# CITY OF HENDERSONVILLE
# CITY COUNCIL REGULAR MEETING
**City Hall - 2nd Floor Meeting Room | 160 6th Ave. E. | Hendersonville, NC 28792**
**Thursday, May 01, 2025 – 5:45 AM**

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

   A. Approval of Minutes - *Jill Murray, City Clerk*

   B. Acceptance of an Emergency Bridge Loan Increase for Hurricane Helene Utility Damages – *Adam Steurer, Utilities Director*

   C. May 2025 Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Eval. Director*

   D. Application for a NCDOT Comprehensive Bicycle Planning Grant - *Blake Fulgham, Management Analyst II*

   E. Annexation: Certificate of Sufficiency- Upward Road (Quattlebaum Properties F, LLC) (25-22-ANX) – *Tyler Morrow, Current Planning Manager*

   F. Approval of Fiscal Year 2025 Annual Audit Contract – *Krystal Powell, Finance Director*

   G. May 2025 Budget Amendments – *Adam Murr, Budget & Eval. Director*

   H. Construction Contract Award of the Lower Mud Creek Floodplain Restoration and Flood Risk Reduction Project – *Michael Huffman, Stormwater Director*

   I. 2025 Series Water & Sewer Revenue Bond Initial Resolution - *Adam Murr, Budget & Evaluation. Director*

   J. Subrecipient Agreement for CDBG-NR Funding With Housing Assistance Corporation– *Angela S. Beeker, City Attorney*

   K. Creation of Local Government Liaison Position – *John Connet, City Manager*

6. **PRESENTATIONS**

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

B. Proclamation-Jewish Heritage Month - *Barbara Volk, Mayor*

C. Human Trafficking Task Force – *Christina Holtgreven, True Ridge*

D. Hands On Children's Museum and Science Center Annual Update – *Joseph Knight, Executive Director*

E. Presentation: North Carolina Main Street Champion- *Jamie Carpenter, Downtown Manager*

F. Proclamation-Professional Municipal Clerk's Week - *Barbara Volk, Mayor*

G. Communications Team Recognition – *Brian Pahle, Assistant City Manager*

H. Hurricane Helene Debris Update – *Tom Wooten, Public Works Director*

**7. PUBLIC HEARINGS**

A. Rezoning: Conditional Zoning District – Meadowcrest (25-12-CZD) – *Sam Hayes – Planner II*

B. Rezoning: Standard Rezoning–2620 Chimney Rock Road (and other associated White Pine Villas parcels) (25-14-RZO) – *Sam Hayes, Planner II*

C. Rezoning: Standard Rezoning – 23 Brevard Knoll Dr (Cowan) | 25-07-RZO – *Matthew Manley, Long-Range Planning Manager*

D. Zoning Text Amendment: Reforms for Housing (25-01-ZTA) – *Matthew Manley, AICP – Long-Range Planning Manager*

**8. NEW BUSINESS**

A. Annexation: Analysis and Advisement–Upward Road (Quattlebaum Properties F, LLC) (25-22-ANX) – *Sam Hayes, Planner II*

B. Rescheduling of July 3, 2025 City Council Meeting – *John Connet, City Manager*

**9. BOARDS & COMMITTEES**

A. Appointment of Member to the Tourism Development Authority - *Jill Murray, City Clerk*

**10. CITY MANAGER REPORT** - John F. Connet, City Manager

A. April 2025 Contingency and Adjustment Report – *John Connet, City Manager*

**11. CITY COUNCIL COMMENTS**

**12. CLOSED SESSION**

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

**13. 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.*

# MINUTES

April 3, 2025

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara Volk; Mayor Pro Tem Dr. Jennifer Hensley and Council Members: Lyndsey Simpson. Melinda Lowrance and Gina Baxter

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 Communications Coordinator Brandy Heatherly and others

## 1. CALL TO ORDER

Mayor Barbara 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:**

Glenn Lange spoke is a member of the Tree Board and wanted to let everyone know about Bradford Pear Bounty Day on April 12th and wanted to encourage everyone to cut down the Bradford Pears as it is devastating to our natural environment so are encouraging people to cut them down and take a photo of it, register online and we will give you a free native tree to put in its place. You can do up to five trees, if you cut down five Bradford Pears, we will give you five replacement trees.

Katie Gash spoke about being born in Barbados and moving here with her husband and three children in 2008. She became a school teacher and he became a principal. As a school teacher, a green card immigrant and a woman, she has never felt more maligned, discouraged and dehumanized. The current direction of our Government has caused this and our nation is in crisis and these are not normal times. There are threats to the American people. My teacher heart breaks to see these policy decisions coming from the top. We can't just hope for the best. I just ask that you do all that you can through the power of your elected position.

Council Member Lowrance asked if we could have a moment of silence for Roger Snyder, the former Mayor of Mills River who recently passed away.

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

**A. Adoption of City Council Minutes** – *Jill Murray, City Clerk*
**City Council Budget Retreat Part 1 – February 27, 2025**
**City Council Budget Retreat Part 2 – February 28, 2025**

**City Council Regular Monthly Meeting – March 6, 2025**
**City Council Second Monthly Meeting – March 26, 2025**

**B. Cherry and Beech St. Sidewalk Construction Tentative Award –** *Richard Shook, Civil Engineer III*

Resolution #R-25-26

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF CHERRY AND BEECH ST SIDEWALKS PROJECT**

**WHEREAS,** the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Cherry and Beech St Sidewalks Project, and

**WHEREAS,** the City Engineer reviewed each bid for completeness and accuracy; and

**WHEREAS,** Trace and Company was the lowest bidder for the Cherry and Beech St Sidewalks Project, and

**WHEREAS,** the City Engineer therefore recommends **TENATIVE AWARD** to the lowest bidder for the bid project cost.

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

1. The City Manager is authorized to execute a contract for the construction of the Cherry and Beech St Sidewalks Project to Trace and Company in the total amount of $303,338.50.

2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $303,338.50, provided that any necessary amendments must be brought to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

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

**C. City Operations Building Finish Renovations Tentative Award –** *Richard Shook, Civil Engineer III*

Resolution #R-25-27

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF CITY OPERATIONS BUILDING FINISH RENOVATIONS**

**WHEREAS,** the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the City Operations Building Finish Renovations, and

**WHEREAS,** the City Engineer reviewed each bid for completeness and accuracy; and

**WHEREAS,** Enterprises G, Inc. was the lowest bidder for the City Operations Building Finish Renovations, and

**WHEREAS,** the City Engineer therefore recommends **TENTATIVE AWARD** to the lowest bidder for the bid project cost including base bid, alternate 1, and alternate 2.

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

1. The City Manager is authorized to execute a contract for the construction of the City Operations Building Finish Renovations to Enterprises G, Inc. in the total amount of $427,182.00 including the following items:
    a. Base bid: $286,000.00
    b. Alternate 1: $120,000.00
    c. Alternate 2: $21,182.00

2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $427,182.00 provided that any necessary amendments must be brought to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

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

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

**E. 7th Avenue Streetscape Project Close-Out** – *Brendan Shanahan, City Engineer*

**F. April 2025 Budget Amendments –** *Adan Murr, Budget & Evaluation Director*

**TO MAYOR & COUNCIL** **FISCAL YEAR 2025**
**APPROVAL: April 03, 2025** **FORM: 04032025-01**

**BUDGET AMENDMENT**

| FUND 010 \| 410 | | | | | |
|---|---|---|---|---|---|
| ACCOUNT NUMBER | DESCRIPTION OF ACCOUNT | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 010-0000-470900 | Fund Balance Appropriated | 669,506 | 443,250 | - | 1,112,756 |
| 010-0000-598901 | Transfer Out (to 410, #17126) | 1,702,176 | 443,250 | - | 2,145,426 |
| FUND 010 | TOTAL REVENUES | 669,506 | 443,250 | - | 1,112,756 |
| General Fund | TOTAL EXPENDITURES | 1,702,176 | 443,250 | - | 2,145,426 |
| 410-0000-470010-17126 | Transfer In (from 010, FY24) | 34,700 | - | - | 34,700 |
| 410-0000-470010-17126 | Transfer In (from 010, FY25) | - | 443,250 | - | 443,250 |
| 410-1014-550103-17126 | Capital - CIP | 34,700 | 443,250 | - | 477,950 |
| FUND 410 | TOTAL REVENUES | 34,700 | 443,250 | - | 477,950 |
| Gov. Project Fund | TOTAL EXPENDITURES | 34,700 | 443,250 | - | 477,950 |
| 460-0000-470100-17126 | Debt Proceeds ('28 Rev. Bond) | 3,750,000 | - | - | 3,750,000 |
| 460-1014-550103-17126 | Capital - CIP | 3,750,000 | - | - | 3,750,000 |
| FUND 460 | TOTAL REVENUES | 3,750,000 | - | - | 3,750,000 |
| W&S Project Fund | TOTAL EXPENDITURES | 3,750,000 | - | - | 3,750,000 |

An amendment increasing the White & S. Main St. Project, #17126 by $443,250 through a transfer in from the General Fund. A $443,250 property sale revenue from NCDOT was recorded in the General Fund at mid-year.

The City Manager and City Clerk certify budget ordinance amendment 04032025-01 was approved by City Council on April 03, 2025.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2025**
**APPROVAL: April 03, 2025** **FORM: 04032025-03**

**BUDGET AMENDMENT**

| FUND 301 \| 360 | | | | | |
|---|---|---|---|---|---|
| ACCOUNT NUMBER | DESCRIPTION OF ACCOUNT | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 310-0000-420050-H2404 | Grant Revenue (FEMA - Helene 2024) | 5,000,000 | - | 5,000,000 | - |
| 310-H2024 | FEMA Reimb. Expenditures | 5,000,000 | - | 5,000,000 | - |
| FUND 301 | TOTAL REVENUES | 5,000,000 | - | 5,000,000 | - |
| Helene Recovery, #H2024 | TOTAL EXPENDITURES | 5,000,000 | - | 5,000,000 | - |
| 360 - Revenues | FEMA Grants (Helene) | - | 5,000,000 | - | 5,000,000 |
| 360 - Expenditures | FEMA Reimb. Expenditures | - | 5,000,000 | - | 5,000,000 |
| FUND 360 | TOTAL REVENUES | - | 5,000,000 | - | 5,000,000 |
| FEMA | TOTAL EXPENDITURES | - | 5,000,000 | - | 5,000,000 |
| 360 - Revenues | NCEM Loan | - | 1,172,004 | - | 1,172,004 |
| 360 - Expenditures | NCEM Loan Expenditures | - | 1,172,004 | - | 1,172,004 |
| FUND 360 | TOTAL REVENUES | - | 1,172,004 | - | 1,172,004 |
| Insurance | TOTAL EXPENDITURES | - | 1,172,004 | - | 1,172,004 |
| Total Project Revenues (Helene, Fund 360) | | | | | 6,172,004 |
| Total Project Expenditures (Helene, Fund 360) | | | | | 6,172,004 |

An amendment reflecting a change in accounting structure for the Helene Response and Recovery Project #H2024. The amendment changes the fund code from 301 to 360. The amendment also reflects loan proceeds from the NC Department of Emergency Management (NCEM): $1,172,004 being appropriated for Helene Response and Recovery Activities. The total project appropriation in fund 360 is increased from $5,000,000 by $1,172,004 to a total of $6,172,004.

The City Manager and City Clerk certify budget ordinance amendment 04032025-03 was approved by City Council on April 03, 2025.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2025**
**APPROVAL: April 03, 2025** **FORM: 04032025-04**

**BUDGET AMENDMENT**

| FUND 010 \| 410 | | | | | |
|---|---|---|---|---|---|
| ACCOUNT NUMBER | DESCRIPTION OF ACCOUNT | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 010-1014-519104 | Professional Services - ENG | 45,300 | - | 5,000 | 40,300 |
| 010-0000-598901 | Transfer Out (to 410, #24011) | 1,702,176 | 5,000 | - | 1,707,176 |
| FUND 010 | TOTAL REVENUES | - | - | - | - |
| General Fund | TOTAL EXPENDITURES | 1,747,476 | 5,000 | 5,000 | 1,747,476 |
| 410-0000-420050-24011 | Grant (RAISE/BUILD Grant) | 75,000 | - | - | 75,000 |
| 410-0000-470010-24011 | Transfer In (from 010, FY25) | - | 5,000 | - | 5,000 |
| 410-1014-519200-24011 | Contracted Services | 75,000 | 5,000 | - | 80,000 |
| FUND 410 | TOTAL REVENUES | 75,000 | 5,000 | - | 80,000 |
| Above The Mud, #24011 | TOTAL EXPENDITURES | 75,000 | 5,000 | - | 80,000 |

An amendment increasing the Above the Mud Project #24011 using a transfer in from the General Fund. The amendment covers cost increases as a result of changes to federal government grant requirements.

The City Manager and City Clerk certify budget ordinance amendment 04032025-04 was approved by City Council on April 03, 2025.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2025**
**APPROVAL: April 03, 2025** **FORM: 04032025-05**

**BUDGET AMENDMENT**

| FUND 010 | | | | | |
|---|---|---|---|---|---|
| ACCOUNT NUMBER | DESCRIPTION OF ACCOUNT | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 010-0000-470030 | Insurance Proceeds (VFIS-Helene) | 1,558,882 | 44,864 | - | 1,603,746 |
| 010-1400-524030 | R&M Trucks | 105,000 | 44,864 | - | 149,864 |
| FUND 010 | TOTAL REVENUES | 1,558,882 | 44,864 | - | 1,603,746 |
| General Fund | TOTAL EXPENDITURES | 105,000 | 44,864 | - | 149,864 |

An amendment increasing insurance proceeds to reflect the receipt of a Helene-related check from VFIS. The increased insurance proceeds will be used by the Fire Department to repair equipment and vehicles damaged during Helene response activity.

The City Manager and City Clerk certify budget ordinance amendment 04032025-05 was approved by City Council on April 03, 2025.

**TO MAYOR & COUNCIL**
**APPROVAL: April 03, 2025**

**FISCAL YEAR 2025**
**FORM: 04032025-06**

**BUDGET AMENDMENT**

| FUND 020 | | | | | |
|---|---|---|---|---|---|
| **ACCOUNT NUMBER** | **DESCRIPTION OF ACCOUNT** | **EXISTING BUDGET** | **INCREASE** | **DECREASE** | **REVISED BUDGET** |
| 020-0000-410001 | Local Sales & Use Tax | 316,000 | 20,375 | - | 336,375 |
| 020-2102-532105 | Incentive Program (Econ. Dev.) | - | 20,375 | - | 20,375 |
| FUND 020 | TOTAL REVENUES | 316,000 | 20,375 | - | 336,375 |
| Main St. MSD Fund | TOTAL EXPENDITURES | - | 20,375 | - | 20,375 |
| An amendment increasing the FY25 Main St. MSD Fund economic incentive budget for a final payment for development within the downtown district. The recommended increase is supported by local sales and use tax revenues. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 04032025-06 was approved by City Council on April 03, 2025.

**TO MAYOR & COUNCIL**
**APPROVAL: April 03, 2025**

**FISCAL YEAR 2025**
**FORM: 04032025-07**

**BUDGET AMENDMENT**

| FUND 067 | | | | | |
|---|---|---|---|---|---|
| **ACCOUNT NUMBER** | **DESCRIPTION OF ACCOUNT** | **EXISTING BUDGET** | **INCREASE** | **DECREASE** | **REVISED BUDGET** |
| 067-0000-470030 | Insurance Proceeds | - | 43,517 | - | 43,517 |
| 067-1005-519200 | Contracted Services | - | 43,517 | - | 43,517 |
| FUND 067 | TOTAL REVENUES | - | 43,517 | - | 43,517 |
| Stormwater Fund | TOTAL EXPENDITURES | - | 43,517 | - | 43,517 |
| An amendment increasing insurance proceeds in the Stormwater Fund and appropriating $43,517 for the completion of a contracted stormwater project (Nu-Pipe) on 3rd Avenue. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 04032025-07 was approved by City Council on April 03, 2025.

**TO MAYOR & COUNCIL**
**APPROVAL: April 3, 2025**

**FISCAL YEAR 2025**
**FORM:04032025-08**

**BUDGET AMENDMENT**

| FUND 301 \| 459 \| 460 | | | | | |
|---|---|---|---|---|---|
| **ACCOUNT NUMBER** | **ACCOUNT DESCRIPTION** | **EXISTING BUDGET** | **INCREASE** | **DECREASE** | **REVISED BUDGET** |
| 459-0000-470900 | Fund Balance Appropriated | 300,000 | - | - | 300,000 |
| 459-0000-598901 | Transfer Out (to 460, #22013) | 300,000 | - | - | 300,000 |
| FUND 459 | TOTAL REVENUES | 300,000 | - | - | 300,000 |
| W&S Capital Reserve Fund | TOTAL EXPENDITURES | 300,000 | - | - | 300,000 |
| 460-0000-470010-22013 | Debt Proceeds ('26 Revenue Bond) | 2,342,000 | - | - | 2,342,000 |
| 460-0000-470100-22013 | Transfer In (from 459) | 300,000 | - | - | 300,000 |
| 460-7035-550103-22013 | Capital Outlay-CIP | 2,642,000 | - | - | 2,642,000 |
| FUND 460 (#22013 ) | TOTAL REVENUES | 2,342,000 | - | - | 2,642,000 |
| WTP Residuals | TOTAL EXPENDITURES | 2,342,000 | - | - | 2,642,000 |
| 460-0000-470100-16036 | Transfer In (from 301, #G2402) | - | - | - | - |
| 460-0000-420050-16036 | Grant Revenue (FY24 State Appropriation) | 14,528,750 | - | - | 14,528,750 |
| 460-0000-470010-16036 | Debt Proceeds ('25 Revenue Bond) | 3,494,788 | 363,535 | - | 3,858,323 |
| 460-7002-560900-16036 | Cost of Issuance | - | 363,535 | - | 363,535 |
| 460-7135-550103-16036 | Capital Outlay-CIP | 18,023,538 | - | - | 18,023,538 |
| FUND 460 (#16036) | TOTAL REVENUES | 18,023,538 | 363,535 | - | 18,387,073 |
| Biosolids Dryer | TOTAL EXPENDITURES | 18,023,538 | 363,535 | - | 18,387,073 |
| This amendment increases Bond Proceeds and Cost of Issuance to cover administrative costs associated with the FY25 Revenue Bond. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 4032025-08 was approved by City Council on April 3, 2025.

**TO MAYOR & COUNCIL**
**APPROVAL: April 3, 2025**

**FISCAL YEAR 2025**
**FORM: 04032025-09**

**BUDGET AMENDMENT**

| FUND 010 | | | | | |
|---|---|---|---|---|---|
| **ACCOUNT NUMBER** | **ACCOUNT DESCRIPTION** | **EXISTING BUDGET** | **INCREASE** | **DECREASE** | **REVISED BUDGET** |
| 010-1010-501002 | Salaries- Board/ Part Time/Temp/Aux | - | 4,500 | - | 4,500 |
| 010-1010-502001 | Fica Tax Expense | 450 | 344 | - | 794 |
| 010-1010-502091 | Worker's Comp Ins | - | 73 | - | 73 |
| 010-1010-531210 | Permits, Licenses, and Fees | 191,976 | - | 2,217 | 189,759 |
| 010-1010-524020 | R&M Equipment | 2,700 | - | 2,700 | - |
| FUND 010 | TOTAL REVENUES | - | - | - | - |
| | TOTAL EXPENDITURES | 195,126 | 4,917 | 4,917 | 195,126 |
| An amendment to increase salaries and benefits for a part time summer IT worker | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 04032025-09 was approved by City Council on April 3, 2025.

## 6. PRESENTATIONS

### A. Annual Environmental Sustainability Board Sustainability Hero Award Recognition – *Virginia Tegal, Environmental Sustainability Board Chair*

Virginia Tegal explained that the Hendersonville Environmental Sustainability Board created the Hendersonville Sustainability Hero Award in 2023. The Sustainability Hero Award celebrates outstanding achievement in the pursuit of the City's commitment to lead by example in pursuing environmentally sustainable practices critical to preserving the community for future generations. The Sustainability Hero award honors an individual City employee or team that is a champion for change and is responsible for development and implementation of sustainability practices in Hendersonville and the surrounding community. The Third Annual Sustainability Hero Award goes to the City of Hendersonville's Water & Sewer Department and Utility Director Adam Steurer.



**B. Food Connection Presentation** – *Marisha MacMorran, Executive Director of the Food Connection*

Marisha MacMorran, Executive Director of the Food Connection spoke about the Food Connection and what they do and gave the following PowerPoint presentation.



# Food Connection was born in Asheville, NC in 2014



## Food waste statistics in the US

In the United States, people waste 92 billion pounds of food annually, equal to 145 billion meals. They throw away over $473 billion worth of food annually. Shockingly, they waste 38% of all the food in America.

| 92B | 38% | 145B | 51.7% |
|---|---|---|---|
| pounds of food go to waste each year. | of all food goes unsold or uneaten. | meals' worth of food goes to landfills. | of waste comes from the food industry. |

**We believe that no fresh food should end up in the landfill while some of our neigbors don't have enough to eat.**



**Food Connection reduces food waste and eases hunger by rescuing surplus chef prepared food and distributing it to our neighbors in need!**






**Federal Protection for food donors**

**The Bill Emerson Good Samaritan Food Donation Act was passed in 1996 during the Clinton Administration.**

**Few people knew about it.**

**This law has never been contested in the courts.**

**Bulk pans of food go directly to agency partners who serve the community.**








**Sharing food with agency partners frees up their funding for other critical programs like housing, recovery support and mental health services.**

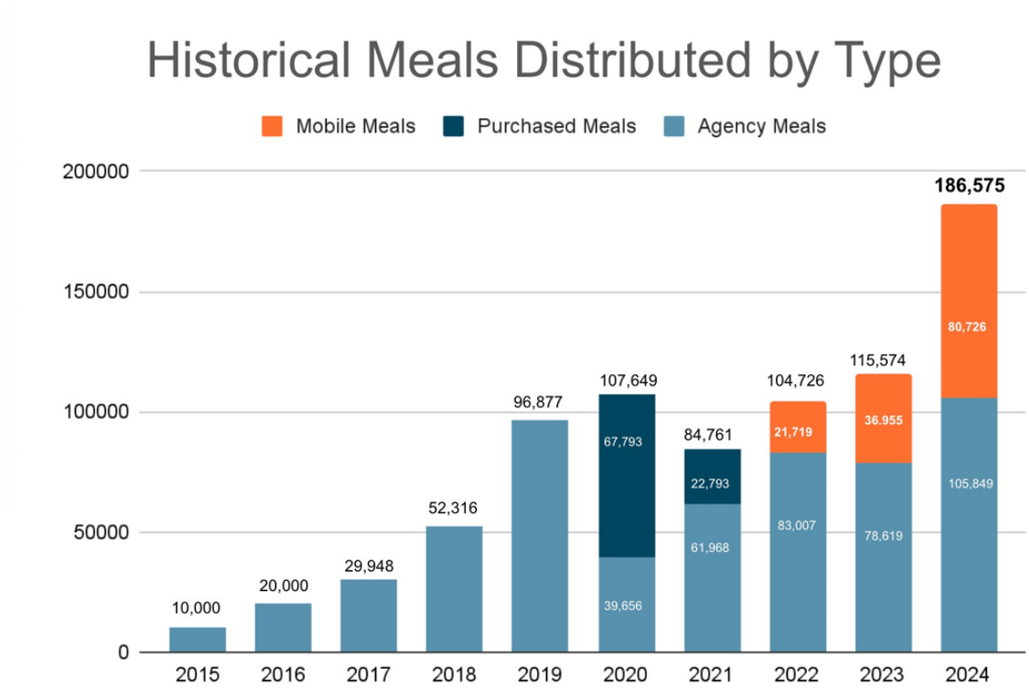



**Our Mobile Meals Truck delivers individually packaged, nutritionally balanced meals directly to communities who do not have enough to eat.**








# Food Donor Partners

**Institutional Donors**
Asheville Academy
Asheville School
Behavioral Health Group
Belfor Property Restoration
Biltmore Church
Blue Ridge Assembly
Blue Ridge Power
Bounty & Soul
Caiyalynn Burrell Child Crisis Center
Care Partners
Cragmont Assembly
Deerfield
Enka High School
Evergreen Charter School
Game of Throwing Leicester
Givens Highland Farm
Grace Episcopal Church
Gwynn Valley
Haw Creek Commons
HCA Healthcare
Homegrown
MANNA FoodBank
Meals on Wheels
Mercy Chefs
Mission Hospital
Montreat Conference Center
Pinegate Renewables
Ridgecrest Conference Center
Taste of Asheville
The Cathedral of All Souls
The Farm
Thoughtful Pies
UNCA
Warren Wilson College
Whole Foods
World Central Kitchen

**Gifted Food Donors**
Explore Asheville
Feeding Charlotte
Fresh Point
Halal Food Truck
Jetti Rae's
Locals Seafood
Spanish for Fun

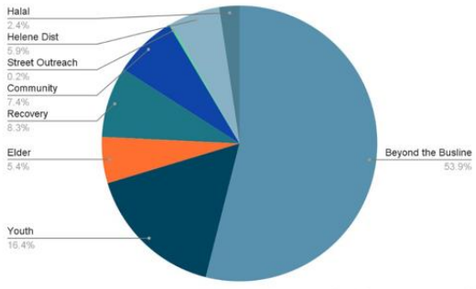
**Restaurant Donors**
Beradu
Bold Rock
Catering by Corey
Celine & Company
Chai Pani
Chipotle
Chop Shop
Cliffs at Walnut
Crest Center
Dining Innovations
Dogwood Health Trust
Everyday Gourmet
Filo
Fioreously Delicious
Good Wheel Farm
Harrah's Cherokee Center
Highland Brewing Company
Homegrown
LongHorn Steakhouse
Luella's BBQ
Mountain Madre
Old School Subs
Omni Grove Park Inn
Pack's Tavern
Pinegate Renewables
Posana
Rabbit Rabbit
Red Radish
Sage and Spice
Sierra Nevada
Smash Events
Starbucks
The Venue
United Way
Urban Orchard

# Food Recipient Partners

12 Baskets
ABCCM Daily Meal
ABCCM Hominy Valley Crisis Ministry
ABCCM South Crisis Ministry
ABCCM Transformation Village
ABCCM Veterans Restoration Quarter
Asheville Terrace Apartments via Meals on Wheels
BEAR Closet in Marion
Behavioral Health Group
Bell Church UMC
Big Ivy Community Center
Black Mountain Helene Distribution Center
Black Mountain Home for Children
Black Mountain Open Table
Blue Ridge Apartments
Bounty and Soul
Bountiful Cities
Bread of Life
Collins Center
Community Pick-up (Squashgate)
Compass Point
Chop Shop
Dream Center
East Asheville Welcome Table
Equal Plates Project
Food Waste Solutions
Foothills Food Hub
Francis Asbury United Methodist Church
Givens Gerber Park
Grass Roots
Haywood Respite
Homeward Bound's AHOPE Day Center
Hope for Tomorrow
Loving Food Resources
Lutheran Church
Mercy Chefs
Mi Kasa Criolla
Montessori Learning Community Of Asheville
PODS
Place Church
Regina's
Rosetta's
Taqueria Munoz
Unete's MANOS Program
Sage and Spice
Salvation Army
Search and Rescue
South French Broad Free Fridge
St. James Church Food Pantry
Swannanoa Valley Christian Ministry
Sunrise Community Center
Sunrise Respite
Western Carolina Rescue Mission
YMI Cultural Center

**Henderson County Agency Recipients:**
Back on Track Addiction Ministries
Hope United Methodist Church
Lighthouse Foundation
Providence Baptist Church

## 2024 Mobile Meals Distributions by Program




***Beyond The Bus Line: 36,885 meals***
*Big Ivy: 543
Candler: 3702
*Fairview: 4446
Leicester Drive Thru: 12702
Ridgeview: 4665
Swannanoa Drive Thru: 9964
Veterans Restoration Quarters: 1163

***Community Connectors: 5,064 meals***
Brandee East Asheville: 50
Brenda: 393
Craig: 80
East Asheville Community Connector: 112
Ellie: 1739
Equal Plates Project: 50
Jess: 66
Loving Food Resources: 104
Maggie: 24
Mary Benson: 25
Nancy: 684
Nicanda: 55
South French Broad Fridge: 946
Stefanie: 88
Swannanoa Valley Christian Ministries: 610
Vaudie: 16

***Helene Distributions: 4,050 meals***
AB Tech: 240
Biltmore Iron and Metal: 20
Blue Ridge Terrace Apartments: 45
Burnsville Helene Distribution: 200
Clearmont Fire Department: 40
Crossroads Church: 83
Eddington Center: 790
Emergency Buncombe: 25
Grace Church: 106
Green Mountain Helene Distribution: 61
Johnston Middle School: 50
Place Fellowship Church: 150
Reuter Family YMCA: 454
Rose's: 100
UNETE: 1363
Wellcare: 75
West Yancey Fire Department: 125
Woodfin Apts: 48
Woodfin Helene Distribution: 75

***Halal: 1,630 meals***
Beloved Asheville: 250
Biltmore Village: 90
Fairview: 300
Reflection Point Village: 150
Rock Hill Baptist Church: 295
*UNETE: 545

***Youth: 11,215 meals***
AmeriCorps: 15
Asheville Youth Collective: 25
Bear Closet: 132
Collins Early Learning Center: 420
Hope for Tomorrow: 760
In Real Life (AVL Middle): 1018
Montessori Learning Community: 184
PEAK Academy: 328
PODS: 2370
Verner Center for Early Learning: 3872
Youth Transformed for Life: 2412

***Recovery: 5,665 meals***
Asheville Survival: 56
Behavioral Health Group: 1614
Compass Point: 20
Dream Center: 92
DSS: 78
Haywood St Respite: 20
Helpmate: 225
Homeward Bound AHOPE: 290
Lighthouse Collective Foundation: 1406
Sunrise Community Center: 1343
Sunrise Respite: 471

***Elder: 3,708 meals***
Asheville Terrace Apartments: 2100
Blue Ridge Apartments: 1471

***Street Outreach: 166 meals***

## Environmental Partners & Initiatives



Compost Partners
- Compost NOW
- Warren Wilson
- 12 Baskets

Recycling Initiatives
- Pan recycling - now a measurable miscellaneous income
- Recycling plastic cutlery and togo boxes from restaurant partners
- Paper/plastic recycling on site for meal packing shifts







## 2024 Environmental Numbers

### 2024 --> 160,232 lbs diverted from the Buncombe County Landfill

That converts to:

- 416,603 lbs CO2 avoided
- 608,881.6 lbs Methane avoided
  **25 times more potent than CO2*
- 481,218 miles driven






**Partnering with St. James Episcopal Church**
at 766 N. Main St.

**Our refrigerated trailer acts as both a drop off and pick up location!**

**Food donor partners or volunteers can donate prepared food at any time.**

**The food is kept at a safe holding temperature while we arrange for a volunteer or recipient partner to deliver it to where it is needed most.**




FOOD connection

### Hendersonville soft launch

**Location for Trailer:** St. James Episcopal
(Food Connection Board Member donated money for the Hendersonvill Trailer!)

**Hendersonville Volunteers Committed:** 10+

**Current Food Recipients:**
- Back on Track Addiction Ministries
- Hope United Methodist Church
- Lighthouse Foundation
- Providence Baptist Church

**Current Food Donors:**
- Gwen Valley Summer Camp

**Food Prospect Donors:**

Kanuga Conference Center
Fallen Creek
Eagle's Nest Camp
Bonclarken Center
Kenmore Country Club
Hendersonville Country Club
Lake Pointe Landing Retirement Center
Carolina Village Retirement Center

FOOD connection
Reducing Food Waste.
Easing Hunger.

**Food Connection stats:**

Total Chef prepared meals served to our neighbors in need:

**808,000+**

Total amount kept out of the landfill:

**350+ TONS**

**C. Recognition of Trae Laws for Graduation from the FBI National Academy** – *Blair Myhand, Chief of Police*

Chief Myhand said that the Hendersonville Police Department recognizes Police Captain, Trae Laws, for his graduation from the FBI National Academy. On March 13, 2025, Captain Laws was among 244 law enforcement professionals graduating from the 293rd session of the FBI National Academy in Quantico, Virginia. This elite program included participants from 48 U.S. states, the District of Columbia, 24 countries, eleven military organizations, and four federal civilian agencies. "I would like to extend a heartfelt thanks to City Council, City Manager Connet, and Chief Myhand for the incredible opportunity to attend the prestigious FBI National Academy," said Captain Laws. "The training provided was exceptional and will significantly enhance my ability to serve the citizens of Hendersonville." Internationally known for its academic excellence, the National Academy offers ten weeks of advanced leadership, communication, and fitness training. Participants must have proven records as professionals within their agencies to attend. On average, these officers have 21 years of law enforcement experience and usually return to their agencies to serve in executive-level positions. The graduation featured remarks from FBI Director Kash Patel, while Class Spokesperson Joses Walehwa of the Brea Police Department in California represented the graduating officers. FBI Academy instructors, special agents, and other staff with advanced degrees provide the training; many instructors are recognized internationally in their fields. Since 1972, National Academy students have been able to earn undergraduate and graduate credits from the University of Virginia, which accredits all the National Academy courses offered. A total of 55,941 graduates have completed the FBI National Academy since it began in 1935. The National Academy is held at the FBI Training Academy in Quantico, the same facility where the FBI trains its new special agents and intelligence analysts. Captain Trae Laws continues the legacy of National Academy graduates from the Hendersonville Police Department, joining the ranks of former Police Chiefs John Nicholson and Donnie Parks, as well as current Chief Blair Myhand.



**D. HR Performance System Update** – *Brian Pahle, Assistant City Manager*

City Manager John Connet asked the HR team to come up to the podium and explained that the agenda says we are going to talk about the performance system update, however, we are recognizing LuAnn Welter who has been with us for 25 years, she is retiring at the end of May. LuAnn has been one of the most valuable teammates that we have and I have enjoyed my twelve years with her and I really appreciate the job she's done for our community and the city and the Mayor presented her with the following resolution.

Resolution #R-25-29

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL NAMING THE SERVICE EXCELLENCE MVP AWARD AFTER LU ANN WELTER**

**WHEREAS,** Lu Ann Welter has served the City of Hendersonville since January 2000 and she will be retiring on May 31, 2025; and

**WHEREAS,** Lu Ann Welter has served the City of Hendersonville in a variety of full and part time capacities over the past twenty-five years; and

**WHEREAS,** during Lu Ann Welter's time she has been responsible for the development and implementation of the following programs and activities: Tour of Historic Homes, Historic District Banner Program, Employee Wellness Program, Service Excellence Program, New Employee Performance Evaluation Program, Annual Turkey Trot 5K Race, City of Hendersonville Academy, the city's current Safety Program, Employee Wellness Clinic, plus many more; and

**WHEREAS**, Lu Ann Welter has been dedicated teammate and improved the quality of life for the City of Hendersonville team and the citizens we serve; and

**WHEREAS**, Lu Ann Welter's leadership and work ethic will be greatly missed by the City of Hendersonville.

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

1. The Service Excellence MVP of the Year Award be renamed the Lu Ann Welter Service Excellence MVP of the Year Award.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

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

## 7. PUBLIC HEARINGS

**A. Rezoning: Conditional Zoning District – First Avenue Villas (P24-86-CZD) –** *Sam Hayes, Planner II*

Sam Hayes explained that the City of Hendersonville is in receipt of an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is requesting to rezone the property to Urban Residential Conditional Use District (UR-CZD). There will be open space located at the front of the property. The parking is located at the rear of the property and along the street, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage. The project is two stories and has twelve units. This site received Central Mixed Use, Conditional Zoning District (CMU-CZD) approval in August 2020 with an amendment in August 2021. The property sold to a new owner, who initiated a new request for CMU-CZD in 2024, which city council denied in November 2024.

# FIRST AVE VILLAS
## (P24-86-CZD)

Conditional Rezoning

City of Hendersonville City Council
April 3rd, 2025

Community Development | Planning Division
Sam Hayes | Planner II

## Project Background

- **Location:**
  - 9568-77-1057
  - 0 First Avenue W
- **Applicant/Owner:**
  - Sarah McCormick (Applicant)
  - Rafique Charania of ARY Development LLC (Owner)
- **Existing Zoning:** CMU-CZD
- **Proposed Zoning:** UR-CZD
- **Acreage:** 0.57 Acres
- **Density:** 21 Units/Acre
- **Proposed Use:** Residential Multi-Family
- **Project Details:**
  - 12 Unit residential multi-family
- **Future Land Use Designation:**
  - Downtown

## Neighborhood Compatibility Meeting

- **Dates:** December 12th, 2024
- **Attendees:**
  - In-person - 4 residents
  - Online – 4 residents




- **Topics Discussed:**
  - Dimensions of the buildings
  - Tree protection
  - Buffering between the properties
  - Parking for mail and delivery trucks
  - Location of three different parking areas


Site Photos

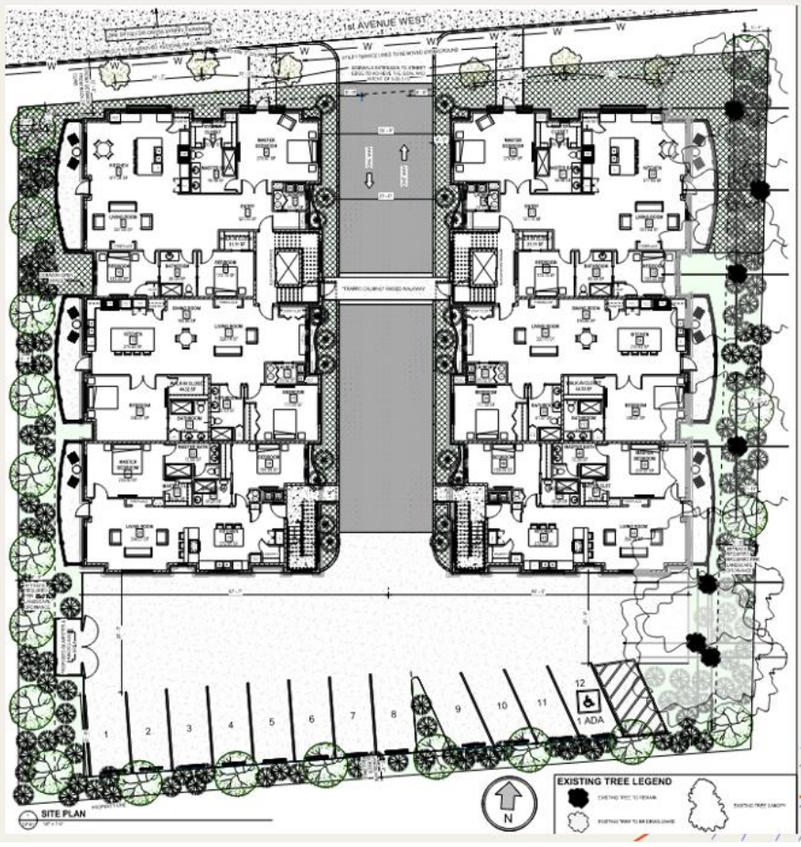

Neighborhood
Compatibility

# Previous Rezoning

+ August 2020 – Conditional Rezoning (R-6 to CMU-CZD) - 10 Units (Two Quad-plex - 1,742 Sq Ft Buildings + Two Garage Apts) – **APPROVED**
+ August 2021 – Conditional Rezoning (CMU-CZD Amended) - 11 UNITS (Two Quad-plex – 1,742 Sq Ft Buildings + Three Garage Apts) 340 Sq Ft Total Increase – **APPROVED**
+ November 2024 – Conditional Rezoning (CMU-CZD) – 16 UNITS (Two 2,432 Sq Ft Buildings, three stories tall) – **DENIED**



# Site Plan




# Site Plan



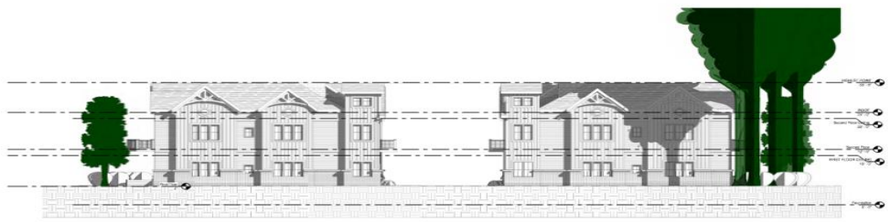


NORTH ELEVATION



EAST ELEVATION

## Elevations



SOUTH ELEVATION



COURTYARD ELEVATION

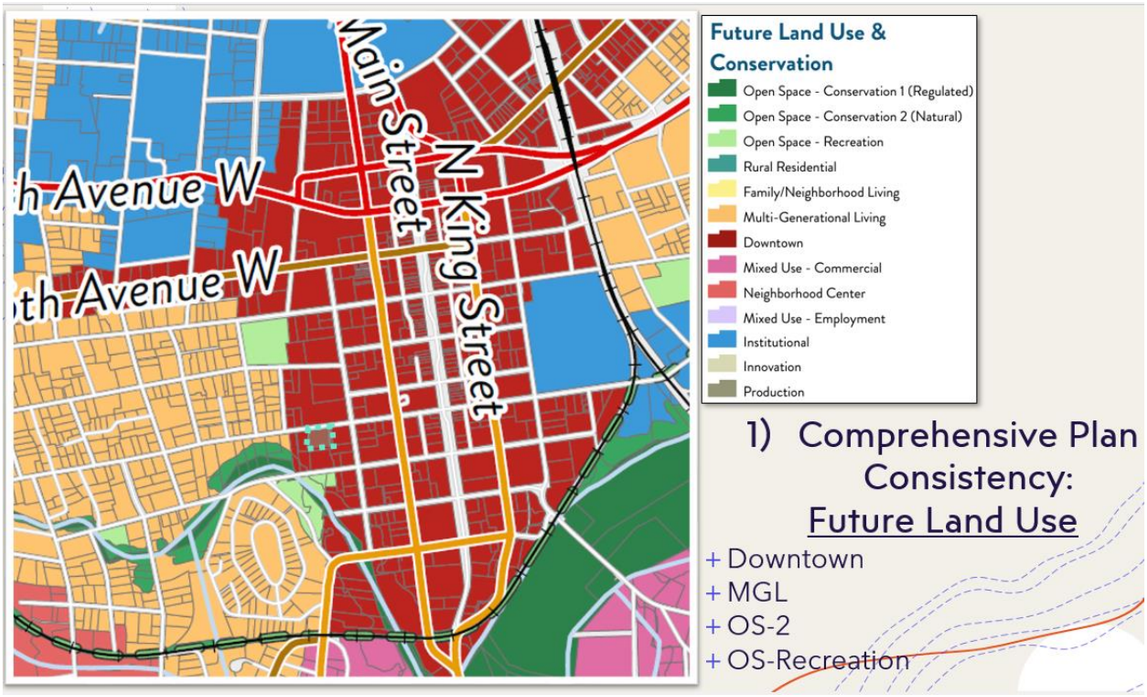
## Elevations

## Proposed Conditions

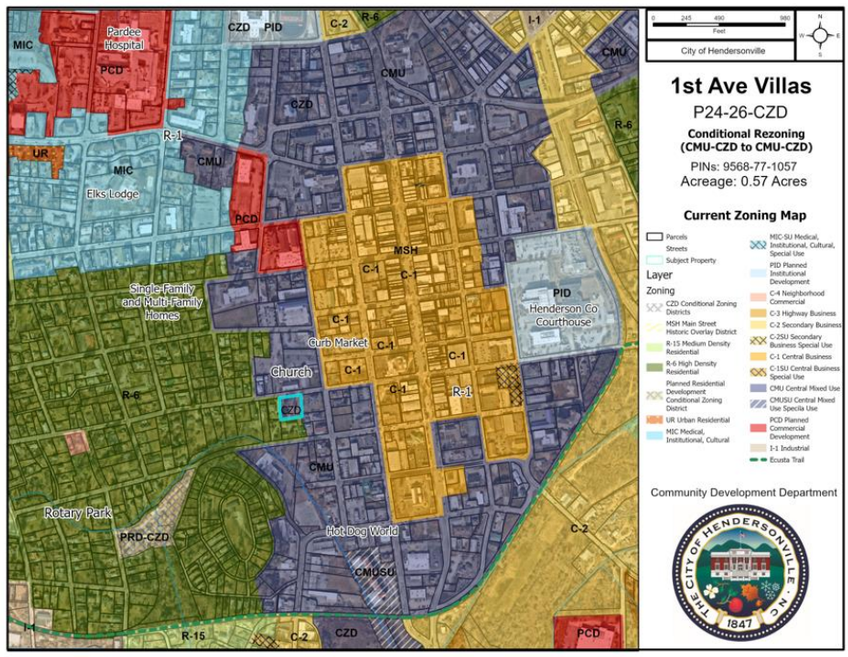
### Developer Proposed Conditions:

