Martha Chale, 1014 Brooklyn Ave – supports the need for a TIA
- Natalie Rice, 1014 Brooklyn Ave – supports the need for a TIA and concerned about the impacts of construction
- Lynne Williams, Chadwick Ave – concerned about stormwater, lack of privacy in the development, removal of vegetation, and no provision of affordable housing. She supports the oppositions call for TIA and buffers.

DELIBERATION:

The Planning Board deliberated about several aspects of the proposed development and offered the following additional conditions to the recommendation for approval:

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). [You may want to amend this with your request that the removal of the bamboo canopy not impact your canopy preservation calculations]
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 recommendation: 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. [This is required per the Zoning Ordinance for Urban Residential anyway]
5. Recessed garages are required to ensure secondary parking spaces do not conflict with sidewalks and improve safety.

MOTION:

Tamara Peacock moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

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'.

REASONABLENESS STATEMENT:
[Rationale for Approval]

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.

BOARD ACTION

- **Motion/Second**: Peacock / Johnson
- **Yeas**: J. Robertson (Chair), Hanley, Flores, Waters, Johnson, Peacock, Gilgis
- **Nays**: N/A
- **Absent**: B. Robertson, Whiting

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
BROOKLYN TOWNHOMES (P24-62-CZD)
NCM MEETING DATE: AUGUST 27, 2024

PETITION REQUEST: Rezoning: Brooklyn Ave Townhomes - Conditional Zoning District (UR-CZD)

APPLICANT/PETITIONER: MGP Shelby, LLC (Zachary Grogan)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on June 6th, 2024, at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 1 hour and 35 minutes.

There were 8 members of the public in attendance in-person and 0 attended virtually. The City was represented with 2 members Planning staff. The applicant was present and gave some opening explanations of the project following staff's formal introduction and brief overview of the request.

There were no pre-submitted comments. Those attendance brought up a range of opinions and views. Some comments reflected a positive take on the impact of the development.

Other Questions and Concerns from the public related to:

Questions:

- Rental or for sale products? For sale.
- Cost? Market Rate.
- Number of Stories? 2 or 3.
- Number of bedrooms? 3 bedroom/ 2 bath
- Parking? 2 spaces in front plus a garage for each unit.
- Delivery Zone? Needs to be added to Site Plan
- Tree Preservation? Will meet new canopy preservation standards
- Curb Cuts on Brooklyn? Dictated by NCDOT
- TIA? Code requires it but developer asking for a condition
- Landscaping Buffers? Will meet code requirements
- Stormwater? Above ground facility

Concerns:

- Traffic impacts
- Protection from construction noise
- Affordability
- Density
- Impact to environment

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Conditional Zoning District Petition

Section 7-4 and Article 11 City Zoning Ordinance

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☑ 1. Completed Pre-Application meeting with Planning Staff
- ☑ 2. Scheduled Neighborhood Compatibility Meeting
  NCM Date: 8/27/24 Time: 2:00 pm
- ☑ 3. Water and Sewer Availability Request
- ☐ 4. Completed Application Form
- ☑ 5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☑ 6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☑ 7. Detailed explanation of any Proposed Development Description
- ☑ 8. Application Fee
- 9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

Office Use:
Date Received: _____ By: _____ Fee Received? Y/N

A. Applicant Contact Information

Zachary Grogan

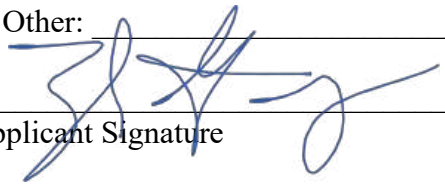
* Printed Applicant Name

MPG Shelby, LLC.

Printed Company Name (if applicable)

☐ Corporation ☑ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____



Applicant Signature

Applicant Title (if applicable)

31 Wade Hampton Blvd

Address of Applicant

City, State, and Zip Code

Greenville, SC 29609

Telephone

zg@magnoliapropertygroup.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

DocuSign Envelope ID: 85C5E14F-08ED-44A4-B869-16006D974A37

B. Property Owner Contact Information (if different from Applicant)

EUGENE S. HOLBERT

*Printed Owner Name

N/A

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: INDIVIDUAL

DocuSigned by:
Eugene S. Holbert
F93B87A53734457...

Property Owner Signature

Property Owner Title (if applicable)

Hendersonville, NC 28739

City, State, and Zip Code

828.606.1994

Telephone

gholbert1@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

DocuSign Envelope ID: 85C5E14F-08ED-44A4-B869-16006D974A37

B. Property Owner Contact Information (if different from Applicant)

JOHN T. HOLBERT

*Printed Owner Name

N/A

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: INDIVIDUAL

DocuSigned by:

44B58A507D5044A...

Property Owner Signature

Property Owner Title (if applicable)

Hendersonville, NC 28739

City, State, and Zip Code

828 4354899

Telephone

jh148013@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

DocuSign Envelope ID: 85C5E14F-08ED-44A4-B869-16006D974A37

B. Property Owner Contact Information (if different from Applicant)

WANDA H. PONDER

*Printed Owner Name

N/A

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: INDIVIDUAL

DocuSigned by:
Wanda H. Ponder
BA160C1883E84E9...

Property Owner Signature

Property Owner Title (if applicable)

Hendersonville, NC 28739

City, State, and Zip Code

828-243-1618

Telephone

Iam911wanda@morrisbb.net

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

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DocuSign Envelope ID: 85C5E14F-08ED-44A4-B869-16006D974A37

B. Property Owner Contact Information (if different from Applicant)

EDGAR M. HOLBERT

*Printed Owner Name

N/A

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: INDIVIDUAL

DocuSigned by:

Property Owner Signature

Property Owner Title (if applicable)

Hendersonville, NC 28739

City, State, and Zip Code

828.606.2696

Telephone

emholb@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

C. Property Information

Name of Project: BROOKLYN AVE TOWNHOMES

PIN(s): 597-843-7077, 957-853-0013, 957-843-9238

Address(es) / Location of Property: 924 BROOKLYN AVE HENDERSONVILLE, NC

Type of Development: ☑ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: R-15 CITY OF HENDERSONVILLE EJT

Total Acreage: 6.33

Proposed Zoning: URBAN RESIDENTIAL

Proposed Building Square Footage: APPROXIMATELY 64,000SF BLDG FOOTPRINT

Number of Dwelling Units: 60

List of Requested Uses:

CITY OF HENDERSONVILLE ANNEXATION
RE-ZONE: URBAN RESIDENTIAL CZD
SUBDIVISION APPROVAL
SITE PLAN APPROVAL

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

STATEMENT OF DEVELOPMENT CONDITIONS ATTACHED.