1. Developer to pay Fee-in-Lieu of 7' Sidewalks in accordance with Sec. 6-12-3 and Sec. 5-25-5.15 of the Zoning Code.
2. Developer requests to be granted relief to provide a 12' front setback instead of 14; front setback required per Sec. 5-25-4 of Zoning Code.
3. Developer requests a waiver of TIA requirement.
4. Within the center driveway accessing the site, the developer shall install a differentiated material for the outer 5' along both building edges to establish a pedestrian zone and distinguish it from the primary drive lane. This will achieve the goal and intent of 5-25-5.13.
5. The sidewalks leading to the front porches on the front façade shall extend to the street edge. This will achieve the goal and intent of 5-25-5.15.
6. The developer shall attempt to preserve all existing noninvasive vegetation within the proposed Type A buffer along the eastern side of the property. This existing vegetation will be allowed to be used as credits towards the required buffer plantings. Additionally, if any of those trees are not able to be protected by the standards in 15-4d, then the developer agrees to replace them at the rate specified in Section 15-4b if any of those trees die within 10 years post-construction.




| General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY | | |
|---|---|---|
| | **LAND SUPPLY, SUITABILITY & INTENSITY** | • The subject property is located on an underdeveloped property in the Land Supply Map. |
| | **FUTURE LAND USE & CONSERVATION MAP** | • **Designation:** Downtown<br>• **Character Area Description:** Consistent<br>• **Zoning Crosswalk:** Consistent<br>• **Focus Area Map:** N/A |




## Current Land Use & Zoning

+ CMU-CZD
+ C-1
+ R-6
+ Ecusta Trail

| General Rezoning Standards: 2) COMPATIBILITY | | |
|---|---|---|
| | **EXISTING CONDITIONS** | The subject property is currently vacant. It is surrounded by single-family and multi-family residential homes. Directly across 1st Avenue from the subject property is Hendersonville First Church of Nazarene. To the northwest of the property is the West End National Register Historic District, which primarily consists of single-family homes on varying sized lots. There are also a mix of multi-family units in small apartment buildings or in homes that have been converted into multi-family. To the east of the property is Downtown - the city's core commercial business district. |
| | **RELEVANT GEN H GOALS** | **Vibrant Neighborhoods**: [Consistent]<br>**Abundant Housing Choices**: [Consistent]<br>**Healthy and Accessible Natural Environment:** [Somewhat Consistent]<br>**Authentic Community Character**: [Somewhat Consistent]<br>**Safe Streets and Trails**: [Consistent]<br>**Reliable & Accessible Utility Services**: [Consistent]<br>**Welcoming & Inclusive Community**: [Consistent] |
| | **GEN H GUIDING PRINCIPLES** | **Mix of Uses:** [Consistent]<br>**Compact Development:** [Somewhat Consistent]<br>**Sense of Place:** [Somewhat Consistent]<br>**Conserved & Integrated Open Spaces:** [Somewhat Consistent]<br>**Desirable & Affordable Housing**: [Consistent]<br>**Connectivity**: [Consistent]<br>**Efficient & Accessible Infrastructure:** [Consistent] |

| General Rezoning Standards: 2) COMPATIBILITY | | |
|---|---|---|
| | **DESIGN GUIDELINES ASSESSMENT (Chapter V)** | **Site Design** - Many aspects of the site plan align with the Design Guidelines in Chapter 5 of the Comprehensive Plan including: building placement, landscaping, parking and on-site open space. One area of concern is the buildings do not parallel the street edge.<br><br>**Height** - The applicant has revised the proposal to reduce the overall height to 29' which aligns with the Downtown Design Guidelines in Chapter 5 of the Comprehensive Plan for both maximum height and residential transitions. It is also not out of scale with existing adjacent residential structures.<br><br>**Architectural Design** - Many aspects of the building design align with the design guidelines, notably the inclusion of an activated front stoop. |

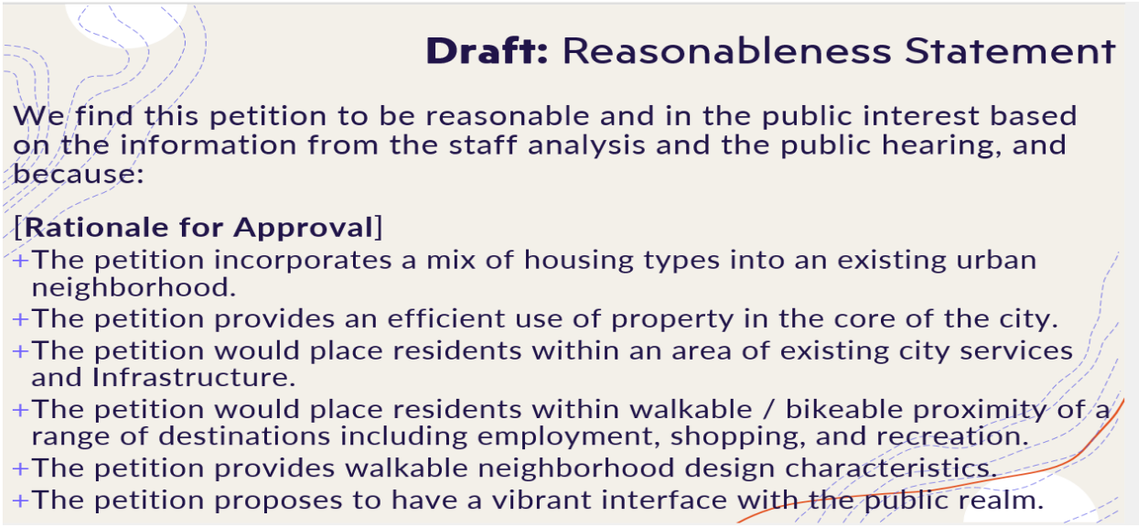
| General Rezoning Standards | |
|---|---|
| 3) CHANGED CONDITIONS | • The property has previously been rezoned to accommodate 11 units on the property.<br>• Additionally, the Ecusta trail, which will be partially completed by the end of this year, is a new transportation and recreation facility located less than 1/2 mile from the subject property. |
| 4) PUBLIC INTEREST | • The status of the region's affordable housing crisis is well documented from reports such as the Bown Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue.<br>• The provision of 12 additional housing units on a relatively small, infill parcel will put residents within close proximity to employment, shopping, recreation, etc. The proposed development would utilize existing infrastructure and city services. |

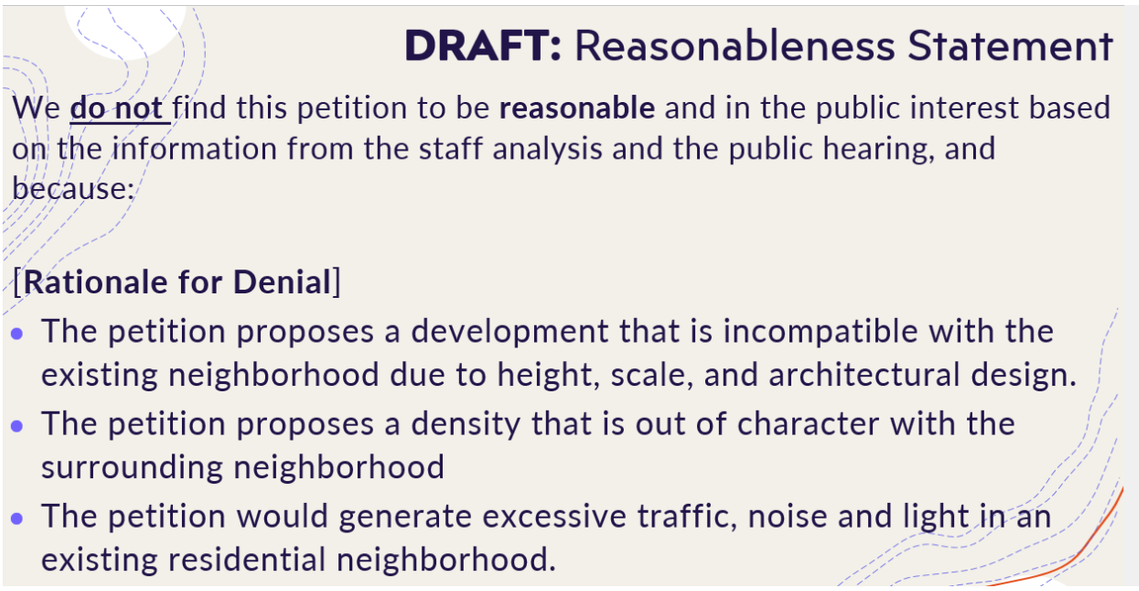
| General Rezoning Standards | |
|---|---|
| 5) PUBLIC FACILITIES | • The subject property will be served by City of Hendersonville services. The subject property is located within the City's existing interconnected street grid, which facilitates the disbursement of additional automobile traffic, and is in close proximity to the Ecusta trail, and less than a 5-minute walk to historic Main St, both of which facilitate a reduction in typical per household vehicular miles traveled. |
| 6) EFFECT ON NATURAL ENVIRONMENT | • Mature Trees: There are a number of mature trees and vegetation around the subject property. Tree canopy in the center of the property is proposed to be removed. Some of the trees on the east side of the property are proposed to be removed while others will be preserved and incorporated into the required buffer.<br>• Stormwater: Stormwater management standards are not triggered by this development due to the disturbed area being less than 1 acre. The developer proposes to utilize pervious pavers for the center drive aisle. |

## **DRAFT**: Comprehensive Plan Consistency 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 Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.*




Attorney Brian Gulden spoke and said the issues before were three stories and some privacy issues, now we've made some changes, we've reduced it, fixed the front issue, however, we are going from 16 units to 12. The parking requirement is met, we have 12 parking spaces for the 12 units and we are going to paint new spaces on 1st Avenue out front so there will an additional new 13 spaces and we also have a letter of intent from the church across the street to lease us long term through a licensing agreement for an additional 25 spaces.

The public hearing was opened at 6:33 p.m.

**In Person:**

Ken Fitch spoke briefly and positively about the project and hopes that it brings everything promised and doesn't chase away the cardinals and angels.

**Via Zoom:**

Helen Waldrop Youngblood spoke positively about the project.

The public hearing was closed at 6:46 p.m.

***City Council Member Lyndsey Simpson moved City Council adopt 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 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 4-1-2025, 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) Residential, Multi-Family***

- ***12, 2-3 Bedroom Units***

***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 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.***

***3. 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 incorporates a mix of housing types into an existing urban neighborhood.***
***2. The petition provides an efficient use of property in the core of the city.***
***3. The petition would place residents within an area of existing city services and infrastructure.***
***4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.***
***5. The petition provides walkable neighborhood design characteristics.***
***6. The petition proposes to have a vibrant interface with the public realm.***

***A 4-1 vote of the Council followed with Council Member Lowrance voting nay. Motion carried.***

Ordinance #25-16

**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: 9568-77-1057 BY CHANGING THE ZONING DESIGNATION CMU-CZD (CENTRAL MIXED USE CONDITIONAL ZONING DISTRICT) TO UR-CZD (URBAN RESIDENTIAL - CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-86-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Rafique Charania of ARY Development LLC, for the development of 12 multi-family residential units on 1st Ave W; and

**WHEREAS,** the Planning Board took up this application at its regular meeting on March 25, 2025; 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 April 3, 2025, 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 Number: 9568-77-1057, changing the zoning designation from CMU-CZD (Central Mixed Use Conditional Zoning District) 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 site plan submitted by the applicant dated February 26, 2025, 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 - 12 Units

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 3rd day of April 2025.

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

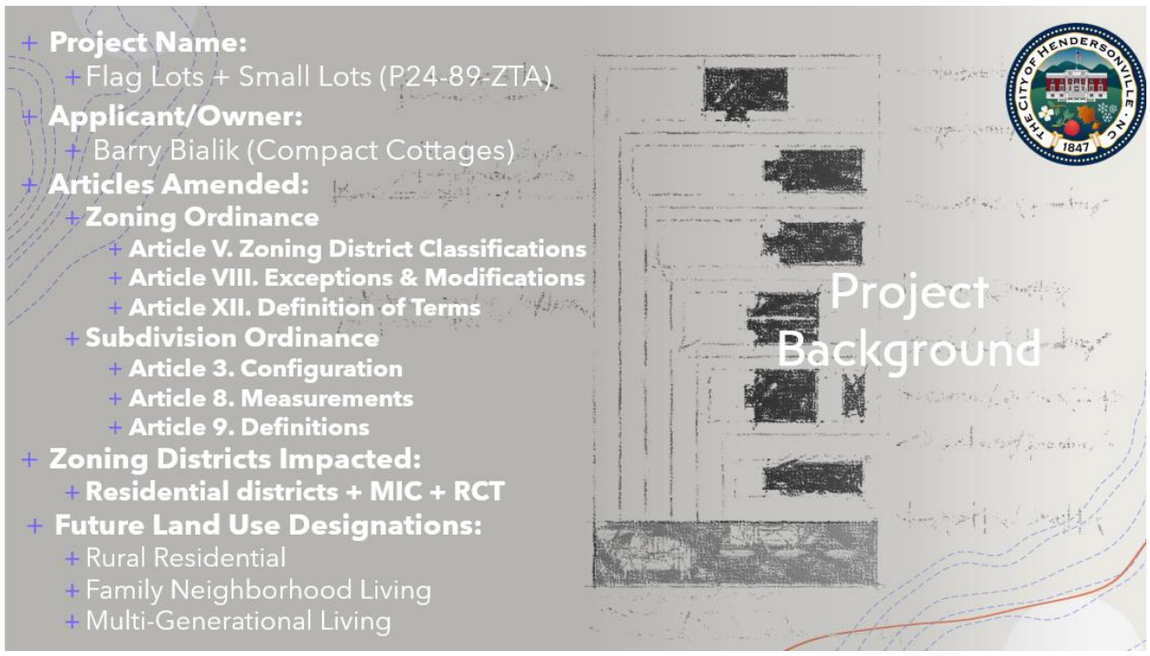
**B. Zoning/Subdivision Text Amendment: Flag Lots & Small Lots (P24-89-ZTA) –** *Matthew Manley, AICP, Long-Range Planning Manager*

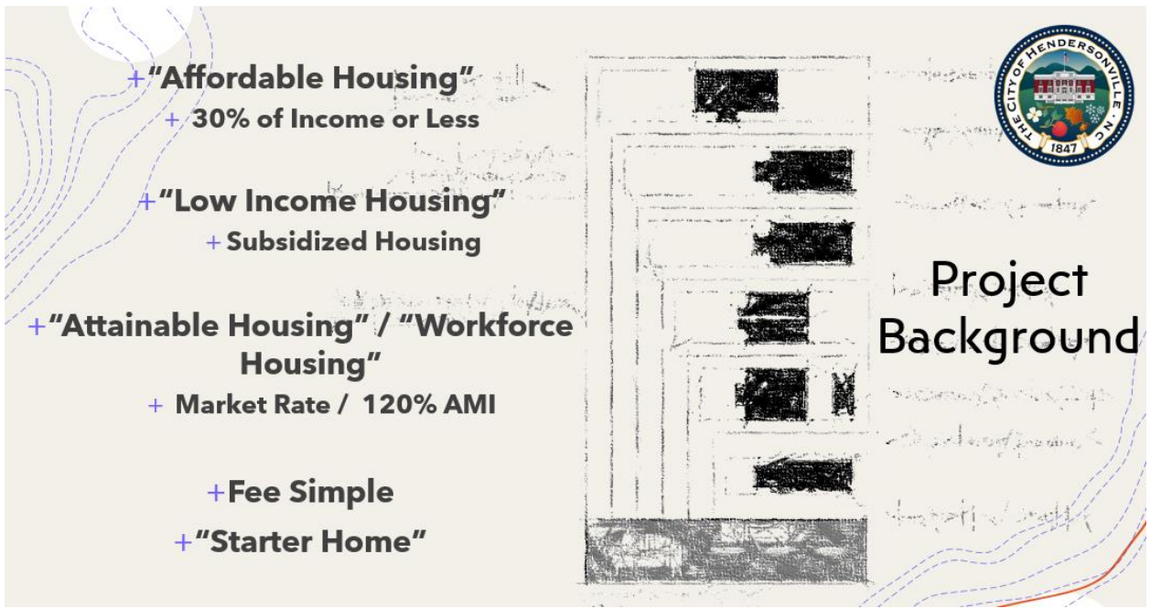
Matt Manley explained that the City of Hendersonville has received an application from Barry Bialik to amend the City's Zoning and Subdivision Ordinances to introduce exceptions that would allow for the greater utilization of underdeveloped land for small houses in an effort to increase the stock of "attainable", for sale houses. The proposed changes would allow for reduced minimum lot sizes, lot widths, and setbacks for lots created to establish homes that are no greater in size that 1,200 Sq Ft Gross Floor Area (GFA). The proposed allowances come in two forms:

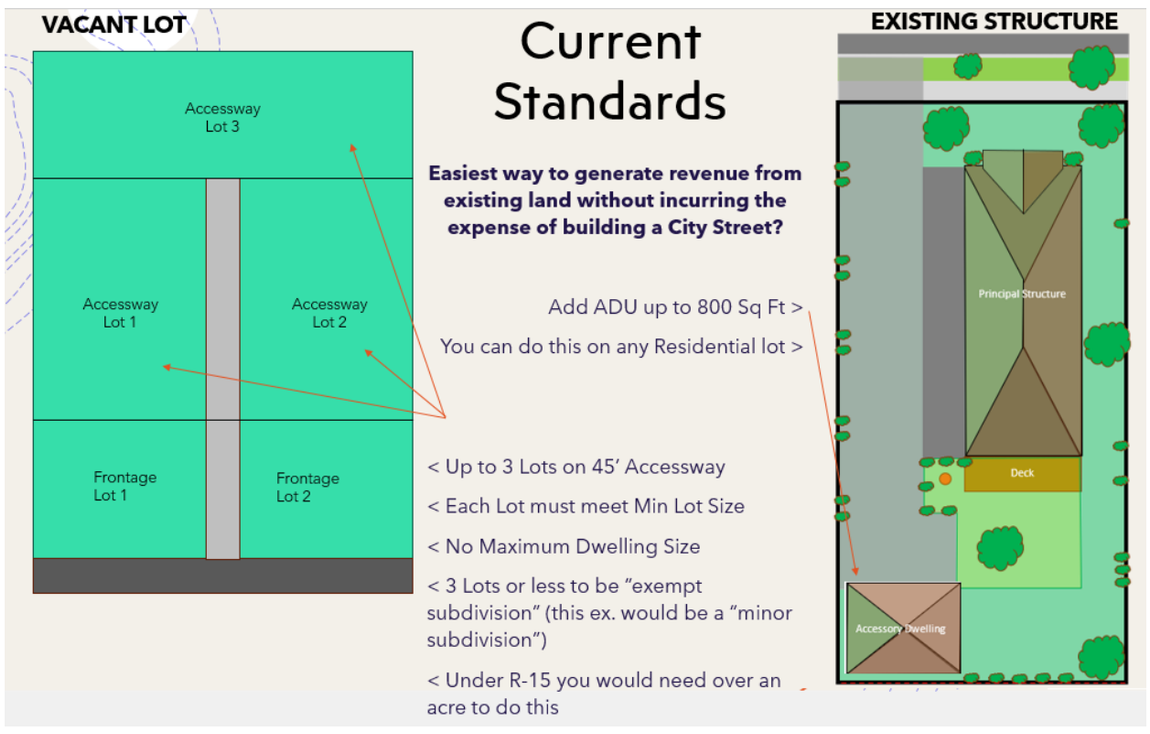
1) Reduced Pole Flag Lots and 2) Small Lots

In each case the minimum lot size would be reduced to 2,000 Sq Ft and limited to the allowance of a single-family home, two-family home, accessory dwelling unit or any combination thereof with a total square footage no greater than 1,200 Sq Ft in Gross Floor Area. The minimum setbacks and lot widths for these compact lots would also be reduced. In combination, you would be permitted up to a maximum of 6 lots (reduced pole flag lots + small lots) on any parcel less than 2 acres in size. The proposed changes align with the City's recently adopted Gen H Comprehensive Plan and address needs identified by the City's Strategic Housing Committee. The Legislative Committee of the Planning Board reviewed the item on January 21st and the Strategic Housing Committee reviewed the proposed changes on February 17th. The Planning Board voted unanimously to recommend approval of the proposal at their special called meeting on March 25th.



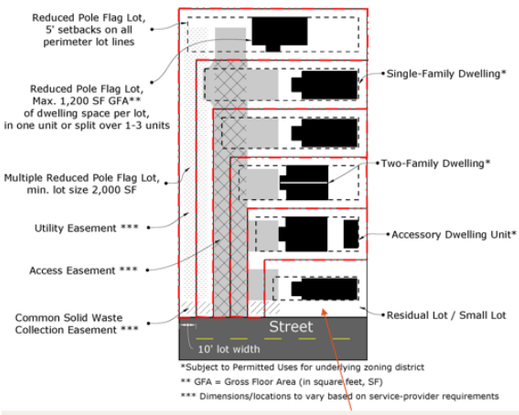

+ Project Name:
+ Flag Lots + Small Lots (P24-89-ZTA)
+ Applicant/Owner:
+ Barry Bialik (Compact Cottages)
+ Articles Amended:
+ Zoning Ordinance
+ Article V. Zoning District Classifications
+ Article VIII. Exceptions & Modifications
+ Article XII. Definition of Terms
+ Subdivision Ordinance
+ Article 3. Configuration
+ Article 8. Measurements
+ Article 9. Definitions
+ Zoning Districts Impacted:
+ Residential districts + MIC + RCT
+ Future Land Use Designations:
+ Rural Residential
+ Family Neighborhood Living
+ Multi-Generational Living
Project Background


+ "Affordable Housing"
+ 30% of Income or Less
+ "Low Income Housing"
+ Subsidized Housing
+ "Attainable Housing" / "Workforce Housing"
+ Market Rate / 120% AMI
+ Fee Simple
+ "Starter Home"
Project Background


VACANT LOT
Accessway Lot 3
Accessway Lot 1
Accessway Lot 2
Frontage Lot 1
Frontage Lot 2
Current Standards
Easiest way to generate revenue from existing land without incurring the expense of building a City Street?
Add ADU up to 800 Sq Ft >
You can do this on any Residential lot >
< Up to 3 Lots on 45' Accessway
< Each Lot must meet Min Lot Size
< No Maximum Dwelling Size
< 3 Lots or less to be "exempt subdivision" (this ex. would be a "minor subdivision")
< Under R-15 you would need over an acre to do this
EXISTING STRUCTURE
Principal Structure
Deck
Accessory Dwelling

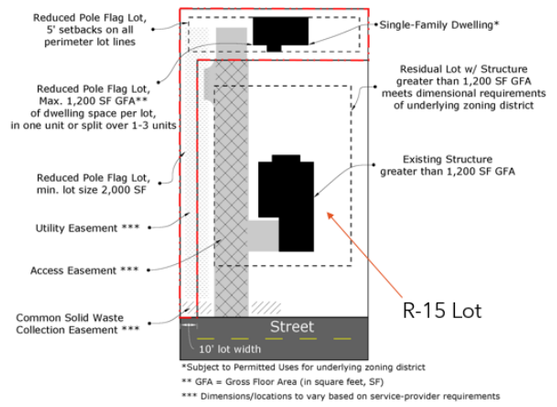
# Proposed Standards

**VACANT LOT (20,000 Sq Ft Lot)**




40'x50' Lot

**EXISTING STRUCTURE (20,000 Sq Ft Lot)**




# Real World Example






**Durham, NC**

**Durham, NC**

# Real World Example






## Proposed Amendments: Zoning Ordinance

**ZONING ORDINANCE**

The following language will be added as a cross reference for the list of zoning districts below:

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

- 5-1-3. - Dimensional requirements. [R-40 Estate Residential District]
- 5-2-3. - Dimensional requirements. [R-20 Low-Density Residential Zoning District]
- 5-3-3. - Dimensional requirements. [R-15 Medium-Density Residential Zoning District]
- 5-4-3. - Dimensional requirements. [R-10 Medium-Density Residential Zoning District]
- 5-5-3. - Dimensional requirements. [R-6 High-Density Residential Zoning District]
- 5-10-3. - Dimensional requirements. [MIC Medical, Institutional and Cultural Zoning District]
- 5-13-3. - Dimensional requirements. [RCT Residential Commercial Transition Zoning District]

## Article VIII – Exceptions & Modifications

**Sec. 8-4. – Reduced Pole Flag Lots & Small Lots**

**8-4-1. - Purpose**: The purpose of this section is to provide greater flexibility in the development of housing units and use of available land by allowing small footprint housing on small lots and reduced pole flag lots to encourage residential infill development, provide missing middle housing, and allow more opportunities for the construction of workforce housing, all within parameters that will preserve the identity and character of the community.

**8-4-2. - Applicability**: In applicable zoning districts (reference Article V. – Zoning District Classifications for applicable zoning districts), Reduced Pole Flag Lots or Small Lots or a combination thereof can be applied to any Lot of Record two acres in size or less. Residential uses shall be allowed subject to the applicable zoning district's Permitted Uses.

**8-4-3. - Dimensional Requirements:**

| **Reduced Pole Flag Lots** | |
|---|---|
| Minimum lot area in square feet: | 2,000 |
| Minimum flag portion of lot width in feet: | 25 |
| Minimum pole portion of lot width in feet*: | 10 |
| Driveways and Accessways | See Sec. 8-4-4 – Access and Frontage Improvements. |
| Minimum yard requirements in feet: | 5 from all perimeter lot lines |
| Maximum structure size in square feet (SF), Gross Floor Area (GFA): | |
| New lot with new structure | 1,200** |
| Existing structure on existing lot | No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use Reduced Pole Flag Lot or Small Lot. |
| Structure location: | All structures shall be located in compliance with fire code requirements.*** |
| Maximum structure height in feet: | Subject to the height limit of the underlying zoning district. |

| **Small Lots** | |
|---|---|
| Minimum lot area in square feet: | 2,000 |
| Minimum lot width* in feet: | 25 |
| Minimum yard requirements in feet: | |
| Front: | 10 |
| Side | 5 |
| Rear | 10 |
| Maximum structure size in square feet (SF), Gross Floor Area (GFA) | 1,200** for new construction |
| Structure location: | All structures shall be located in compliance with fire code requirements.*** |
| Maximum structure height in feet: | Subject to the height limit of the underlying zoning district. |
| Residual Lots with existing structures: | |
| Existing structure > 1200 SF gross floor area | Must comply with dimensional requirements of underlying zoning district. |
| Existing structure < 1200 SF gross floor area | May use Small Lot standards. |
| | |
| **Reduced Pole Flag Lot Developments:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |
| | |
| **Small Lot Developments:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.
** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family). Accessory dwelling units on a small lot or flag lot shall remain subject to the requirements of Section 16-4-1.

NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus
# See Article XII for definition of "flag" and "pole".

NOTE: This section contains zoning requirements only. Compliance with zoning requirements does not guarantee compliance with private restrictions. Developers are encouraged to consult with an attorney concerning private restrictions

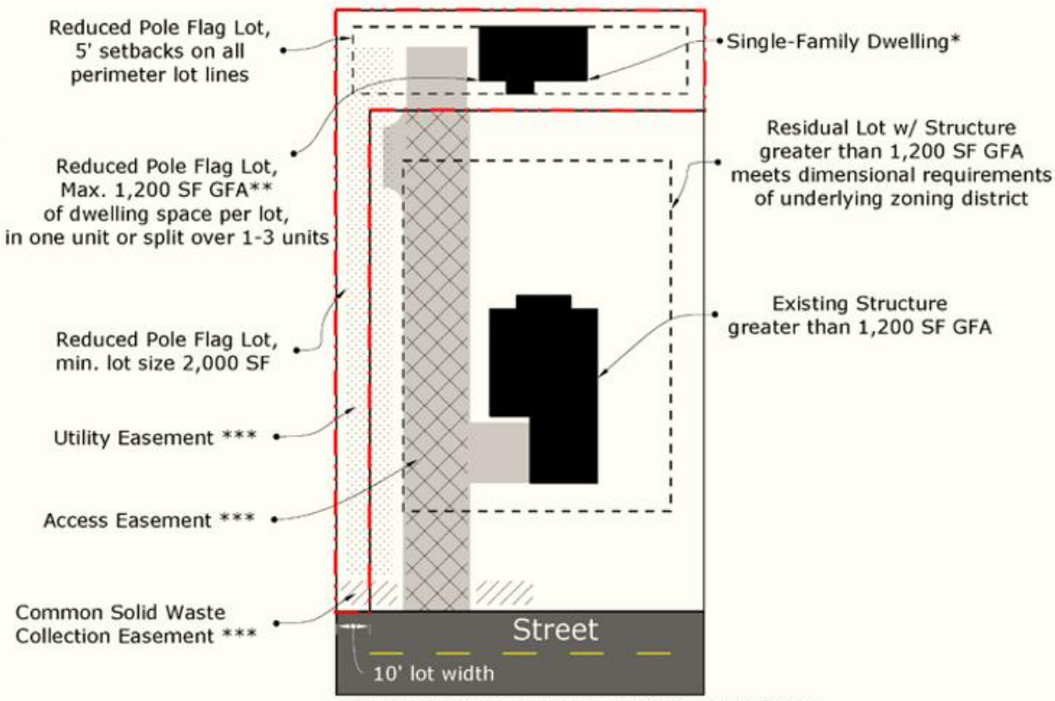



*Figure 1: Reduced Pole Flag Lot*

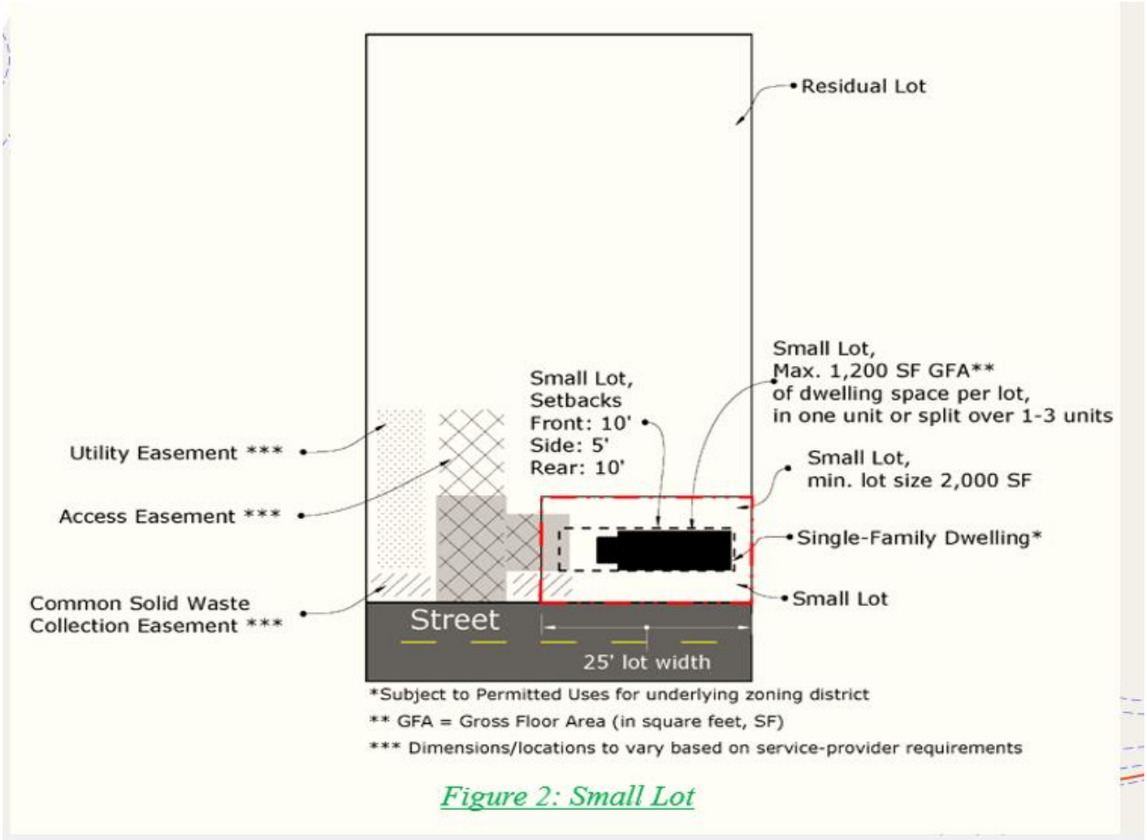



*Figure 2: Small Lot*

**8-4-4. – Access and Frontage Improvements:**

a) Driveways, Utilities and Accessways may be placed within the "pole" or an alternate site location via 'access' and/or 'utility' easements.

b) Shared Driveways:

~~a.~~ Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)

~~b.~~ Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).

~~c.~~ Shared driveways must meet the following standards:

i. The shared driveway must have a minimum of unobstructed width of 10 feet,

ii. The shared driveway must be shown on the recorded plat, and

iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole' and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:

i. The shared utility easement must have a minimum of width of 10 feet,

ii. The shared utility easement must be shown on the recorded plat, and

iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office

b. Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

a. Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.

b. Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.

e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lot Developments and Small Lot Developments.

**8-4-5. –Reduced Pole Flag Lot Developments:** In all Reduced Pole Flag Lot Developments or Small Lot Developments containing more than one Reduced Flag Pole Lot, the following provisions shall apply:

a) Each lot within the Development shall have at least 10 feet of street frontage. The pole of a Reduced Pole Flag Lot may serve as the street frontage.

b) A shared driveway shall be used as the sole access to Reduced Pole Flag Lots whose poles are adjacent.

c) Reduced Pole Flag Lot Developments and/or Small Lot Developments shall be subject to Section 7-12. 'Aggregation'.

**8-4-6 – Landscaping:** In addition to required street trees, at least one large maturing and one small maturing tree shall be planted or preserved on all lots established under these provisions.

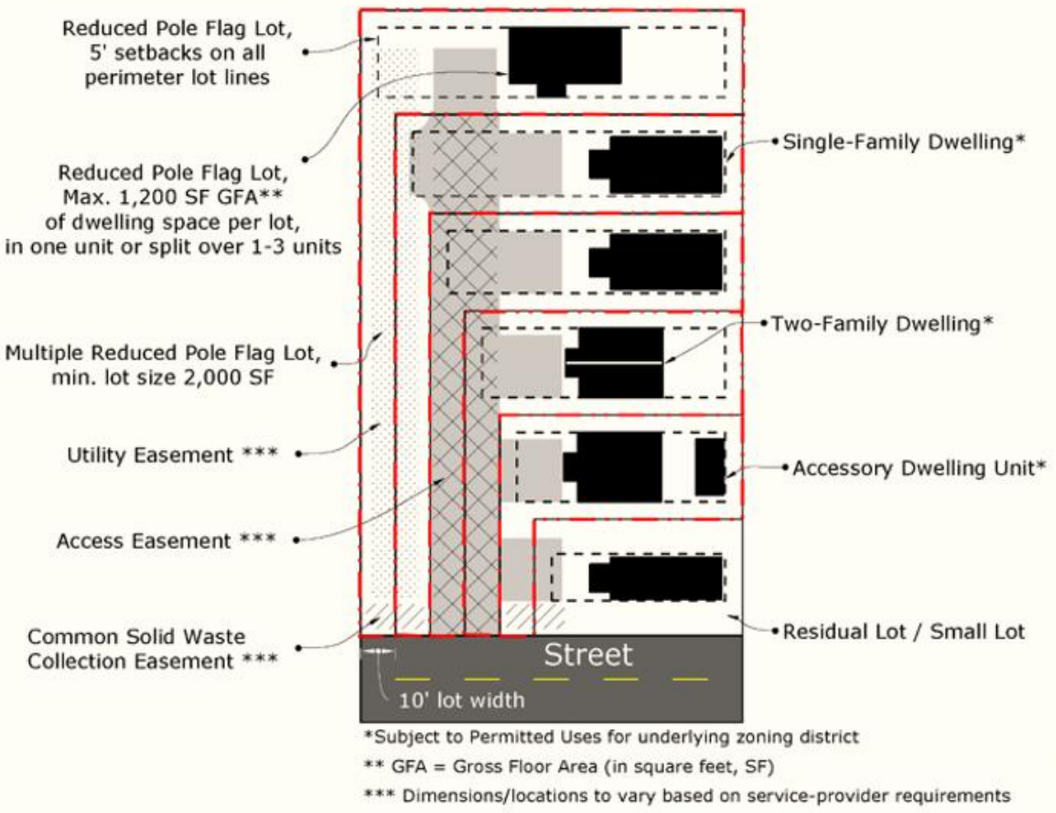



*Figure 3: Reduced Pole Flag Lot Development + Small Lot*

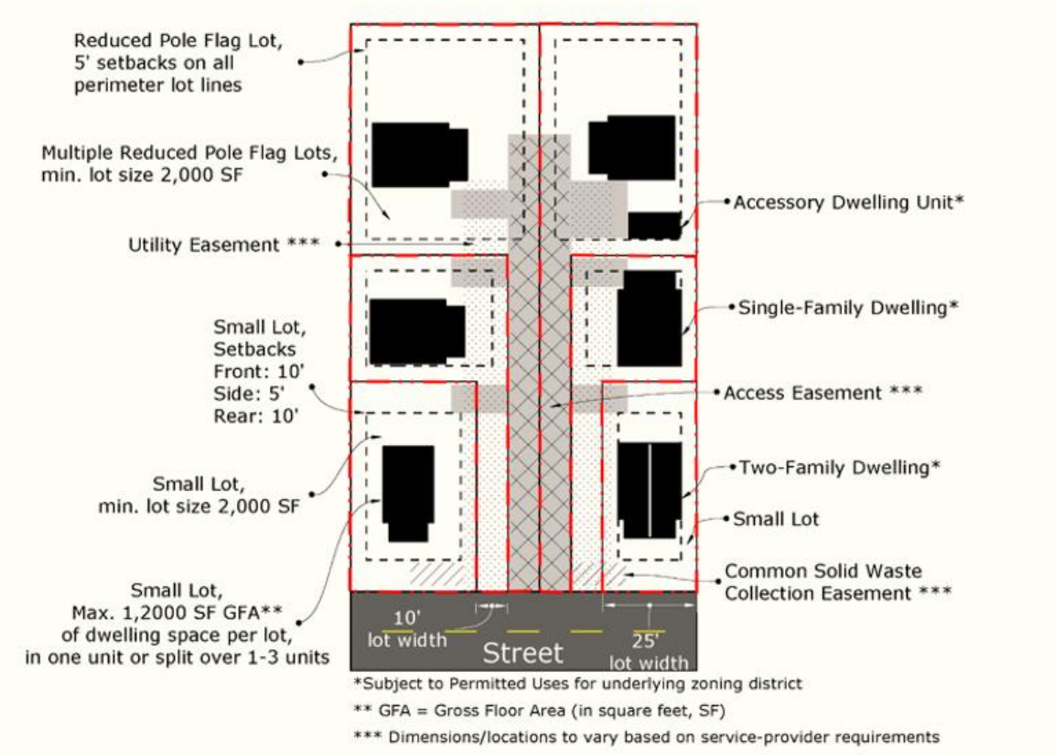



*Figure 4: Small Lot combined with Reduced Pole Flag Lot Development, six (6) lot maximum*

## Article XII – Definition of Terms

**Flag Lot:** A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

**Flag Lot, Reduced Pole**: A flag lot with reduced dimensional requirements created pursuant to Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

**Gross Floor Area (GFA)**: The total enclosed area of the horizontal surface of all floors of a building or buildings measured to the outside face of the structural members in exterior walls.

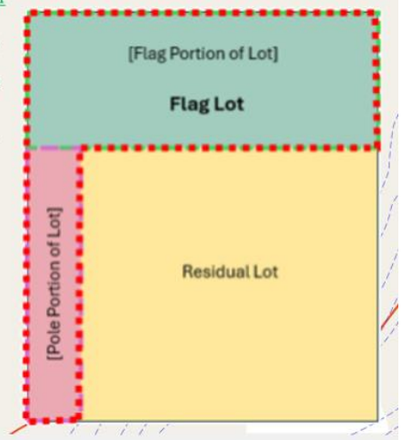
**Lot Area:** The total area within the lot lines of a platted lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area: i. Public street rights-of-way; ii. Private street area; and iii. Land that is submerged or regularly underwater and jurisdictional wetlands.

**Reduced Pole Flag Lot Development**: any development creating two or more Reduced Pole Flag Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lot Developments may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

**Residual Lot:** A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot pursuant to Section 8.4 – Reduced Pole Flag Lots & Small Lots.

**Small Lot:** A lot with reduced dimensional requirements with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Small Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

**Small Lot Development:** any development creating two or more Small Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Small Lot Developments may also include Reduced Pole Flag Lots created pursuant to Section 8.4. Small Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.




## ARTICLE 3. – CONFIGURATION Sec. 3.03

**Proposed Amendments:** Subdivision Ordinance

**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 any type of street. When located along an expressway or boulevard street ~~only in cases where~~ access to the street ~~is~~ shall be 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~~.~~ except as provided under Section 3.03. Reduced Pole Flag Lots.

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.

**D. Reduced Pole Flag Lots** (requirements below are cross-referenced from Hendersonville Zoning Ordinance, Sec. 8-4. – Reduced Pole Flag Lots & Small Lots)

1. **Purpose**: The purpose of this subsection 3.03D is to provide standards for the development of subdivisions containing Reduced Pole Flag Lots and/or Small Lots.

2. **Applicability**: The provisions of this Subsection 3.03D. shall apply to any subdivision containing a Reduced Pole Flag Lot or Small Lot that is being developed in accordance with Section 8.4 of the City of Hendersonville Zoning Ordinance—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

3. **Dimensional Requirements:** All Reduced Pole Flag Lot Subdivisions and All Small Lot Subdivisions must comply with Section 8-4 of the City of Hendersonville Zoning Ordinance—Reduce Pole Flat Lots & Small Lots.

| | |
|---|---|
| **Reduced Pole Flag Lot Minor Subdivision:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |
| | |
| **Small Lot Minor Subdivision:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |

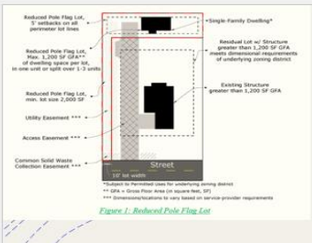
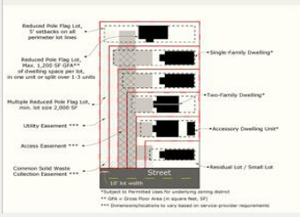


*Figure 1: Reduced Pole Flag Lot*

4. **Access and Frontage Improvements:**
   a) Driveways, Utilities and Accessways may be placed within the "pole" or an alternate site location via 'access' and/or 'utility' easements.
   b) Shared Driveways:
      a. Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)
      b. Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).
      c. Shared driveways must meet the following standards:
         i. The shared driveway must have a minimum of unobstructed width of 10 feet,
         ii. The shared driveway must be shown on the recorded plat, and
         iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office



c) Utility Easements:

a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole' and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:

i. The shared utility easement must have a minimum of width of 10 feet,

ii. The shared utility easement must be shown on the recorded plat, and

iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office

b. Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

a. Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.

b. Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.

e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lots, Small Lots and Residual Lots.

5. **Reduced Pole Flag Lot & Small Lot Minor Subdivisions:**

a) The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

b) Reduced Pole Flag Lot' Minor Subdivisions and Small Lot Minor Subdivisions containing more than 3 total lots are not exempted from the standards of Article 6. 'Owners Associations'.

c) In no case shall each subdivided lot have less than 10 feet of street frontage. The pole can serve as the street frontage.

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

***

**~~E.~~ F. Corner lots.**

***

**~~F.~~ G. Drainage and flood prevention.**

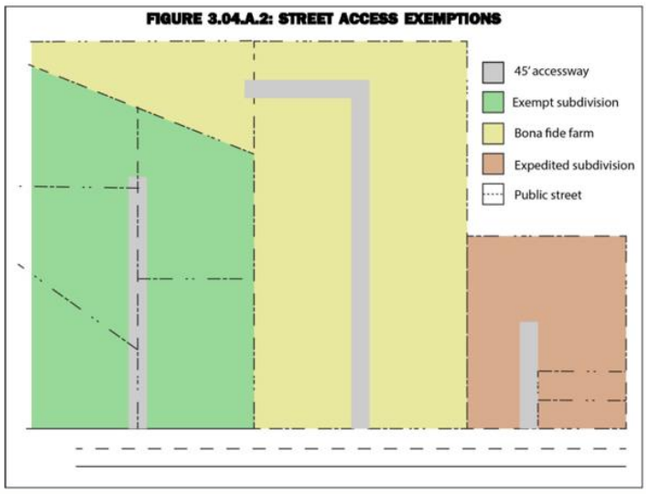
***

## ARTICLE 3. – CONFIGURATION Sec. 3.04

**Proposed Amendments:** Subdivision Ordinance

3. **Access serving more than three lots.** With the exception of Reduced Pole Flag Lots Minor Subdivisions and/or Small Lot Minor Subdivisions containing more than three lots, accessways serving more than three lots shall be designed, built, and maintained to public street standards.

**FIGURE 3.04.A.2: STREET ACCESS EXEMPTIONS**




## ARTICLE 6. – OWNERS ASSOCIATION Sec. 6.02

**Proposed Amendments:** Subdivision Ordinance

B. With the exception of Multiple Reduced Pole Flag Lot Minor Subdivisions and/or Small Lot Minor Subdivisions, establishment of an owners' association shall not be required for minor subdivisions (see section 2.04.I, minor subdivision), or expedited subdivisions (see section 2.04.F, expedited subdivision), but the responsible party for any private infrastructure shall be identified in the subdivision approval.

## ARTICLE 8. – MEASUREMENT Sec. 8.02

**Sec. 8.02. - Rules of measurement.**

C. Lot Dimensions

1. Lot Measurements.

a. Minimum lot area Murray, Jill (jmurray@hvlnc.gov) is signed in ired land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

i. Public street rights-of-way;

ii. Private street area;

~~iii. The "pole," arm," or "pan handle" portion of a flag lot; and~~

iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

## ARTICLE 9. – DEFINITIONS Sec. 9.01

**Proposed Amendments:** Subdivision Ordinance

**Sec. 9.01. - Definitions.**

**Flag Lot:** ~~An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.~~ A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.




**Flag Lot, Reduced Pole**: A flag lot with reduced dimensional requirements created pursuant to the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

**Lot Area:** The total area within the lot lines of a platted lot. Lot Area shall be calculated according to Section 8.02.C.1.a. Minimum lot area of this Subdivision Ordinance.

**Reduced Pole Flag Lot Minor Subdivision**: A Minor Subdivision containing two or more Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Reduced Pole Flag Lot Minor Subdivisions may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

## ARTICLE 9. – DEFINITIONS Sec. 9.01

**Residual Lot:** A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

**Small Lot:** A lot with reduced dimensional requirements with a maximum square footage per the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

**Small Lot Minor Subdivision:** A minor subdivision containing two or more Small Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Small Lot Minor Subdivisions may also include Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4. Small Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

**General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY**

| | |
|---|---|
| **COMMITTEE/BOARD RECOMMENDATION** | The Legislative Committee reviewed item on 1/21/2025<br>The Planning Board recommended Approval on 3/25/25 |
| **LAND SUPPLY, SUITABILITY & INTENSITY** | **Supply**: The Land Supply Map shows an abundance of "Underdeveloped" land in the City's zoning jurisdiction.<br>**Suitability**: Land Suitability Maps show that a majority of the land supply is 'most suitable' for Residential development.<br>**Intensity**: The proposal aligns with the development pattern of Option 2 in Figure 4.9 - Alternative Growth Map |
| **FUTURE LAND USE & CONSERVATION MAP** | • **Designation:** Rural Residential, Family Neighborhood Living, Multi-Generational Living<br>• **Character Area Description:** Somewhat Consistent<br>• **Zoning Crosswalk:** Consistent<br>• **Focus Area Map:** N/A |

**Comp Plan Character Areas**

RURAL RESIDENTIAL LIVING (RR)

Characterized by low-density residential development, this area is comprised of single-family detached homes on a lot size of one acre or greater. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferred approach to residential development, especially if higher gross densities can be achieved. Golf course communities can also be found in these areas.

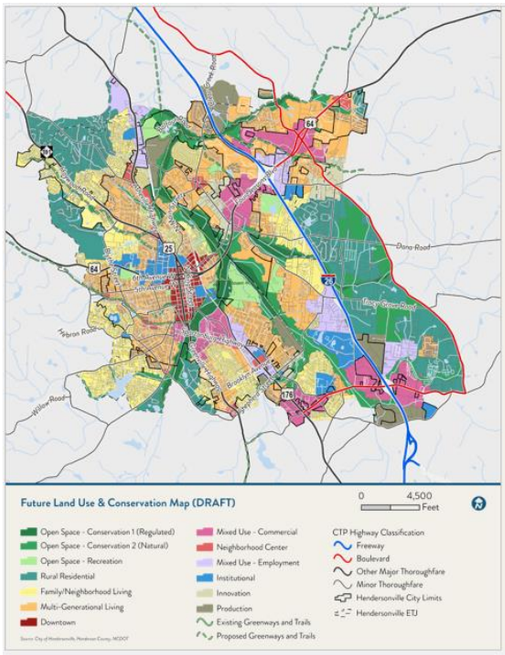
FAMILY/NEIGHBORHOOD LIVING (FNL)

This area is characterized by moderate-density residential development. It is comprised of single-family detached homes on lots typically ranging from 1/3 acre to 1/8 acre. Improved open spaces in the form of pocket and neighborhood parks are interspersed, and greenway trails within are located to connect such parks as well as provide links to trails and walkways in neighboring development. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferred approach to residential development, especially if higher gross densities can be achieved.

MULTI-GENERATIONAL LIVING (MGL)

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




## Relationship to Gen H Comp Plan

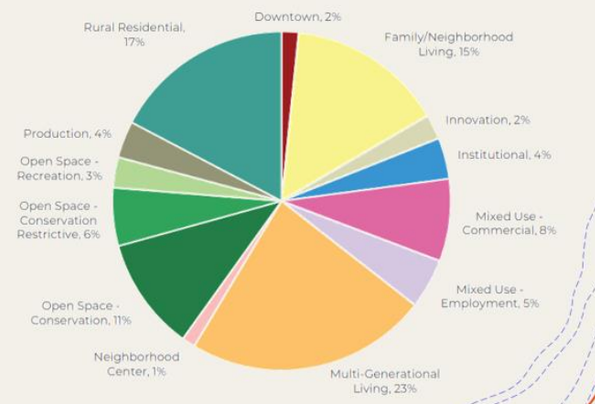



Figure 4.13.1 - Character Area percentages (rounded to whole percent) for study area. ROWs not included acreage percentages.

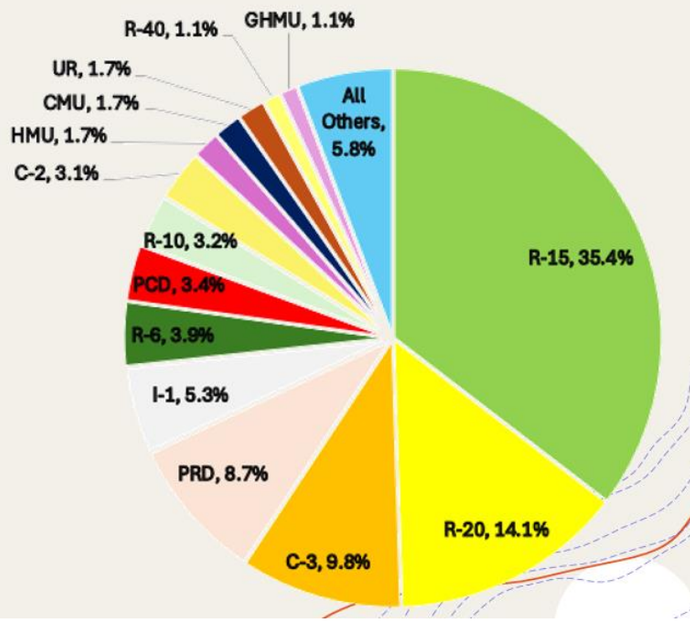
RR + FNL + MGL = 55%

**Districts Impacted:**

R-40 – 1.1%
R-20 – 14.1%
R-15 – 35%
R-10 – 3.2%
R-6 – 3.9%
MIC – 0.8%
RCT – 0.1%

**Total = 58.6%**

## Zoning Districts Distribution




| General Rezoning Standards: 2) COMPATIBILITY | | |
|---|---|---|
| | EXISTING CONDITIONS | The proposed limitations on square footage of the dwellings ensures that new units constructed under these allowances do not out-scale existing homes. |
| | RELEVANT GEN H GOALS | **Vibrant Neighborhoods**: [Consistent]<br>**Abundant Housing Choices**: [Consistent]<br>**Healthy and Accessible Natural Environment:** [Somewhat Consistent]<br>**Authentic Community Character**: [Consistent]<br>**Safe Streets and Trails**: [Consistent]<br>**Satisfying Work Opportunities**: [Consistent]<br>**Welcoming & Inclusive Community**: [Consistent]<br>**Accessible & Available Community Services**: N/A<br>**Resilient Community**: [Consistent] |
| | GEN H GUIDING PRINCIPLES | **Mix of Uses:** N/A<br>**Compact Development:** [Consistent]<br>**Sense of Place:** [Consistent]<br>**Conserved & Integrated Open Spaces:** [Inconsistent]<br>**Desirable & Affordable Housing**: [Consistent]<br>**Connectivity**: [Consistent]<br>**Efficient & Accessible Infrastructure:** [Consistent] |

## Relationship to Gen H Comp Plan Guiding Principles

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

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

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

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

| General Rezoning Standards | | |
|---|---|---|
| | 3) CHANGED CONDITIONS | • The proposed amendment would allow for a compatible infill development with a mix of housing types and increased density of market-rate attainable housing. This would allow for property owners to become "micro developers" and better utilize their property. The potential change to development patterns also lends itself to creating more walkable neighborhoods across the City. |
| | 4) PUBLIC INTEREST | • The proposed amendment would allow for a compatible infill development with a mix of housing types and higher density, walkable developments in key locations across the City. |

| | | |
|---|---|---|
| General Rezoning Standards | 5) PUBLIC FACILITIES | • The proposed text amendment would allow for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance. |
| | 6) EFFECT ON NATURAL ENVIRONMENT | • There is no immediate development proposed. However, there is the potential for some loss of trees where new units are placed on existing undeveloped land. However, due to the small footprint of the structures and reduced setbacks, there will be flexibility in where structures are located – lending itself to more options in placement to avoid mature canopy trees. |

## **PLANNING BOARD**: Comprehensive Plan Consistency Statement

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

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

## **PLANNING BOARD:** Reasonableness Statement

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

[**Rationale for Approval**]

- The proposed amendment creates an opportunity to address the need for additional "attainable housing" in the city.
- The proposed amendment allows for property owns to better utilize their property and earn additional revenue
- The proposed amendment ensures compatibility by limiting the size and scale of new construction resulting from the proposed allowances

## **DRAFT:** Reasonableness Statement

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

[**Rationale for Denial**]

- The proposed amendment is incompatible with existing residential districts
- The proposed amendment will create traffic congestion
- The proposed amendment will result in substantial loss of privacy

The petitioner, Barry Bialik spoke briefly and said that he grew up in affordable housing in New York City. I chaired the affordable housing committee for the City of Asheville for 6 years. Building affordable housing and workforce housing is a huge passion for me. I own a construction company and I own the Thirsty Monk in Asheville and my goal with my construction company is to build affordable housing for people like who work at the Thirsty Monk. We've built 300 affordable houses in the City of Asheville without taking any funds from the city to do so. I did a filter on Realtor.com that showed the amount of new housing in Durham for less than $350,000 and there are 17 houses. In Asheville? Zero. Hendersonville? One.

The public hearing was opened at 7:11 p.m.

**In Person:**

Virginia Tegal speaking as a citizen and taxpayer of the City of Hendersonville and she spoke in favor of the proposed Flag Lots.

Ken Fitch spoke about potential negative impacts the text amendment may cause.

Sarah Cosgrove said that has currently found herself in transitional housing and spoke about the importance of attainable housing and this text amendment will add to the supply, not cost one thing to the city while diversifying the options for attainable housing.

The public hearing was closed at 7:24 p.m.

***City Council Member Gina Baxter moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V 'Zoning District Classifications', Article VIII 'Exceptions & Modifications', and Article XII 'Definition of Terms' and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. 'Configurations', Article 8. 'Measurements', and Article 9. 'Definitions', 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. ***The proposed amendment creates an opportunity to address the need for additional "attainable housing" in the city.***
2. ***The proposed amendment allows for property owners to better utilize their property and earn additional revenue***
3. ***The proposed amendment ensures compatibility by limiting the size and scale of new construction resulting from the proposed allowances.***

***A unanimous vote of the Council followed. Motion carried.***

Ordinance #25-17

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V 'ZONING DISTRICT CLASSIFICATIONS', ARTICLE VIII 'EXCEPTIONS & MODIFICATIONS', AND ARTICLE XII 'DEFINITION OF TERMS' AND FURTHER AMENDING THE OFFICIAL CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, ARTICLE 3. 'CONFIGURATIONS', ARTICLE 8. 'MEASUREMENTS', AND ARTICLE 9. 'DEFINITIONS'**

**WHEREAS**, the Planning Board reviewed this petition for a zoning and subdivision text amendment at its Special Called meeting on March 25, 2025; 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 April 3, 2025, 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 finds that this zoning text amendment will support the provision of workforce housing and missing middle housing in the City by providing flexibility to allow smaller homes to be built on smaller lots, but within parameters that will preserve the identity and character of the community; and

**WHEREAS,** City Council has conducted a public hearing as required by the North Carolina General Statutes on April 3, 2025,

**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', Article VIII 'Exceptions & Modifications', and Article XII 'Definition of Terms' and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. 'Configurations', Article 6. Homeowners Associations, Article 8. 'Measurements', and Article 9. 'Definitions' as follows:

**ZONING ORDINANCE TEXT AMENDMENTS**

**SECTION 1. ARTICLE V of the Zoning Ordinance, ZONING DISTRICT CLASSIFICATIONS,** is hereby amended as follows:

**5-1-3. - Dimensional requirements. [R-40 Estate Residential District]**

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**5-2-3. - Dimensional requirements. [R-20 Low-Density Residential Zoning District]**

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**5-3-3. - Dimensional requirements. [R-15 Medium-Density Residential Zoning District]**

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**5-4-3. - Dimensional requirements. [R-10 Medium-Density Residential Zoning District]**

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**5-5-3. - Dimensional requirements. [R-6 High-Density Residential Zoning District]**

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**5-10-3. - Dimensional requirements. [MIC Medical, Institutional and Cultural Zoning District]**

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**5-13-3. - Dimensional requirements. [RCT Residential Commercial Transition Zoning District**]

*****

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

**SECTION 2. Article VIII of the Zoning Ordinance, EXCEPTIONS & MODIFICATIONS,** is hereby amended to add a new Section 8-4 as follows:

**Sec. 8-4. – Reduced Pole Flag Lots & Small Lots**

**8-4-1. - Purpose**: The purpose of this section is to provide greater flexibility in the development of housing units and use of available land by allowing small footprint housing on small lots and reduced pole flag lots to encourage residential infill development, provide missing middle housing, and allow more opportunities for the construction of workforce housing, all within parameters that will preserve the identity and character of the community.

**8-4-2. - Applicability**: In applicable zoning districts (reference Article V. – Zoning District Classifications for applicable zoning districts), Reduced Pole Flag Lots or Small Lots or a combination thereof can be applied to any Lot of Record two acres in size or less. Residential uses shall be allowed subject to the applicable zoning district's Permitted Uses.

**8-4-3. - Dimensional Requirements:**

| **Reduced Pole Flag Lots** | |
|---|---|
| Minimum lot area in square feet: | 2,000 |
| Minimum flag portion of lot width in feet: | 25 |
| Minimum pole portion of lot width in feet*: | 10 |
| Driveways and Accessways | See Sec. 8-4-4 – Access and Frontage Improvements. |
| Minimum yard requirements in feet: | 5 from all perimeter lot lines |
| Maximum structure size in square feet (SF), Gross Floor Area (GFA): | |

| | |
|---|---|
| New lot with new structure | 1,200** |
| Existing structure on existing lot | No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use Reduced Pole Flag Lot or Small Lot. |
| Structure location: | All structures shall be located in compliance with fire code requirements.*** |
| Maximum structure height in feet: | Subject to the height limit of the underlying zoning district. |

| | |
|---|---|
| **Small Lots** | |
| Minimum lot area in square feet: | 2,000 |
| Minimum lot width* in feet: | 25 |
| Minimum yard requirements in feet: | |
| Front: | 10 |
| Side | 5 |
| Rear | 10 |
| Maximum structure size in square feet (SF), Gross Floor Area (GFA) | 1,200** for new construction |
| Structure location: | All structures shall be located in compliance with fire code requirements.*** |
| Maximum structure height in feet: | Subject to the height limit of the underlying zoning district. |
| Residual Lots with existing structures: | |
| Existing structure > 1200 SF gross floor area | Must comply with dimensional requirements of underlying zoning district. |
| Existing structure < 1200 SF gross floor area | May use Small Lot standards. |
| | |
| **Reduced Pole Flag Lot Developments:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |
| | |
| **Small Lot Developments:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.
** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family). Accessory dwelling units on a small lot or flag lot shall remain subject to the requirements of Section 16-4-1.

NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus
# See Article XII for definition of "flag" and "pole".

NOTE: This section contains zoning requirements only. Compliance with zoning requirements does not guarantee compliance with private restrictions. Developers are encouraged to consult with an attorney concerning private restrictions

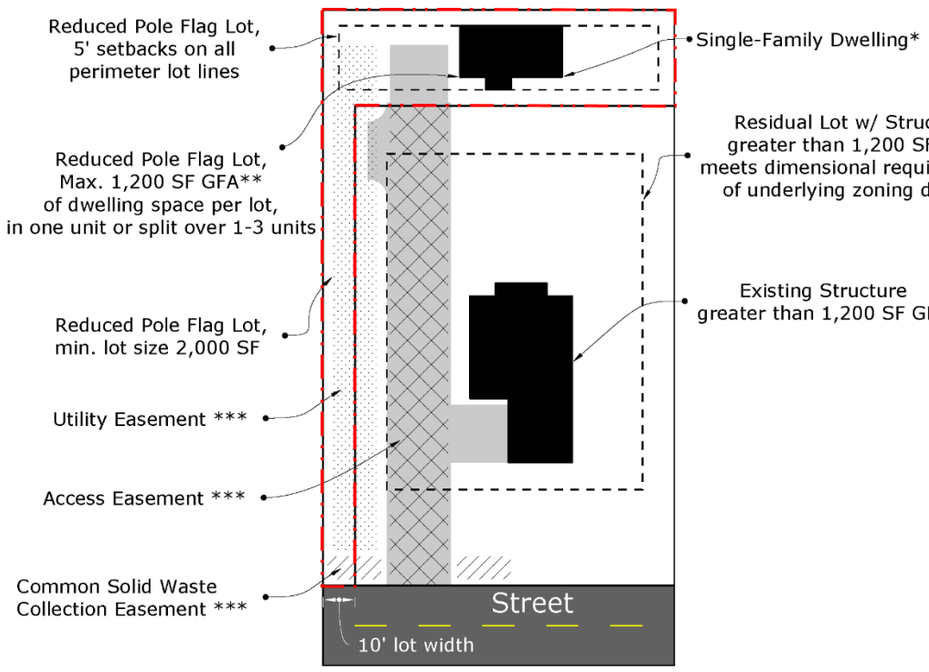



*Figure 1: Reduced Pole Flag Lot*

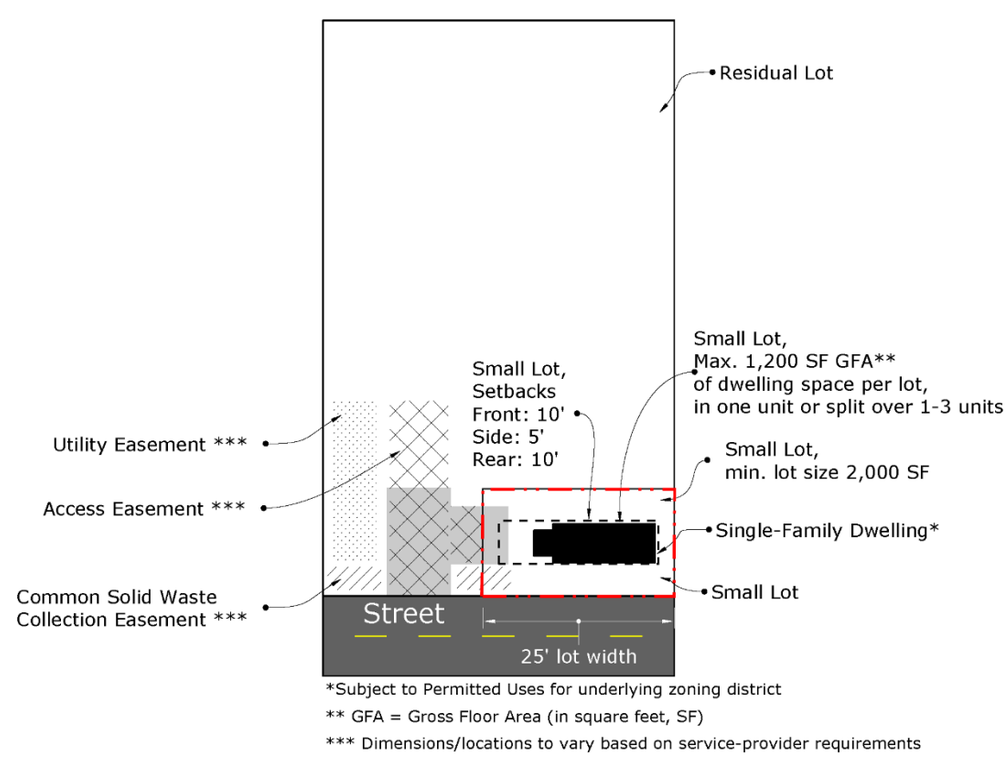



*Figure 2: Small Lot*

**8-4-4. – Access and Frontage Improvements:**

a) Driveways, Utilities and Accessways may be placed within the "pole" or an alternate site location via 'access' and/or 'utility' easements.

b) Shared Driveways:

~~a.~~ Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)

~~b.~~ Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).

~~c.~~ Shared driveways must meet the following standards:

i. The shared driveway must have a minimum of unobstructed width of 10 feet,

ii. The shared driveway must be shown on the recorded plat, and

iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

~~a.~~ Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole' and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:

i. The shared utility easement must have a minimum of width of 10 feet,

ii. The shared utility easement must be shown on the recorded plat, and

iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office

~~b.~~ Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

~~a.~~ Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.

~~b.~~ Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.

e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lot Developments and Small Lot Developments.

**8-4-5. –Reduced Pole Flag Lot Developments:** In all Reduced Pole Flag Lot Developments or Small Lot Developments containing more than one Reduced Flag Pole Lot, the following provisions shall apply:

a) Each lot within the Development shall have at least 10 feet of street frontage. The pole of a Reduced Pole Flag Lot may serve as the street frontage.

b) A shared driveway shall be used as the sole access to Reduced Pole Flag Lots whose poles are adjacent.

c) Reduced Pole Flag Lot Developments and/or Small Lot Developments consisting of two or more lots, shall not abut another Reduced Pole Flag Lot Development or Small Lot Development consisting of two or more lots.

**8-4-6 – Landscaping:** In addition to required street trees, at least one large maturing and one small maturing tree shall be planted or preserved on the lot.

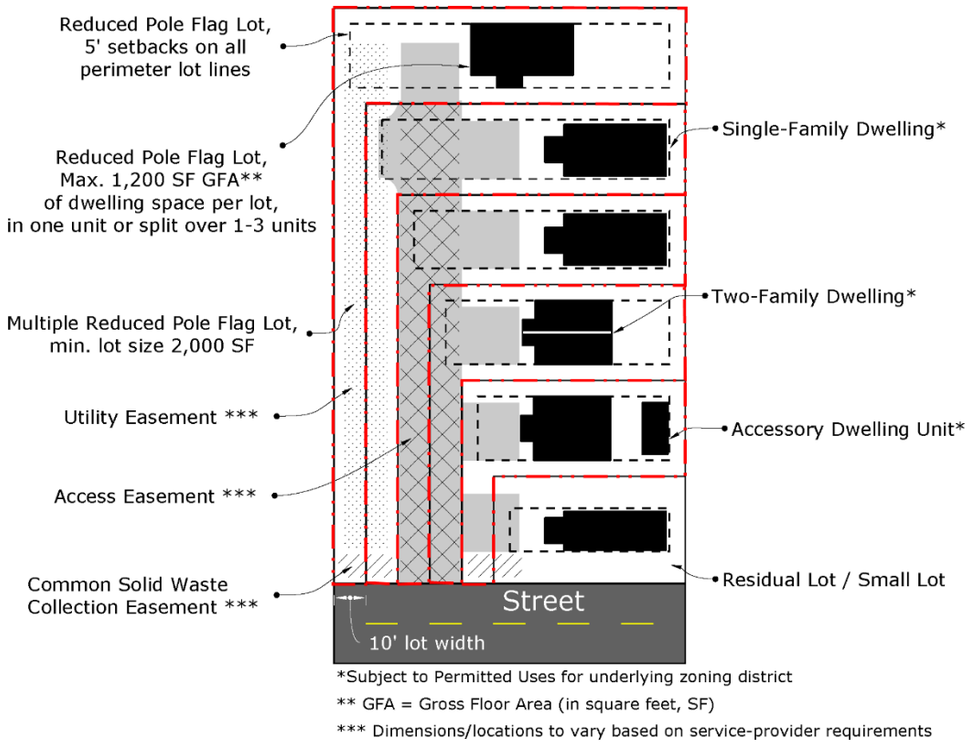



*Figure 3: Reduced Pole Flag Lot Development + Small Lot*

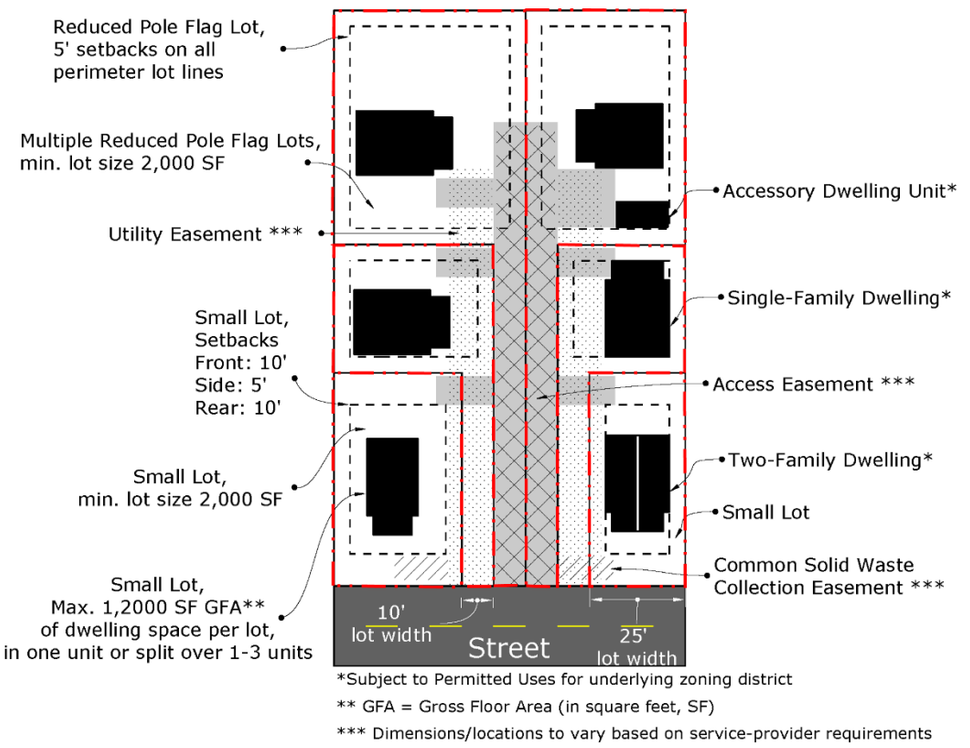
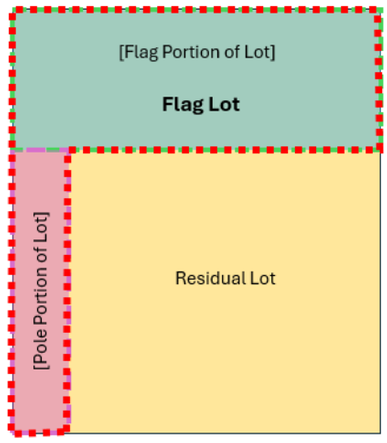



*Figure 4: Small Lot combined with Reduced Pole Flag Lot Development, six (6) lot maximum*

**SECTION 3. Article XII, - of the Zoning Ordinance, Definition of Terms,** is amended to add the following definitions:

**Flag Lot:** A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.




**Flag Lot, Reduced Pole**: A flag lot with reduced dimensional requirements created pursuant to Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

**Gross Floor Area (GFA)**: The total enclosed area of the horizontal surface of all floors of a building or buildings measured to the outside face of the structural members in exterior walls.

**Lot Area:** The total area within the lot lines of a platted lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area: i. Public street rights-of-way; ii. Private street area; and iii. Land that is submerged or regularly underwater and jurisdictional wetlands..

**Reduced Pole Flag Lot Development**: any development creating two or more Reduced Pole Flag Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lot Developments may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

**Residual Lot:** A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot pursuant to Section 8.4 – Reduced Pole Flag Lots & Small Lots.

**Small Lot:** A lot with reduced dimensional requirements with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Small Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

**Small Lot Development:** any development creating two or more Small Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Small Lot Developments may also include Reduced Pole Flag Lots created pursuant to Section 8.4. Small Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

**SUBDIVISION ORDINANCE AMENDMENTS**

**SECTION 4. ARTICLE 3. – CONFIGURATION Sec. 3.03** of the Subdivision Ordinance, **– Lots**, is amended as follows:

****

**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 any type of street. When located along an expressway or boulevard street ~~only in cases where~~ access to the street ~~is~~ shall be 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~~.~~ except as provided under Section 3.03. Reduced Pole Flag Lots.

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.

**D. Reduced Pole Flag Lots** (requirements below are cross-referenced from Hendersonville Zoning Ordinance, Sec. 8-4. – Reduced Pole Flag Lots & Small Lots)

1. **Purpose**: The purpose of this subsection 3.03D is to provide standards for the development of subdivisions containing Reduced Pole Flag Lots and/or Small Lots.

2. **Applicability**: The provisions of this Subsection 3.03D. shall apply to any subdivision containing a Reduced

Pole Flag Lot or Small Lot that is being developed in accordance with Section 8.4 of the City of Hendersonville Zoning Ordinance—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

3. **Dimensional Requirements:** All Reduced Pole Flag Lot Subdivisions and All Small Lot Subdivisions must comply with Section 8-4 of the City of Hendersonville Zoning Ordinance—Reduce Pole Flat Lots & Small Lots.

| | |
|---|---|
| **Reduced Pole Flag Lot Minor Subdivision:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |
| | |
| **Small Lot Minor Subdivision:** | |
| Maximum total number of lots permitted: | 6 |
| Maximum number of reduced pole flag lots permitted: | 5 |
| Maximum total acreage: | 2.0 acres |

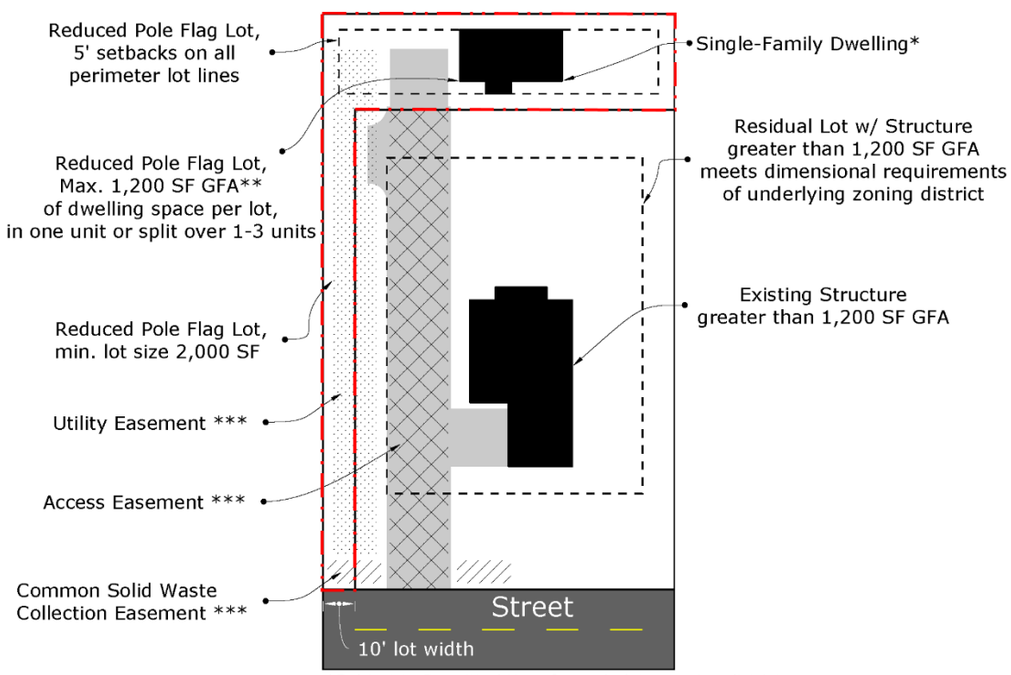



*Figure 1: Reduced Pole Flag Lot*

4. **Access and Frontage Improvements:**
   a) Driveways, Utilities and Accessways may be placed within the "pole" or an alternate site location via 'access' and/or 'utility' easements.
   b) Shared Driveways:
      a. Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)
      b. Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).
      c. Shared driveways must meet the following standards:
         i. The shared driveway must have a minimum of unobstructed width of 10 feet,
         ii. The shared driveway must be shown on the recorded plat, and
         iii. The shared driveway must be memorialized in a recorded* access easement containing

provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole' and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:

i. The shared utility easement must have a minimum of width of 10 feet,

ii. The shared utility easement must be shown on the recorded plat, and

iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office

b. Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

a. Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.

b. Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.

e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lots, Small Lots and Residual Lots.

5. **Reduced Pole Flag Lot & Small Lot Minor Subdivisions:**

a) The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

b) Reduced Pole Flag Lot' Minor Subdivisions and Small Lot Minor Subdivisions containing more than 3 total lots are not exempted from the standards of Article 6. 'Owners Associations'.

c) In no case shall each subdivided lot have less than 10 feet of street frontage. The pole can serve as the street frontage.

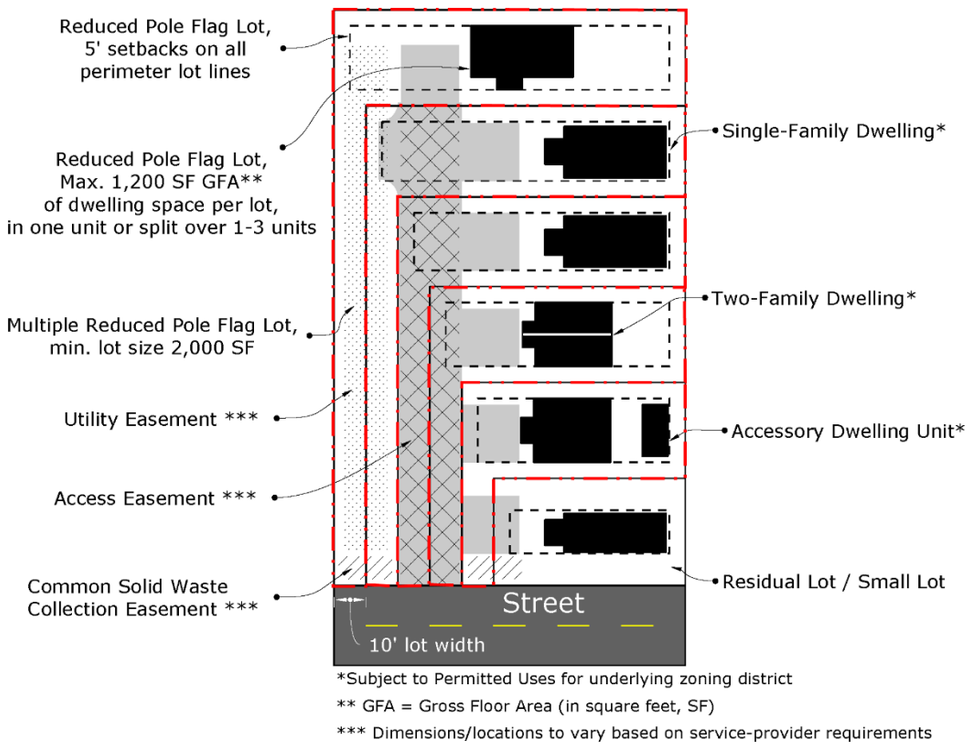



*Figure 2: Reduced Pole Flag Lot Development + Small Lot*

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

***

~~E.~~ F. **Corner lots.**

***

~~F.~~ G. **Drainage and flood prevention.**

***

**SECTION 5. ARTICLE 3. – CONFIGURATION Sec. 3.04**. of the Subdivision Ordinance, **Access to lots**, is amended to read as follows:

**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:

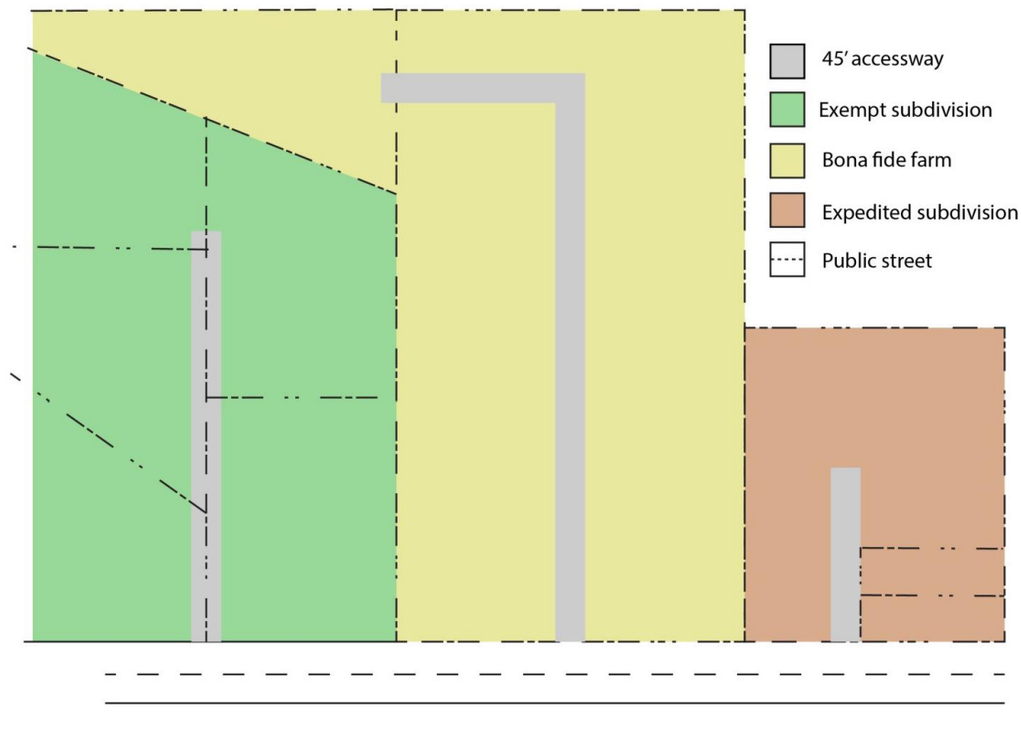
i) Up to three lots in an expedited subdivision; or

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).