MPG SHELBY, LLC.
31 WADE HAMPTON BLVD.
GREENVILLE, SOUTH CAROLINA 29609

SUBJECT: Brooklyn Avenue Townhomes – Urban Residential - CZD Application

Detailed Development Description

The proposed development will consist of the demolition of the existing improvements, clearing within the areas of disturbance, erosion control and tree protection measures, grading, utility installation, roadway construction and approximately 60 townhomes. The final neighborhood will feature 2.70 acres of open space (42% of the total land area), a network of sidewalks on the interior of the community connecting to the sidewalk running along the entire length of Brooklyn Ave and attractive entry signage.

Developer Proposed Conditions

5-25-2.3.1 Traffic Impact Analysis. Traffic Impact Analysis requirement for Urban Residential zoning district waived for not reaching City of Hendersonville TIA standards.

5-25-5.13 Internal Access and Connectivity. Waiver of the limitation of two driveways per block face.

5.25-5.15 Pedestrian Zone and Sidewalks. Waiver of the requirement for sidewalks on both sides of internal streets. Reduction of sidewalk width on internal streets from 7’ to 5’.

**Condition Justification included as exhibits to the application.

Statement on Comprehensive Plan Compliance

The proposed Brooklyn Ave Townhome project is located on land designated as “Most Suitable” for residential use in the City’s Comprehensive Plan. The plan also designates this area for Multi-Generational Living, which seeks to provide a mix of housing types, both attached and detached, to create an intergenerational neighborhood. Currently, the immediate area consists almost entirely of single-family detached homes. This project introduces a townhome housing product, aligning with the City’s goals for this neighborhood.

Additionally, the Urban Residential zoning classification, which applies to this area, is a recommended zoning for areas designated for Multi-Generational Living in the future land use plan. The proposed development is consistent with the City’s stated goals of creating vibrant neighborhoods with varying housing choices and immediate access to the natural environment. The development adds nearly 700 feet of sidewalk along a minor thoroughfare with direct connection to a network of internal sidewalks and nature trail.

Explain compatibility with surrounding land uses

The surrounding land uses include single-family detached residential and residential apartments (PRD at approximately 10 units per acre). The proposed development is appropriate given the similarity of uses of the immediately adjacent properties. Additionally, the area across Old Spartanburg Road is primarily commercial, with industrial and general business activities. Typically, higher density residential developments, such as the proposed project, are situated between commercial nodes and low-density single-family use. This creates a neighborhood business node, which aligns with the City of Hendersonville's vision for desirable land use in the area.

Explain whether changed conditional require map amendments

Based on our understanding, changing the zoning from R-15 EJT to Urban Residential CZD requires a map amendment.

Explain how the petition is in the public interest

This petition supports a proposed development that will repurpose an existing mobile home park and underutilized property to create a project aligned with the City's stated growth objectives and desired land use. The project will add approximately 60 housing units to the area, enhancing the roadside aesthetics, expanding the local tax base, and providing increased support for the nearby businesses. Additionally, the development plan maintains 2.70 acres of open space, including over an acre of existing tree canopy and five specimen trees.

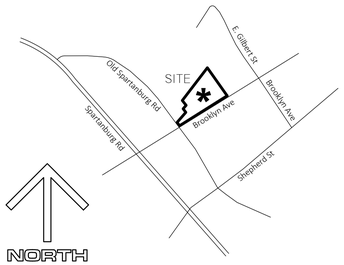
Explain whether adequate public facilities are available

The necessary public facilities are in place to support the proposed project. The City provides water and sewer services in sufficient capacity. Electricity is available through Duke Energy. Both Brooklyn Avenue and Old Spartanburg Road, which are NCDOT roadways, are capable of handling the additional traffic generated by the project, as confirmed by NCDOT engineers.

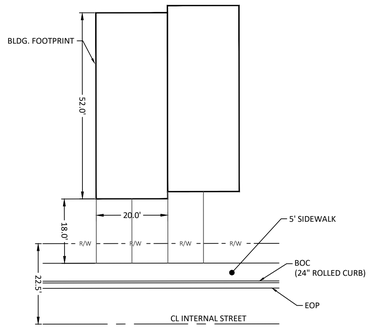
Explain the impact the petition would have on the natural environment

The proposed development will involve some modification to the existing topography and tree canopy on the Property. However, three wetland areas identified on the site will remain undisturbed. In addition, all low-lying areas, including the existing tree canopy, will be preserved in accordance with the City's open space and tree canopy ordinances.

It's important to note that the implantation of the City's ultra high-density Spartanburg Highway Focus Area, as outlined on page 145 of the Generation H Comprehensive Plan, will necessitate changes to the natural environment, including an increase in impervious surfaces. The proposed development aligns with the City's published growth objectives for this area.