3. **Access serving more than three lots.** With the exception of Reduced Pole Flag Lots Minor Subdivisions and/or Small Lot Minor Subdivisions containing more than three lots, accessways serving more than three lots shall be designed, built, and maintained to public street standards.

**FIGURE 3.04.A.2: STREET ACCESS EXEMPTIONS**

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**SECTION 6. ARTICLE 6 – OWNER ASSOCIATIONS Section 6.02 of the Subdivision Ordinance, Applicability, shall be amended as follows:**

**Sec. 6.02. Applicability.**

A. The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or shared responsibility for common infrastructure including, but not limited to streets or stormwater management facilities.

B. With the exception of Multiple Reduced Pole Flag Lot Minor Subdivisions and/or Small Lot Minor Subdivisions, establishment of an owners' association shall not be required for minor subdivisions (see section 2.04.I, minor subdivision), or expedited subdivisions (see section 2.04.F, expedited subdivision), but the responsible party for any private infrastructure shall be identified in the subdivision approval.

**SECTION 7. ARTICLE 8. – MEASUREMENT Section 8.02 of the Subdivision Ordinance, Rules of Measurement, is amended as follows:**

**Sec. 8.02. - Rules of measurement.**

C. Lot Dimensions

1. Lot Measurements.

a. Minimum lot area. The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

i. Public street rights-of-way;

ii. Private street area;

~~iii. The "pole," arm," or "pan handle" portion of a flag lot; and~~

iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

**SECTION 8. ARTICLE 9. – DEFINITIONS Section 9.01 of the Subdivision Ordinance, Definitions, is amended to amend and add the following definitions:**

**Sec. 9.01. - Definitions.**

**Flag Lot:** ~~An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.~~ A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

**Flag Lot, Reduced Pole**: A flag lot with reduced dimensional requirements created pursuant to the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

**Lot Area:** The total area within the lot lines of a platted lot. Lot Area shall be calculated according to Section 8.02.C.1.a. Minimum lot area of this Subdivision Ordinance.

**Reduced Pole Flag Lot Minor Subdivision**: A Minor Subdivision containing two or more Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Reduced Pole Flag Lot Minor Subdivisions may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

**Residual Lot:** A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

**Small Lot:** A lot with reduced dimensional requirements with a maximum square footage per the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

**Small Lot Minor Subdivision:** A minor subdivision containing two or more Small Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Small Lot Minor Subdivisions may also include Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4. Small Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

**SECTION 9.** 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 10.** 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 11.** This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

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

***~Mayor Volk asked for a brief break at 7:26 p.m. and returned to session at 7:32 p.m.~***

**C. Rezoning: Conditional Zoning District – Henderson County Courthouse and Detention Center Expansion (25-06-CZD) –** *Tyler Morrow, Current Planning Manager*

Tyler Morrow explained that the City of Hendersonville received an application for a Conditional Rezoning from Christopher Todd (Assistant County Manager) of Henderson County Government, applicant and William Lapsley (County Commissioner Chairman) of Henderson County Government, property owner. The applicant is requesting to rezone the subject property, PIN 9568-97-1859 and located at 200 N. Grove Street, from PID, Planned Institutional Development to PID-CZD, Planned Institutional Development Conditional Zoning District for the construction and expansion of the existing courthouse campus and detention center. The planned courthouse addition will span 90,859 square feet, while the detention center expansion will cover 53,443 square feet. The courthouse is proposed to reach a height of 92.75 feet to the roof coping, with the detention center proposed at 25.5 feet. The development includes a total of 579 parking spaces, marking a 117-space increase compared to existing conditions.

Assistant City Manager Chris Todd spoke and introduced Steve White from Fentress Architects who gave the following PowerPoint presentation.

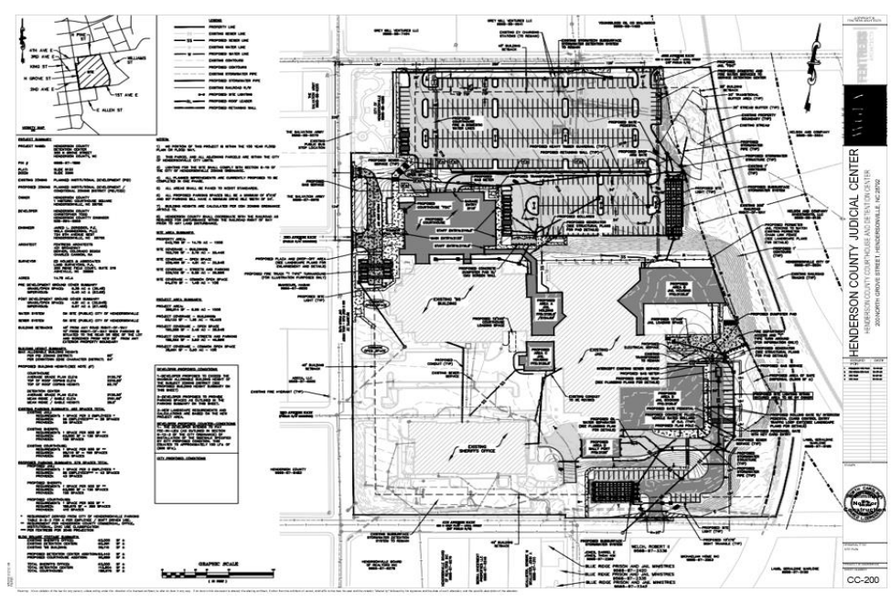
# HENDERSON COUNTY JUDICIAL CENTER

## CITY OF HENDERSONVILLE
## CITY COUNCIL MEETING

April 3, 2025

200 N Grove St
Hendersonville, NC 28792

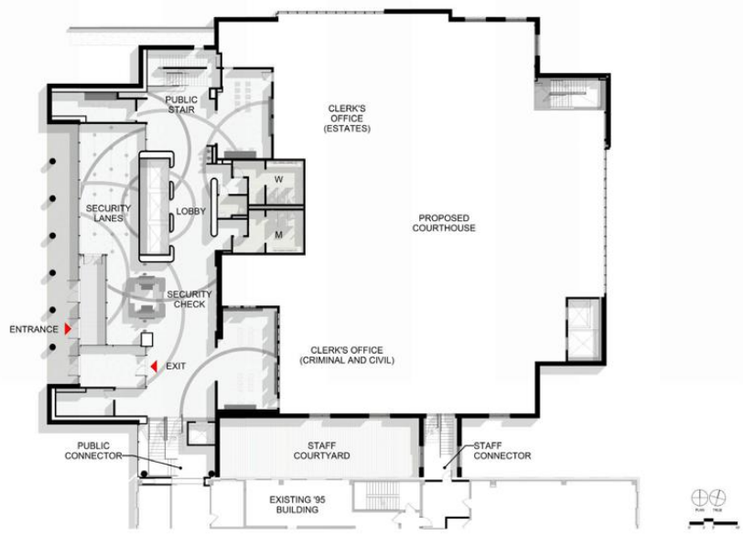
FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**SITE PLAN**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**FIRST FLOOR PLAN**

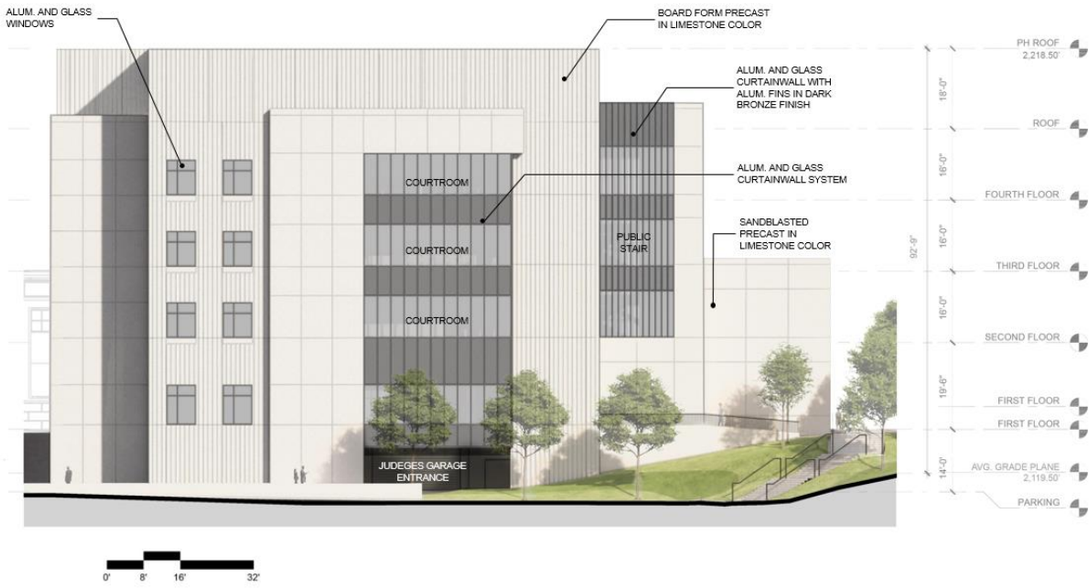
FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**WEST ELEVATION**

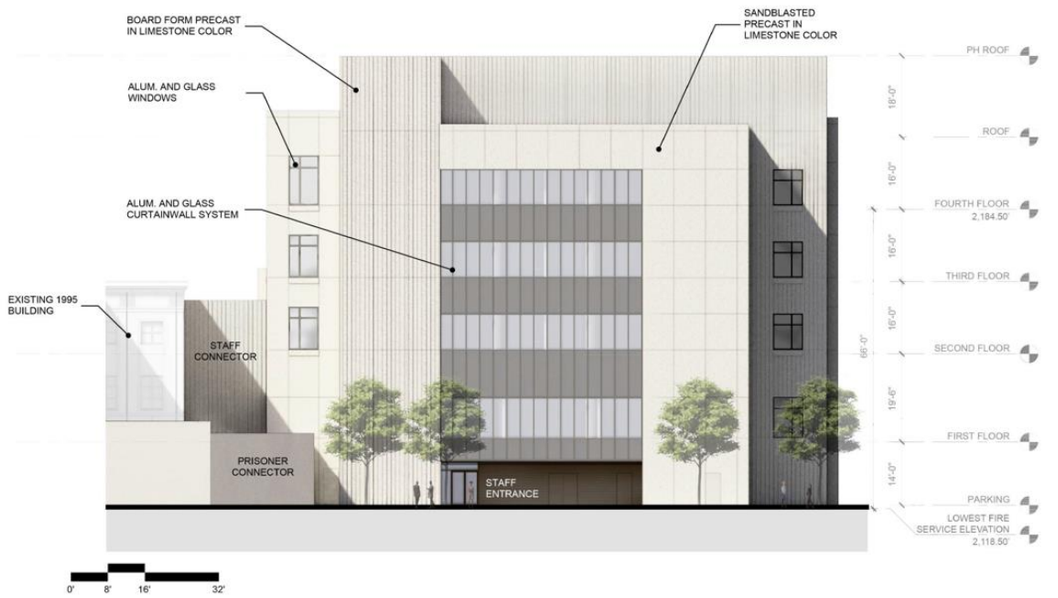
FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**NORTH ELEVATION**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**EAST ELEVATION**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




March 18, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**SOUTH ELEVATION**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**PERSPECTIVES**
North-West Corner View

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**PERSPECTIVES**
South-West Entrance View

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE



April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**PERSPECTIVES**
North-East Corner View

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE



April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**PERSPECTIVES**
Third Avenue Looking East View

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE



Aluminum with a Dark Bronze finish



Clear Insulated Glazing

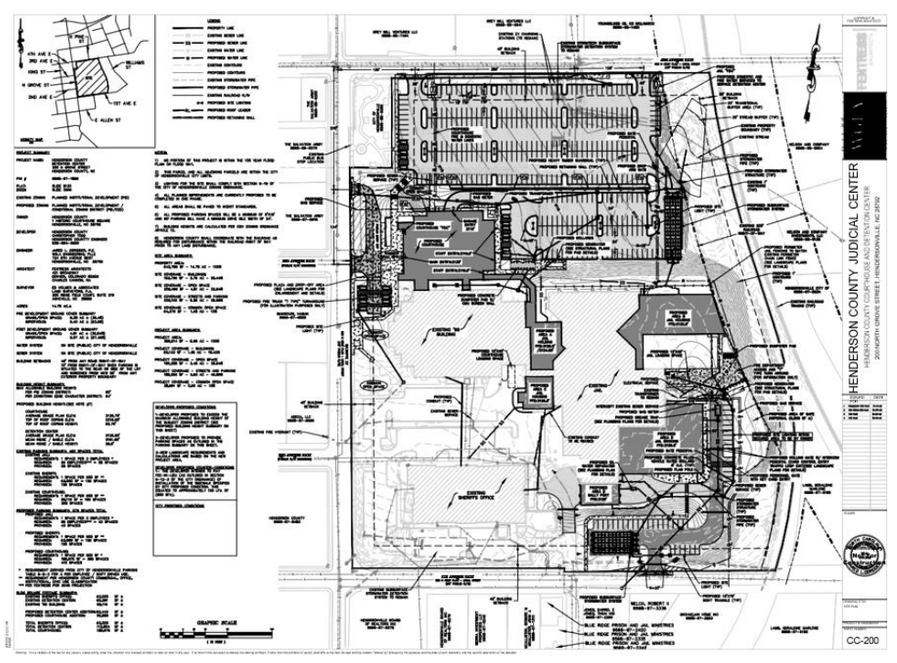


Precast Concrete in Rustic Buff Limestone color and sandblasted finish

April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**EXTERIOR FINISHES**

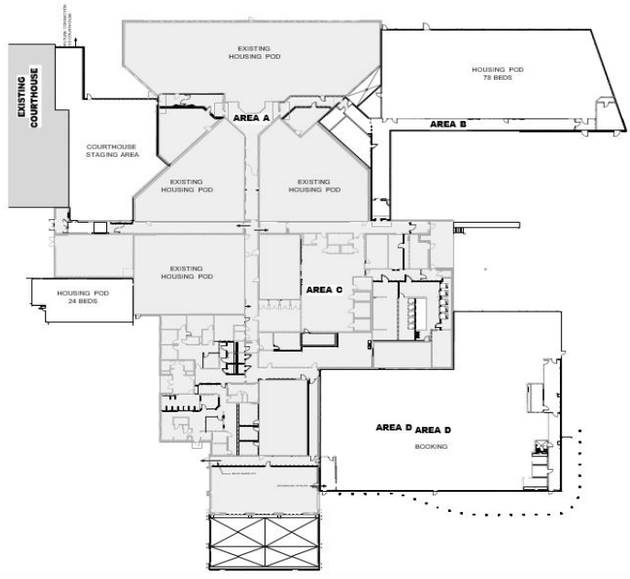
FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**SITE PLAN**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE




April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**DETENTION CENTER OVERALL PLAN**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE



**DETENTION CENTER - NEW VEHICULAR SALLYPORT**



**DETENTION CENTER - NEW ENTRANCE AT AREA "D"**

April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

**DETENTION CENTER RENDERINGS**

FENTRESS ARCHITECTS | mcmillan pazdan smith ARCHITECTURE

The public hearing was opened at 8:05 p.m.

**In Person:**

Ken Fitch spoke in favor of the rezoning and the fact that it is an important project, however mentioned the stairs to get in and should have easier access and deserves further attention. The other issues was parking spaces and whether the lots in the plan are adequate.

Lynne Williams spoke about building height and stream buffer protections and mentioned a few other concerns.

The public hearing was closed at 8:18 p.m.

Council Member Simpson said she would like to see them build a sidewalk instead of paying a fee in lieu. Also, it would be helpful to understand why the commissioners chose the parking option and not a parking deck.

Chris Todd said the cost of a parking deck pushed the cost of the project to be more expensive than they were comfortable with. The question the public asked was "will this have sufficient parking when it's done?" and the answer is yes. The blue line stream straddles both of our properties and we are happy to work with the city and any other groups to see if they want to have a voluntary clean-up day. As for the sidewalk, there was some rationale as to why we wanted to do the fee in lieu and one of them is that it would dead-end into the end of a rail line and at the time, we didn't feel like that was the most prudent thing to do. Also, in order to meet the ADA standard, that sidewalk would have to extend past our property line to the other side of the railway.

Lew Holloway so we did look into the sidewalk having to extend beyond the railway and we do believe that we have right-of-way along 4th Avenue for that entirety and that the sidewalk can be placed within that right-of-way. We would suggest a minor modification allowance that could be reduced to our standard 5 feet at or beyond the railway itself so we believe everything is in place to facilitate the construction of the sidewalk.

Chris Todd said everything is contingent upon the vote of the County Commissioners

Mayor Volk said that it seems like a relatively minor concession considering that we would be going 50% beyond our maximum height if we say yes to this. That's a pretty big concession so we think a little consideration for a sidewalk, they should think seriously about that as our ask.

Council Member Hensley asked Mr. Todd if they intend to preserve the walkavator? Mr. Todd said the simple answer is no. It will be removed. They're removing the entire staircase.

***City Council Member Gina Baxter moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-97-1859) from PID, Planned Institutional Development to PID-CZD, Planned Institutional Development Conditional Zoning District, for the construction of a 90,859 square foot courthouse and 53,443 square foot detention center based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 3-6-25] 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:***

***i. Public & quasi-public buildings***

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

***i. Additional conditions that shall be satisfied prior to final site plan approval include:***

***a. The project shall extend their sidewalks along 4th Ave within the railroad right of way up to their property line, or beyond as required. The sidewalk will maintain the same "park street" design of an 8' wide concrete sidewalk and 2' wide utility/planting strip as the existing sidewalk along this property frontage on 4th Ave.***

***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 a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV 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. ***This expansion would give the County the additional space needed to improve operational efficiency and enhance the services currently provided to its citizens.***
2. ***The proposed expansion of the detention center and courthouse builds upon a longstanding use established at this site for over three decades.***
3. ***Expanding the courthouse is a long-term investment in the community, ensuring that the infrastructure is capable of handling future needs without requiring another expansion in the near future.***

***A unanimous vote of the Council followed. Motion carried.***

Ordinance #O-25-18

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A PARCEL POSSESSING PIN NUMBER: 9568-97-1859 BY CHANGING THE ZONING DESIGNATION FROM PID, PLANNED INSTITUTIONAL DEVELOPMENT TO PID-CZD, PLANNED INSTITUTIONAL DEVELOPMENT CONDITIONAL ZONING DISTRICT**

IN RE: Parcel Number: 9568-97-1859
Address: 200 N. Grove Street
Henderson County Courthouse and Detention Center Expansion: (File # 25-06-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant, Christopher Todd (Assistant County Manager) of Henderson County Government, and property owner, William Lapsley (County Commissioner Chairman) of Henderson County Government, for the construction of a of a 90,859 square foot courthouse and 53,443 square foot detention center on approximately 14.78 acres, and

**WHEREAS,** the Planning Board took up this application at its regular meeting on March 13th, 2025; 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 April 3rd, 2025, 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 Number: 9568-97-1859, changing the zoning designation from PID, Planned Institutional Development to PID-CZD, Planned Institutional Development Conditional Zoning District.

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

   d. Development shall comply with the master site plan submitted by the applicant dated March 6th, 2025, 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].

   e. Permitted uses shall include:

      i. Public & quasi-public buildings

   f. Additional conditions that shall be satisfied prior to final site plan approval include:

      ii. The project shall extend their sidewalks along 4th Ave within the railroad right of

way up to their property line, or beyond as required. The sidewalk will maintain the same "park street" design of an 8' wide concrete sidewalk and 2' wide utility/planting strip as the existing sidewalk along this property frontage on 4th Ave.

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 3rd day of April, 2025.

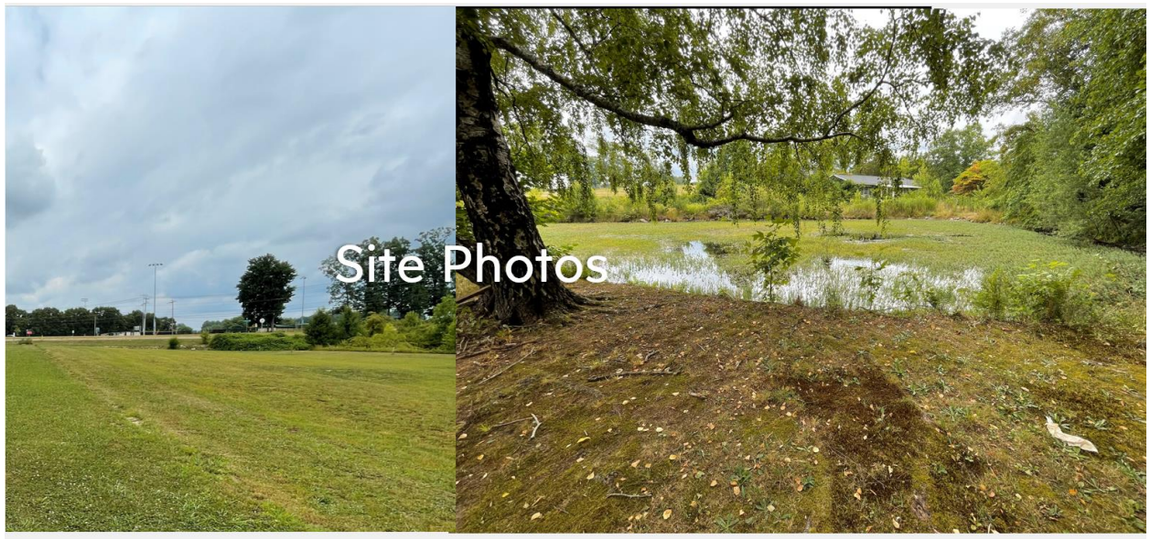
Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

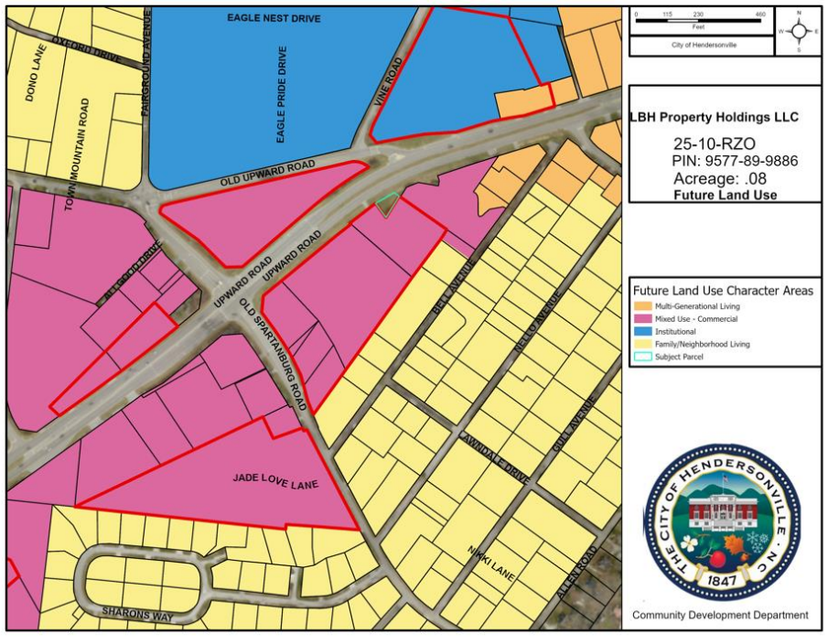
**D. Rezoning: Standard Rezoning – LBH Property Holdings, LLC (Lyndon Hill) (25-10-RZO) –** *Sam Hayes, Planner II*

Sam Hayes explained that the he City of Hendersonville approved an annexation petition from Lyndon Hill (property owners) for one parcel totaling .08 acres located along Upward Road. The applicant did not request zoning, therefore the City is initiating zoning. The County zoning remains in effect until municipal zoning is applied or a period of 60 days has elapsed after annexation. The City is proposing Central Highway Mixed Use as the proposed zoning district for this property. CHMU permits a range of commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved. In 2011, City planning staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Additionally, City Council created the Upward Road Planning District in line with the City's sewer extension policy.



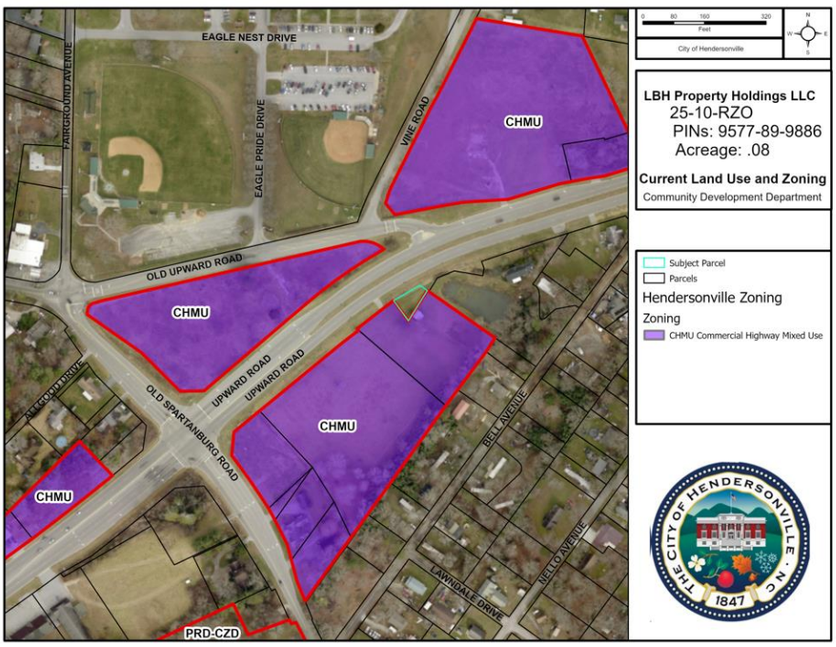



## 1) Comprehensive Plan Consistency: Future Land Use

+ Mixed Use - Commercial




## Current Land Use & Zoning

+ Henderson County Community Commercial (CC)

Surrounding Zoning:

+ Commercial Highway Mixed Use (CHMU)

## DRAFT: Comprehensive Plan Consistency Statement

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

*The proposed zoning of CHMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area designations in the areas adjacent to the subject parcel.*

## DRAFT: Reasonableness Statement

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

[**Rationale for Approval**]

- Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area.
- The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area.

## DRAFT: Reasonableness Statement

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

[**Rationale for Denial**]

- CHMU Zoning is inconsistent with the character of the surrounding area.

The public hearing was opened at 8:39 p.m.

There were no public comments.

The public hearing was closed at 8:39 p.m.

***City 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, PIN: 9577-89-9886 from Henderson County CC to City of Hendersonville Central Highway Mixed Use and designating the Future Land Use classification as "Mixed Use – Commercial" 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 of CHMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area designations in the areas adjacent to the subject parcel.***

***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. ***Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area.***
2. ***The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area.***

***A unanimous vote of the Council followed. Motion carried.***

Ordinance #O-25-19

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A CERTAIN PARCEL (POSSESSING PIN NUMBER 9577-99-0735) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE) ZONING DISTRICT**

IN RE: Parcel Numbers: 9577-99-0735
Upward Road - Hill (File # P24-36-RZO)

**WHEREAS,** the Planning Board took up this application at its regular meeting on July 11th, 2024; voting 7-0 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 August 1st, 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 August 1st, 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 Number: 9577-99-0735 from Henderson County CC (Community Commercial) Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use) Zoning District.

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 3rd day of April, 2025.

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

**E. Zoning Text Amendment: BOA Quorum Adjustment (P24-088-ZTA0 –** *Sam Hayes, Planner II*

Sam Hayes explained that City staff is proposing changes to the Board of Adjustment's membership structure, reducing the number of regular members from ten to five and establishing five alternate members. These changes would simultaneously limit the number of members required for quorum while maintaining the pool of members that would be eligible to participate. Additionally, staff recommends that the approval threshold for variance requests be set at four-fifths of the board, in alignment with state legislation.

# Board of Adjustment Member and Quorum Changes

(P24-088-ZTA)

## Zoning Text Amendment

City of Hendersonville City Council
April 3rd, 2025

Community Development | Planning Division

Sam Hayes |Planner II

## Project Background

- **Applicant:** City of Hendersonville Planning Staff
- **Proposed Changes:** City staff are proposing changes to our zoning ordinance to decrease the number of regular members on the board in Section 10-1 and adjusting the number of members needed to grant a variance in Section 10-6.
- **Applicant/Staff Reasoning:**
  - City staff has recognized a trend of decreasing board membership and participation over the years. The goal is to lessen the number of members required to hear applications in hopes of enabling fewer applications to be delayed.

## Staff Recommended Code Revisions

**Sec. 10-1. Establishment of board of adjustment and qualifications of members.**

A board of adjustment is hereby established. Said board of adjustment shall consist of ~~ten members~~ five regular members and five alternate members. ~~seven~~ Four regular members and four alternate members of the board of adjustment shall be citizens of the City of Hendersonville and shall be appointed by city council. ~~and three~~ One regular member and one alternate members of the board of adjustment who reside in the city's area of extraterritorial jurisdiction shall be appointed by the Board of Commissioners of Henderson County.

Terms shall be three years; however, city council and the Henderson County Board of Commissioners may appoint members for a lesser term in order to achieve a balanced system of overlapping terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board of adjustment. Notwithstanding the foregoing, the city council may remove any member of the board of adjustment for the exhibition of a pattern of conduct that materially impairs or seriously threatens the ability of the board of adjustment to carry out its designation functions.

~~The three m~~Members appointed to the board of adjustment by the board of county commissioners as representatives of the City of Hendersonville's Extraterritorial Jurisdiction shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the regulation of the zoning ordinance in the city and its extraterritorial jurisdiction.

~~City council or the county board of commissioners, as appropriate, may appoint a~~Alternate members to~~shall~~ serve on the board of adjustment in the absence of any regular members. Alternate members shall be appointed for the same term and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board of adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

- Decrease total membership from 10 to 5 members

| Regular Members (5 total) | | Alternates (5 total) | |
|---|---|---|---|
| City – 4 | ETJ – 1 | City – 4 | ETJ - 1 |

4

# Staff Recommended Code Revision

**Sec. 10-6. Quorum and voting.**

In accordance with G.S. 160D-406(i), Tthe concurring vote of ~~seven~~ four-fifths ~~majority of the members~~ of the board of adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board of adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board of adjustment for the calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

# Other Changes

| Name | Residence | Current Status | Amended Status |
|---|---|---|---|
| Reid Barwick | City | Regular Member | Regular Member |
| Libby Collina | City | Regular Member | Regular Member |
| Laura Flores | City | Regular Member | Regular Member |
| Rhona Reagan | City | Regular Member | Regular Member |
| Kyle Gilgis | City | Alternate Member | Alternate |
| Brett Werner | City | Regular Member | Alternate |
| Steven Collins | City | Regular Member | Alternate |
| [Vacant] | City | [New Position] | Alternate |
| Charles Webb | ETJ | Regular Member | [To be determined by Henderson County] |
| Ernest Mowell | ETJ | Regular Member | [To be determined by Henderson County] |
| Mark Russell | ETJ | Regular Member | [To be determined by Henderson County] |

| | | |
|---|---|---|
| 1) COMPREHENSIVE PLAN CONSISTENCY | 2) Compatibility | **EXISTING CONDITIONS**<br>The existing board membership and quorum requirements makes it very difficult to get enough members to hold meetings, resulting in applicants having to wait several months to have their applications heard.<br><br>**GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV)<br>**Vibrant Neighborhoods:** N/A<br>**Abundant Housing Choices:** N/A<br>**Healthy and Accessible Natural Environment:** N/A<br>**Authentic Community Character:** N/A<br>**Safe Streets and Trails:** N/A<br>**Reliable & Accessible Utility Services:** N/A<br>**Satisfying Work Opportunities:** N/A<br>**Welcoming & Inclusive Community:** N/A<br>**Accessible & Available Community Uses and Services:** N/A<br>**Resilient Community:** N/A<br><br>**GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES** (Chapter IV)<br>**Mix of Uses:** N/A<br>**Compact Development:** N/A<br>**Sense of Place:** N/A<br>**Conserved & Integrated Open Spaces:** N/A<br>**Desirable & Affordable Housing:** N/A<br>**Connectivity:** N/A<br>**Efficient & Accessible Infrastructure:** N/A |
| 1) COMPREHENSIVE PLAN CONSISTENCY | 3) Changed Conditions | **Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**<br><br>As development and redevelopment increases in Hendersonville, the board of adjustment receives more applicants as there are requests for special use permits and variances. |
| | 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 -**<br><br>Staff has worked to craft revisions to this ordinance that will help the board of adjustment run more smoothly, thereby creating a more efficient board. |
| | 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**<br><br>This amendment will have no impact on public facilities. |
| | 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 -**<br><br>There is no impact on the natural environment. |




The public hearing was opened at 8:45 p.m.

In Person:

Lynne Williams said she was concerned about checks and balances. Right now you have three Planning Board members on the Board of Adjustment and it only takes four in order to have a vote so I'm just thinking maybe consider how many Planning Board members can be on the Board of Adjustment.

The public hearing was closed at 8:46 p.m.

***City Council member Gina Baxter moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 10-1. Establishment of board of adjustment and qualifications of members., Section 10-6. Quorum and voting., Section 10-8-2 Preliminary site plan., and Section 10-8-3 Evidentiary hearings on applications for special use permits. based on the following:***

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

> ***The petition aligns with the City's adopted plan's policy guidance to provide efficient government services.***

***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. ***Changing the number of members on the Board of Adjustment will assist with ensuring applications will be heard in a timely manner.***

***A unanimous vote of the Council followed. Motion carried.***

***ORDINANCE***

## 8. NEW BUSINESS

**A**. **Rotary Club Request to Install Peace Pole at Lennox Park –** *Lynn Marks, Rotary Club President*

City Manager Connet said Lynn could not join us tonight so he would explain the request. The goal of the Rotary Club is to install a large number of Peace Poles around our country with the theme of May Peace Prevail On Earth. They wanted to do one close to the Ecusta Trail and the closest public property would be Lennox Park so they have requested to put a Peace Pole there which will be similar to the one outside of City Hall and we have one at Patton Park as well.

***Council Member Lyndsey Simpson moved the City Council to approve the placement of a Rotary Peace Pole at Lennox Park on S. Whitted Street.. A unanimous vote of the Council followed. Motion carried.***

**B. Medical Insurance Plan Selection –** *Brian Pahle, Assistant City Manager*

Assistant City Manager Pahle explained that we have the selection of our new health insurance provider for the city which is Blue Cross.

***Council Member Jennifer Hensley moved the City Council to approve the Resolution Authorizing the City Manager to Negotiate a Contract with the Firm Submitting the Best Overall Proposal for the City's Health Insurance Plan. A unanimous vote of the Council followed. Motion carried.***

Resolution #R-25-28

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE FIRM SUBMITTING THE BEST OVERALL PROPOSAL FOR CITY'S HEALTH INSURANCE PLAN**

**WHEREAS,** the City requested proposals on its current health insurance plan in January of 2025; and

**WHEREAS,** the City received five (5) proposals, with the low bid being a +14.1% increase and the high bid being a +43.0% increase; and

**WHEREAS,** three (3) of the bids were all withing one percentage point of each other at +33.0%; and

**WHEREAS,** only one bid received was for a pooled self-insured option, while the rest were fully insured options; and

**WHEREAS,** based on staff review the Blue Cross Carolina Public Entity Cooperative (CPEC) is the recommended best option for the City of Hendersonville, at a +33.9% increase, based on its comprehensive proposal and plan design;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA** that:

1. The City Manager is authorized to enter into a contract with Blue Cross CPEC for their proposal for the City's health insurance plan for the fiscal year 2026.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

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

## 9. CITY MANAGER REPORT

### A. March 2025 Contingency and Adjustment Report – *John Connet, City Manager*

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

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

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

| FISCAL YEAR 2024 - 2025 (FY25) BUDGET AMENDMENTS AND ADJUSTMENTS | | | Completed / Proposed | Corrected / Denied | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET | DESCRIPTION | APPROVED | TYPE | AMENDMENT NUMBER |
| 010-1300-523003 | Utilities Telephone &Internet | 51,000 | - | 5,200 | 45,800 | Tablets- T-mobile | yes | Adjustment | 3/7/2025 |
| 010-1010-534000 | Non-Capital Equipment | 68,601 | 5,200 | - | 73,801 | Tablets- T-mobile | yes | Adjustment | 3/7/2025 |
| 060-1008-519200 | Contracted Services | 253,000 | - | 19,000 | 234,000 | MuniLink | yes | Adjustment | 3/11/2025 |
| 060-1008-531210 | Permits, Licences, Fees | 66,000 | 19,000 | - | 85,000 | Munilink | yes | Adjustment | 3/11/2025 |
| 010-1002-519200 | Contracted Servies | 45,922 | - | 5,000 | 40,922 | Communicaiton AV | yes | Adjustment | 3/19/2025 |
| 010-1002-521001 | Supplies & Materials | 413 | 5,000 | - | 5,413 | Communicaiton AV | yes | Adjustment | 3/19/2025 |
| 010-1002-519200 | Contracted Servies | 40,922 | - | 5,095 | 35,827 | Eli Lilly and Jabil Incentive | yes | Adjustment | 3/19/2025 |
| 010-1002-532105 | Incentive Program | 171,605 | 5,095 | - | 176,700 | Eli Lilly and Jabil Incentive | yes | Adjustment | 3/19/2025 |

## 10. CITY COUNCIL COMMENTS

Council Member Simpson said that Lew and I participated in a meeting with our downtown staff and folks from out of state that are involved in small business incubators and they were working on the feasibility for us to do some stuff here in our community and I have to say it was a really fun discussion to be a part of and I think that there's going to be some really cool stuff that comes out of it.

## 11. ADJOURN

There being no further business, the meeting adjourned at 8:53 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk

# MINUTES

April 23, 2025

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY HALL - 2ND FLOOR MEETING ROOM | 160 6TH AVENUE E. | 4:00 p.m.

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

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Staff Attorney Daniel Heyman, Communications Manager Allison Justus, Communications Coordinator II Brandy Heatherly and others.

## 1. CALL TO ORDER

Mayor Barbara Volk called the meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

## 2. CONSIDERATION OF AGENDA

***Council Member Melinda Lowrance moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.***

## 3. PRESENTATIONS

### A. Employee Wellness Program Update – *John Connet, City Manager*

City Manager Connet explained that several weeks ago Mayor Pro Tem Hensley asked for an update on the Employee Wellness Program and Benefit and we asked our HR department to be here to present but they are not here so Assistant City Manager Brian Pahle will give a brief PowerPoint presentation of the current City benefits.






# Wellness

**Incentive program.** Currently, 250 employees are registered, and we average 145 meeting the quarterly goal. Employees meeting the goal receive two vacation days.

**Employee clinic.** Employees may visit the health professionals at Pardee@Work for non-work related medical issues. There were 341 employee visits in 23-24 and, thus far in this fiscal year, 248 visits.

**Events.** The City offers on-site activities such as wellness fairs, skin cancer screenings, flu & TDAP shots, along with a hiking series, softball team and more.







*"So I started with the City of Hendersonville in March of this year, 2024. I found out about this program and basically did it for the extra days off. Since being on the goal, I've lost weight and a clothing size. It's been a win / win."*
*Engineering Technician III*

# Screenings

The City provides on-site health screenings every year for employees and spouses on the medical insurance. Anyone who does not meet at least three standards is offered health coaching.

2022 – 49 did not meet standards
2023 – 35 did not meet standards
2024 – 21 did not meet standards




MODERATE CONTROL STANDARDS
*(need to meet three)*

**1. Blood Pressure**
< 140/90 or decrease by 10%

**2. Cholesterol/HDL Ratio**
< 4 or decrease by 10%

**3. Blood Glucose**
Fasting glucose < 126 or decrease by 10% OR A1C < 7.0%

**4. Waist Circumference**
<= 35" (female) or <= 40" (male) or decrease 5%

**5. Average 200 points quarterly with AccelWell**
(employees only)

# Medical Insurance

Employee only - 220

Employee & spouse - 32

Employee & child - 20

Employee & children – 22

Employee & family – 43

Waived medical - 11



# Paid Family Leave

| 2023 | |
|---|---|
| Admin | 1 |
| Comm Devel | 1 |
| Engineering | 1 |
| Finance | 1 |
| Fire | 5 |
| HR | 1 |
| Legal | 1 |
| Police | 5 |
| Public Works | 2 |
| Water/Sewer | 5 |
| Total | 23 |

| 2024 | |
|---|---|
| Fire | 4 |
| HR | 2 |
| Police | 4 |
| Public Works | 1 |
| Water/Sewer | 5 |
| Total | 16 |

| 2025 | |
|---|---|
| Finance | 1 |
| Fire | 2 |
| HR | 2 |
| Police | 2 |
| Public Works | 1 |
| Water/Sewer | 1 |
| Total | 9 |

# Short Term Disabilty

| 2023 | |
|---|---|
| Engineering | 1 |
| Finance | 1 |
| Fire | 3 |
| Police | 5 |
| Public Works | 4 |
| Water/Sewer | 4 |
| Total | 18 |

| 2024 | |
|---|---|
| Finance | 1 |
| Fire | 1 |
| Police | 1 |
| Public Works | 1 |
| Water/Sewer | 3 |
| Total | 7 |

| 2025 | |
|---|---|
| Fire | 1 |
| Police | 1 |
| Public Works | 1 |
| Total | 3 |



# Absence Utilization

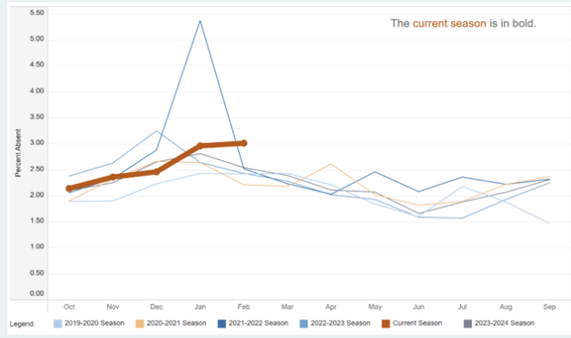
**Total 2024.** In total 6,926 days were utilized in 2024.

- Sick = 2,200
- Vacation = 3,387
- Wellness = 1,339

**On Average.** This equates to approximately 18 days per year per employee, or 7.26% of total working days (248).

- Sick = 2.26% or 5.6 Days
- Vacation = 3.44% or 8.54 Days
- Wellness = 1.54% or 3.82 Days

**Impacts.** The only budgetary impacts felt by sick, vacation, and wellness utilization are overtime costs. If a sanitation worker utilizes 4 days of wellness during the year, this would equate to approx. $900 in salary costs for overtime. Wellness days supplement vacation and sick use, which would likely be used anyway if wellness days were not available.




*National Avg. of Sick Leave Utilization by Season*

**B. Presentation of Pavement Condition Inventory** – *Various Staff*

Assistant City Manager Brian Pahle gave a brief overview of what is going to be discussed. Lew Holloway, Craig Shoreling, Blake Fulgham, Brian Pahle, Matt Manley and Brent Detwiler all discuss the options below.




## PRESENTATION OBJECTIVES

**01**

To update City Council with current conditions of City streets and impacts of current PROWAG requirements.

**02**

To prioritize the level of services to be strived for and potential rates to fund them.

## AGENDA

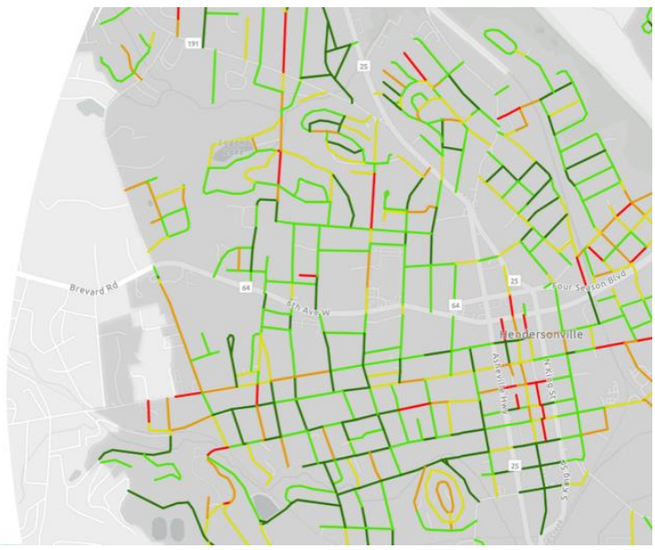
Topics to Cover:

1. PCI Process, Score, and Map
2. PROWAG – What it is and the impacts…
3. Bike/Ped Impacts
4. Project Examples
   - 7th Ave. (Tracks to Gwy)
   - Blythe St. (5th to 6th)
5. Revenue Options
   - PILO Sidewalks
   - MFV Benchmarks
   - G.O. Bond
6. Why is this important?
   - Larger Impacts (NCDOT/MPO)
   - Corridors/High Risk Network
   - Ped./Veh. Accidents
   - Do it right…complete street
   - Enhance NCDOT Projects

Craig Shorling from Transmap Engineering PLLC began with the pavement condition index. We've been doing your pavement sinve 2018 and this is your second inspection.

# Section 1 – PCI Overview

Transmap Engineering, PLLC




## EXECUTIVE SUMMARY

| Hendersonville, NC – Reporting Details | |
|---|---|
| PMS Report Date | September 2024 |
| Number of Miles in Network Asphalt and Concrete Roads only | 68.62 |
| Value of the Network | $107 Million |
| Cost to Fix Everything | $5.2M |
| Average Network PCI | 74 |
| Work Planning Horizon | 5 Years |
| Do-Nothing Budget | PCI = 56 after 5-Yrs |
| Budget to Maintain the Current Network PCI | $1.402M |
| Given Projected Annual Budget - $925k | PCI drops 7 points after 5-Yrs |

## EXECUTIVE SUMMARY

The results of a Pavement Management System analysis provide a quantitative performance score called the Pavement Condition Index (PCI).

Pavement Condition Index (PCI) is a term representing the surface condition of the pavement on a scale of 0 to 100.

For example:

- PCI of 100 is a pavement in perfect condition
- PCI of 0 is a pavement that is failed

# CURRENT PCI – SEPT. 2024

**Hendersonville, NC PCI = 74**

| PCI Range | Condition |
|---|---|
| 86-100 | Good |
| 71-85 | Satisfactory |
| 56-70 | Fair |
| 41-55 | Poor |
| 26-40 | Very Poor |
| 11-25 | Serious |
| 0-10 | Failed |

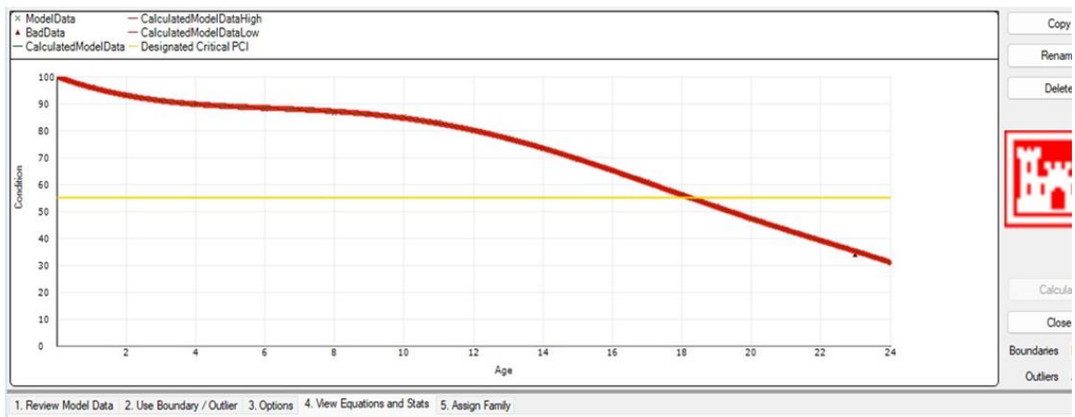
**Jul. 2018 PCI = 71**

# DATA COLLECTION




# PAVEMENT TREATMENT OPTIONS

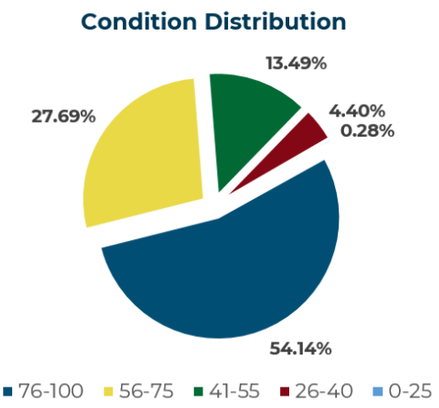
## Deterioration Curve



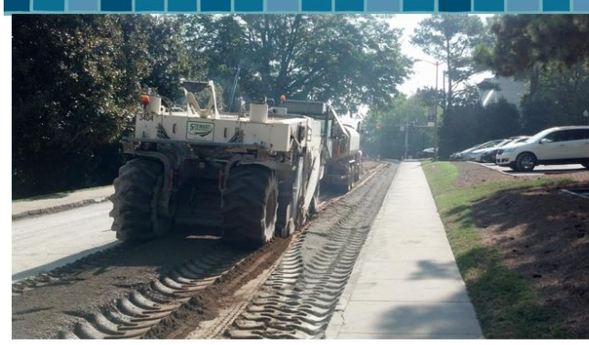

**1 * (100 - 4.65379810333252 X^1 + 0.636216700077057 X^2 - 0.0199684072285891 X^3 - 0.00277889263816178 X^4 + 0.0001826555817388 X^5 - 3.036108410015E-06 X^6) PCI Pts**

# PAVEMENT TREATMENT OPTIONS

| M&R Category | M&R Treatment | Price per Sq. Yard | Expected Result |
|---|---|---|---|
| Do Nothing (PCI 76-100) | N/A | $0.00 | N/A |
| Conventional (PCI 56-75) | 1.5" Mill & Overlay | $10.90 | 10 Year Stabilization (Reset PCI = 100) |
| Conventional (PCI 41-55) | 2.0" Mill & Overlay | $15.20 | 15 Year Stabilization (Reset PCI = 100) |
| Conventional (PCI 26-40) | 3.0" Mill & Overlay | $24.90 | 20 Year Stabilization (Reset PCI = 100) |
| Reconstruction (PCI 0-25) | FDR | $27.00 | 25 Years (Reset PCI = 100) |




# PAVEMENT TREATMENT OPTIONS



**Full Depth Reclamation**



# PAVEMENT TREATMENT OPTIONS



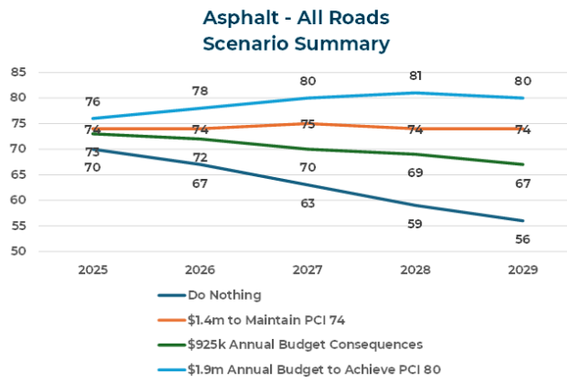
**Mill & Overlay**

**Slurry Seal**



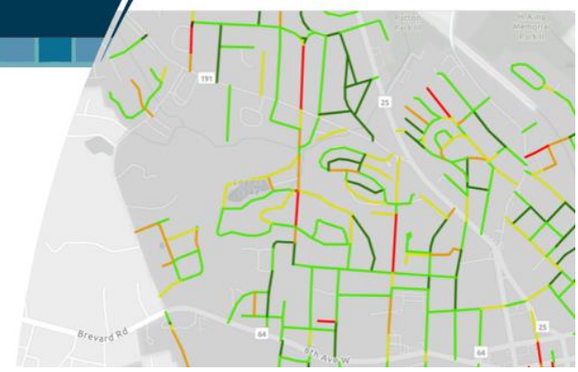
## PCI @ DIFFERENT SERVICE LEVELS

| Year Beginning July 1, 2025 | Do Nothing | $1.4m to Maintain PCI 74 | $925k Annual Budget Consequences | $1.9m Annual Budget to Achieve PCI 80 |
|---|---|---|---|---|
| 2025 | 70 | 74 | 73 | 76 |
| 2026 | 67 | 74 | 72 | 78 |
| 2027 | 63 | 75 | 70 | 80 |
| 2028 | 59 | 74 | 69 | 81 |
| 2029 | 56 | 74 | 67 | 80 |



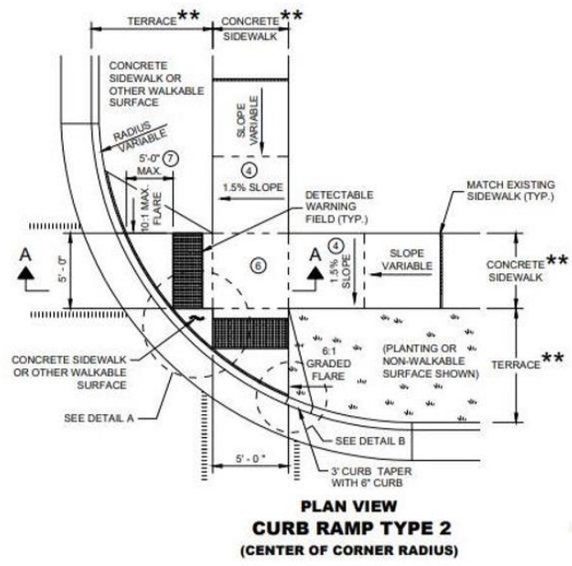

## PCI GIS Link

- https://gis-hendersonville.hub.arcgis.com/



Management Analyst for Strategy and Performance Blake Fulgham spoke abou the ADA Transition Plan.

## Section 2 – ADA Transition Plan



# ADA ASSESSMENT

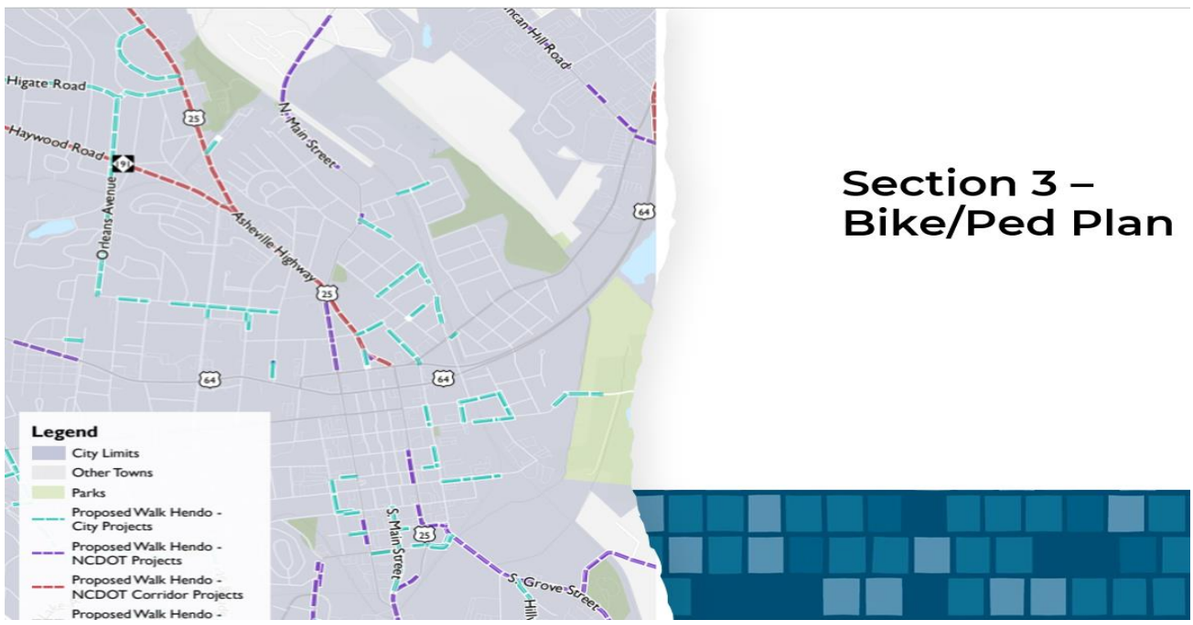
- Between March & April of 2024, Precision Infrastructure Management conducted an Americans with Disabilities Act Self-Assessment of our City's public rights-of-ways.
- Hendersonville aims to provide its community fair access to public right-of-ways and ensuring safe conditions for pedestrian travel.
- Current barriers may pose safety/injury risk for pedestrian travelers, reduced access to local facilities, as well as a decreased quality of life.
- The City partnered with the public to announce the ADA assessment, disseminated a public survey which received 86 responses, and plans to publicize the final report.

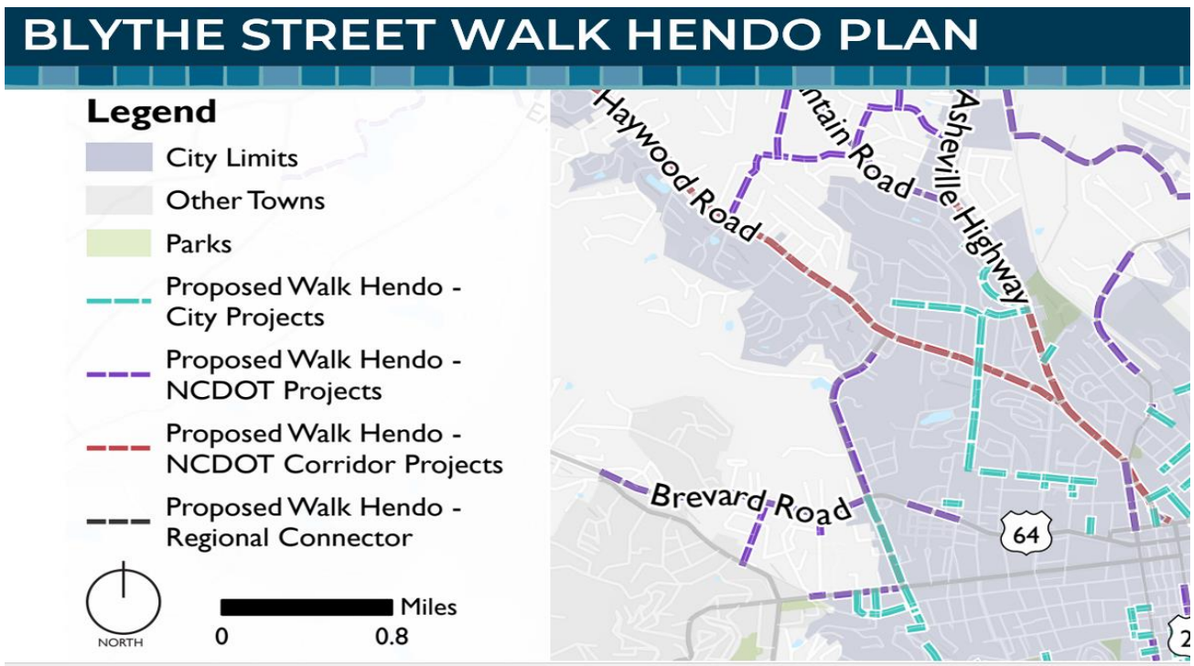
# ADA BARRIERS

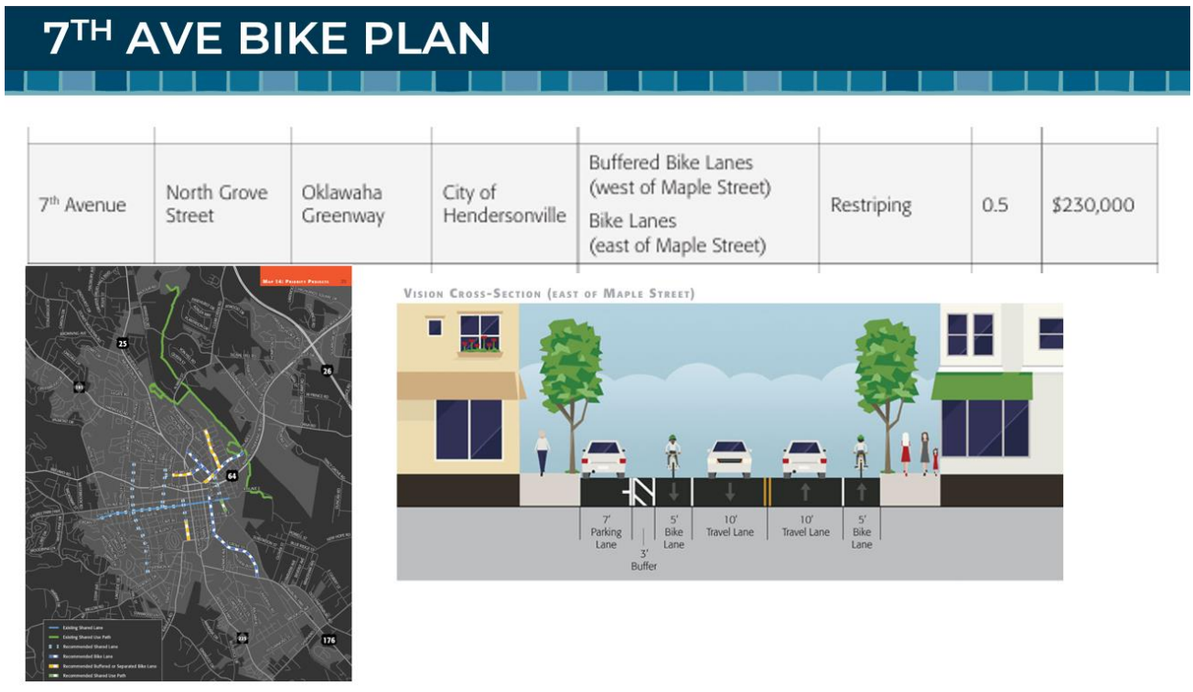
- Vertical Height Displacements and sidewalk Demolition & Replacement account for 63.6% of ADA barriers.

| Barrier Class | Total Barriers | Cost to Repair |
|---|---|---|
| Cross Slope>50 ft. | 344 | $ 1,301,250 |
| Crosswalks | 1116 | $ 1,954,750 |
| Curb Ramps | 1659 | $ 6,510,000 |
| No Curb Ramp | 185 | |
| Driveway Cross Slopes | 846 | $ 1,825,750 |
| Obstructions | 524 | $ 185,000 |
| Vertical Height Displacements | 7582 | $ 815,189 |
| Demolition & Replacement | 675 | $ 577,500 |
| Sidewalk Gaps & Footpaths | 17 | $ 101,250 |
| Sidewalk < 4 ft. | 37 | $ 147,000 |
| **Total** | **12985** | **$ 13,417,689** |

Long-Range Planning Manager Matt Manley spoke about the bike/pedestrian plan.






Public Services Director Brent Detwiler spoke about project examples and what it looks like from a cost standpoint.

# Section 4 – Project Examples

**City of Hendersonville**
**305 Williams Street**
**Hendersonville, NC 28792**

**OPINION OF PROBABLE COST**

**PROJECT:** Blythe Street, Complete Street

**PREPARED BY:** Brent Detwiler, PE

**REVIEWED BY:** Brent Detwiler, PE

**Estimate For:**
Preliminary Costs: ☑
Design Costs: ☐
Construction Costs: ☐

**Date: 4/20/25**

| ITEM | DESCRIPTION | EST. QUAN | UNIT | UNIT PRICE | TOTAL |
|---|---|---|---|---|---|
| 1 | Mobilization | 1 | LS | $50,000.00 | $50,000.00 |
| 2 | Construction Surveying | 1 | LS | $15,000.00 | $15,000.00 |
| 3 | Grading (Including Pavement Removals) | 1 | LS | $300,000.00 | $300,000.00 |
| 4 | Aggregate Base Cources | 750 | TON | $50.00 | $37,500.00 |
| 5 | 4" Concrete Sidewalk | 2000 | SY | $75.00 | $150,000.00 |
| 6 | Concrete Curb Ramp | 15 | EA | $3,500.00 | $52,500.00 |
| 7 | 6" Concrete Driveway | 700 | SY | $125.00 | $87,500.00 |
| 8 | Prime Coat | 2500 | GAL | $12.50 | $31,250.00 |
| 9 | Milling Asphalt Pavement, 2" Depth | 5000 | SY | $8.00 | $40,000.00 |
| 10 | Asphalt Concrete Surface Course, Type S9.5C | 600 | TON | $100.00 | $60,000.00 |
| 11 | Asphalt Binder for Plant Mix | 60 | TON | $700.00 | $42,000.00 |
| 12 | Temporary Traffic Control | 1 | LS | $100,000.00 | $100,000.00 |
| 13 | Drainage Allowance | 1 | LS | $80,000.00 | $80,000.00 |
| 14 | Minor Items (5%) | 1 | LS | $50,000.00 | $50,000.00 |
| | **Construction Subtotal** | | | | **$1,095,750.00** |
| | **Construction Contingencies (20%)** | | | | **$219,150.00** |
| | **Design Costs (Engineering, Survey, Geotech, Permitting - Assume 15%)** | | | | **$197,235.00** |
| | **Construction Management (10%)** | | | | **$131,490.00** |
| | **Adminstration Costs (Legal, Acquisition - Assume 5%)** | | | | **$65,745.00** |
| | **Total Estimated Project Cost (Rounded)** | | | | **$1,709,000.00** |

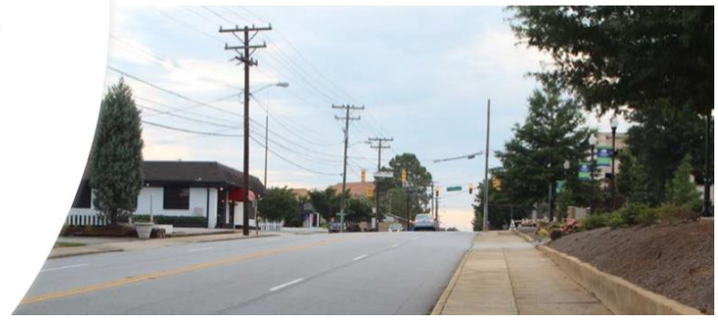
Description:
3200LF 5-ft concrete sidewalk replacing existing along east side of Blythe Street from 5th Avenue to near 6th Avenue (end of NCDOT projecy), add sidewalks to west side
Curb ramp and driveway improvements from ADA
Road resurfacing for the full roadway, including striping shared lane markings within road width

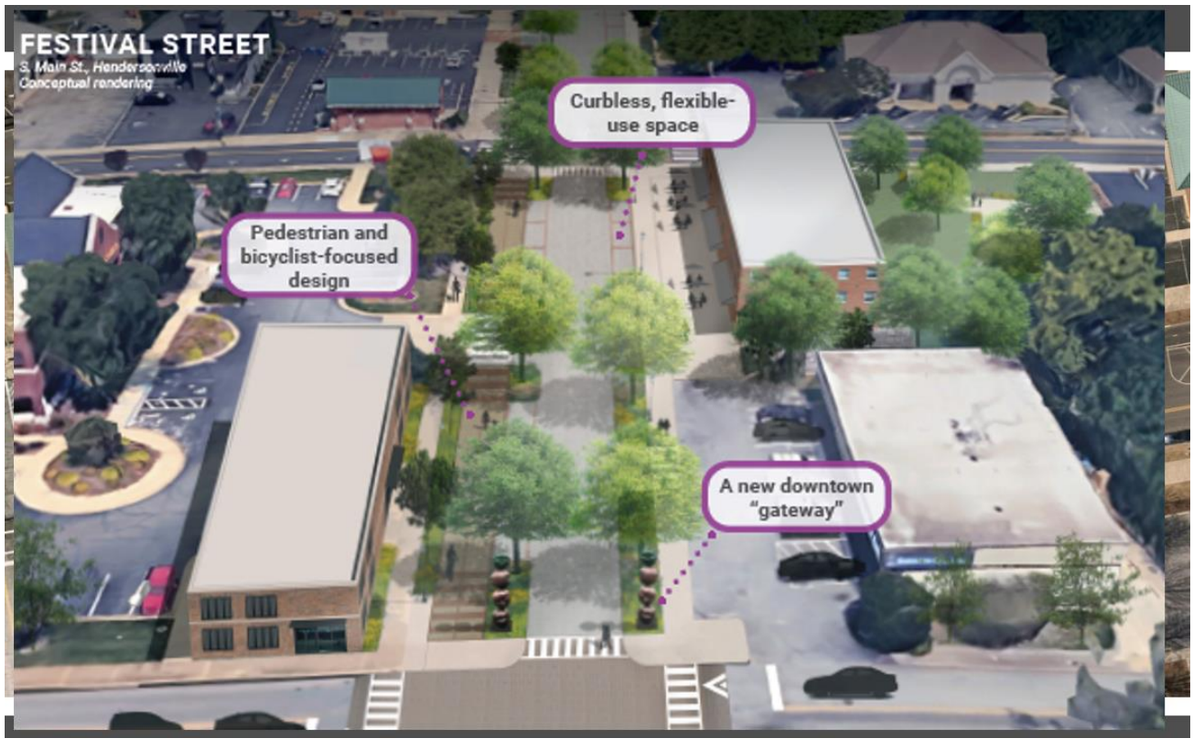
# What is a Complete Street?

In the state of NC, NCDOT developed policy to consider and incorporate several modes of transportation when building new projects or making improvements to existing infrastructure. The benefits of this approach include:

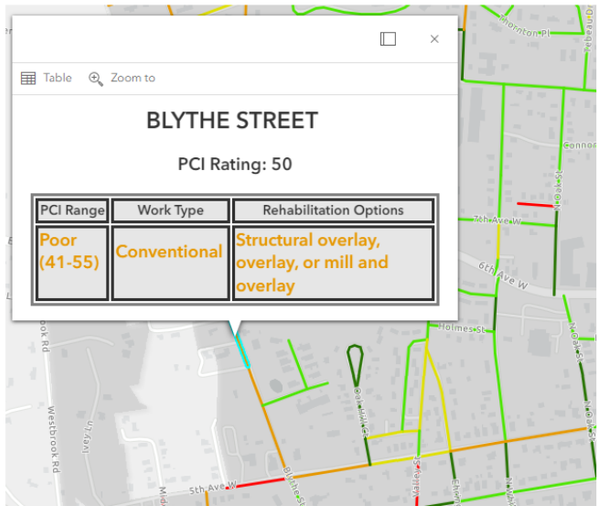
- Making it easier for travelers to get where they need to go;
- Encouraging the use of alternative forms of transportation;
- Building more sustainable communities;
- Increasing connectivity between neighborhoods, street, and transit systems;
- Improving safety for pedestrians, cyclists, and motorists.








# BLYTHE STREET EXAMPLE




- Complete Street:
  **$1,709,000 (~$1100/LF)**
- Replace Existing Sidewalks (East Side) and Paving with Bicycle Lanes:
  **$1,103,000 (~$700/LF)**
- Repave and Repair ADA Transition Plan Deficiencies with Bicycle Lanes:
  **$856,000 (~$500/LF)**
- Repave Only with Sharrows:
  **$384,000 (~$240/LF)**

- **Blythe Street ADA Deficiencies**



# 7TH AVENUE EXAMPLE




- Complete Street:
  **$5,924,000 (~$2900/LF)**
- Replace Existing Sidewalks (Both Sides) and Paving with Bicycle Lanes:
  **$3,048,000 (~$1500/LF)**
- Repave and Repair ADA Transition Plan Deficiencies with Bicycle Lanes:
  **$1,294,000 (~$600/LF)**
- Repave Only with Sharrows:
  **$560,000 (~$270/LF)**

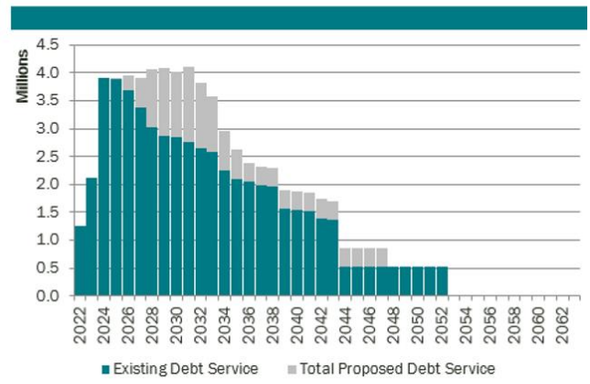


7th Avenue ADA Deficiencies

Assistant City Manager Brian Pahle talked about the revenue options.

# Section 5 – Revenue Options




## REV. OPTIONS – MOTOR VEH. FEE

### NCGS 20-97(b1):

(1) The first $5.00 is general purpose – we can use this for anything the City can lawfully appropriate funds for.
(2) The second $5.00 can be used to finance, construct, operate, and maintain transportations systems – only applies to a City or town operating a transportation system defined in NCGS 105-550.
(3) The remaining $20.00 can be used to maintain, repair, construct, re-construct, widen, or improve public streets that are not part of the State highway system.

### Currently:

(1) The City leverages a $15 fee.
(2) On average this fee produces $220k in revenues per year.
(3) An additional $15 would allow for the City to add another $220k in revenue to the existing paving program, bringing the total revenue to $440k per year.
   i. Approximately $200k of this goes to Apple Country Public Transit.

## REV. OPTIONS – PILO SIDEWALKS

### Historical City Revenues:

- FY22 = $13,933
- FY23 = $60,621
- FY24 = $39,006
- FY25 = $61,575

- **Average = $43,784**

- This funding is available for sidewalk construction within specific districts. Current cost is $75 per linear foot.

- Fee Schedule Amendment Recommendation in FY26 Budget ($130 per linear foot).



# REV. OPTIONS – G.O. BOND @ $5M

**City of Hendersonville, North Carolina**
Capital Planning Model - General Fund
Scenario 1
Existing and Proposed Debt Service

| | | | | | | | | 8 |
|---|---|---|---|---|---|---|---|---|
| | Existing Debt Service | | | | Series 2027 - G.O. Bond Transportation | | | |
| Fiscal Year | Principal | Interest | Debt Service | Balance | Principal | Interest | Debt Service | Balance |
| | 44,816,730 | 12,569,745 | 57,386,475 | | 5,000,000 | 2,358,175 | 7,358,175 | |
| 2022 | 989,768 | 261,178 | 1,250,946 | 43,826,962 | - | - | - | - |
| 2023 | 1,431,745 | 682,086 | 2,113,831 | 42,395,217 | - | - | - | - |
| 2024 | 2,814,513 | 1,095,915 | 3,910,427 | 39,580,704 | - | - | - | - |
| 2025 | 2,839,493 | 1,055,404 | 3,894,897 | 36,741,211 | - | - | - | - |
| 2026 | 2,699,622 | 979,325 | 3,678,948 | 34,041,589 | - | - | - | - |
| 2027 | 2,471,353 | 904,567 | 3,375,919 | 31,570,236 | - | - | - | 5,000,000 |
| 2028 | 2,196,054 | 836,074 | 3,032,128 | 29,374,182 | 167,909 | 200,000 | 367,909 | 4,832,091 |
| 2029 | 2,101,259 | 777,270 | 2,878,529 | 27,272,923 | 174,625 | 193,284 | 367,909 | 4,657,466 |
| 2030 | 2,119,057 | 718,930 | 2,837,987 | 25,153,866 | 181,610 | 186,299 | 367,909 | 4,475,856 |
| 2031 | 2,099,697 | 660,579 | 2,760,277 | 23,054,169 | 188,875 | 179,034 | 367,909 | 4,286,982 |
| 2032 | 2,049,254 | 603,951 | 2,653,206 | 21,004,914 | 196,429 | 171,479 | 367,909 | 4,090,552 |
| 2033 | 2,036,501 | 550,579 | 2,587,079 | 18,968,414 | 204,287 | 163,622 | 367,909 | 3,886,265 |
| 2034 | 1,751,298 | 497,647 | 2,248,945 | 17,217,116 | 212,458 | 155,451 | 367,909 | 3,673,807 |
| 2035 | 1,653,055 | 448,655 | 2,101,710 | 15,564,061 | 220,956 | 146,952 | 367,909 | 3,452,851 |
| 2036 | 1,639,546 | 401,471 | 2,041,017 | 13,924,515 | 229,795 | 138,114 | 367,909 | 3,223,056 |
| 2037 | 1,625,322 | 356,238 | 1,981,560 | 12,299,193 | 238,987 | 128,922 | 367,909 | 2,984,070 |
| 2038 | 1,642,173 | 310,132 | 1,952,304 | 10,657,021 | 248,546 | 119,363 | 367,909 | 2,735,524 |
| 2039 | 1,304,232 | 263,991 | 1,568,223 | 9,352,789 | 258,488 | 109,421 | 367,909 | 2,477,036 |
| 2040 | 1,311,503 | 228,503 | 1,540,006 | 8,041,286 | 268,827 | 99,081 | 367,909 | 2,208,208 |
| 2041 | 1,318,631 | 193,187 | 1,511,818 | 6,722,655 | 279,580 | 88,328 | 367,909 | 1,928,628 |
| 2042 | 1,237,570 | 157,091 | 1,394,661 | 5,485,086 | 290,764 | 77,145 | 367,909 | 1,637,864 |
| 2043 | 1,246,379 | 123,674 | 1,370,053 | 4,238,706 | 302,394 | 65,515 | 367,909 | 1,335,470 |
| 2044 | 432,376 | 90,069 | 522,445 | 3,806,330 | 314,490 | 53,419 | 367,909 | 1,020,980 |
| 2045 | 441,342 | 81,103 | 522,445 | 3,364,988 | 327,070 | 40,839 | 367,909 | 693,911 |
| 2046 | 450,942 | 71,503 | 522,445 | 2,914,046 | 340,152 | 27,756 | 367,909 | 353,758 |
| 2047 | 460,525 | 61,920 | 522,445 | 2,453,520 | 353,758 | 14,150 | 367,909 | - |
| 2048 | 470,311 | 52,134 | 522,445 | 1,983,209 | - | - | - | - |
| 2049 | 480,190 | 42,255 | 522,445 | 1,503,019 | - | - | - | - |
| 2050 | 490,509 | 31,936 | 522,445 | 1,012,510 | - | - | - | - |
| 2051 | 500,933 | 21,512 | 522,445 | 511,577 | - | - | - | - |
| 2052 | 511,577 | 10,868 | 522,445 | - | - | - | - | - |

**≈ 1 Penny on the Tax Rate**

# REV. OPTIONS – G.O. BOND @ $10M

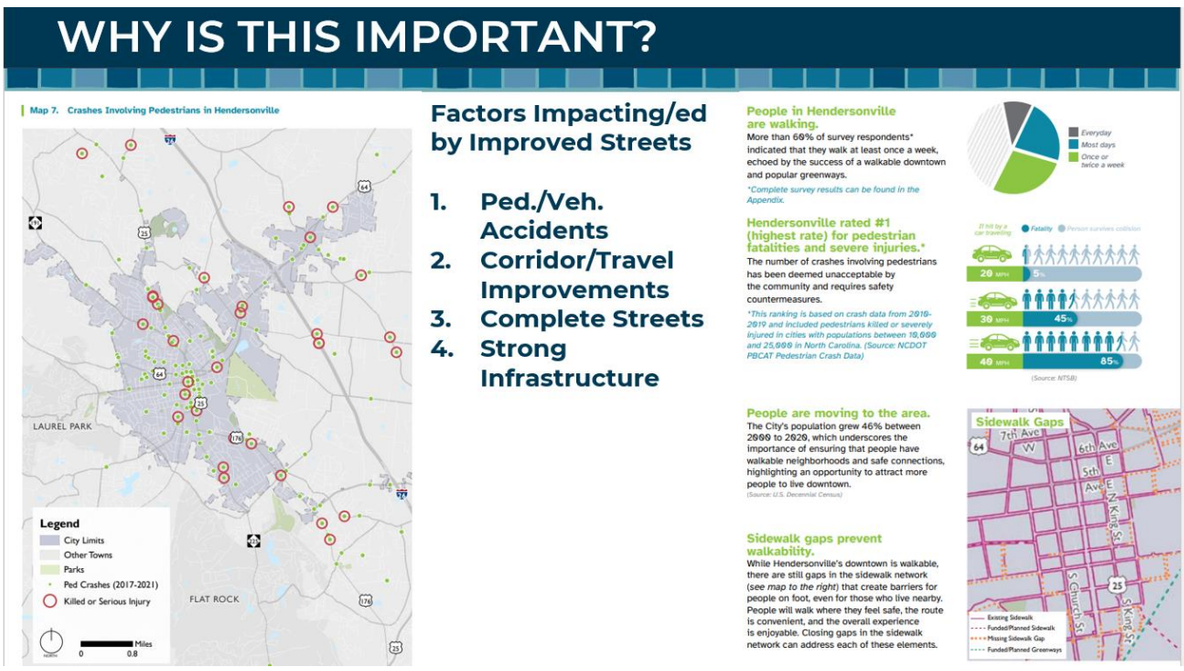
**City of Hendersonville, North Carolina**
Capital Planning Model - General Fund
Scenario 1
Existing and Proposed Debt Service

| | | | | | | | | 8 |
|---|---|---|---|---|---|---|---|---|
| | Existing Debt Service | | | | Series 2027 - G.O. Bond Transportation | | | |
| Fiscal Year | Principal | Interest | Debt Service | Balance | Principal | Interest | Debt Service | Balance |
| | 44,816,730 | 12,569,745 | 57,386,475 | | 10,000,000 | 4,716,350 | 14,716,350 | |
| 2022 | 989,768 | 261,178 | 1,250,946 | 43,826,962 | - | - | - | - |
| 2023 | 1,431,745 | 682,086 | 2,113,831 | 42,395,217 | - | - | - | - |
| 2024 | 2,814,513 | 1,095,915 | 3,910,427 | 39,580,704 | - | - | - | - |
| 2025 | 2,839,493 | 1,055,404 | 3,894,897 | 36,741,211 | - | - | - | - |
| 2026 | 2,699,622 | 979,325 | 3,678,948 | 34,041,589 | - | - | - | - |
| 2027 | 2,471,353 | 904,567 | 3,375,919 | 31,570,236 | - | - | - | 10,000,000 |
| 2028 | 2,196,054 | 836,074 | 3,032,128 | 29,374,182 | 335,818 | 400,000 | 735,818 | 9,664,182 |
| 2029 | 2,101,259 | 777,270 | 2,878,529 | 27,272,923 | 349,250 | 386,567 | 735,818 | 9,314,932 |
| 2030 | 2,119,057 | 718,930 | 2,837,987 | 25,153,866 | 363,220 | 372,597 | 735,818 | 8,951,712 |
| 2031 | 2,099,697 | 660,579 | 2,760,277 | 23,054,169 | 377,749 | 358,068 | 735,818 | 8,573,963 |
| 2032 | 2,049,254 | 603,951 | 2,653,206 | 21,004,914 | 392,859 | 342,959 | 735,818 | 8,181,104 |
| 2033 | 2,036,501 | 550,579 | 2,587,079 | 18,968,414 | 408,573 | 327,244 | 735,818 | 7,772,531 |
| 2034 | 1,751,298 | 497,647 | 2,248,945 | 17,217,116 | 424,916 | 310,901 | 735,818 | 7,347,614 |
| 2035 | 1,653,055 | 448,655 | 2,101,710 | 15,564,061 | 441,913 | 293,905 | 735,818 | 6,905,702 |
| 2036 | 1,639,546 | 401,471 | 2,041,017 | 13,924,515 | 459,589 | 276,228 | 735,818 | 6,446,112 |
| 2037 | 1,625,322 | 356,238 | 1,981,560 | 12,299,193 | 477,973 | 257,844 | 735,818 | 5,968,139 |
| 2038 | 1,642,173 | 310,132 | 1,952,304 | 10,657,021 | 497,092 | 238,726 | 735,818 | 5,471,047 |
| 2039 | 1,304,232 | 263,991 | 1,568,223 | 9,352,789 | 516,976 | 218,842 | 735,818 | 4,954,072 |
| 2040 | 1,311,503 | 228,503 | 1,540,006 | 8,041,286 | 537,655 | 198,163 | 735,818 | 4,416,417 |
| 2041 | 1,318,631 | 193,187 | 1,511,818 | 6,722,655 | 559,161 | 176,657 | 735,818 | 3,857,256 |
| 2042 | 1,237,570 | 157,091 | 1,394,661 | 5,485,086 | 581,527 | 154,290 | 735,818 | 3,275,729 |
| 2043 | 1,246,379 | 123,674 | 1,370,053 | 4,238,706 | 604,788 | 131,029 | 735,818 | 2,670,940 |
| 2044 | 432,376 | 90,069 | 522,445 | 3,806,330 | 628,980 | 106,838 | 735,818 | 2,041,961 |
| 2045 | 441,342 | 81,103 | 522,445 | 3,364,988 | 654,139 | 81,678 | 735,818 | 1,387,821 |
| 2046 | 450,942 | 71,503 | 522,445 | 2,914,046 | 680,305 | 55,513 | 735,818 | 707,517 |
| 2047 | 460,525 | 61,920 | 522,445 | 2,453,520 | 707,517 | 28,301 | 735,818 | - |
| 2048 | 470,311 | 52,134 | 522,445 | 1,983,209 | - | - | - | - |
| 2049 | 480,190 | 42,255 | 522,445 | 1,503,019 | - | - | - | - |
| 2050 | 490,509 | 31,936 | 522,445 | 1,012,510 | - | - | - | - |
| 2051 | 500,933 | 21,512 | 522,445 | 511,577 | - | - | - | - |
| 2052 | 511,577 | 10,868 | 522,445 | - | - | - | - | - |

**≈ 2 Pennies on the Tax Rate**

# Section 6 – Why is this important?









## 4. NEW BUSINESS

**A. Request for Letter of Support for Hands on Children's Museum and Science Center** – *Lyndsey Simpson Council Member*

Council Member Lyndsey Simpson said that she sent everyone a draft letter last week and an info sheet from Hand's On about their plans to build a science center downstairs from where the museum is currently. So they are trying to work with out State representatives to get some State funding and they asked for a letter of support from the City.