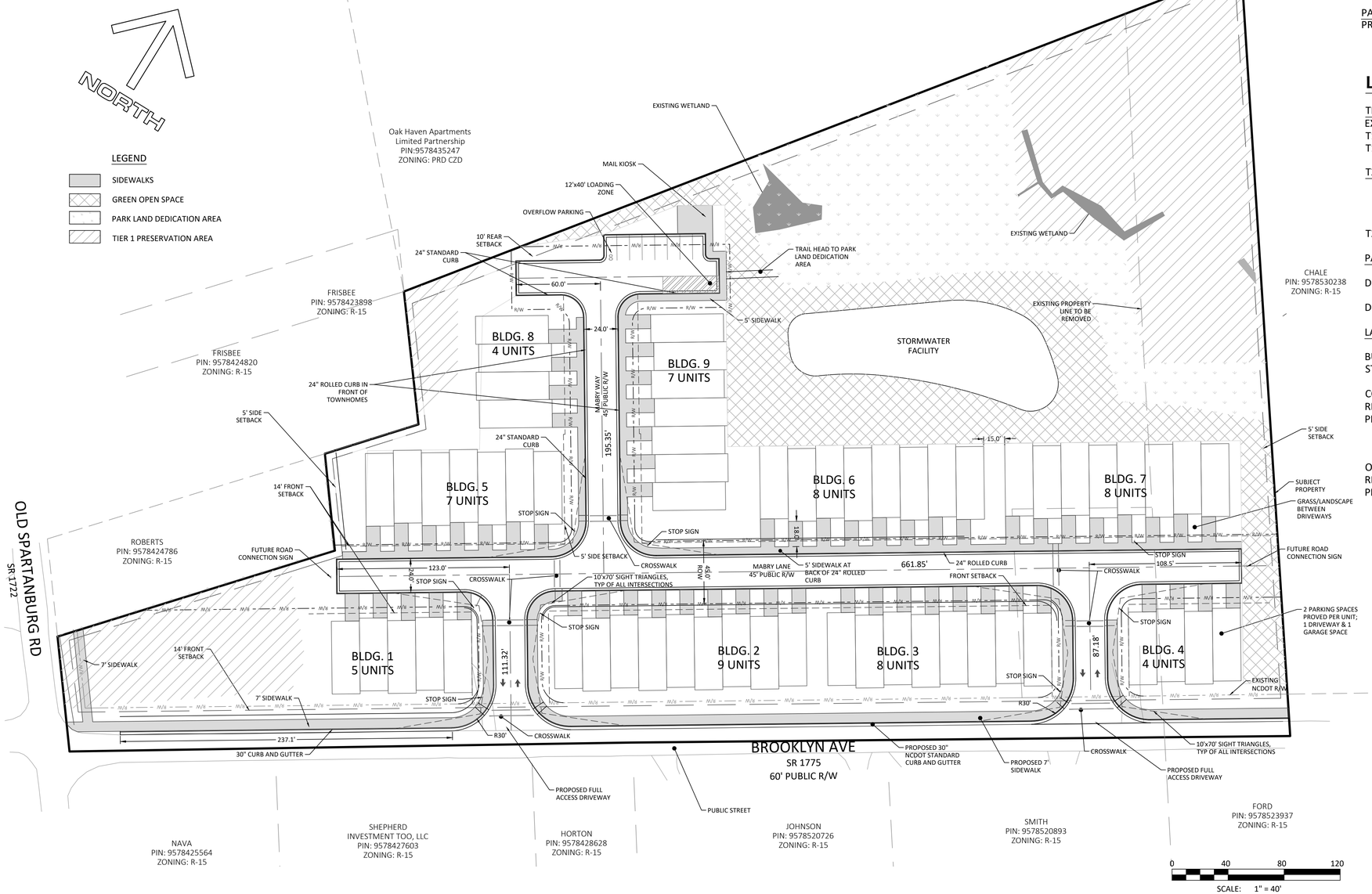
Vicinity Map



TYPICAL TOWNHOME LOT LAYOUT

SITE LAYOUT NOTES

1. THIS IS NOT A PROPERTY SURVEY. SEE SURVEY FOR BOUNDARY INFORMATION.
2. ALL WORK SHALL COMPLY WITH LOCAL ORDINANCES, NCDOT STANDARDS AND OWNER SPECIFICATIONS. ALL SIGNS AND PAVEMENT MARKINGS SHALL COMPLY WITH MUTCD STANDARD.
3. BLUE RIDGE ENGINEERING SHALL PROVIDE ALL CONSTRUCTION LAYOUT AND STAKING REQUIRED FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING FOR CONSTRUCTION LAYOUT AND STAKING SERVICES PROVIDED. CONTRACTOR SHALL IMMEDIATELY NOTIFY BLUE RIDGE ENGINEERING IF CONDITIONS ARE ENCOUNTERED THAT ARE NOT AS SHOWN.
4. CONTRACTOR IS RESPONSIBLE FOR ALL SAFETY, METHODS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS IN COMPLIANCE WITH MUTCD AND NCDOT STANDARDS. CONTRACTOR SHALL NOTIFY NCDOT, OWNER, AND ENGINEER AT LEAST 72 HOURS IN ADVANCE OF ANY LANE CLOSURE OR TRAFFIC SHIFT.
5. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED. CONTRACTOR SHALL PROTECT THE WORK UNTIL SUCH TIME THAT THE PROJECT IS APPROVED AND OPENED TO TRAFFIC.
6. SUBGRADE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF STONE BASE. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
7. STONE BASE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO ASPHALT PLACEMENT. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
8. PAVING CONTRACTOR SHALL PROVIDE A CERTIFIED ROADWAY QUALITY CONTROL TECHNICIAN WITH A NUCLEAR GAGE AT ALL TIMES ASPHALT IS BEING PLACED. IF REQUESTED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING ASPHALT CORE SAMPLES FOR VERIFICATION OF COMPACTION AND THICKNESS.
9. SLOPES IN HANDICAP PARKING SPACES AND ACCESS AISLE AREAS SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
10. CONTRACTOR SHALL MAINTAIN AN APPROVED SET OF PLANS ON THE JOB SITE AT ALL TIMES.



SITE DATA

GENERAL

LATITUDE	35°18'08" N
LONGITUDE	82°26'14" W
REID	9966086, 105349, 9966087
PIN	9578437077, 9578530013, 9578439238
PROJECT SIZE	6.94 ACRES
PROPOSED ZONING	CZD URBAN RESIDENTIAL
PROPOSED USE	60 SINGLE FAMILY UNITS (8.64 UNITS/ACRE)
MAX BLDG HT.	35'

SETBACKS

FRONT	14' FROM PROPOSED CURB
SIDE	5'
REAR	10'

PARKING

PROVIDED	130 (2 SPACES PER UNIT, +8 COMMON SPACES)

LANDSCAPE DATA

TREE CANOPY PRESERVATION (15-4.C)

EXISTING COVERAGE:	251,750 SF (PER TREE CANOPY WEB SITE)
T1 PRESERVATION REQ'D	50,350 SF (20% OF EXISTING COVERAGE)
T1 PRESERVATION PROVIDED	50,769 SF

T2 PRESERVATION REQ'D

REQUIREMENT T2 - OPTION 3	37,762 SF (15% OF EXISTING COVERAGE)
PRESERVED SPECIMEN TREES	(20,188 SF) per 15-4-c.3(d)
TOTAL T2 PLANTING REQ'D	17,574 SF
T2 PRESERVATION PROVIDED	17,648 SF (SEE TABLE)

PARKLAND DEDICATION (SEC. 3.09)