***Council Member Lyndsey Simpson moved that the City Council approve the Letter of Support for Hands On Children's Museum and Science Center. A unanimous vote of the Council followed. Motion carried.***

Dear Representative, Balkcom,

I am writing to urge your support for Hands On! Children's Museum as you and other members of the state legislature consider providing one-time financial support for the development of the future Hands On! Science Center in downtown Hendersonville.

For nearly twenty years, Hands On! has been a beacon of educational enrichment for children in our community. The museum fosters a love for science, technology, engineering, and mathematics (STEM) subjects in a fun and interactive way. The future Science Center project will provide a completely new learning experience for older youth ages twelve and up.

The Science Center will serve as a pipeline to support the Made in Henderson County Apprenticeship Program. The interactive Science Center will feature learning experiences that directly reflect STEM industries within Henderson County and Western North Carolina.

Henderson County and Western North Carolina are home to a growing number of high-paying STEM careers. There are numerous local career pathways through vocational

programs, certifications, associate degrees, and apprenticeships—many of which local youth are not aware of. By raising awareness of STEM career opportunities, particularly in the areas of Advanced Manufacturing and Agriculture, the Science Center will serve as a catalyst for inspiring older youth to pursue rewarding STEM careers without having to leave their community.

The future Science Center will support the Made in Henderson County Apprenticeship Program in partnership with the Henderson County Partnership for Economic Development, Henderson County Schools, and Blue Ridge Community College.

Thank you for your service to our state and for considering financial support through the state legislature for the Hands On! Science Center Project. Hands On! Children's Museum is an important resource for our children and older youth, and support from the State of North Carolina will be instrumental to the success of this project.

**5. ADJOURN**

There being no further business, the meeting was adjourned at 5:14 p.m. upon unanimous assent of the Council.

_____
Barbara Volk, Mayor

ATTEST:

_____
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Steurer **MEETING DATE:** May 1, 2025

**AGENDA SECTION:** Consent Agenda **DEPARTMENT:** Utilities

**TITLE OF ITEM:** Acceptance of an Emergency Bridge Loan Increase for Hurricane Helene Utility Damages – *Adam Steurer, Utilities Director*

**SUGGESTED MOTION(S):**

I move City Council to adopt the Resolution By the City Council to Accept an Offer of Funding Hurricane Helene Utility Damages.

**SUMMARY:**

City staff initially applied for and was previously awarded a $3,000,000 emergency bridge loan through the North Carolina Department of Environmental Quality Division of Water Infrastructure (NCDEQ-DWI) to repair damage to water and wastewater infrastructure arising from Hurricane Helene. The City has since requested additional funding through this program and NCDEQ-DWI is now offering the City up to $9,467,000 repayable at 0% interest for additional needs identified by City staff. The City will be responsible for paying the full balance of the loan by June 30, 2030 or upon receipt of federal disaster relief, whichever comes first.

Staff are recommending acceptance of this funding to maintain a healthy utility fund balance until federal disaster relief is received and to assist with the repair of damaged infrastructure or direct storm costs that may not be covered under insurance or federal disaster relief. The attached resolution serves as formal acceptance of the funding offer.

**BUDGET IMPACT:** $9,467,000, 0% interest, debt service

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

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

**ATTACHMENTS:**

1. Resolution By the City Council to Accept an Offer of Emergency Bridge Loan Funding
2. Funding Offer Letter

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT AN OFFER OF EMERGENCY BRIDGE LOAN FUNDING**

**WHEREAS,** the North Carolina General Assembly has enacted Session Law 2024-53 to assist eligible units of government in meeting their Hurricane Helene disaster-related water infrastructure needs, and

**WHEREAS,** the North Carolina Department of Environmental Quality has offered a State Emergency Bridge Loan in the amount of $9,467,000 to repair a wastewater and/or drinking water system, and

**WHEREAS,** the City of Hendersonville intends to perform said project in accordance with the terms of the Agreement with the NC Department of Environmental Quality.

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

1. The City of Hendersonville does hereby accept the State Emergency Bridge Loan offer of $9,467,000.
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
3. That Adam A. Steurer, Utilities Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

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

_____

Jill Murray, City Clerk

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

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JOSH STEIN
*Governor*
D. REID WILSON
*Secretary*
SHADI ESKAF
*Director*

NORTH CAROLINA
*Environmental Quality*

March 3, 2025

Adam Steurer, Utilities Director
City of Hendersonville
305 Williams Street
Hendersonville, North Carolina 28792

Subject: Amended Letter of Intent to Fund and Funding Offer Increase
Emergency Bridge Loan for Hurricane Helene Damages
City of Hendersonville
Project No.: HEL-0017

Dear Adam Steurer:

The Division of Water Infrastructure (Division) has received your local government unit's (Recipient's) *Request for Emergency Loan Funding* to repair damages to your drinking water and/or wastewater infrastructure resulting from Hurricane Helene. The Division is offering up to $9,647,000, repayable at 0% interest from the DEQ Water Infrastructure Emergency Bridge Loan Program as established in Session Law (S.L.) 2024-53 Section 4C.7. Projects must meet applicable State laws, rules and guidance for the expenditure of these funds. If additional emergency loan funds are needed, please submit another *Request for Emergency Loan Funding* to the Division with a project scope and project budget demonstrating the need for additional funds.

Eligible Costs:
DEQ Water Infrastructure Emergency Bridge Loan (Emergency Loan) funds can only be used to cover eligible costs arising from damage caused by Hurricane Helene to the drinking water and/or wastewater system of the Recipient. Eligible costs under the Emergency Loan are limited to those allowed under Session Law 2024-53, Section 4C.7, to conduct emergency repairs to restore operational capacity as defined in Session Law 2024-57, Section 4C.7.(b)(5b) until receipt of federal or state disaster relief and for any other purpose specifically provided by an act of the General Assembly. If there are questions about the eligibility of potential costs, please contact the Division's project manager for discussion prior to incurring the costs.

Emergency Loan Terms:
There is no fee for the Emergency Loan. Per S.L. 2024-53, Section 4C.6, this Emergency Loan does not require the approval of the Local Government Commission that is required under NC G.S. 159G-40.

Per S.L. 2024-53, Section 4C.7.(a), the Emergency Loan costs must be encumbered by the Division by October 31, 2028. **The Recipient must submit all requests for Emergency Loan disbursements for eligible costs to the Division by October 31, 2028.** The Division will not make any disbursements on the

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Emergency Loan for which eligible disbursement requests were not received from the Recipient by that date.

Per S.L. 2024-53, Section 4C.7.(j)(2), the Emergency Loan matures upon the earlier of the receipt of federal or state disaster relief by the Recipient or June 30, 2030. The Emergency Loan repayments are not amortized for the Recipient by the Division. **The Recipient is responsible for repaying the full balance of the Emergency Loan to the Division by June 30, 2030 or upon receipt of federal or state disaster relief, whichever comes first.**

Alternative Funding:
**The Recipient should and is encouraged to obtain alternative funds** to cover the losses or needs for which the Emergency Loan funds are provided, including any available federal or state disaster aid (e.g., FEMA Public Assistance). Alternative funds, including federal or state disaster relief funds, received by the Recipient to cover the same losses or needs for which this Emergency Loan was issued must be used to repay the Emergency Loan.

Project Scope and Budget:
Upon acceptance and execution of the Emergency Loan offer, the Recipient must submit a preliminary scope and budget to the Division via the Laserfiche link below. The preliminary scope and budget must be received by the Division at the time or prior to the request for first disbursement of Emergency Loan funds. The preliminary scope and budget can be amended by the Recipient as the repairs and project progresses. Documented, eligible costs incurred by the Recipient prior to the execution of the funding offer can be included in the preliminary scope and budget and in the disbursement requests. Please note that the accompanying funding offer is being issued before the Division has received a preliminary scope and budget from the Recipient.

Disbursement of Emergency Loan Funds:
These funds will be disbursed to the Recipient after relevant costs are incurred and invoices are submitted to the Division. Funds will be disbursed as invoices for incurred pre-construction and construction costs are submitted by the Recipient during construction/repairs, which may be submitted prior to or after paying the contractors for the incurred costs. Only costs eligible under Session Law 2024-53 may be covered by these funds.

Electronic Document Submittal through Laserfiche:
Recipients should submit all project documents via the supporting documentation submittal form located at https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form. The link and a list of frequently asked questions can also be accessed from the Division's I Have Funding page, https://www.deq.nc.gov/about/divisions/water-infrastructure/i-have-funding.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding.

Acceptance of the Emergency Loan Offer:
To accept this Emergency Loan funding offer, please email the Division project manager within two weeks of receipt of this letter with a statement accepting this offer. Upon acceptance, please submit the items below via the Laserfiche link:

Docusign Envelope ID: A9B309E3-7CDE-409C-8996-623298565387



1) One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative of the project, along with the Conditions and Assurances. **Please retain a copy for your files.**
2) A Resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached).

Declination of the Emergency Loan:
To decline this Emergency Loan funding offer, please email the Division project manager within two weeks of receipt of this letter with a statement declining this offer. An email from the Authorized Representative declining the loan will result in the rescission of the Emergency Loan funding offer.

Division's Project Manager:
If you have any questions concerning this matter or require general assistance, please contact the Division's project manager assigned to your project: Renee Parkman, P.E. either by telephone at 704.235.2203 or by email at renee.parkman@deq.nc.gov

Sincerely,

DocuSigned by:
6300A872077B4C5...

Shadi Eskaf, Director
Division of Water Infrastructure

Enclosures: Offer and Acceptance Document
Assurances & Conditions
Resolution to Accept Funding Offer (suggested format)

cc: Adam Steurer, Utilities Director (asteurer@hvlnc.gov)
Renee Parkman, P.E. (DWI, via DocuSign)
Mark Hubbard, P.E. (DWI, via DocuSign)
DWI Administrative Unit (DWI, via DocuSign)
Anita Spencer (DWI, via DocuSign)
DEQ.DWI.FundingOffer@deq.nc.gov
LF Project File (COM – LOIF)
DWI Agreement ID: 2000080595

Docusign Envelope ID: A9B309E3-7CDE-409C-8996-623298565387



# STATE OF NORTH CAROLINA
# DEPARTMENT OF ENVIRONMENTAL QUALITY
# DIVISION OF WATER INFRASTRUCTURE

## Funding Offer and Acceptance

**Legal Name and Address of Award Recipient**

City of Hendersonville
305 Williams Street
Hendersonville, North Carolina 28792

**Project Number(s):** HEL-0017

**Unique Entity ID Number:** PNGBNJ8ALA81

**Funding Program**

| | | Additional Amount for Funding Increases | Previous Total | Total Offered |
|---|---|---|---|---|
| **Drinking Water** | ☒ | | | |
| **Stormwater** | ☐ | | | |
| **Wastewater** | ☒ | | | |
| DEQ Water Infrastructure Emergency Bridge Loan – Hurricane Helene | ☒ | $6,467,000 | $3,000,000 | $ 9,467,000 |
| State Emergency Loan | ☐ | | | |
| State Reserve Grant | ☐ | | | |
| State Reserve Earmark (S.L. 2023-134) | ☐ | | | |
| American Rescue Plan Act—Choose an item. | ☐ | | | |

**Project Description:**

Emergency Bridge Loan for Hurricane Helene Damages

**Total Financial Assistance Offer:** **$9,467,000**
**Closing Fee:** $0

*For Loans*
**Interest Rate:** 0% Per Annum
**Maturity:** June 30, 2030 or Upon receipt of federal or state disaster relief, whichever comes first

Pursuant to North Carolina Session Law 2024-53:

- The applicant is eligible under State law,
- The project is eligible under State law, and
- The project has been approved by the Department of Environmental Quality as being an emergency situation in a County declared as a disaster county as a result of Hurricane Helene, and eligible under Session Law 2024-53.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
**North Carolina Department of Environmental Quality**

DocuSigned by:
Shadi Eskaf
6300A87207...

Signature

3/3/2025
Date

On Behalf of: City of Hendersonville
Name of Representative in Resolution: _____
Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature

Date

Docusign Envelope ID: A9B309E3-7CDE-409C-8996-623298565387



## Conditions

**1.** Any funds received from the Emergency Loan shall only be used to cover eligible costs arising from damage caused by Hurricane Helene to drinking water or wastewater systems located in the affected area.

**2.** Eligible costs under the Emergency Loan are limited to those allowed under Session Law 2024-53, Section 4C.7(e).

**3.** The Recipient is responsible for paying for the costs ineligible for Division of Water Infrastructure funding.

**4.** All funds awarded to the Recipient from the Emergency Loan must be expended or encumbered by October 31, 2028.

**5.** The Recipient agrees to repay the full amount disbursed in this Emergency Loan to DEQ when due in accordance with this Agreement. Per Section 4C.7.(j)(2) of Session Law 2024-53, the total balance of this loan shall be due upon the earlier of:

a. Receipt of federal or state disaster relief by the Recipient; or
b. June 30, 2030.

**6.** The Recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.

**7.** The Recipient shall provide any documentation requested by DEQ to show that (1) funds requested by Recipient are necessary to repair damages caused by Hurricane Helene and (2) Emergency Loan funds are used for an authorized purpose.

**8.** Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs. The Recipient will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Recipient is expected to uphold its contract obligations including those regarding timely payment.

**9.** Failure to comply with local government audit requirements may result in delays in disbursement of the funds to the Recipient.

**10.** Pursuant to Session Law 2024-53, Section 3.1(b), the Recipient is required to use best efforts and take all reasonable steps to obtain alternative funds to cover the losses or needs for which Emergency Loan funds are provided, including any available federal or state disaster aid.

**11.** The Recipient will promptly notify DEQ of the existence and status of any award for federal or state disaster aid to cover the costs for which this loan was issued.

**12.** Pursuant to Session Law 2024-53, Section 3.1.(c), if the Recipient receives federal or state disaster aid to cover the same losses or needs for which this Emergency Loan was issued, the Recipient shall use the federal or state funds to promptly repay the Emergency Loan.

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**13.** Recipient shall assist and fully cooperate with DEQ in meeting its reporting obligations to OSBM under Section 3.1(g) of Session Law 2024-53.

**14.** The Recipient will strive to acquire goods and services from historically underutilized business vendors.

**Assurances**

**15.** The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

**16.** The Recipient will provide and maintain adequate engineering supervision and inspection.

Docusign Envelope ID: A9B309E3-7CDE-409C-8996-623298565387



(Suggested Format)

**RESOLUTION BY GOVERNING BODY OF RECIPIENT**

**WHEREAS,** the North Carolina General Assembly has enacted Session Law 2024-53 to assist eligible units of government in meeting their Hurricane Helene disaster-related water infrastructure needs, and

**WHEREAS,** the North Carolina Department of Environmental Quality has offered a State Emergency Bridge Loan in the amount of $_____ to repair a wastewater and/or drinking water system, and

**WHEREAS,** the (unit of government) intends to perform said project in accordance with the terms of the Agreement with the NC Department of Environmental Quality,

**NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):**

That (unit of government) does hereby accept the State Emergency Bridge Loan offer of $_____.

That the (unit of government) does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That (name and title of authorized representative), and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the (date adopted) at (place), North Carolina.

(Signature of Chief Executive Officer)

Date

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Murr **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** May 2025 Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Eval. Director*

**SUGGESTED MOTION(S):**

I move City Council adopt the Project Ordinance(s) and Reimbursement Resolution(s) for the 110 Williams Street Renovation Project, #25003 and the Operations Center Energy Efficiency Project, #G2505 as presented.

**SUMMARY:**

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

**110 Williams Street Renovation Project, #25003**. A capital project ordinance and reimbursement resolution appropriating $500,000 for the renovation of the recently acquired property at 110 Williams Street.

**Operations Center Energy Efficiency Project, #G2505**. A grant project ordinance and reimbursement resolution appropriating $128,928 in grant funds (from NC State Energy Office) to install smart thermostats and replace HVAC units at the City Operations facility to improve energy efficiency.

**BUDGET IMPACT:** Attached Project Ordinances and Reimbursement Resolutions.

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

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

**ATTACHMENTS:**

1. Project Ordinances: #25003 and #G2505
2. Reimbursement Resolutions: #25003 and #G2505

Ordinance #_____

# CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE 110 WILLIAMS STREET RENOVATION PROJECT #25003

**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 capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the 110 Williams Street Renovation Project, #25003.

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

| Account Codes | | | | Account Name | Total Budget |
|---|---|---|---|---|---|
| Fund | Dept | Account | Project | | |
| 460 | 1014 | 550103 | 25003 | Capital Outlay- CIP | $500,000 |
| | | | | **Total Project Appropriation** | **$500,000** |

**Section 3:** The following revenues are anticipated to be available:

| Account Codes | | | | Account Name | Total Budget |
|---|---|---|---|---|---|
| Fund | Dept | Account | Project | | |
| 460 | 0000 | 470010 | 25003 | Debt Proceeds (2025 Rev. Bond) | ($500,000) |
| | | | | **Total Project Appropriation** | **($500,000)** |

**Section 4:** The Finance Director is hereby directed to maintain within the Water & Sewer Fund, Water & Sewer Capital Reserve Fund, and Water & Sewer Capital Project 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 Water & Sewer Fund, Water & Sewer Capital Reserve Fund, and Water & Sewer Capital Project 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 capital 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 1st day of May 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

**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 OPERATIONS CENTER ENERGY EFFICIENCY PROJECT (#G2505), ORDINANCE #_____ (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 $128,928.

**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. The Issuer may reimburse for all engineering, design, and studies ("soft costs") with no time constraints. The Issuer may reimburse construction, land, equipment, and other capitalized expenditures the latter of eighteen (18) months after expenditures, or eighteen (18) months after the project is placed in service but no more than three (3) years after the expenditures.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 1st day of May 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #_____

**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 110 WILLIAMS STREET RENOVATION PROJECT (#25003), ORDINANCE #_____ (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 $500,000.

**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. The Issuer may reimburse for all engineering, design, and studies ("soft costs") with no time constraints. The Issuer may reimburse construction, land, equipment, and other capitalized expenditures the latter of eighteen (18) months after expenditures, or eighteen (18) months after the project is placed in service but no more than three (3) years after the expenditures.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 1st day of May 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

# GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OPERATIONS CENTER ENERGY EFFICIENCY PROJECT, #G2505

**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 capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the Operations Center Energy Efficiency Project, #G2505

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

| Account Codes | | | | Account Name | Total Budget |
|---|---|---|---|---|---|
| Fund | Dept. | Account | Project | | |
| 301 | 1565 | 550103 | G2505 | Capital Outlay – CIP | $128,928 |
| | | | | **Total Project Appropriation** | **$128,928** |

**Section 3:** The following revenues are anticipated to be available for the project(s):

| Account Codes | | | | Account Name | Total Budget |
|---|---|---|---|---|---|
| Fund | Dept. | Account | Project | | |
| 301 | 0000 | 420050 | G2505 | Grant (2025 EECBG) | ($128,928) |
| | | | | **Total Project Appropriation** | **($128,928)** |

**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, and the Governmental Capital Project 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, 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 capital 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 capital reserve fund.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 1st day May of 2025.

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:** Blake Fulgham **MEETING DATE:** 5/1/2025

**AGENDA SECTION:** Council Action **DEPARTMENT:** Public Services

**TITLE OF ITEM, Presenter Name, Title:** Application for a NCDOT Comprehensive Bicycle Planning Grant
Blake Fulgham, Management Analyst II

**SUGGESTED MOTION(S):** I move City Council to adopt the *Resolution by the City of Hendersonville City Council in Support of Application for NCDOT Bicycle and Pedestrian Planning Grant.*

**SUMMARY:**

The North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development/update of Comprehensive Municipal Bicycle and Pedestrian Plans. Staff are working with the French Broad River Metropolitan Planning Organization and Blue Ridge Bicycle Club to generate an application for the Comprehensive Bicycle Plan Update Grant. The last Bicycle Plan was adopted in 2018, which qualifies our municipality to apply for a Plan Update instead of a New Complete Plan. A resolution in support has been provided. Please let us know if you have any questions.

**BUDGET IMPACT:** $49,000 ($39,200 NC DOT match, $9,800 Local match)

**Is this expenditure approved in the current fiscal year budget?** YES / **NO**

**If no, describe how it will be funded.**

The project will be funded by the "miscellaneous professional services" fund in account 010-1014-510104 as well as potentially will receive support from Blue Ridge Bicycle Club if approved.

**PROJECT NUMBER:** 25004 **PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Comprehensive Bicycle Planning Grant Resolution of Support

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL IN SUPPORT OF APPLICATION FOR NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT**

**WHEREAS,** the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

**WHEREAS,** the City of Hendersonville has a desire to provide its citizens with safe, convenient, and more complete bicycling infrastructure within the community; and

**WHEREAS,** the City of Hendersonville's last Bicycle Plan was adopted in 2018; and

**WHEREAS,** the City's financial and technical resources have limited its ability to update its Bicycle Plan; and

**WHEREAS,** the City of Hendersonville desires a Bicycle Plan update to obtain the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate cycling in appropriate locations.
3. Ensure that the North Carolina Department of Transportation (NCDOT) funded projects incorporate the City of Hendersonville's objectives.
4. Move towards an effective network for active transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for cycling transportation improvements.
6. Ensure land use decisions effectively incorporate multimodal objectives.

**WHEREAS,** the North Carolina Department of Transportation has announced a competitive Planning Grant Initiative to award funding for Comprehensive Bicycling Plans; and

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

1. The City hereby endorses the application for a Comprehensive Bicycle Planning Grant and, if the project is selected, agrees to provide matching funding up to 20%, and any staff assistance for the duration of the Project; and
2. The City Manager is authorized to execute said application.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May, 2025.

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:** Tyler Morrow

**MEETING DATE:** May 1st, 2025

**AGENDA SECTION:** CONSENT

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Annexation: Certificate of Sufficiency- Upward Road (Quattlebaum Properties F, LLC) (25-22-ANX) – *Tyler Morrow, Current Planning Manager*

**SUGGESTED MOTION(S):**

I move City Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC and set June 5th, 2025, as the date for public hearing.

**SUMMARY:** *File # 25-22-ANX*

*The City of Hendersonville has received a petition from Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC for satellite annexation of PIN 9588-40-7325 located on Upward Road that is approximately 2.65 acres. Please refer to the attached maps for additional information.*

*Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | • 25-22-ANX |
| **PETITIONER NAME:** | • Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC<br>• Wes Hall, Entitlement Manager (Sheetz Inc.) |
| **ATTACHMENTS:** | 1. Certificate of Sufficiency<br>2. Resolution setting public hearing<br>3. Annexation Plat<br>4. Typed legal description<br>5. GIS map<br>6. Deed<br>7. Annexation Application |

# CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioner: Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC
File No. 25-22-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of properties consisting of +/- 2.65 acres located on Upward Road in Hendersonville, NC, being tax parcel PIN 9588-40-7325, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."

2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 8,577’ from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 8,810’).
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness hereof, I have set my hand and the City Seal on this the _____ day of _____, 2025.

(City Seal)

_____
Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PIN 9588-40-7325 described in the plat recorded in Book 2025- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9588-40-7325 being described by metes and bounds as follows:

Being a tract of land containing 2.65 acres, shown in Plat Slide Book 2025, Page 16149, Tax Parcel PIN 9588-40-7325, located on Upward Road, S.R. 1783, in Blue Ridge Township, Henderson County, North Carolina, surveyed by Jason Wall, PLS of Survey Pros PLLC, Project #24-160, January 17, 2025, with bearings relative to NC Grid, NAD 83. A metes and bounds description of the area to be annexed taken from said survey is as follows:

BEGINNING at a 5/8" rebar found in the southern margin of right of way for Upward Road, at the northwestern corner of a 2.65 acre tract shown in Plat Slide Book 2025, Page 16149, having NC Grid coordinates of N: 580,589.02' E: 984,636.22', and said 5/8" rebar being located, South 78°26'59" East, a distance of 257.98 feet from a 5/8" rebar found, the northwestern corner of Deed Book 1178, Page 326; thence from the POINT OF BEGINNING, with the southern margin of right-of-way, and with a new city limits line, the following two courses: (1) South 69°57'19" East, 304.16 feet to a 5/8" iron set; (2) with a curve to the right, a chord bearing and distance of, South 68°12'29" East, 30.20 feet to a 5/8" iron set in the southern margin of right-of-way of Upward Road; thence continuing with a new city limits line, and with the 2.65 acre tract shown in Plat Slide Book 2025, Page 16149, the following 3 courses: (1) South 20°10'26" West, 344.34 feet to a 5/8" iron set; (2) North 69°54'45" West, 333.89 feet to a 5/8" iron set; (3) North 20°05'50" East, 345.01 feet to a 5/8" rebar found, the POINT OF BEGINNING, containing an annexation area of 2.65 acres, more or less.

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

**WHEREAS,** a petition requesting annexation of the satellite area described herein has been received; and

**WHEREAS,** certification by the City Clerk as to the sufficiency of the petition has been made;

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

**Section 1.** A public hearing on the question of annexation of the satellite area described herein will be held at City Hall located at160 6th Ave E. Hendersonville NC, 28792 at 5:45 p.m. June 5th, 2025, or as soon thereafter as it may be heard.

**Section 2.** The area proposed for annexation is described as follows:

Being all of that real property consisting of PIN 9588-40-7325 described in the plat recorded in Book 2025- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9588-40-7325 being described by metes and bounds as follows:

Being a tract of land containing 2.65 acres, shown in Plat Slide Book 2025, Page 16149, Tax Parcel PIN 9588-40-7325, located on Upward Road, S.R. 1783, in Blue Ridge Township, Henderson County, North Carolina, surveyed by Jason Wall, PLS of Survey Pros PLLC, Project #24-160, January 17, 2025, with bearings relative to NC Grid, NAD 83. A metes and bounds description of the area to be annexed taken from said survey is as follows:

BEGINNING at a 5/8" rebar found in the southern margin of right of way for Upward Road, at the northwestern corner of a 2.65 acre tract shown in Plat Slide Book 2025, Page 16149, having NC Grid coordinates of N: 580,589.02' E: 984,636.22', and said 5/8" rebar being located, South 78°26'59" East, a distance of 257.98 feet from a 5/8" rebar found, the northwestern corner of Deed Book 1178, Page 326; thence from the POINT OF BEGINNING, with the southern margin of right-of-way, and with a new city limits line, the following two courses: (1) South 69°57'19" East, 304.16 feet to a 5/8" iron set; (2) with a curve to the right, a chord bearing and distance of, South 68°12'29" East, 30.20 feet to a 5/8" iron set in the southern margin of right-of-way of Upward Road; thence continuing with a new city limits line, and with the 2.65 acre tract shown in Plat Slide Book 2025, Page 16149, the following 3 courses: (1) South 20°10'26" West, 344.34 feet to a 5/8" iron set; (2) North 69°54'45" West, 333.89 feet to a 5/8" iron set; (3) North 20°05'50" East, 345.01 feet to a 5/8" rebar found, the POINT OF BEGINNING, containing an annexation area of 2.65 acres, more or less.

Re: Petition for Satellite Annexation
Petitioner: Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC
File No. 25-22-ANX

**Section 3.** Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

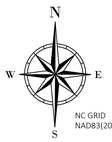
Adopted by the City Council of the City of Hendersonville, North Carolina on this _____day of _____ 20_____.

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

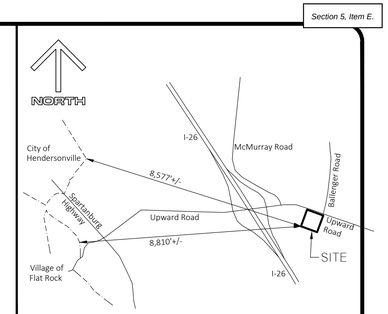
_____
Jill Murray, City Clerk

Approved as to form:

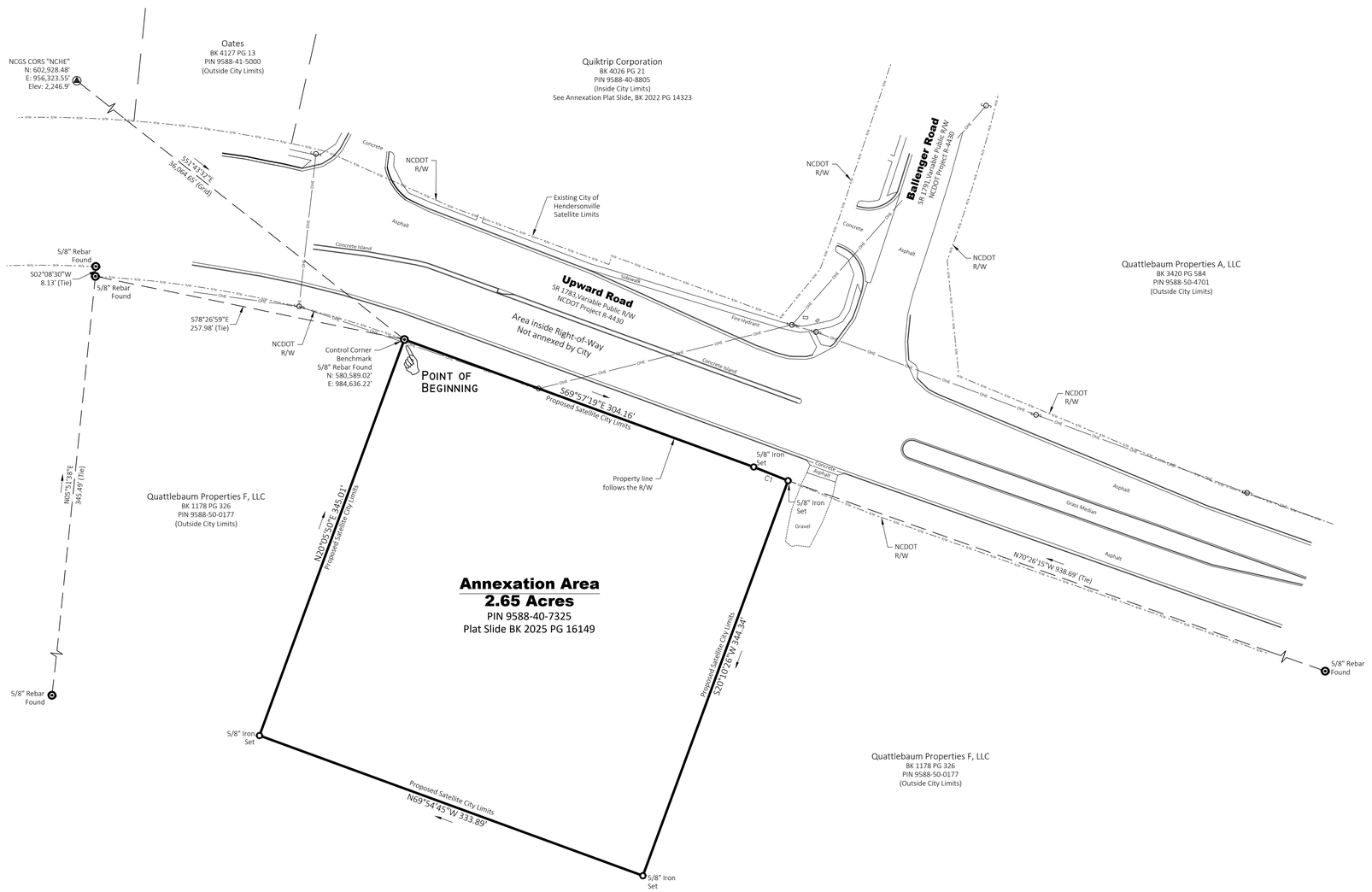
_____
Angela S. Beeker, City Attorney




| Curve Data | | | | |
|---|---|---|---|---|
| Curve # | Length | Radius | Chord Bearing | Chord Length |
| C1 | 30.20' | 9000.00' | S68° 12' 29"E | 30.20' |




Vicinity Map




LEGEND

- Annexation Boundary
- Tie Line (surveyed)
- Adjoiner Line (not surveyed)
- Easement
- Overhead Electric
- Right-of-Way
- Computed Point
- Utility Pole
- Water Meter

Surveyor's Certification

I certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description and/or deed references below); that the boundaries not surveyed are indicated as drawn from the information noted on this plat of survey; that this survey is classified as an Urban Land Survey (Class A) having a calculated ratio of precision better than 1:10,000 before adjustments, and/or neither axis of the 95 percent confidence level error ellipse for any control point or property corner exceeds 0.10 feet; that this plat meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1603);

The provisions of G.S. 47-30 do not apply to the boundary plat of areas annexed by municipalities nor to plats of of municipal boundaries, whether or not required by law to be recorded in the State of North Carolina.

Witness my signature, seal and date.

_____

Jason O. Wall, PLS #L-5637

Surveyor's Notes:

1. The purpose of this Plat is to annex parcel PIN # 9588-40-7325 (2.65 acre tract) into the City Limits of Hendersonville as shown hereon.
2. The property which is the subject of this survey is a portion of the land described in Deed Book 1178, Page 326, being shown in Plat Silde Book 2025, Page 16149, Henderson County Registry. The property owner shown in the deed at the time of survey was: Quattlebaum Properties F, LLC.
3. This plat reflects information discovered by the surveyor in the normal course of work and does not necessarily show every possible condition affecting the property. A complete title abstract was not performed by Survey Pros. Underground utilities may exist which are not shown. This property may be subject to easements and/or rights-of-way of record not shown. Other easements, rights-of-way, building ordinances, zoning, and other legal encumbrances may also exist. Adjoining property owner information was obtained from the local GIS.
4. The GPS portion of this survey meets the classification requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1607) for an Urban Land Survey (Class A) such that neither axis of the 95 percent confidence level error ellipse for the project control point(s) exceeds 0.10 feet. The static GPS survey was performed on October 28, 2024 with Trimble R8s receivers. National Geodetic Survey (NGS) CORS station "NCHE" was used as the fixed control station having published NC Grid coordinates NAD83(2011) and orthometric height (elevation) NAVD 88 as shown hereon. Vectors were adjusted utilizing Trimble Geomatics Office Business Solutions software. The geoid model used was GEOID18. The horizontal positional accuracy relative to the remote control station was 0.07 feet prior to adjustment. The vertical positional accuracy relative to the remote control station was 0.31 feet prior to adjustment. The combined grid factor at the project control point is 0.9997760478. All bearings shown are relative to NC Grid, NAD 83(2011). All elevations shown are relative to NAVD 88. All distances shown are horizontal distances in U.S. Survey Feet unless otherwise noted. All areas shown were computed by coordinate computation.
5. Revised on 3/26/2025; add certification, update notes, update vicinity map, and proposed satellite city limits per City of Hendersonville planner comments.
6. Revised on 4/17/2025 per City of Hendersonville planner comments.

City Clerk Certification

This plat represents the area being annexed to the City of Hendersonville, N.C pursuant to NCGS 160A-31, by ordinance duly adopted (Annexation Ordinance _____).

This the ____ day of _____, 2025.

_____

City Clerk of Hendersonville Date

# Annexation Plat

PIN 9588-40-7325

City of Hendersonville

Scale: 1 inch

0 50'

Annexation Plat for:

**City of Hendersonville**

Property Location:
Upward Road, Flat Rock, NC 28731
Blue Ridge Township, Henderson County, North Carolina

SurveyPros
(336) 667-5533
Survey Pros, PLLC
924 Main Street, Suite 300
North Wilkesboro, NC 28659
www.NCSurveyPros.com

| | |
|---|---|
| Firm Number: P-2218 | |
| Crew Chief: WW | |
| File Number: 24-160 | |
| Date: 1-17-2025 | |

# Exhibit "A"
# Annexation Area
# City of Hendersonville
# 2.65 Acres

Being a tract of land containing 2.65 acres, shown in Plat Slide Book 2025, Page 16149, Tax Parcel PIN 9588-40-7325, located on Upward Road, S.R. 1783, in Blue Ridge Township, Henderson County, North Carolina, surveyed by Jason Wall, PLS of Survey Pros PLLC, Project #24-160, January 17, 2025, with bearings relative to NC Grid, NAD 83. A metes and bounds description of the area to be annexed taken from said survey is as follows:

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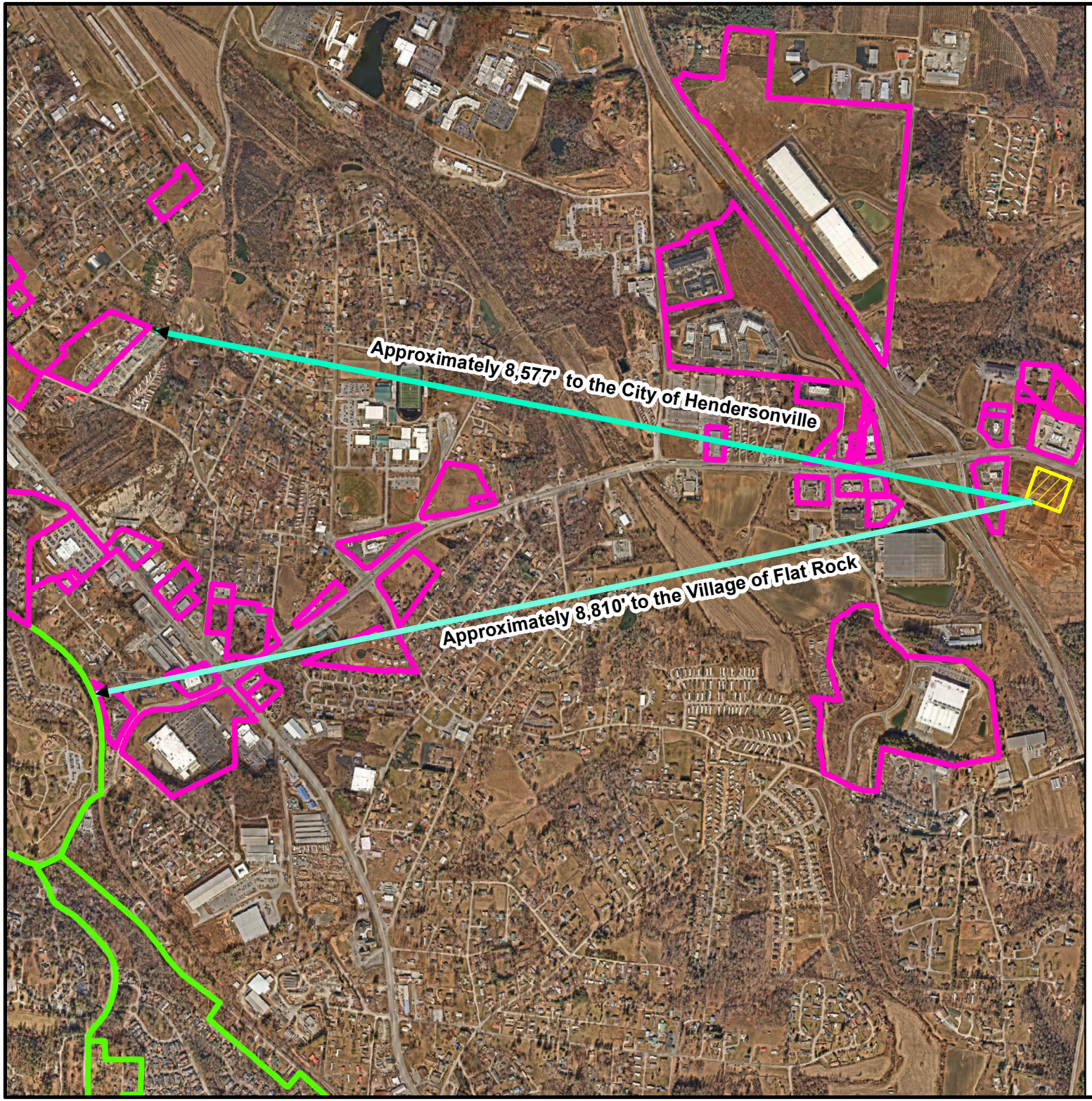



0 500 1,000 2,000
Feet

N
E
S

City of Hendersonville
April 2025

**Quattlebaum Properties F LLC**

25-22-ANX

PIN: 9588-40-7325

Acreage: 2.65

**Satellite Annexation Map**

Subject Property

**Municipal Borders**

Flat Rock

Hendersonville

THE CITY OF HENDERSONVILLE · N C
1847

Community Development Depa

1178 P 326

North Carolina, Henderson County The foregoing certificate(s) of Jeffrey B. Camp

Notary Public (~~Notaries Public~~) is/are certified to be correct, this instrument presented for registration and recorded in this office this 14 day of April, 2004 at 9:45A in book 1178 page 326

Debra W. Moles
Register of Deeds

Doris V. Leigh
(~~Assistant~~ Deputy)

# NORTH CAROLINA NON- WARRANTY DEED

| Excise Tax $0.00 | Recording Time, Book and Page |
|---|---|

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 2002
by _____

→ Mail after recording to **Adam L. Shealy**, Van Winkle, Buck, Wall, Starnes, Davis, P.A.
422 South Main Street, Hendersonville, NC 28792

This instrument was prepared by Adam L. Shealy, Van Winkle, Buck, Wall, Starnes, Davis, P.A.