DEDICATION REQUIRED	30,000 SF (500 SF/UNIT AT 60 UNITS)
DEDICATION PROVIDED	30,430 SF (OUTSIDE OF T1 PRESERVATION)

LAND USAGE 6.33 ACRES/ 275,801 SF:

BUILDING	63,440SF
STREETS/SIDEWALK & PARKING	50,760 SF
COMMON SPACE (Sec. 5-25-5.19)	
REQUIRED (500SF/UNIT)	30,000 SF
PROVIDED	
SIDEWALKS	4,260 SF
GREEN SPACE	31,846 SF
TOTAL	36,106 SF
OPEN SPACE (Sec. 5-25-5.20)	
REQUIRED (30%)	82,740 SF
PROVIDED	
COMMON OPEN SPACE	36,106 SF
T1 PRESERVATION	50,769 SF
TOTAL	86,872 SF

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DRAWN BY: JESSE
PROJECT # 22031
ORIGINAL ISSUE DATE: 09/05/2024
REVISIONS: ⚠ 09/19/2024 CITY COMMENTS

PRELIMINARY NOT FOR CONSTRUCTION

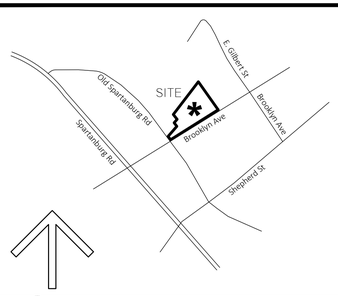
Blue Ridge Engineering PLLC
924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205

Prepared for:
MAGNOLIA PROPERTY GROUP
31 Wade Hampton Blvd
Greenville, SC 29609

CZD Site Layout Plan
Mabry Woods
914 Brooklyn Avenue, Hendersonville, NC
Hendersonville Township, Henderson County, North Carolina

SHEET
CZD
1.0

PRELIMINARY - NOT FOR CONSTRUCTION



Vicinity Map

PROPOSED TIER 2 TREE PLANTINGS

SYM.	QTY	SPECIES	SIZE OF TREE	TREE CANOPY CREDITS
	6	DEODAR CEDAR Cedrus deodara	LARGE	5,232 SF 6 TREES @ 872 SF/TREE
	2	AUTUMN BLAZE MAPLE Acer x freemanii	LARGE	1,744 SF 2 TREES @ 872 SF/TREE
	4	NORTHER RED OAK Quercus rubra	LARGE	3,488 SF 4 TREES @ 872 SF/TREE
	16	OKAME CHERRY Prunus 'Okame'	MEDIUM	5,600 SF 16 TREES @ 350 SF/TREE
	11	SUGAR TYME CRABAPPLE Malus Hybrids	SMALL	1,584 SF 11 TREES @ 144 SF/TREE
			TOTAL	17,648 SF

LANDSCAPE DATA

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T2 PRESERVATION REQ'D

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T2 PRESERVATION PROVIDED 17,648 SF (SEE TABLE)

PARKLAND DEDICATION (SEC. 3.09)

DEDICATION REQUIRED 30,000 SF (500 SF/UNIT AT 60 UNITS)

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LAND USAGE 6.33 ACRES/ 275,801 SF:

BUILDING	63,440SF
STREETS/SIDEWALK & PARKING	50,760 SF
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PROVIDED	
SIDEWALKS	4,260 SF
GREEN SPACE	31,846 SF
TOTAL	36,106 SF
OPEN SPACE (Sec. 5-25-5.20)	
REQUIRED (30%)	82,740 SF
PROVIDED	
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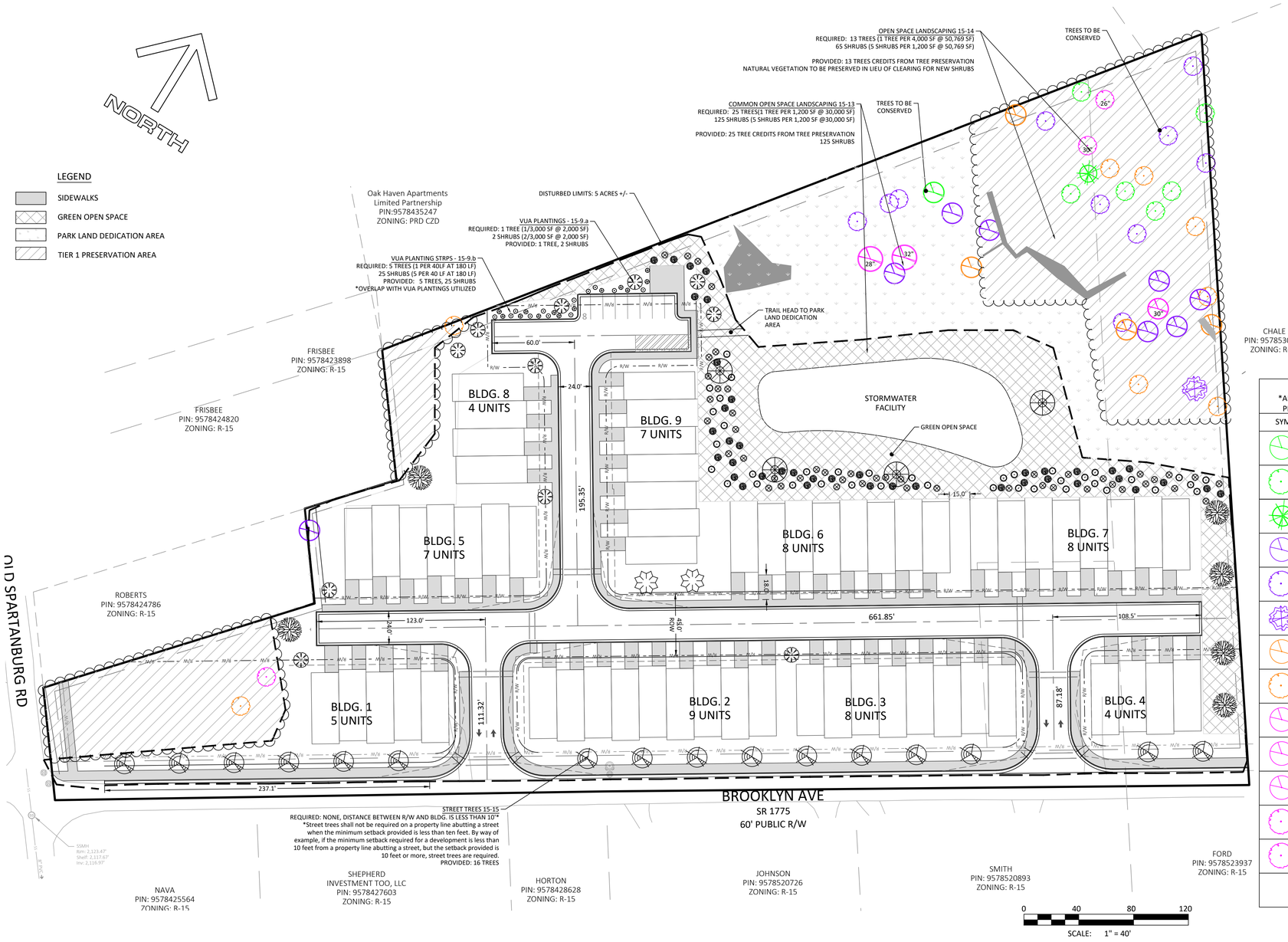