Brief description for the Index | SR 1722 on Upward Road | **(DEED PREPARATION ONLY)**

THIS DEED made this 17th day of FEBRUARY, 2004, by and between

| GRANTOR | GRANTEE |
|---|---|
| **QUATTLEBAUM COMPANY, a North Carolina General Partnership (In Dissolution), F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM, a North Carolina General Partnership** | **QUATTLEBAUM PROPERTIES F, LLC A North Carolina Limited Liability Company** |
| | Address: Robert H. Quattlebaum, Manager<br>P.O. Box 5007<br>Hendersonville, NC 28793 |

**Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership.**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

certain lot or parcel of land situated in the City of _____, **Blue Ridge** Township, **Henderson** County, North Carolina and more particularly described as follows:

**SEE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF AS IF SET FORTH HEREIN VERBATIM.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 642, Page 655, and Book 646, Page 155, Henderson County Registry.

A map showing the above described property is recorded in Plat Book ____ page ____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

**THE GRANTOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO TITLE TO THE PROPERTY.**

This conveyance is made subject to easements, conveyances, deeds of trust, rights of way, covenants, conditions and restrictions of record and utilities physically located on the property.

**IN WITNESS WHEREOF**, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

**USE BLACK INK**

_____
(Corporate Name)

By: _____
_____ President

ATTEST:

_____
_____ Secretary (Corporate Seal)

**QUATTLEBAUM COMPANY, A North Carolina General Partnership (In Dissolution), F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM A North Carolina General Partnership**

_____ (SEAL)
**ROBERT H. QUATTLEBAUM, Trustee of The Robert H. Quattlebaum Revocable Trust Dated June 15, 2001, as General Partner**

SEAL-STAMP

**USE BLACK INK**

NORTH CAROLINA, HENDERSON County.

I, a Notary Public of the County and State aforesaid, certify that Robert H. Quattlebaum, as Trustee of the Robert H. Quattlebaum Revocable Trust dated June 15, 2001 General Partner of QUATTLEBAUM COMPANY, F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 12th day of FEBRUARY 2004.

My commission expires: 1/19/05 _____ Notary Public
JEFFREY B. CAMP

SEAL-STAMP

**USE BLACK INK**

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by _____ as its _____ Secretary.

Witness my hand and official stamp or seal, this _____ day of _____, _____.

My commission expires: _____ _____ Notary Public

The foregoing Certificate(s) of _____

_____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR HENDERSON COUNTY

By _____ Deputy/Assistant - Register of Deeds

# EXHIBIT A

## DEED FROM QUATTLEBAUM COMPANY, A NORTH CAROLINA GENERAL PARTNERSHIP (IN DISSOLUTION), F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM, A NORTH CAROLINA GENERAL PARTNERSHIP TO QUATTLEBAUM PROPERTIES F, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY

### PROPERTY DESCRIPTION

**BEING** all of the following described lots or parcels of land situated in Blue Ridge Township, Henderson County, North Carolina (hereinafter referred to as the Subject Property):

**PARCEL ONE**: All of that certain property described in Deed dated March 1, 1984, from Clarence W. Smith and wife, Bertha, and Robert H. Williams and wife, Phyllis Williams, to Quattlebaum, Bell & Quattlebaum, a North Carolina Partnership, recorded in Deed Book 638, at Page 295, Henderson County Registry, reference to which is hereby made and incorporated herein. The description contained in said Deed recorded in Deed Book 638, at Page 295, Henderson County Registry, was modified pursuant to a subsequent Deed of Correction dated November 30, 1990, between Danny G. Dowell, Trustee, NCNB National Bank and Quattlebaum, Bell & Quattlebaum, a North Carolina General Partnership, recorded in Book 768, at Page 276, Henderson County Registry, reference to which is hereby made and incorporated herein.

### PARTNERSHIP HISTORY AND DISSOLUTION

**WHEREAS**, on September 28, 1979, ROBERT H. QUATTLEBAUM, JOSEPH O. BELL, III, and CECIL L. QUATTLEBAUM formed a North Carolina General Partnership (the "Partnership") doing business under the name QUATTLEBAUM, BELL & QUATTLEBAUM, as evidenced by an Assumed Name Certificate dated October 9, 1979, recorded in Book 2 at Page 251, Henderson County Registry;

**WHEREAS**, ROBERT H. QUATTLEBAUM has previously acquired all of the Partnership Interest of JOSEPH O. BELL, III and CECIL L. QUATTLEBAUM, thereby becoming the sole owner of the Partnership and causing the dissolution of the General Partnership pursuant to North Carolina General Statutes §59-61; and

**WHEREAS**, ROBERT H. QUATTLEBAUM thereafter continued to conduct the Partnership business under the assumed name QUATTLEBAUM, BELL & QUATTLEBAUM during the winding up of the Partnership's business and pending the final termination of the Partnership and the distribution of the assets of the Partnership, as evidenced by an Amended Certificate of Assumed Name dated July 6, 1993, recorded in Book 8, at Page 401, Henderson County Registry; and

**WHEREAS**, ROBERT H. QUATTLEBAUM, in continuing the winding up of the Partnership business pending termination of the Partnership and distribution of the assets of the Partnership, changed the name under which the Partnership would conduct business to QUATTLEBAUM COMPANY, as evidenced by an Amended Certificate of Assumed Name dated December 10, 1993, recorded in Book 8, at Page 563, Henderson County Registry; and

**WHEREAS**, ROBERT H. QUATTLEBAUM, as the sole remaining Partner and owner of the entire Partnership Interest, by Assignment of Partnership Interest dated June 25, 2001, assigned all of his right, title and interest in and to the Partnership, including, but not limited to, his right, as the sole remaining Partner and owner of the entire Partnership Interest, to receive distribution of all of the assets held in the name of the Partnership during the winding up of the Partnership business following the dissolution of the Partnership, to THE ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, with ROBERT H. QUATTLEBAUM as the current Trustee; and

**WHEREAS**, the sole remaining Partner, THE ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, with ROBERT H. QUATTLEBAUM as the Trustee, has continued to conduct the business of the Partnership during the winding up of the Partnership business pending final termination of the Partnership and distribution of the assets of the Partnership under the name QUATTLEBAUM COMPANY, as evidenced by an Amended Certificate of Assumed Name dated June 25, 2001, recorded in Book 12, at Page 157, Henderson County Registry; and

**WHEREAS**, ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, and as the sole remaining Partner and owner of the entire Partnership Interest, is entitled to receive distribution of all of the assets of QUATTLEBAUM COMPANY in winding up the business of the Partnership and the Subject Property is an asset of the Partnership; and

**WHEREAS**, ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, and as the sole remaining Partner and owner of the entire Partnership Interest, in exercise of the right to receive distribution of all of the assets of QUATTLEBAUM COMPANY, desires to have the Subject Property distributed directly to QUATTLEBAUM PROPERTIES F, LLC, a North Carolina Limited Liability Company, in winding up the business of the Partnership; and

**WHEREAS**, the Partnership has no objection to distributing the Subject Property by conveying all of its interest in the Subject Property directly to QUATTLEBAUM PROPERTIES F, LLC, in accordance with the desire of ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, and as the sole remaining Partner.

**NOW THEREFORE**, ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, being the sole Partner and owner of the Partnership conducting business as QUATTLEBAUM COMPANY (F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM), does by this Deed grant, bargain, sell and convey unto QUATTLEBAUM PROPERTIES F, LLC, all of the right, title, and interest of QUATTLEBAUM COMPANY, in the Subject Property, as a distribution of assets of the Partnership during the winding up of the Partnership's business following dissolution.

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

# Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. 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. A copy of the deed indicating ownership of the property.
- ☑ 3. An Annexation Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ☑ 4. A typed boundary description of the property.

## A. Property Information

**PIN(s):** 9588407325

**Address(es) / Location of Property:** TBD Upward Road, Flat Rock, NC 28731

**Does this property adjoin the present City Limits?** X **Yes** ___ **No**

**Is the property within the ETJ?** ___ **Yes** X **No**

**Reason for Annexation:**

To connect to the City's utilities for proposed commercial development.

Office Use:
**Date Received:** _____ **By:** _____ **Fee Received? Y/N**

**B. Property Owner Contact Information**

Robert H. Quattlebaum — 3/28/25

* Printed Applicant Name — Date

Quattlebaum Properties F, LLC

Printed Company Name (if applicable)

☐ Corporation ■ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Manager

Property Owner Title (if applicable)

PO Box 5007

Address of Property Owner

Hendersonville, NC 28793

City, State, and Zip Code

(828) 693-6062

Telephone

quattlebaumco@bellsouth.net

Email

# LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Quattlebaum Properties F, LLC

SECRETARY OF STATE ID NUMBER: 0710307 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
E - Filed Annual Report
0710307
CA202501702755
1/17/2025 03:30

☐ Changes

**SECTION A: REGISTERED AGENT'S INFORMATION**

**1.** NAME OF REGISTERED AGENT: QUATTLEBAUM, ROBERT H

**2.** SIGNATURE OF THE NEW REGISTERED AGENT:

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

**3.** REGISTERED AGENT OFFICE STREET ADDRESS **& COUNTY**

636 Boxcar Street
Hendersonville, NC 28792-2590 Henderson County

**4.** REGISTERED AGENT OFFICE MAILING ADDRESS

PO Box 5007
Hendersonville, NC 28793

**SECTION B: PRINCIPAL OFFICE INFORMATION**

**1. DESCRIPTION OF NATURE OF BUSINESS:** Commerical Rental Real Estate

**2. PRINCIPAL OFFICE PHONE NUMBER:** (828) 693-6062

**3. PRINCIPAL OFFICE EMAIL:** Privacy Redaction

**4.** PRINCIPAL OFFICE STREET ADDRESS

636 Boxcar St
Hendersonville, NC 28792-2590

**5.** PRINCIPAL OFFICE MAILING ADDRESS

P.O. Box 5007
Hendersonville, NC 28793-5007

**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: Maxine Y Quattlebaum | NAME: Robert H Quattlebaum | NAME: |
| TITLE: Manager | TITLE: Manager | TITLE: |
| ADDRESS: | ADDRESS: | ADDRESS: |
| P O Box 5007 | PO Box 5007 | |
| Hendersonville, NC 28793 | Hendersonville, NC 28793-5007 | |

**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.

Maxine Y Quattlebaum — SIGNATURE

1/17/2025 — DATE

Form must be signed by a Company Official listed under Section C of This form.

Maxine Y Quattlebaum — Print or Type Name of Company Official

Manager — Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

**C. Additional Property Owner Contact Information**

Wes Hall — * Printed Applicant Name

3/28/25 — Date

Sheetz, Inc.

Printed Company Name (if applicable)

☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Entitlement Manager

Property Owner Title (if applicable)

243 Sheetz Way

Address of Property Owner

Claysburg, PA 16625

City, State, and Zip Code

919-896-2019

Telephone

wwhall@sheetz.com

Email

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Krystal Powell **MEETING DATE:** 5/1/2025

**AGENDA SECTION:** Consent **DEPARTMENT:** Finance

**TITLE OF ITEM:** Approval of Fiscal Year 2025 Annual Audit Contract – *Krystal Powell, Finance Director*

**SUGGESTED MOTION(S):**

I move Council approve the resolution to authorize a contract with Gould Killian CPA Group for the fiscal year 2025 annual audit.

**SUMMARY:**
G.S. 159-34 requires each local unit to have its accounts audited as soon as possible after the end of each fiscal year. In January 2024 our Staff issued an RFP for audit services and Gould Killian CPA Group was selected. Staff is recommending Gould Killian CPA Group be approved to provide audit services for the fiscal year 2025 audit. The cost for fiscal year 2025 is $52,950 plus the addition of 6 Single Audits of combined State/Federal Programs. The cost of a Single Audit for an additional major State or Federal program is $4,200. We have included 6 single audits in the contract for this year which is based on an estimate. If less than 6 major programs are audited we will be billed $4,200 less for each one.

**BUDGET IMPACT:** $52,950 plus $4,200 per major program for Single Audit. Total contract $78,150 with 6 major programs estimated for Single Audit

**Is this expenditure approved in the current fiscal year budget?** Next year's budget

**If no, describe how it will be funded.**

**ATTACHMENTS:**
LGC 205 Contract to Audit Accounts
Gould Killian CPA Group Engagement Letter

LGC-205

# CONTRACT TO AUDIT ACCOUNTS

The Governing Board: City Council

of Primary Government Unit: City of Hendersonville

and Discretely Presented Component Unit (DPCU) (if applicable):

*Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)*

and Auditor Name: Gould Killian CPA Group, P.A.

Auditor Address: 100 Coxe Avenue, Asheville, NC 28801

*Hereinafter referred to as Auditor*

for

| Fiscal Year Ending | Date Audit Will Be Submitted to LGC |
|---|---|
| 06/30/25 | 12/31/25 |

*Must be within six months of FYE*

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the! Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall besubjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall!be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate!DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic!financial statements shall include budgetary comparison information in a budgetary comparison statement,!rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. If the Governmental Unit expended $100,000 or more in combined Federal and State financial assistance during the reporting period, the Auditor shall perform the audit in accordance with *Government Auditing Standards* (GAGAS). The Governmental Unit is subject to federal single audit requirements in accordance with Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, Subpart F (*Uniform Guidance*) and the State Single Audit Implementation Act. Currently the threshold is $750,000 for a federal single audit and $500,000 for a State Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501) the Auditor and Governmental Unit(s) should discuss, in advance of the execution of this contract, the responsibility for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512) to ensure proper submission.

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within six months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit- related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. the invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit’s (Units’) audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management’s Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor’s opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/ or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Preparing financial statements in their entirety shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later. T**he auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;

b) the status of the prior year audit findings;

c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and

d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

# CONTRACT TO AUDIT ACCOUNTS



## FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards,2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☑ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

| ***Name:*** | ***Title and Unit / Company:*** | ***Email Address:*** |
|---|---|---|
| Krystal Powell | Finance Director | kpowell@hvlnc.gov |

**OR Not Applicable** ☐ *(Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)*

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

| **Primary Government Unit** | City of Hendersonville |
|---|---|
| Audit Fee (financial and compliance if applicable) | $ 44,450 |
| Fee per Major Program (if not included above) | $ 4,200 (not to exceed amount includes 6 major programs) |
| **Additional Fees Not Included Above (if applicable):** | |
| Financial Statement Preparation (incl. notes and RSI) | $ 8,500 |
| All Other Non-Attest Services | $ |
| **TOTAL AMOUNT NOT TO EXCEED** | $ 78,150 |

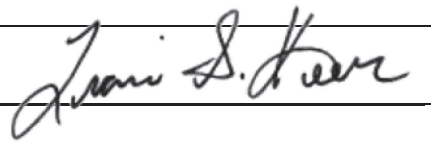
| **Discretely Presented Component Unit** | |
|---|---|
| Audit Fee (financial and compliance if applicable) | $ |
| Fee per Major Program (if not included above) | $ |
| **Additional Fees Not Included Above (if applicable):** | |
| Financial Statement Preparation (incl. notes and RSI) | $ |
| All Other Non-Attest Services | $ |
| **TOTAL AMOUNT NOT TO EXCEED** | $ |

# CONTRACT TO AUDIT ACCOUNTS



## SIGNATURE PAGE

### AUDIT FIRM

| | |
|---|---|
| Audit Firm*<br>Gould Killian CPA Group, P.A. | |
| Authorized Firm Representative (typed or printed)*<br>Travis S. Keever | Signature*<br> |
| Date*<br>04/08/25 | Email Address*<br>tkeever@gk-cpa.com |

### GOVERNMENTAL UNIT

| | |
|---|---|
| Governmental Unit*<br>City of Hendersonville | |
| Date Governing Board Approved Audit Contract*<br>**(Enter date in box to right)** | 5/1/2025 |
| Mayor/Chairperson (typed or printed)*<br>Barbara Volk | Signature* |
| Date | Email Address*<br>bvolk@hvlnc.gov |

| | |
|---|---|
| Chair of Audit Committee (typed or printed, or "NA") | Signature |
| Date | Email Address |

### GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

*This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.*

| | |
|---|---|
| Sum Obligated by This Transaction: | $ 78,150 |
| Primary Governmental Unit Finance Officer* (typed or printed)<br>Krystal Powell | Signature* |
| Date of Pre-Audit Certificate* | Email Address*<br>kpowell@hvlnc.gov |

# CONTRACT TO AUDIT ACCOUNTS



## SIGNATURE PAGE – DPCU
## (complete only if applicable)

### DISCRETELY PRESENTED COMPONENT UNIT

| | |
|---|---|
| DPCU* | |
| Date DPCU Governing Board Approved Audit Contract* **(Enter date in box to right)** | |
| DPCU Chairperson (typed or printed)* | Signature* |
| Date* | Email Address* |

| | |
|---|---|
| Chair of Audit Committee (typed or printed, or "NA") | Signature |
| Date | Email Address |

### DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

*This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.*

| | |
|---|---|
| Sum Obligated by this Transaction: | $ |
| DPCU Finance Officer (typed or printed)* | Signature* |
| Date of Pre-Audit Certificate* | Email Address* |

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

GOULD KILLIAN CPA GROUP, P.A.
CERTIFIED PUBLIC ACCOUNTANTS

G. Edward Towson, II., CPA
Harvey Jenkins, CPA
Shon Norris, CPA, CFP®
Eric Michael, CPA
Daniel R. Mullinix, CPA
Terry Andersen, CPA
Travis Keever, CPA
Cheryl McCormick, CPA

April 7, 2025

To the City Council and
Members of Management
City of Hendersonville
160 6th Ave E
Hendersonville, NC 28792

**Agreement to Provide Services**

This agreement to provide services (the "Agreement") is intended to describe the nature and scope of our services.

**Objectives and Scope of the Audit**

As agreed, Gould Killian CPA Group, P.A. ("GK" or "we") will audit the financial statements of the governmental activities, business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Hendersonville as of and for the year ended June 30, 2025. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Hendersonville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Hendersonville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Required schedules for Law Enforcement Officers' Special Separation Allowance

3. Required schedules for the Local Government Employees' Retirement System
4. Required schedules for Other Postemployment Benefits

We have also been engaged to report on supplementary information other than RSI that accompanies City of Hendersonville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. We will provide an opinion on it in relation to the financial statements as a whole, in a separate written report accompanying our auditor's report on the financial statements:

1. Combining and individual fund statements, budgetary schedules, other schedules
2. Schedule of expenditures of federal and state awards (when applicable)

The introductory and statistical sections will not be subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we will not express an opinion or provide any assurance on them.

**Audit Objectives**

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually-or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on —

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- (Only if a single audit is determined to be required) – internal control over compliance related to major programs and an opinion on compliance with federal statutes, regulations, and the terms and conditions of federal and state awards that could have a direct and material effect on each major program in accordance with Single Audit Act Amendments of 1996 and *Title 2 U.S. Code of Federal Regulations (CFR) part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*.

**Auditor's Responsibilities for the Audit of Financial Statements and Single Audit (if applicable)**

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we will exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable ,to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will bring these misstatements to your attention as proposed adjustments. At the conclusion of our audit we will communicate to those charged with governance (as defined below) all uncorrected misstatements. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit, if applicable. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

We have identified the following significant risk of material misstatement as part of our audit planning:

1. Management's override of internal controls

**Audit Procedures—Internal Control**

We will obtain an understanding of the City and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and to obtain evidence sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than one resulting from error, as fraud may involve collusion, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by Uniform Guidance (if a Single Audit is required), we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program, as required by the Uniform Guidance. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

**Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Hendersonville's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

If a Single Audit is required, the Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal and state awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Hendersonville's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to an audit. The purpose of these procedures will be to express an opinion on the City of Hendersonville's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

**Management Responsibilities for the Financial Statements and Single Audit (if applicable)**

Our audit will be conducted on the basis that you (management) acknowledge and understand that you are responsible for (1) establishing and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that City programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under *Government Audit Standards* and under Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.

Management's responsibilities also include identifying and informing us of significant contractor relationships in which the contractor is responsible for program compliance and for the accuracy and completeness of that information.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the City involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the City received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal and state awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

If a Single Audit is required, you are responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received, and COVID-19

related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal and state awards no later than the date the schedule of expenditures of federal and state awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards, and related notes, and any other non-audit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and state awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the non-audit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

**Reproduction of Audit Report**

If the City plans any reproduction or publication of a document that includes our report, or any portion of it, and that is assembled differently from any paper or electronic version that we have previously reviewed (e.g., by the addition of financial statements and/or accompanying information that you have produced), a copy of the entire document in its final form should be submitted to us in sufficient time for our review and written approval before printing. You also agree to provide us with a copy of the final reproduced material for our written approval before it is distributed. If, in our professional judgment, the circumstances require, we may withhold our written approval.

**Posting of Audit Report and Financial Statements on Your Website**

You agree that, if you plan to post an electronic version of the financial statements and audit report on your website, you will ensure that there are no differences in content between the electronic version of the financial statements and audit report on your website and the signed version of the financial statements and audit report provided to management by GK. You also agree to indemnify the GK from any and all claims that may arise from any differences between the electronic and signed versions.

**Review of Documents In Connection With Offering of Sale of Debt**

The audited financial statements and our report thereon should not be provided or otherwise made available to lenders, other financial institutions or sources of financing, or others (including advisors to such parties) in connection with any document to be used in the process of obtaining capital, including, without limitation, by means of the sale of securities (including securities offerings on the Internet) without first submitting copies of the document to us in sufficient time for our review and written approval. If, in our professional judgment, the circumstances require, we may withhold or condition our written approval.

**Availability of Records and Personnel**

You agree that all records, documentation, and information we request in connection with our audit will be made available to us (including those pertaining to related parties), that all material information will be disclosed to us, and that we will have the full cooperation of, and unrestricted access to, your personnel during the course of the engagement.

You also agree to ensure that any third-party valuation reports that you provide to us to support amounts or disclosures in the financial statements (a) indicate the purpose for which they were intended, which is consistent with your actual use of such reports; and (b) do not contain any restrictive language that would preclude us from using such reports as audit evidence.

**Assistance by Your Personnel**

We also ask that your personnel prepare various schedules and analyses for our staff. However, except as otherwise noted by us, no personal information other than names related to City employees and/or customers should be provided to us. In addition, we ask that you provide high-speed Internet access to our engagement team, if practicable, while working on the City’s premises. This assistance will serve to facilitate the progress of our work.

**Peer Review Reports**

*Government Auditing Standards* requires that we provide you with a copy of our most recent quality control review report. Our latest peer review report accompanies this letter.

**Other Services**

We are always available to meet with you and members of City Council at various times throughout the year to discuss current business, operational, accounting, and auditing matters affecting the City. Whenever you feel such meetings are desirable, please let us know. We are also prepared to provide services to assist you in any of these areas. We will also be pleased, at your request, to attend governing board meetings.

We will also assist in preparing the financial statements, schedule of expenditures of federal and state awards (if applicable), and related notes of City of Hendersonville in conformity with U.S. generally accepted accounting principles based on information provided by you. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings (if applicable). It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

**Independence**

Professional and certain regulatory standards require us to be independent, in both fact and appearance, with respect to the City in the performance of our services. Any discussions that you have with personnel of GK regarding employment could pose a threat to our independence. Therefore, we request that you inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

In order for us to remain independent, professional standards require us to maintain certain respective roles and relationships with you with respect to the non-attest services described above. Prior to performing such services in conjunction with our audit, management must acknowledge its acceptance of certain responsibilities.

We will not perform management functions or make management decisions on behalf of the City. However, we will provide advice and recommendations to assist management of the City in performing its functions and fulfilling its responsibilities.

The City agrees to perform the following functions in connection with our performance of the financial statement services:

a. Make all management decisions and perform all management functions with respect to the financial statement services provided by us.
b. Assign Krystal Powell to oversee the financial statement services and evaluate the adequacy and results of the services.
c. Accept responsibility for the results of the financial statement services.

The services are limited to those outlined above. We, in our professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as making management decisions or performing management functions. The City must make all decisions with regard to our recommendations. By signing this Agreement, you acknowledge your acceptance of these responsibilities.

**Engagement Administration, Fees, and Other**

We will provide copies of our reports to the members of City Council of the City of Hendersonville; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

Many banks have engaged a third party to electronically process cash or debt audit confirmation requests, and certain of those banks have mandated the use of this service. Further, such third party confirmation processors also provide for the electronic (and manual) processing of other confirmation types (e.g., legal, accounts receivable, and accounts payable). To the extent applicable, the City hereby authorizes GK to participate in such confirmation processes, including through the third party's website (e.g., by entering the City's bank account information to initiate the process and then accessing the bank's confirmation response), and agrees that GK shall have no liability in connection therewith.

The audit documentation for this engagement is the property of Gould Killian CPA Group, P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Gould Killian CPA Group, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the federal or state oversight agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit in June 2025 and to issue our reports no later than December 31, 2025. Travis S. Keever is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fixed charges to the City for the services described above of $52,950 are expected to be $44,450 for the financial statement audit and $8,500 for financial statement preparation. An additional variable fee of $4,200 per major program will be charged should a federal and/or state single audit be necessary.

The fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. We anticipate the time necessary to complete your audit will approximately 375 hours in total. If significant additional time is necessary (over 400 hours), we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation.

This fee structure does not take into consideration effects that any future standards promulgated by the Governmental Accounting Standards Board and/or other professional bodies will have on our audit procedures. As we become aware of additional audit procedures resulting from these circumstances, we will notify you of the situation and the estimated additional cost.

As a result of future services to you, we might be requested or required to provide information or documents to you or a third party in a legal, administrative, arbitration, or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to you as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with the request. For all requests we will observe the confidentiality requirements of our profession and will notify you promptly of the request.

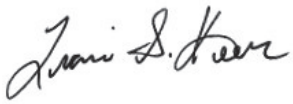
**Reporting**

We will issue written reports upon our completion of the audit. Our reports will be address to the members of the City Council for the City of Hendersonville, North Carolina. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs to our auditor's report, or if necessary, withdraw from this engagement. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports, or may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. If applicable, the Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We believe the foregoing letter accurately summarized the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please acknowledge this by signing and returning to us a copy of this Agreement and retaining a copy for your files. We will forward the signed engagement letter and LGC contract to the Local Government Commission.

Very truly yours,



Travis S. Keever
Certified Public Accountant

RESPONSE:

This letter correctly sets forth the understanding of City of Hendersonville.

Management signature: _____

Title: City Manager

Date: _____

Governance signature: _____

Title: Mayor

Date: _____

Resolution#__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO**

**AUTHORIZE A CONTRACT WITH GOULD KILLIAN CPA GROUP**

**WHEREAS**, the North Carolina General Assembly has enacted Chapter 159-34 of the North Carolina General Statutes which requires all local governments to have their accounts audited as soon as possible after the close of each fiscal year by a certified public accountant, or accountant certified by the Local Government Commission as qualified to audit local government accounts, selected by and reporting to the governing board; and

**WHEREAS**, City staff issued a Request for Proposal from qualified auditing firms on January 11, 2024 and four proposals were received; and

**WHEREAS,** staff reviewed the proposals based on the criteria outlined in the Request for Proposal; and
**WHEREAS,** Gould Killian CPA Group scored the highest among the four proposals reviewed by staff.

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

1. City Council selects Gould Killian CPA Group as auditor for fiscal year 2025 for the amount of $52,950 plus $4,200 for each major Single Audit program.
2. City Council directs the Finance Director to submit the completed LGC-205 Contract to Audit Accounts to the Local Government Commission.
3. City Council authorizes the City Manager to sign the Gould Killian CPA Group Engagement Letter and the LGC-205 Contract to Audit Accounts for the fiscal year 2025 audit.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May 2025.

_____

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:** Adam Murr **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** May 2025 Budget Amendments – *Adam Murr, Budget & Eval. Director*

**SUGGESTED MOTION(S):**

I move City Council adopt budget amendments 05012025-0, 05012025-02, and 05012025-03 as presented.

**SUMMARY:**

**05012025-01**: An amendment to increase the Community Waste Reduction Grant Project #G2403 by $8,000 for a grant match.
**05012025-02**: An amendment decreasing the Tracey Grove Bridge Project #15929 to $592,989 to reflect an adjusted scope of work. NCDOT will be responsible for construction, and the City will be responsible for utility work.
**05012025-03**: An amendment decreasing the Clear Creek Greenway Project #18026 by $150,000 due to an unsecured grant.

**BUDGET IMPACT:** Described Above

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

**If no, describe how it will be funded.**

**ATTACHMENTS:**

1. Budget Amendments 05012025-01 and 05012025-02.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2025**
**APPROVAL: May 01, 2025** **FORM: 05012025-01**

# BUDGET AMENDMENT

| FUND 010 \| 301 | | | | | |
|---|---|---|---|---|---|
| **ACCOUNT NUMBER** | **DESCRIPTION OF ACCOUNT** | **EXISTING BUDGET** | **INCREASE** | **DECREASE** | **REVISED BUDGET** |
| 010-1502-534000 | Non-Capital Equipment | 40,000 | - | 8,000 | 32,000 |
| 010-0000-598901 | Transfer Out (to 301, #G2403) | 1,702,176 | 8,000 | - | 1,710,176 |
| FUND 010 | TOTAL REVENUES | - | - | - | - |
| General Fund | TOTAL EXPENDITURES | 1,742,176 | 8,000 | 8,000 | 1,742,176 |
| 301-0000-470100-G2403 | Transfer In (From 010, FY25) | - | 8,000 | - | 8,000 |
| 301-0000-420050-G2403 | Grant Revenue | 40,000 | - | - | 40,000 |
| 301-7855-550102-G2403 | Capital Outlay - Services and Fees | 40,000 | 8,000 | - | 48,000 |
| FUND 301 | TOTAL REVENUES | 40,000 | 8,000 | - | 48,000 |
| Waste Reduction #G2403 | TOTAL EXPENDITURES | 40,000 | 8,000 | - | 48,000 |
| An amendment to increase the Community Waste Reduction Grant Project #G2403 by $8,000 for a grant match. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 05012025-01 was approved by City Council on May 01, 2025.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL**
**APPROVAL: May 01, 2025**

**FISCAL YEAR 2025**
**FORM: 05012025-02**

# BUDGET AMENDMENT

| FUND 010 \| 410 | | | | | |
|---|---|---|---|---|---|
| **ACCOUNT NUMBER** | **DESCRIPTION OF ACCOUNT** | **EXISTING BUDGET** | **INCREASE** | **DECREASE** | **REVISED BUDGET** |
| 010-0000-470900 | Fund Balance Approp. (FY15) | 150,000 | - | - | 150,000 |
| 010-0000-470900 | Fund Balance Approp. (FY16) | 58,000 | - | - | 58,000 |
| 010-0000-410001 | Local Sales & Use Tax (Sales Tax, FY25) | 6,117,500 | 124,835 | - | 6,242,335 |
| 010-0000-598901 | Transfer Out (to 410, #15929, FY15) | 150,000 | - | - | 150,000 |
| 010-0000-598901 | Transfer Out (to 410, #15929, FY16) | 58,000 | - | - | 58,000 |
| 010-0000-598901 | Transfer Out (to 410, #15929, FY25) | - | 124,835 | - | 124,835 |
| FUND 010 | TOTAL REVENUES | 6,325,500 | 124,835 | - | 6,450,335 |
| | TOTAL EXPENDITURES | 208,000 | 124,835 | - | 332,835 |
| 410-0000-470010-15929 | Transfer In (from 010, FY15) | 150,000 | - | - | 150,000 |
| 410-0000-470010-15929 | Transfer In (from 010, FY16) | 58,000 | - | - | 58,000 |
| 410-0000-470010-15929 | Transfer In (from 010, FY25) | - | 124,835 | - | 124,835 |
| 410-0000-420050-15929 | Reimbursements | 832,000 | - | 832,000 | - |
| 410-0000-420050-15929 | Grant Revenue (NCDOT) | - | 260,154 | - | 260,154 |
| 410-1014-550103-15929 | Capital - CIP | 1,040,000 | 384,989 | 832,000 | 592,989 |
| FUND 410 | TOTAL REVENUES | 1,040,000 | 384,989 | 832,000 | 592,989 |
| Tracey Grove Bridge, #15929 | TOTAL EXPENDITURES | 1,040,000 | 384,989 | 832,000 | 592,989 |

An amendment to the Tracey Grove Bridge Project #15929, decreasing the total appropriation to $592,989 from $1,040,000. The decrease is attributed to NCDOT fully assuming work on the bridge construction portion of the project. The City is budgeting for only Duke and AT&T utility work, and previously completed work.

The City Manager and City Clerk certify budget ordinance amendment 05012025-02 was approved by City Council on May 01, 2025.

City Manager _____ Date _____

City Clerk _____ Date _____

**TO MAYOR & COUNCIL** **FIS**
**APPROVAL: May 01, 2025** **FOR**

# BUDGET AMENDMENT

FUND 410

| ACCOUNT NUMBER | DESCRIPTION OF ACCOUNT | EXISTING BUDGET | INCREASE | DECREASE |
|---|---|---|---|---|
| 410-0000-460090-18026 | Contributions/Donations - Carolina Village | 250,000 | - | - |
| 410-0000-460090-18026 | Contributions/Donations - Blue Ridge Bicycle Club | 10,000 | - | - |
| 410-0000-460090-18026 | Contributions/Donations-WRDG | 150,000 | - | 150,000 |
| 410-0000-460090-18026 | Contributions/Dontaitons- PARTF 2020 | 376,000 | - | - |
| 410-0000-460090-18026 | Contributions/Donations-STBG-DA | 1,686,020 | - | - |
| 410-1014-550102-18026 | Captial Outlay- Fees and Services | 306,620 | - | - |
| 410-1014-551000-18026 | Captial Outlay- Land,Easement,ROW | 77,820 | - | - |
| 410-1014-550103-18026 | Capital Outlat- CIP | 2,087,580 | - | 150,000 |
| FUND 010 | TOTAL REVENUES | 2,472,020 | - | 150,000 |
| General Fund | TOTAL EXPENDITURES | 2,472,020 | - | 150,000 |

An amendment to reduce the Clear Creek Greenway Project #18026 by $150,000 due to an unsecured grant.

The City Manager and City Clerk certify budget ordinance amendment 05012025-03 was approved by City Council on May 01, 2025.

City Manager

City Clerk

**SCAL YEAR 2025**
**RM: 05012025-03**

| REVISED BUDGET |
|---|
| 250,000 |
| 10,000 |
| - |
| 376,000 |
| 1,686,020 |
| 306,620 |
| 77,820 |
| 1,937,580 |
| 2,322,020 |
| 2,322,020 |

Date

Date

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Michael Huffman **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** Consent **DEPARTMENT:** Stormwater

**TITLE OF ITEM:** Construction Contract Award of the Lower Mud Creek Floodplain Restoration and Flood Risk Reduction Project – *Michael Huffman, Stormwater Director*

**SUGGESTED MOTION(S):**

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter Into a Contract for the Construction of the Lower Mud Creek Floodplain Restoration and Flood Risk Reduction Project* as presented and recommended by staff.

**SUMMARY:**

Lower Mud Creek Floodplain Restoration and Flood Risk Reduction (DWI Project No. SRP-SW-ARP-0012) intends to reduce flooding and restore natural floodplain functions along Mud Creek in south Hendersonville. Spanning two City-owned parcels totaling 27 acres, the project will reconnect floodplains, restore over 2,000 linear feet of first-order streams, stabilize 1,500 linear feet of streambank, and enhance 20 acres of wetlands and riparian areas. These efforts will boost floodwater storage, mitigate chronic flooding, and improve water quality by addressing stormwater runoff and habitat degradation.. Formal bids were received on April 17 2025, however, only two bids were received. As required by N.C.G.S. § 143-132, the project was rebid, with two bids being received on April 28 2028 with the following results:

Shamrock Construction and Remediation - $2,584,074.90

Environmental Quality Resources - $5,697,759.70

Please note that the final award will be contingent upon the approval of the North Carolina Department of Environmental Quality and the North Carolina Local Government Commission.

**BUDGET IMPACT:** $2,584,074.90

**Is this expenditure approved in the current fiscal year budget?** Yes

**If no, describe how it will be funded.**

**PROJECT NUMBER:** 23006 **PETITION NUMBER:** N/A

**ATTACHMENTS:**

Resolution, Bid Tabulation, Engineer's Recommendation of Award

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE LOWER MUD CREEK FLOODPLAIN RESTORATION AND FLOOD RISK REDUCTION PROJECT**

**WHEREAS,** the Lower Mud Creek Floodplain Restoration and Flood Risk Reduction (DWI Project No. SRP-SW-ARP-0012) intends to reduce flooding and restore natural floodplain functions along Mud Creek in south Hendersonville. Spanning two City-owned parcels totaling 27 acres, the project will reconnect floodplains, restore over 2,000 linear feet of first-order streams, stabilize 1,500 linear feet of streambank, and enhance 20 acres of wetlands and riparian areas. These efforts will boost floodwater storage, mitigate chronic flooding, and improve water quality by addressing stormwater runoff and habitat degradation.

**WHEREAS**, bids were scheduled to be received at 2:00 p.m., April 17$^{h}$ 2025, for the Lower Mud Creek Floodplain Restoration and Flood Risk Reduction Project but fewer than three bids were offered; and

**WHEREAS**, North Carolina General Statute (N.C.G.S.) 143-132(a) requires a minimum of three bids for formal construction and repair contracts and N.C.G.S. 143-129 authorizes the project to be re-advertised; and

**WHEREAS**, after proper re-advertisement, two bids were received and publicly opened by the City of Hendersonville at 1:00 p.m. on April 28$^{th}$, 2025, and the following bids were received; and

| **Name of Contractor** | **Amount** |
|---|---|
| 1. Shamrock Construction and Remediation, LLC | $2,584,074.90 |
| 2. Environmental Quality Resources | $5,697,759.70 |

**WHEREAS**, Wildlands Engineering reviewed each bid for completeness and accuracy. Shamrock Construction and Remediation, LLC was the lowest responsive, responsible bidder in the total bid amount of $2,584,074.90, and

**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 Lower Mud Creek Floodplain Restoration and Flood Risk Reduction (DWI Project No. SRP-SW-ARP-0012) to Shamrock Construction and Remediation, LLC, the lowest responsive and responsible bidder, in the total amount of $2,584,074.90.

2. The City Manager's authority to award and execute the construction contract granted by this Resolution in paragraph 1 above is contingent upon the approval of the North Carolina

Department of Environmental Quality and the North Carolina Local Government Commission.

3. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $2,584,074.90, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval, and provided that such change orders are approved by the NCDEQ or the NCLCG if required by applicable laws or program regulations.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

WILDLANDS ENGINEERING

# MEMORANDUM

TO: City of Hendersonville
Mike Huffman, CSM, CFM, Stormwater Director

FROM: Jake McLean, PE, Project Manager
Wildlands Engineering, Inc.

DATE: April 29, 2025

RE: Lower Mud Creek Floodplain Restoration and Flood Risk Reduction
City Project #23006
WL Project #20373

The proposed Work consists of stream, wetland and floodplain grading and related construction (erosion control, planting, culverts, etc.) for the purposes of stormwater management, flood risk reduction and resiliency and maintenance and recreational access to the City-owned properties and over temporary and permanent easements obtained by the City. Stream, wetland and floodplain work will include installation of in-stream wood and rock structures and bioengineering, planting, invasive species removal and erosion protection and sedimentation control including flow diversion and pump around requirements. Funding for the work has been obtained through approved grants from NC Division of Water Infrastructure (NCDWI), NC Land and Water Fund (NCLWF) and NC Division of Water Resources (Water Resources Development Grant Program).

- Wilson Site
  - Restoration of approximately 1,623 LF of stream and installation of 8.7 AC of offline wetlands and 4.5 AC of floodplain
  - Maintenance access and recreational elements

- Brevard Site
  - Restoration of approximately 1,616 LF of stream and installation of 5.8 AC offline wetlands and 6.2 AC of floodplain
  - Maintenance access and recreational elements

A bid opening was held on April 17, 2025 at 2:00pm, where an insufficient number of bids were received to open bids per North Carolina General Statutes. Two bids were received at the April 28, 2025 bid opening, and those bids were not opened. The project was formally re-advertised for bidding on April 17, 2025.

A subsequent bid opening was held on April 28, 2025 at 1:00pm. Two bids were received and permitted to be opened in accordance with North Carolina General Statutes. We conclude that the project was adequately advertised and available to the construction industry.

A Tabulation of Bids received is attached.

The low bid was submitted by Shamrock Construction & Remediation, LLC (SCR) in the amount of $2,584,074.90. This low bid was above but within 10% of the Engineer's estimate of construction cost. Certain portions of the budget are slightly above or below the current funding budgets of the three grant sources allocated to this project. We conclude that the bid submitted by Shamrock Construction & Remediation, LLC is an accurate reflection of the cost of the work and that the City will negotiate the final contract amount and terms consistent with the available funding and associated eligibility.

Based on all of the above information, Wildlands Engineering, Inc. recommends tentative award of this Contract to Shamrock Construction & Remediation, LLC in the total contract amount of $2,584,074.90, contingent on the availability of additional funding for elements that are underfunded.