PRESERVED TREE CREDITS 15-4.b

*ALL PRESERVED TREES TO BE PROTECTED WITH APPROPRIATE TREE FENCING AS PRESCRIBED IN THE CITY OF THE HENDERSONVILLE LANDSCAPING ORDINANCE

SYM.	QTY	SPECIES	DBH	TREE CREDITS	SPECIMEN CANOPY TREE CREDIT
	1	MAPLE	2"-12"	1 1 TREE @ 1 CREDIT/TREE	
	6	OAK	2"-12"	6 6 TREES @ 1 CREDIT/TREE	
	1	PINE	2"-12"	1 1 TREE @ 1 CREDITS/TREE	
	7	MAPLE	13"-18"	14 7 TREES @ 2 CREDITS/TREE	
	11	OAK	13"-18"	22 11 TREES @ 2 CREDITS/TREE	
	1	BIRCH	13"-18"	2 1 TREES @ 2 CREDITS/TREE	
	4	MAPLE	19"-24"	12 4 TREES @ 3 CREDITS/TREE	
	8	OAK	19"-24"	24 8 TREES @ 3 CREDITS/TREE	
	1	MAPLE	28"	3 1 TREES @ 3 CREDITS/TREE	3,694.5 SF
	1	MAPLE	30"	3 1 TREES @ 3 CREDITS/TREE	4,241 SF
	1	MAPLE	32"	3 1 TREES @ 3 CREDITS/TREE	4825.5 SF
	1	OAK	26"	3 1 TREE @ 3 CREDITS/TREE	3,185.5 SF
	1	OAK	30"	3 1 TREE @ 3 CREDITS/TREE	4,241 SF
			TOTAL	97 CREDITS	20,188 SF

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CZD Landscaping Plan

Mabry Woods
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Hendersonville Township, Henderson County, North Carolina

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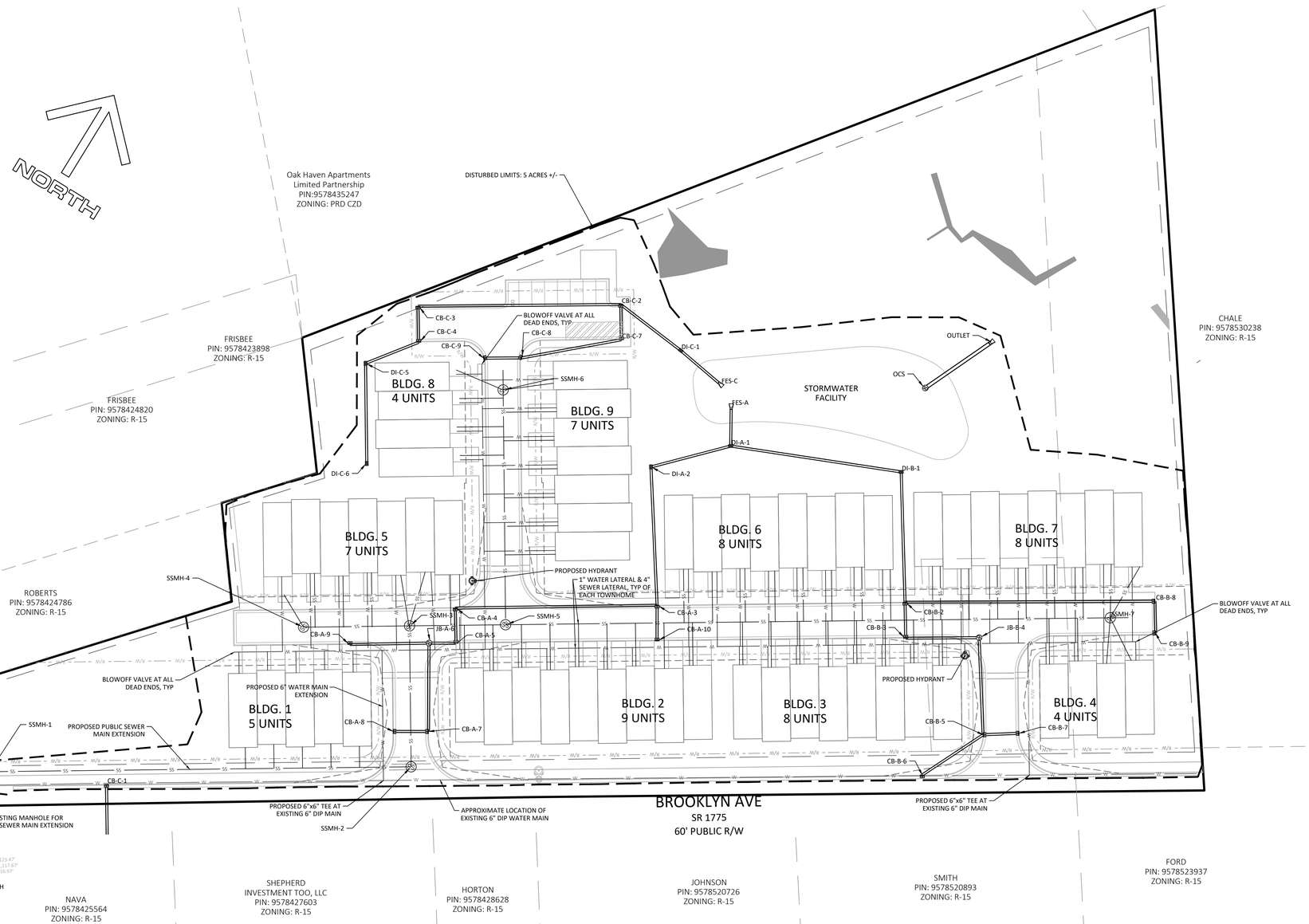

UTILITY NOTES

1. SEE WATER DETAIL SHEETS FOR GENERAL WATER NOTES BY THE CITY OF HENDERSONVILLE AND ALL DETAILS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAFETY, METHODS, MEANS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS.
3. ALL UTILITY WORK SHALL BE PERFORMED BY A NC LICENSED UTILITY CONTRACTOR.
4. THE LOCATION OF UTILITIES SHOWN ON THE PLANS SHALL BE CONSIDERED APPROXIMATE. ALL UTILITIES MAY NOT BE SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXISTENCE AND ACTUAL LOCATION OF ALL EXISTING UTILITY LINES WHETHER SHOWN ON THE PLANS OR NOT. CONTRACTOR SHALL CONTACT ULOCO.
5. BLUE RIDGE ENGINEERING SHALL PROVIDE ALL CONSTRUCTION LAYOUT AND STAKING REQUIRED FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING FOR CONSTRUCTION LAYOUT AND STAKING SERVICES PROVIDED. CONTRACTOR SHALL PROVIDE BLUE RIDGE ENGINEERING 48 HOURS NOTICE FOR ANY STAKING REQUESTED.
6. DURING PIPE LAYING, PIPE ENDS SHALL BE PROTECTED OVERNIGHT WITH APPROPRIATE MEASURES TO PREVENT WATER, DIRT OR OTHER DEBRIS FROM ENTERING THE SYSTEM.
7. ALL BACKFILL IN UTILITY TRENCHES SHALL BE TESTED. ALL BACKFILL SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT. DRYING OR WETTING OF FILL MATERIAL MAY BE REQUIRED TO COMPLY WITH MOISTURE LIMITS SPECIFIED. IF NO GEOTECHNICAL STUDY HAS BEEN PERFORMED, ALL EARTHWORK PLACED SHALL BE WITHIN 5% OF OPTIMUM MOISTURE AND COMPACTED TO AT LEAST 95% OF THE STANDARD PROCTOR.
8. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED.
9. ALL PIPE MATERIALS SHALL BE AS SPECIFIED ON THE PLANS. NO SUBSTITUTIONS SHALL BE ALLOWED. ALL FIRE LINES SHALL COMPLY WITH NFPA 24 AND NC STATE BUILDING CODE: FIRE CODE.
10. ALL WATER LINE 6" AND LARGER SHALL HAVE RESTRAINED JOINTS, "MEGALUG" OR EQUAL.
11. MINIMUM COVER SHALL BE 3' FOR BOTH WATER AND SEWER MAINS.
12. MINIMUM SLOPE FOR ANY SEWER LINE SHALL BE 1.0% UNLESS OTHERWISE SHOWN. CONCRETE ANCHOR FOOTINGS SHALL BE INSTALLED ON ALL SEWER LINES EXCEEDING 20% SLOPE.
13. WATER/SEWER CROSSINGS: WHERE SEWER MAINS CROSS OVER WATER MAINS, OR WHERE LESS THAN 18" VERTICAL SEPARATION IS PROVIDED, BOTH WATER MAIN AND SEWER MAIN SHALL BE CONSTRUCTED TO WATER MAIN STANDARDS, SUCH AS THE USE OF DUCTILE IRON PIPE OR C-900, A MINIMUM OF 10 FEET IN EACH DIRECTION.
14. SEWER/STORM CROSSINGS: WHERE SEWER MAINS AND STORM DRAINS CROSS WITH LESS THAN 18" VERTICAL SEPARATION PROVIDED, SEWER MAINS SHALL BE CONSTRUCTED TO WATER MAIN STANDARDS, SUCH AS THE USE OF DUCTILE IRON PIPE OR C-900, A MINIMUM OF 10 FEET IN EACH DIRECTION.
15. WATER/STORM CROSSINGS: WHERE WATER MAINS AND STORM DRAINS CROSS WITH LESS THAN 12" VERTICAL SEPARATION PROVIDED, WATER MAINS SHALL BE DUCTILE IRON PIPE, A MINIMUM OF 10 FEET IN EACH DIRECTION.
16. ALL SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH STATE AND LOCAL CODES.
17. CONTRACTOR SHALL BE RESPONSIBLE FOR AND SHALL PROVIDE ALL APPARATUS NECESSARY FOR ALL PRESSURE TESTING, LEAKAGE TESTING, AND BIOLOGICAL TESTING. ALL TESTING SHALL BE PERFORMED IN THE PRESENCE OF THE ENGINEER OR HIS REPRESENTATIVE.
18. CONTRACTOR SHALL COORDINATE ALL WORK AS NECESSARY WITH: POWER COMPANY; TELEPHONE COMPANY; GAS COMPANY; ETC.

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ORIGINAL ISSUE DATE: 09/05/2024
REVISIONS: 1 09/19/2024 CITY COMMENTS
PROJECT # 22031
DRAWN BY: JESSE

PRELIMINARY
NOT FOR CONSTRUCTION

Blue Ridge Engineering PLLC
924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205

Prepared for:
MAGNOLIA PROPERTY GROUP
31 Wade Hampton Blvd
Greenville, SC 29609

CZD Preliminary Utility Plan

Mabry Woods

914 Brooklyn Avenue, Hendersonville, NC
Hendersonville Township, Henderson County, North Carolina

SHEET
CZD
3.0

PRELIMINARY - NOT FOR CONSTRUCTION

BUILDING ELEVATIONS

Brooklyn Ave Frontage











BUILDING ELEVATIONS

Interior Units





BUILDING ELEVATIONS

Interior Units





Developer Proposed Condition Justification

5-25-2.3.1 Traffic Impact Analysis

Applicant requests that the Traffic Impact Analysis (TIA) requirement be waived. Per the trip generation table shown below, the proposed development will produce drastically less traffic than the City of Hendersonville Traffic Impact Analysis thresholds in Section 6-18-1 of the zoning ordinance.

> ***6-18-1 – TIA required****. Applicants for development authorization in which the proposed development, redevelopment, or change of use is expected to generate 100 or more peak-hour trips (a.m. or p.m.) or 1,000 or more trips daily shall have prepared by a qualified professional a TIA meeting the guidelines established in this section. In addition to the foregoing, the community development director shall have the discretion to require a TIA when a development's traffic will substantially affect an intersection or a roadway segment already identified as operating at a failing level of service, when a development may create a hazard to public safety, or when a development will substantially change the off-site transportation system or connections to it.*

The proposed development creates only 432 daily trips, 29 AM peak hour trips and 34 PM peak hour trips. This is 43%, 29% and 34% of the published requirements for performing a TIA. Additionally, the City Planning Staff and NCDOT concluded that a TIA would not be required for this project, unless any changes were made to the site plan, which has not occurred.

As the code is currently written, uses allowed in the Urban Residential (UR), such as large scale apartment communities, mixed use developments and other high-impact developments, a traffic impact analysis could be warranted. This project represents a different type of use than has historically been contemplated by the UR zoning classification and should be evaluated accordingly. For instance, in the zoning classification Planned Residential Development, a TIA is only warranted if the thresholds described in 6-18-1 are reached. Planning Staff has submitted an application for a text amendment to allow both single family residential attached and detached products in the UR zoning classification. Logic maintains that these projects should be evaluated in the same manor.

Further, the purpose of the thresholds for TIA is to avoid unneeded delays and expenses for projects that do not warrant roadway modifications and/or do not degrade the level of service enough to justify major corrections. What's more, the trips calculated in the table are shown as net new trips, however, there are ten existing housing units on the property, currently contributing to trips on Brooklyn Ave. If the current trips are considered, the trips are reduced by nearly 15% further separating the future trips from the City of Hendersonville thresholds.

Trip Generation Rates for LUC #215: Single Family Attached						
Number of Dwelling Units	AM PEAK HOUR			PM PEAK HOUR		
	Vol. Per Average Rate	Directional Distribution		Vol. Per Average Rate	Directional Distribution	
		31% In	69% Out		57% In	43% Out
60	29	9	20	34	19	15

Average Daily Trip Ends (ADT)		Average Rate Equations:		
Units	Average Rate	AM: T = 0.48 * X = 29	ADT: T = 7.20 * X = 432	
60	432	PM: T = 0.57 * X = 34	T = Trips/Unit	X = Number of Dwelling Units

5-25-5.13 Internal Access and Connectivity

Section 5-25-5.13 of the zoning code limits the number of driveways to two per block face. To execute this development, the Applicant requests a waiver of this restriction.

On September 12, 2024, Planning Staff submitted a Zoning Text Amendment to align the Urban Residential and Urban Village zoning classifications with the Gen H Comprehensive Plan. Several design and practical considerations within the current zoning code are not suitable for single family residential developments, including the limitation on driveways. Therefore, we propose that an exception be added to the final sentence of Section 5-25-5.13, specifying that the restriction not apply to single family driveways.

Granting this waiver aligns with both the recently proposed Zoning Text Amendment and the objectives of the Gen H Comprehensive plan, making it a practical and consistent solution.

5.25-5.15 Pedestrian Zone and Sidewalks.

Section 5-25-5.13 requires sidewalks on both sides of internal roads, with a width of 7 feet. The Applicants seeks relief from both of these requirements as they work in tandem to achieve a balanced development approach.

Strict compliance with these provisions would push the development into designated preservation areas, increasing the area that would need to be cleared. This site plan does not aim to maximize density, but rather strike a balance between preserving natural areas and adding an appropriate amount of units to the available high ground.

The units along Mabry Lane that would be affected by the absence of a sidewalk will have direct access to the 7-foot-wide sidewalks on Brooklyn Avenue, along with crosswalks providing safe access to the sidewalks along the internal roads.

Fw: [External] Clarification on TIA Requirements For Proposed Development

Zach Grogan <zg@magnoliapropertygroup.com>
Thu 9/5/2024 8:41 PM
To:Zach Grogan <zg@magnoliapropertygroup.com>

From: Darnell, Russell H <rhdarnell@ncdot.gov>
Sent: Wednesday, July 24, 2024 10:42 AM
To: Zach Grogan <zg@magnoliapropertygroup.com>
Cc: Wilson, Troy S <tswilson@ncdot.gov>; Jamison, Wesley A <wjamison@ncdot.gov>; Morrow, Tyler <tmorrow@hvlnc.gov>
Subject: RE: [External] Clarification on TIA Requirements For Proposed Development

Zach

I spoke with the City and no TIA is required for this one – as long as the number of units or the LUC doesn't change.
Let me know if you have any questions.
Rusty

R.H. "Rusty" Darnell
Assistant District Engineer
NC Department of Transportation
Division 14: District I – Henderson, Polk, & Transylvania County

828 891 7911 office
rhdarnell@ncdot.gov

4142 Haywood Rd
Mills River, NC 28759

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

A Statement on the proposed Landscape Plan

The various landscape requirements and tree ordinances are complex, which has resulted in a challenging landscape plan to follow.

Due to the fact that nearly 90% of the project site is covered by existing tree canopy, including significant specimen trees, the development plan generates an excess of tree credits. This allows us to meet the tree requirements (with the exception of common area trees) without the need to designate additional preservation area for the T2 requirement. Instead, we plan to meet the 15% T2 requirement through additional tree planting, while dedicating the full 30,000sf space available for parkland dedication, as shown on the site plan.

Per guidance from Staff, the parkland dedication area will remain available for dedication throughout the process. However, if the proposal is not accepted by Council or the DRC, we plan to use this area for T2 compliance, replacing the proposed Tier 2 Tree Plantings. We are providing this background to ensure transparency throughout the approval process, so that there are no surprises regarding our compliance plan should the land dedication not be accepted.

Additionally, to clarify, we are using tree credits to satisfy the Brooklyn Ave street tree requirement. Rather than leaving this area without trees, we are opting to plant medium-sized Okame Cherry trees because: (i) I personally prefer them, (ii) the stunning yearly show along Brooklyn Ave is a benefit to the community, and (iii) these medium trees meet NCDOT right-of-way planting requirements, this plan has been reviewed and blessed by NCDOT.

Appendix B Section 3.09 Dedication of Public Land:

Our understanding is that the purpose of Parkland dedication is to ensure sufficient public open space for the influx of residents in a given area caused by a proposed development, with a requirement of 500 square feet per housing unit. In this case, the proposed development is required to provide 30,000 square feet of dedicated land.

To meet this requirement, the applicant is planting over 17,000 square feet of trees (small, medium and large maturing) in compliance with the Tier II tree canopy ordinance – plantings that would not otherwise be necessary. However, per the guidance from Planning Staff, the designated area for dedication does not meet the City's criteria as outlined in Appendix B Section 3.09.A.3. We agree that the area for dedication may be impractical to maintain and properly police effectively if dedicated to the City.

The proposed development provides 36,106 square feet of common open space, 50,769 square feet of tree preservation area and 30,430 square feet designated for dedication, totaling 117,305 square feet (2.70 acres) of open space. This amounts to 1,955 square feet of open space per housing unit - nearly four times the required 500 square feet per unit, adequately addressing the needs of the incoming residents.

Given that the private common space on site will be reasonably accessible from the public right of way, and mitigates the parkland needs created by the development, we believe the Parkland Dedication Fee-In-Lieu should be waived in accordance with Appendix B Section 2.06 (D)(1)(b): *Private Common Open Space resources provide on the subject site will be available for public use and will mitigate park land needs created by the proposed development*.

Brooklyn Ave Townhomes (P24-62-CZD)		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	Consistent	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	Consistent	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	**Multi-Generational Living**	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent	
Focus Area Map (Pg. 134-159)	Consistent	

Brooklyn Ave Townhomes (P24-62-CZD)		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
GOALS		
Vibrant Neighborhoods (Pg. 93)		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
Abundant Housing Choices (Pg. 93)		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
Healthy and Accessible Natural Environment (Pg. 94)		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent	
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Consistent	
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	N/A	N/A
Authentic Community Character (Pg. 94)		
Downtown remains the heart of the community and the focal point of civic activity	N/A	
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent	
Historic preservation is utilized to maintain the city's identity.	N/A	
City Centers and neighborhoods are preserved through quality development.	Consistent	
Safe Streets and Trails (Pg. 95)		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Consistent	
Reliable & Accessible Utility Services		

Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent	
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent	
Satisfying Work Opportunities (pg. 96)		
The development promotes quality job options.	N/A	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	N/A	
Welcoming & Inclusive Community		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	N/A	
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	N/A	
Accessible & Available Community Uses and Services (Pg. 97)		
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A
Resilient Community		
N/A		
GUIDING PRINCIPALS (pg. 98)		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	N/A	
New business and office space promotes creative hubs.	N/A	
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive [Small Infill Site].	Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Somewhat Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.	Consistent	
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure	Consistent	

Ordinance #___-____

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. The removal of bamboo canopy shall not adversely affect canopy preservation calculations.
      ii. The Mabry name shall be represented on internal streets
      iii. 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
      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]

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.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

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

Applicant/Developer: Zach Grogan

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Eugene Holbert

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: John Holbert

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: Edgar Holbert

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: Wanda Holbert

Signature:_____

Printed Name:_____

Title:_____

Date:_____

CITY OF HENDERSONVILLE

CONDITIONAL REZONING - BROOKLYN AVE

PROPOSED REZONING

R-15 MEDIUM DENSITY RESIDENTIAL TO UR URBAN RESIDENTIAL, CZD CONDITIONAL ZONING DISTRICT

City of Hendersonville
Community Development Department
October 2024

PINS:
9578-43-7077
9578-53-0013
9578-43-9238

9578-43-7077

9578-43-9238

9578-53-0013

R-15 TO UR-CZD

PRD-CZD

R-15

R-15

R-15

C-3

C-3SU

CITY LIMITS

CITY LIMITS

OLD SPARTANBURG ROAD

BROOKLYN AVENUE

CLEMMER LANE

1306 221 78 1026 202 1022 201 199 1308 1302 1014 1018 1011 925 1314 1316 1318 1313 1311 1317 818 914 916 908 910 906 905 903 909 941 61 60 40 35 95 924

Subject Parcels - 6.49 Acres in the ETJ
R-15 to UR-CZD

Hendersonville City Limits

Parcels

N W E S

Hendersonville Zoning

PRD-CZD Planned Residential Development Conditional Zoning District

R-15 Medium Density Residential

C-3 Highway Business

C-3SU Highway Business Special Use

TO MAYOR & COUNCIL **FISCAL YEAR 2025**

APPROVAL:December 5, 2024 **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 .

City Manager Date

City Clerk Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 12/05/2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Fire Department Staffing Budget Amendment– *Jennifer Floyd, Budget & Management Analyst II*

SUGGESTED MOTION(S):

I move City Council adopt budget amendment 12052024-04 as presented.

SUMMARY:

12052024-04: An amendment decreasing overtime by $94,294, decreasing capital outlay by $16,368, and increasing salary and benefits by $110,662 to reflect hiring three additional Firefighter/EMTs.

BUDGET IMPACT: Summarized above.

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. Budget Amendment 12052024-04
2. Presentation

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 12/5/2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: City Council Discussion Regarding Floodplain Development – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council direct staff to schedule a floodplain development workshop for January 22, 2025.

SUMMARY:

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.

BUDGET IMPACT: $ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jill Murray, City Clerk **MEETING DATE:** 12/05/2024

AGENDA SECTION: BOARDS/COMMITTEES **DEPARTMENT:** Administration

TITLE OF ITEM: Consideration of Vacancy Appointments to Boards & Committees

SUGGESTED MOTION(S):

See Motion Agenda

SUMMARY:

There are vacancies on several boards/committees. Under separate cover, you will receive all of the applications that were received for these boards.

BUDGET IMPACT: $ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS: None

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 12/05/2024

AGENDA SECTION: City Manager Report **DEPARTMENT:** Administration

TITLE OF ITEM: November 2024 Contingency and Adjustment Report – *John Connet, City Manager*

SUGGESTED MOTION(S):

N/A – Presentation Only.

SUMMARY:
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.

BUDGET IMPACT: Detailed Above

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:
Contingency and Adjustment Report

FISCAL YEAR 2024 - 2025 (FY25)
BUDGET AMENDMENTS AND ADJUSTMENTS

Completed	Corrected
Proposed	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 C	yes	adjustment	10/29/2024
010-1002-521001	Supplies & Materials	-	413	-	413	Materials needed for Council overflow area in C	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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 12/5/24

AGENDA SECTION: CLOSED SESSION **DEPARTMENT:** Administration

TITLE OF ITEM: Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (3) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

SUMMARY:

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney.

BUDGET IMPACT: $ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None