Please let us know if you have questions regarding this recommendation.

| | | | | | | | EQR | | SHAMROCK ENVIRONMENTAL | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Lower Mud Floodplain Restoration - Wilson Site - Bid Schedule (Addendum #4)** | | | | | | | **Addendum #4 Updates (none)** | | | **Addendum #4 Updates (none)** |
| **Bid Section** | **Technical Specification Section** | **Item** | **Bid Item** | **Quantity** | **Unit** | **Unit Price** | **Subtotal** | | **Unit Price** | **Subtotal** |
| **1** | | | **Erosion Control** | | | | | | | |
| | 3.1 | 1 | Temporary Construction Entrance | 1 | EA | 2700 | $ 2,700.00 | | 2704 | $ 2,704.00 |
| | 3.2 | 2 | Pump Around System / Flow Diversion | 1 | LS | 76550 | $ 76,550.00 | | 79379 | $ 79,379.00 |
| | 3.4 | 3 | Temporary Stream and Wetland Crossings | 1 | LS | 37650 | $ 37,650.00 | | 24976 | $ 24,976.00 |
| | 5.2 | 4 | Coir Fiber Matting | 2350 | SY | 10.5 | $ 24,675.00 | | 8.1 | $ 19,035.00 |
| | 3.5 | 5 | Straw Erosion Control Blanket | 500 | SY | 8.7 | $ 4,350.00 | | 3 | $ 1,500.00 |
| | 3.5 | 6 | Coir Erosion Control Blanket | 500 | SY | 10.5 | $ 5,250.00 | | 4 | $ 2,000.00 |
| | 3.6 | 7 | Temporary Silt Fence | 1720 | LF | 7.5 | $ 12,900.00 | | 3.8 | $ 6,536.00 |
| | 3.7 | 8 | Temporary Safety Fence | 300 | LF | 4.2 | $ 1,260.00 | | 4 | $ 1,200.00 |
| | 3.8 | 9 | 12"x10' Straw Wattle | 30 | EA | 444 | $ 13,320.00 | | 92 | $ 2,760.00 |
| | 3.8 | 10 | 12"x10' Coir Wattle | 30 | EA | 499 | $ 14,970.00 | | 138 | $ 4,140.00 |
| **2** | | | **Site Work** | | | | | | | |
| | 4.1 | 11 | Mobilization and Demobilization | 1 | LS | 326500 | $ 326,500.00 | | 64369 | $ 64,369.00 |
| | 4.2 | 12 | Class A / Ballast Stone for Entrance Extension and Primary Staging Areas | 90 | TON | 151 | $ 13,590.00 | | 44 | $ 3,960.00 |
| | 4.2 | 13 | Class ABC Topping for Finish Grading and Seeding | 54 | TON | 180 | $ 9,720.00 | | 37 | $ 1,998.00 |
| | 4.3 | 14 | Clearing and Grubbing | 1 | LS | 170400 | $ 170,400.00 | | 21963 | $ 21,963.00 |
| | 4.3 | 15 | Hauling and Disposal - Invasive Species and Invasives Contaminated Soil | 5 | LOAD | 1100 | $ 5,500.00 | | 1749 | $ 8,745.00 |
| | 4.3 | 16 | Hauling and Disposal - Tree Stumps | 5 | LOAD | 1100 | $ 5,500.00 | | 850 | $ 4,250.00 |
| | 4.3 | 17 | Hauling and Disposal - Inorganic Waste | 2.00 | LOAD | 1100 | $ 2,200.00 | | 858 | $ 1,716.00 |
| | 4.3 | 18 | Hauling and Disposal - Excess Fill | 20 | LOAD | 1100 | $ 22,000.00 | | 516 | $ 10,320.00 |
| | 4.4 | 19 | Grading - Wilson | 1 | LS | 261800 | $ 261,800.00 | | 266726 | $ 266,726.00 |
| | 4.5 | 20 | Maintenance Road Stabilization Stone | 72 | TON | 151 | $ 10,872.00 | | 48 | $ 3,456.00 |
| | 4.5 | 21 | Maintenance Access Road | 778 | TON | 203 | $ 157,934.00 | | 49.1 | $ 38,199.80 |
| | 4.7 | 22 | 36" HDPE Pipe Culvert #1 (Wilson) | 30 | LF | 323 | $ 9,690.00 | | 99 | $ 2,970.00 |
| | 4.7 | 23 | 36" HDPE Pipe Culvert #2 (Wilson) | 30 | LF | 323 | $ 9,690.00 | | 91 | $ 2,730.00 |
| | 4.7 | 24 | Boulder Headwall / Boulder Walls | 26 | TON | 247 | $ 6,422.00 | | 159 | $ 4,134.00 |
| **2B** | | | **Water Control Structures** | | | | | | | |
| | 4.9 | 25 | Concrete Structure - NCDOT L-Wall 838.05 (Modified) | 1 | EA | 37150 | $ 37,150.00 | | 5992 | $ 5,992.00 |
| | 4.9 | 26 | Concrete Structure - NCDOT Endwall 838.01 (Modified) for Intake | 1 | EA | 37150 | $ 37,150.00 | | 5070 | $ 5,070.00 |
| | 4.9 | 27 | Concrete Structure - NCDOT Endwall 838.01 (Modified) for Orifice/Dewatering - Sheet 9.7 | 2 | EA | 37150 | $ 74,300.00 | | 3021 | $ 6,042.00 |
| | 4.9 | 28 | 12" PVC Pipe | 30 | LF | 192 | $ 5,760.00 | | 26 | $ 780.00 |
| | 4.9 | 29 | 6" PVC Orifice (Dewatering) Pipe | 80 | LF | 83.5 | $ 6,680.00 | | 15 | $ 1,200.00 |
| | 4.9 | 30 | 4" PVC Orifice (Dewatering) Pipe | 80 | LF | 61.5 | $ 4,920.00 | | 9 | $ 720.00 |
| | 4.9 | 31 | Pressure Transducer Operated Gate 16x48" | 1 | EA | 22600 | $ 22,600.00 | | 12650 | $ 12,650.00 |
| | 4.9 | 32 | Butterfly Valve for 12" PVC | 1 | EA | 6160 | $ 6,160.00 | | 3450 | $ 3,450.00 |
| | 4.9 | 33 | Control Box with Solar Power and Batteries | 1 | EA | 17450 | $ 17,450.00 | | 9775 | $ 9,775.00 |
| | 4.9 | 34 | Pressure Transducer with slitted PVC housing | 2 | EA | 2310 | $ 4,620.00 | | 1294 | $ 2,588.00 |
| | 4.9 | 35 | Camera and cable/connectivity | 1 | EA | 2050 | $ 2,050.00 | | 1150 | $ 1,150.00 |
| | 4.9 | 36 | 8' Camera Mounting Pole | 1 | EA | 2050 | $ 2,050.00 | | 1240 | $ 1,240.00 |
| | 4.9 | 37 | System Programming, Setup and Connection (Wilson) | 1 | LS | 20550 | $ 20,550.00 | | 11500 | $ 11,500.00 |
| | 0 | 38 | Connectivity Package | 1 | LS | 18500 | $ 18,500.00 | | 10350 | $ 10,350.00 |
| | 4.9 | 39 | Cables, Conduit and Installation | 200 | LF | 51.5 | $ 10,300.00 | | 25 | $ 5,000.00 |
| | 4.9 | 40 | Outlet Weir | 315 | TON | 217 | $ 68,355.00 | | 62 | $ 19,530.00 |
| | | | | | | Wilson Page 1 Subtotal | $ 1,544,038.00 | | Wilson Page 1 Subtotal | $ 676,803.80 |

| | | | | | | | EQR | SHAMROCK ENVIRONMENTAL |
|---|---|---|---|---|---|---|---|---|
| **Lower Mud Floodplain Restoration - Wilson Site - Bid Schedule (Addendum #4)** | | | | | | | **Addendum #4 Updates** | **Addendum #4 Updates** |
| **Bid Section** | **Technical Specification Section** | **Item** | **Bid Item** | **Quantity** | **Unit** | **Unit Price** | **Subtotal** | **Unit Price** | **Subtotal** |
| **3** | | | **Recreational Elements** | | | | | | |
| | 4.6 | 41 | Trail Stabilization Stone | 30.0 | TON | 234 | $ 7,020.00 | 37 | $ 1,110.00 |
| | 4.6 | 42 | Trail Geotextile Fabric | 89.0 | SY | 6.7 | $ 596.30 | 3 | $ 267.00 |
| | 4.6 | 43 | Trail 57 Stone | 5.0 | TON | 202 | $ 1,010.00 | 48 | $ 240.00 |
| | 4.6 | 44 | Trail 1.5” Washed Stone | 5.0 | TON | 219 | $ 1,095.00 | 44 | $ 220.00 |
| | 4.6 | 45 | Trail 3/8” Minus Crushed Stone | 100.0 | TON | 176 | $ 17,600.00 | 34 | $ 3,400.00 |
| | 4.6 | 46 | Trail Typology C1 – Bench Cut Natural Surface Trail | 430.0 | LF | 26.5 | $ 11,395.00 | 11 | $ 4,730.00 |
| | 4.6 | 47 | Trail ABC Rock Base | 754.0 | TON | 81.5 | $ 61,451.00 | 51.5 | $ 38,831.00 |
| | 4.6 | 48 | 10' Asphalt Greenway (Trail Typology E) - Asphalt Surface Course | 2770.0 | SY | 94.5 | $ 261,765.00 | 27.7 | $ 76,729.00 |
| **4** | | | **Structures** | | | | | | |
| | 5.2 | 49 | Native Material / Constructed Riffle - Small | 212.0 | LF | 45.5 | $ 9,646.00 | 9 | $ 1,908.00 |
| | 5.2 | 50 | Woody Riffle - Small | 62.0 | LF | 206 | $ 12,772.00 | 8 | $ 496.00 |
| | 5.2 | 51 | Chunky Riffle - Small | 36.0 | LF | 45.5 | $ 1,638.00 | 9 | $ 324.00 |
| | 5.4 | 52 | Log Vane - Large | 6.0 | EA | 6910 | $ 41,460.00 | 2040 | $ 12,240.00 |
| | 5.1 | 53 | Embedded Streambed Wood - Large | 1.0 | EA | 1970 | $ 1,970.00 | 1051 | $ 1,051.00 |
| | 5.5 | 54 | Brush Toe with 1 Geolift - Small | 360.0 | LF | 192 | $ 69,120.00 | 61 | $ 21,960.00 |
| | 5.5 | 55 | Brush Toe with 2 Geolifts - Large | 116.0 | LF | 299 | $ 34,684.00 | 101 | $ 11,716.00 |
| | 5.7 | 56 | Additional Geolifts per Lift in Excess of Standard | 400.0 | LF | 304 | $ 121,600.00 | 27 | $ 10,800.00 |
| | 5.6 | 57 | Rock Toe Protection | 100.0 | TON | 217 | $ 21,700.00 | 62 | $ 6,200.00 |
| **5** | | | **Materials** | | | | | | |
| | 6.1 | 58 | Supplemental Riffle Stone - Class B Stone | 25.00 | TON | 216 | $ 5,400.00 | 36 | $ 900.00 |
| | 6.1 | 59 | Supplemental Riffle Stone - Class A Stone | 25.00 | TON | 237 | $ 5,925.00 | 33 | $ 825.00 |
| | 6.1 | 60 | Supplemental Riffle Stone - Ballast/Surge Stone | 25.00 | TON | 209 | $ 5,225.00 | 33 | $ 825.00 |
| | 6.1 | 61 | Supplemental Riffle Stone - ABC | 25.00 | TON | 191 | $ 4,775.00 | 26 | $ 650.00 |
| | 6.1 | 62 | Supplemental Riffle Stone - 57 Stone | 373.00 | TON | 217 | $ 80,941.00 | 37 | $ 13,801.00 |
| | 6.1 | 63 | Misc. Boulders | 25.00 | TON | 275 | $ 6,875.00 | 159 | $ 3,975.00 |
| | 6.1 | 64 | Misc. Class 1 Stone | 25.00 | TON | 239 | $ 5,975.00 | 74 | $ 1,850.00 |
| | 6.1 | 65 | Misc. Class B Stone | 80.00 | TON | 216 | $ 17,280.00 | 67 | $ 5,360.00 |
| | 6.1 | 66 | Misc. Class A Stone | 80.00 | TON | 237 | $ 18,960.00 | 65 | $ 5,200.00 |
| | 6.1 | 67 | Misc. Ballast Stone | 25.00 | TON | 209 | $ 5,225.00 | 65 | $ 1,625.00 |
| | 6.1 | 68 | Misc. ABC | 25.00 | TON | 191 | $ 4,775.00 | 51 | $ 1,275.00 |
| | 6.1 | 69 | Misc. 57 Stone | 25.00 | TON | 217 | $ 5,425.00 | 69 | $ 1,725.00 |
| | 6.2 | 70 | Misc. Type 2 Filter Fabric | 100.00 | SY | 5.6 | $ 560.00 | 2 | $ 200.00 |
| **6** | | | **Planting** | | | | | | |
| | 7.1 | 71 | Temporary Seeding & Mulching | 17.0 | AC | 5220 | $ 88,740.00 | 1866 | $ 31,722.00 |
| | 7.2 | 72 | Permanent Seeding – Riparian Wetland Seed Mix | 1.30 | AC | 6730 | $ 8,749.00 | 3795 | $ 4,933.50 |
| | 7.2 | 73 | Permanent Seeding – Emergent Wetland Seed Mix | 1.1 | AC | 6770 | $ 7,447.00 | 3795 | $ 4,174.50 |
| | 7.2 | 74 | Permanent Seeding – Riparian Buffer Seed Mix | 2.9 | AC | 8710 | $ 25,259.00 | 3795 | $ 11,005.50 |
| | 7.2 | 75 | Permanent Seeding – Fescue Seed Blend | 3.8 | AC | 4900 | $ 18,620.00 | 3795 | $ 14,421.00 |
| | 7.3 | 76 | Transplants | 40.0 | EA | 650 | $ 26,000.00 | 75 | $ 3,000.00 |
| | 7.3 | 77 | Sod Mats | 60.0 | SY | 14 | $ 840.00 | 74 | $ 4,440.00 |
| | 8.1 | 78 | Herbaceous Plugs | 2979.0 | EA | 5.1 | $ 15,192.90 | 5.7 | $ 16,980.30 |
| | 8.2 | 79 | Livestakes | 1465.0 | EA | 6.7 | $ 9,815.50 | 4.5 | $ 6,592.50 |
| | 5.7 | 80 | Live brush | 1984.0 | EA | 6.7 | $ 13,292.80 | 2.5 | $ 4,960.00 |
| | 8.3 | 81 | Bare Root | 1299.00 | EA | 6.9 | $ 8,963.10 | 4.6 | $ 5,975.40 |
| | 8.3 | 82 | Container Plants - 1 gal | 1021.00 | EA | 28 | $ 28,588.00 | 28.6 | $ 29,200.60 |
| | 8.3 | 83 | Container Plants - 3 gal | 437.00 | EA | 52.5 | $ 22,942.50 | 52.6 | $ 22,986.20 |
| | 8.3 | 84 | Invasive Species Treatment | 120 | HR | 565 | $ 67,800.00 | 259 | $ 31,080.00 |
| **Page 2** | | | | | | Wilson Page 2 Subtotal | $ 1,186,113.10 | Wilson Page 2 Subtotal | $ 421,904.50 |
| | | | | | | Carryover Wilson Page 1 Subtotal | $ 1,544,038.00 | arryover Wilson Page 1 Subtotal | $ 676,803.80 |
| | | | | | | Sum Page 1 and 2 Subtotals | $ 2,730,151.10 | Sum Page 1 and 2 Subtotals | $ 1,098,708.30 |
| | | | | | | | *Sum Base Bid Wilson Site* | | *Sum Base Bid Wilson Site* |

| | | | | | | | EQR | | SHAMROCK ENVIRONMENTAL | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Lower Mud Floodplain Restoration - Brevard Church Site - Revised Bid Schedule (Addendum #4)** | | | | | | | **Addendum #4 Updates** | | | **Addendum #4 Updates** |
| **Bid Section** | **Technical Specifications Section** | **Item** | **Bid Item** | **Quantity** | **Unit** | **Unit Price** | **Subtotal** | | **Unit Price** | **Subtotal** |
| **1** | | | **Erosion Control** | | | | | | | |
| | 3.1 | 1 | Temporary Construction Entrance | 1 | EA | 1940 | $ | 1,940.00 | 2781 | $ 2,781.00 |
| | 3.2 | 2 | Pump Around System / Flow Diversion | 1 | LS | 50150 | $ | 50,150.00 | 18640 | $ 18,640.00 |
| | 3.4 | 3 | Temporary Stream and Wetland Crossings | 1 | LS | 46400 | $ | 46,400.00 | 24029 | $ 24,029.00 |
| | 3.5 | 4 | Coir Fiber Matting | 5165 | SY | 7.7 | $ | 39,770.50 | 7.7 | $ 39,770.50 |
| | 3.5 | 5 | Coir Erosion Control Blanket | 500 | SY | 7.7 | $ | 3,850.00 | 4 | $ 2,000.00 |
| | 3.5 | 6 | Straw Erosion Control Blanket | 500 | SY | 6.3 | $ | 3,150.00 | 4 | $ 2,000.00 |
| | 3.6 | 7 | Temporary Silt Fence | 670 | LF | 5.4 | $ | 3,618.00 | 3.8 | $ 2,546.00 |
| | 3.7 | 8 | Temporary Safety Fence | 810 | LF | 4.2 | $ | 3,402.00 | 3.45 | $ 2,794.50 |
| | 3.8 | 9 | 12"x10' Straw Wattle | 30 | EA | 320 | $ | 9,600.00 | 92 | $ 2,760.00 |
| | 3.8 | 10 | 12"x10' Coir Wattle | 30 | EA | 359 | $ | 10,770.00 | 138 | $ 4,140.00 |
| **2** | | | **Site Work** | | | | | | | |
| | 4.1 | 11 | Mobilization and Demobilization | 1.00 | LS | 321300 | $ | 321,300.00 | 80605 | $ 80,605.00 |
| | 4.2 | 12 | Class A / Ballast Stone for Entrance Extension and Primary Staging Areas | 122.00 | TON | 120 | $ | 14,640.00 | 45 | $ 5,490.00 |
| | 4.2 | 13 | Class ABC Topping for Finish Grading and Seeding | 54.00 | TON | 130 | $ | 7,020.00 | 37 | $ 1,998.00 |
| | 4.3 | 14 | Clearing and Grubbing | 1.00 | LS | 50350 | $ | 50,350.00 | 21419 | $ 21,419.00 |
| | 4.3 | 15 | Hauling and Disposal - Invasive Species and Invasives Contaminated Soil | 5.00 | 15CY LOAD EQUIVALENT | 792 | $ | 3,960.00 | 1763 | $ 8,815.00 |
| | 4.3 | 16 | Hauling and Disposal - Tree Stumps | 10.00 | 15CY LOAD EQUIVALENT | 792 | $ | 7,920.00 | 864 | $ 8,640.00 |
| | 4.3 | 17 | Hauling and Disposal - Inorganic Waste | 5.00 | 15CY LOAD EQUIVALENT | 792 | $ | 3,960.00 | 873 | $ 4,365.00 |
| | 4.3 | 18 | Hauling and Disposal - Excess Fill | 185.00 | 15CY LOAD EQUIVALENT | 792 | $ | 146,520.00 | 530 | $ 98,050.00 |
| | 4.4 | 19 | Grading - Brevard Church | 1.00 | LS | 325900 | $ | 325,900.00 | 299142 | $ 299,142.00 |
| | 4.5 | 20 | Maintenance Road Stabilization Stone | 72.00 | TON | 108 | $ | 7,776.00 | 62 | $ 4,464.00 |
| | 4.5 | 21 | Maintenance Access Road | 345.00 | TON | 147 | $ | 50,715.00 | 40 | $ 13,800.00 |
| | 4.7 | 22 | 36" HDPE Pipe Culvert #1 (Brevard Church) | 20.00 | LF | 349 | $ | 6,980.00 | 92 | $ 1,840.00 |
| | 4.7 | 23 | 36" HDPE Pipe Culvert #2 (Brevard Church) | 20.00 | LF | 349 | $ | 6,980.00 | 92 | $ 1,840.00 |
| | 4.7 | 24 | Boulder Headwall | 80.00 | TON | 216 | $ | 17,280.00 | 164 | $ 13,120.00 |
| **2B** | | | **Water Control Structures** | | | | | | | |
| | Structures Addendum | 25 | Cast-in-Place Concrete Gate Structure | 2.0 | EA | 32300 | $ | 64,600.00 | 10471 | $ 20,942.00 |
| | 4.9 | 26 | 6" PVC Pipe (Orifice) | 20.0 | LF | 60 | $ | 1,200.00 | 15 | $ 300.00 |
| | 4.9 | 27 | 4" PVC Pipe (Orifice) | 20.0 | LF | 44.5 | $ | 890.00 | 12 | $ 240.00 |
| | 4.9 | 28 | Pressure Transducer Operated Gate 24x48" | 2.0 | EA | 17000 | $ | 34,000.00 | 13225 | $ 26,450.00 |
| | 4.9 | 29 | Pressure Transducer with slitted PVC housing | 3.0 | EA | 2910 | $ | 8,730.00 | 1294 | $ 3,882.00 |
| | 4.9 | 30 | Control Box with Traditional Power Supply and Trickle Charge Setup | 2.0 | EA | 12600 | $ | 25,200.00 | 9775 | $ 19,550.00 |
| | 4.9 | 31 | Camera and cable/connectivity | 1.0 | EA | 1480 | $ | 1,480.00 | 1150 | $ 1,150.00 |
| | 4.9 | 32 | 8' Camera Mounting Pole | 1.0 | EA | 1480 | $ | 1,480.00 | 1289 | $ 1,289.00 |
| | 4.9 | 33 | System Programming, Setup and Connection (Brevard Church) | 1.0 | LS | 14800 | $ | 14,800.00 | 5750 | $ 5,750.00 |
| | 4.9 | 33 | Connectivity Package | 1.0 | LS | 13300 | $ | 13,300.00 | 10350 | $ 10,350.00 |
| | 4.9 | 34 | Underground Electric Feed and Conduit to Cabinets | 300.0 | LF | 74 | $ | 22,200.00 | 68 | $ 20,400.00 |
| | 4.9 | 35 | Cables, Conduit and Installation | 100.0 | LF | 37 | $ | 3,700.00 | 69 | $ 6,900.00 |
| **3** | | | **Recreational Elements** | | | | | | | |
| | Structures Addendum | 36 | Timber Rail | 80.00 | LF | 185 | $ | 14,800.00 | 52 | $ 4,160.00 |
| | Structures Addendum | 37 | Concrete Swale Bridge (6' Trail Width) | 3.00 | EA | 44400 | $ | 133,200.00 | 19095 | $ 57,285.00 |
| | Structures Addendum | 38 | Concrete Swale Bridge (10' Trail Width) | 1.00 | EA | 59200 | $ | 59,200.00 | 31943 | $ 31,943.00 |
| | Structures Addendum | 39 | Precast Concrete Block Foundation Wall | 276.00 | SF | 296 | $ | 81,696.00 | 98 | $ 27,048.00 |
| | 4.6 | 40 | Trail ABC Rock Base | 10.00 | TON | 130 | $ | 1,300.00 | 37 | $ 370.00 |
| | 4.6 | 41 | Trail 1.5" Washed Stone | 42.00 | TON | 158 | $ | 6,636.00 | 48 | $ 2,016.00 |
| | 4.6 | 42 | Trail Geotextile Fabric | 2844.00 | SY | 4.8 | $ | 13,651.20 | 2.2 | $ 6,256.80 |
| | 4.6 | 43 | Trail Stabilization Stone | 30.00 | TON | 169 | $ | 5,070.00 | 37 | $ 1,110.00 |
| | 4.6 | 44 | Trail 57 Stone | 283.00 | TON | 146 | $ | 41,318.00 | 48 | $ 13,584.00 |
| | 4.6 | 45 | Trail 3/8" Minus Crushed Stone | 148.00 | TON | 127 | $ | 18,796.00 | 35 | $ 5,180.00 |
| | 4.6 | 46 | Trail Typology D – Rock Armor Tennessee Field Stone | 25.00 | TON | 380 | $ | 9,500.00 | 221 | $ 5,525.00 |
| **Page 3** | | | | | | Brevard Church Page 3 Subtotal | $ | 1,720,698.70 | Brevard Church Page 3 Subtotal | $ 936,729.80 |

| | | | | | | | EQR | SHAMROCK ENVIRONMENTAL | |
|---|---|---|---|---|---|---|---|---|---|
| **Lower Mud Floodplain Restoration - Brevard Church Site - Revised Bid Schedule (Addendum #4)** | | | | | | | **Addendum #4 Updates** | | **Addendum #4 Updates** |
| **Bid Section** | **Technical Specifications Section** | **Item** | **Bid Item** | **Quantity** | **Unit** | **Unit Price** | **Subtotal** | **Unit Price** | **Subtotal** |
| **4** | | | **Structures** | | | | | | |
| | 5.1 | 47 | Log Sill - Small | 4.00 | EA | 2830.0 | $ 11,320.00 | 596 | $ 2,384.00 |
| | 5.1 | 48 | Log Sill - Large | 2.00 | EA | 11300.0 | $ 22,600.00 | 2275 | $ 4,550.00 |
| | 5.3 | 49 | Boulder Step Crossing | 20.00 | TON | 216.0 | $ 4,320.00 | 160 | $ 3,200.00 |
| | 5.2 | 50 | Native Material / Constructed Riffle - Small | 281.00 | LF | 41.0 | $ 11,521.00 | 9 | $ 2,529.00 |
| | 5.2 | 51 | Native Material / Constructed Riffle - Large | 343.00 | LF | 183.0 | $ 62,769.00 | 84 | $ 28,812.00 |
| | 5.2 | 52 | Woody Riffle - Small | 295.00 | LF | 100.0 | $ 29,500.00 | 11 | $ 3,245.00 |
| | 5.2 | 53 | Woody Riffle - Large | 320.00 | LF | 230.0 | $ 73,600.00 | 42 | $ 13,440.00 |
| | 5.2 | 54 | Chunky Riffle - Small | 142.00 | LF | 33.0 | $ 4,686.00 | 11 | $ 1,562.00 |
| | 5.4 | 55 | Log Vane - Large | 2.00 | EA | 5180.0 | $ 10,360.00 | 2826 | $ 5,652.00 |
| | 5.1 | 56 | Embedded Streambed Wood - Large | 4.00 | EA | 1550.0 | $ 6,200.00 | 1847 | $ 7,388.00 |
| | 5.5 | 57 | Brush Toe with 1 Geolift - Small | 956.00 | LF | 138.0 | $ 131,928.00 | 63.3 | $ 60,514.80 |
| | 5.5 | 58 | Brush Toe with 2 Geolifts - Large | 990.00 | LF | 216.0 | $ 213,840.00 | 104.5 | $ 103,455.00 |
| | 5.7 | 59 | Additional Geolifts per Lift in Excess of Standard | 1200.00 | LF | 145.0 | $ 174,000.00 | 27.5 | $ 33,000.00 |
| | 5.6 | 60 | Rock Toe Protection | 100.00 | TON | 157.0 | $ 15,700.00 | 63 | $ 6,300.00 |
| **5** | | | **Materials** | | | | | | |
| | 6.1 | 61 | Supplemental Riffle Stone - Class B Stone | 91.00 | TON | 157.0 | $ 14,287.00 | 36 | $ 3,276.00 |
| | 6.1 | 62 | Supplemental Riffle Stone - Class A Stone | 150.00 | TON | 171.0 | $ 25,650.00 | 46 | $ 6,900.00 |
| | 6.1 | 63 | Supplemental Riffle Stone - Ballast/Surge Stone | 108.00 | TON | 151.0 | $ 16,308.00 | 33 | $ 3,564.00 |
| | 6.1 | 64 | Supplemental Riffle Stone - ABC | 111.00 | TON | 141.0 | $ 15,651.00 | 26 | $ 2,886.00 |
| | 6.1 | 65 | Supplemental Riffle Stone - 57 Stone | 10.00 | TON | 156.0 | $ 1,560.00 | 36 | $ 360.00 |
| | 6.1 | 66 | Misc. Boulders | 10.00 | TON | 198.0 | $ 1,980.00 | 163 | $ 1,630.00 |
| | 6.1 | 67 | Misc. Class 1 Stone | 24.00 | TON | 172.0 | $ 4,128.00 | 75 | $ 1,800.00 |
| | 6.1 | 68 | Misc. Class B Stone | 24.00 | TON | 156.0 | $ 3,744.00 | 69 | $ 1,656.00 |
| | 6.1 | 69 | Misc. Class A Stone | 24.00 | TON | 171.0 | $ 4,104.00 | 79 | $ 1,896.00 |
| | 6.1 | 70 | Misc. Ballast Stone | 24.00 | TON | 151.0 | $ 3,624.00 | 66 | $ 1,584.00 |
| | 6.1 | 71 | Misc. ABC | 24.00 | TON | 141.0 | $ 3,384.00 | 52 | $ 1,248.00 |
| | 6.1 | 72 | Misc. 57 Stone | 24.00 | TON | 156.0 | $ 3,744.00 | 69 | $ 1,656.00 |
| | 6.2 | 73 | Misc. Type 2 Filter Fabric | 10.00 | SY | 4.0 | $ 40.00 | 3 | $ 30.00 |
| **6** | | | **Planting** | | | | | | |
| | 7.1 | 74 | Temporary Seeding & Mulching | 11.00 | AC | 3760.0 | $ 41,360.00 | 1915 | $ 21,065.00 |
| | 7.2 | 75 | Permanent Seeding – Riparian Wetland Seed Mix | 4.70 | AC | 4850.0 | $ 22,795.00 | 3795 | $ 17,836.50 |
| | 7.2 | 76 | Permanent Seeding – Emergent Wetland Seed Mix | 4.20 | AC | 4880.0 | $ 20,496.00 | 3795 | $ 15,939.00 |
| | 7.2 | 77 | Permanent Seeding – Riparian Buffer Seed Mix | 4.60 | AC | 6270.0 | $ 28,842.00 | 3795 | $ 17,457.00 |
| | 7.2 | 78 | Permanent Seeding – Fescue Seed Blend | 0.90 | AC | 3530.0 | $ 3,177.00 | 3795 | $ 3,415.50 |
| | 7.3 | 79 | Transplants | 40.00 | EA | 469.0 | $ 18,760.00 | 58 | $ 2,320.00 |
| | 7.3 | 80 | Sod Mats | 200.00 | SY | 10.0 | $ 2,000.00 | 26 | $ 5,200.00 |
| | 8.2 | 81 | Livestakes | 2364.00 | EA | 4.5 | $ 10,638.00 | 4.5 | $ 10,638.00 |
| | 5.7 | 82 | Live Brush | 5260.00 | EA | 4.8 | $ 25,248.00 | 2.5 | $ 13,150.00 |
| | 8.1 | 83 | Herbaceous Plugs | 5260.00 | EA | 8.2 | $ 43,132.00 | 5.7 | $ 29,982.00 |
| | 8.3 | 84 | Bare Root | 2359.00 | EA | 6.1 | $ 14,389.90 | 4.6 | $ 10,851.40 |
| | 8.3 | 85 | Container Plants - 1 gal | 1275.00 | EA | 42.0 | $ 53,550.00 | 28.6 | $ 36,465.00 |
| | 8.3 | 86 | Container Plants - 3 gal | 546.00 | EA | 79.0 | $ 43,134.00 | 52.6 | $ 28,719.60 |
| | 8.3 | 87 | Invasive Species Treatment | 120.00 | HR | 407.0 | $ 48,840.00 | 259 | $ 31,080.00 |
| **Page 4** | | | | | | Brevard Church Page 4 Subtotal | $ 1,246,909.90 | Brevard Church Page 4 Subtotal | $ 548,440.40 |
| | | | | | | Carryover Brevard Chruch Page 3 Subtotal | $ 1,720,698.70 | Brevard Chruch Page 3 Subtotal | $ 936,729.80 |
| | | | | | | Sum Page 3 and 4 Subtotals | $ 2,967,608.60 | Sum Page 3 and 4 Subtotals | $ 1,485,366.60 |
| | | | | | | | *Sum Base Bid Brevard Church Site* | | *Sum Base Bid Brevard Church Site* |
| | | | | | | Carryover Subtotal sum from Wilson Site | $ 2,730,151.10 | er Subtotal sum from Wilson Site | $ 1,098,708.30 |
| | | | | | | | *Sum Base Bid Wilson Site* | | *Sum Base Bid Wilson Site* |
| | | | | | | Total Bid Amount (Sum of Base Bid Both Sites) | $ 5,697,759.70 | unt (Sum of Base Bid Both Sites) | $ 2,584,074.90 |
| | | | | | | | *Sum Base Bids BOTH SITES* | | *Sum Base Bids BOTH SITES* |

| Project: Lower Mud Creek Floodplain Restoration and Flood Risk Reduction | Environmental Quality Resources LLC | Shamrock Construction & Remediation LLC |
|---|---|---|
| **Description** | | |
| NC Conctractor's License (Section 4 C-200 Article 12.12)? | 51052 | 100972 |
| Addendum No. 1 Acknowledged? | Yes | Yes |
| Addendum No. 2 Acknowledged? | Yes | Yes |
| Addendum No. 3 Acknowledged? | Yes | Yes |
| Addendum No. 4 Acknowledged? | Yes | Yes |
| Addendum No. 5 Acknowledged? | Yes | Yes |
| **Basis of Bid** | | |
| Erosion Control | $366,275.50 | $245,691.00 |
| Site Work | $1,983,119.00 | $999,124.80 |
| Stream Structures | $1,086,934.00 | $342,726.80 |
| Materials | $265,545.00 | $66,697.00 |
| Planting | $718,611.70 | $435,590.50 |
| Water Control Structures | $530,175.00 | $214,240.00 |
| Recreational Elements | $747,099.50 | $280,004.80 |
| **Total Bid Amount** | $5,697,759.70 | $2,584,074.90 |
| Bid Form (Section C-410)? | Yes | Yes |
| Bid Summary Executed (Section 5A)? | Yes | Yes |
| Bid Agreement and Performance Bond (Section 5B)? | Yes | Yes |
| Non-Collusion Affidavit of Prime Bidder (Section 5C)? | Yes | Yes |
| Bid Bond (Section 6)? | Yes | Yes |
| Insurance Documentation (Sections C-700 & 800)? | Yes | Yes |
| NCDEQ DWI MBE/WBE (DBE) Compliance Supplement Good Faith Form (Section 19B)? | Yes | Yes |
| Table A Good Faith Efforts w/ >50 pts? | Yes | Yes |
| Table B Complete? | Yes | Yes |
| Actual MBE/WBE % Achieved | N/A | 9.6% |
| Qualifications and Experience (Section 19C.1) Accepted? | Yes | Yes |
| Contractor's Safety Record Information (19C.2) Provided? | Yes | Yes |
| Subcontractors Listed | N/A | Yes |

I HEREBY CERTIFY THAT THIS IS A TRUE TABULATION OF BIDS RECEIVED APRIL 28, 2025, FOR THE Lower Mud Creek Floodplain Restoration and Flood Risk Reduction PROJECT.




Jacob P. McLean

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Murr **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** Consent **DEPARTMENT:** Administration

**TITLE OF ITEM:** 2025 Series Water & Sewer Revenue Bond Initial Resolution - *Adam Murr, Budget & Evaluation. Director*

**SUGGESTED MOTION(S):**

I move City Council adopt the *RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS* as presented.

**SUMMARY:**

The City of Hendersonville is pursuing a 2025 Revenue Bond not to exceed $11,500,000 total borrowing at an interest rate not to exceed 6.00%. The borrowing provides funding for (1) a CCTV Inspection Truck acquisition, (2) the NCDOT Highland Lake Road Water Improvement Project, (3) the Wastewater Treatment Plant Biosolids Drying System Project, (4) the Water Treatment Plant 15MGD Expansion Project, (5) the Operations Facility Improvements/Expansion Project, (6) the Wastewater Treatment Plant Residuals Storage Facility Project, and (7) the Water Treatment Plant Mills River Intake Scour System Project.

Staff recommend Council adopt the attached initial resolution, drafted by Bond Counsel (Parker Poe Adams & Bernstein, LLP). The resolution directs the financing team to negotiate financing and apply to the Local Government Commission (LGC) for approval of contracts.

**BUDGET IMPACT:** $11,500,000.00

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

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

**ATTACHMENTS:**
*RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS*

**#R-25-____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS**

*WHEREAS,* the City Council (the "*City Council*") of the City of Hendersonville, North Carolina (the "*City*") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq*. (the "*Act*"), to issue, subject to the approval of the Local Government Commission of North Carolina (the "*LGC*"), at one time or from time to time, revenue bonds of the City for the purposes as specified in the Act; and;

*WHEREAS,* the City Council is considering the issuance of not to exceed $[11,500,000] Water and Sewer System Revenue Bonds, Series 2025 (the "*2025 Bonds*") to (1) finance improvements to the City's water and sewer system, including, without limitation (a) the replacement, improvement and maintenance of water and sewer mains, pipes and pump stations, (b) the expansion and improvement of its Water Treatment Facility to provide additional capacity to its residents and businesses, (c) the construction of the Wastewater Treatment Biosolids Thermal Dryer, (d) improvements to a water intake scour system, (e) payments to the North Carolina Department of Transportation related to improvements to Highland Lake Road of certain city-owned water and sewer lines completed by the North Carolina Department of Transportation and (f) the acquisition of a CCTV inspection truck (collectively, the "*2025 Projects*") and (2) to pay the costs of issuing the 2025 Bonds; and

*WHEREAS,* the 2025 Bonds would be issued under the General Trust Indenture dated as of December 1, 2019 between the City and The Bank of New York Mellon Trust Company, N.A., as trustee, (the "*Trustee*") and a series indenture between the City and the Trustee;

*WHEREAS,* the City Council wants to approve the retention of the financing team for the 2025 Bonds, including (1) Parker Poe Adams & Bernstein LLP, as bond counsel; (2) First Tryon Advisors, as financial advisor; (3) The Bank of New York Mellon Trust Company, N.A., as trustee, paying agent and registrar for the 2025 Bonds; (4) Robert W. Baird & Co., Incorporated, as underwriter of the 2025 Bonds (the "*Underwriter*"), and (5) Stantec Inc., as feasibility consultant (collectively, the "*Financing Team*"); and

*WHEREAS,* the City Council wants the Finance Director of the City to file with the LGC an application for its approval of the 2025 Bonds, on a form prescribed by the LGC, and (1) request in such application that the LGC approve (a) the negotiation of the sale of the 2025 Bonds to the Underwriter and (b) the City's use of the Financing Team and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2025 Bonds and to the City and its financial condition, as may be required by the LGC, and to take all other action necessary to the issuance of the 2025 Bonds;

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AS FOLLOWS:*

***Section 1.*** The 2025 Bonds are to be issued by the City for the purpose of providing funds to (1) pay the costs of the 2025 Projects and (2) to pay the costs of issuing the 2025 Bonds. The use of the proceeds of the 2025 Bonds is necessary to meet the needs of the users of the City's water and sewer system and to assure that the City's water and sewer system remain in full compliance with all state and federal requirements for the provision of water and sewer services.

***Section 2.*** The City Manager, the Assistant City Manager and the Finance Director, with advice from the City's financial advisor and bond counsel, is hereby authorized, directed and designated to file an application with the LGC for its approval of the issuance of the 2025 Bonds.

***Section 3.*** The Financing Team is hereby approved in connection with the issuance by the City of the 2025 Bonds, and the City Manager, the Assistant City Manager and the Finance Director, are each hereby authorized to retain other professionals as may be necessary and appropriate to carry out the intentions of the City Council as set forth in this Resolution.

***Section 4.*** The City Council finds and determines and asks the LGC to find and determine from the City's application and supporting documentation:

(a) that the issuance of the 2025 Bonds is necessary or expedient;

(b) that the not to exceed stated principal amount of the 2025 Bonds will be sufficient but is not excessive, when added to other money available to the City's water and sewer system, to finance the 2025 Projects;

(c) that the City's water and sewer system as now constituted, and as it will be constituted after the completion of the 2025 Projects, is feasible;

(d) that the City's debt management procedure and policies are good; and

(e) that the 2025 Bonds can be marketed at a reasonable interest cost to the City.

***Section 5.*** The City Council requests that the LGC sell the 2025 Bonds at private sale without advertisement to the Underwriter at such prices as the LGC determines to be in the best interest of the City, but at a true interest cost not exceeding [6.00]%.

***Section 6.*** That the Mayor, the City Manager, the Assistant City Manager, the City Attorney, the Finance Director and the City Clerk, including anyone serving as such in an interim capacity, and their respective designees (the *"Authorized Officers"*), are each hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to complete the steps necessary for the issuance of the 2025 Bonds. All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2025 Bonds shall be, and the same hereby are, in all respects approved and confirmed. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

***Section 7.*** All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

***Section 8.*** This Resolution is effective on its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May 2025.

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 )
) SS:
CITY OF HENDERSONVILLE )

I, *Jill Murray*, City Clerk of the City of Hendersonville, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution titled **"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS"** adopted by the City Council of the City of Hendersonville, North Carolina in a regular meeting convened on the 28th day of May, 2025, as recorded in the minutes of the City Council of the City of Hendersonville, North Carolina.

***WITNESS*** my hand and the seal of the City of Hendersonville, North Carolina, this the ____ day of _____, 2025.

(SEAL)

_____
Jill Murray
City Clerk
City of Hendersonville, North Carolina

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Angela Beeker, City Attorney **MEETING DATE:** May 1, 2025

**AGENDA SECTION:** CONSENT AGENDA **DEPARTMENT:** Legal Department

**TITLE OF ITEM:** Subrecipient Agreement for CDBG-NR Funding With Housing Assistance Corporation– *Angela S. Beeker, City Attorney*

**SUGGESTED MOTION(S):**

I move City Council to adopt a **RESOLUTION APPROVING A SUBRECIPIENT AGREEMENT WITH HOUSING ASSISTANCE CORPORATION FOR CDBG-NR FUNDS FOR SCATTERED SITE REHABILITATION**, as presented.

**SUMMARY:**

Attached for City Council's consideration is the proposed RESOLUTION APPROVING A SUBRECIPIENT AGREEMENT WITH HOUSING ASSISTANCE CORPORATION FOR CDBG-NR FUNDS FOR SCATTERED SITE REHABILITATION.

City Council is requested to adopt this resolution as presented.

**ATTACHMENTS:**
Draft Subrecipient Agreement
Draft Resolution

# SUBRECIPIENT AGREEMENT

## AGREEMENT BETWEEN THE CITY OF HENDERSONVILLE AND THE HOUSING ASSISTANCE CORPORATION FOR CDBG NC NEIGHBORHOOD REVITALIZATION GRANT 2024

THIS AGREEMENT, entered this _____ day of _____, 20____ by and between the City of Hendersonville (herein called the "Grantee") and the Housing Assistance Corporation, a North Carolina nonprofit corporation (herein called the "Subrecipient").

WHEREAS, the Grantee has applied for and been approved for a grant from the North Carolina Department of Commerce, Rural Economic Development division, through the Community Development Block Grant ("CDBG") Neighborhood Revitalization Program, Grant No 23-C-6167, in the amount of $1,312,710.50 for the "City of Hendersonville CDBG NR Project." Of the amount awarded, the City of Hendersonville proposes to dedicate $1,181,439.50 to fund loans for the rehabilitation of privately owned dwellings owned by low to moderate income residents, and $131,271.00 for costs incurred by subrecipient in administering the rehabilitation program; and

WHEREAS, A national objective of the CDBG program is to benefit low and moderate income citizens in accordance with 24 CFR Part 570, as amended from time to time; and

WHEREAS, the Subrecipient is a non-profit organization that was organized to serve as an advocate for all persons who are without adequate housing or the means to acquire or occupy adequate housing, in addition to other charitable purposes.

WHEREAS, the Subrecipient submitted a proposal to use CDBG funds for a Program to serve individuals and families who are low to moderate income through the funding of loans for the rehabilitation of their privately owned dwellings.

WHEREAS, the Hendersonville City Council has approved the allocation of a total of $_____$96,271_____ from its CDBG funds to Subrecipient as a subaward.

NOW, THEREFORE, it is agreed between the parties hereto that;

## I. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering the rehabilitation of homes within the City of Hendersonville pursuant to a CDBG Year 2024 Neighborhood Revitalization Project Grant in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant program:

The major goal of the Subrecipient's efforts under this Agreement will be the completion of rehabilitation of up to eight (8) eligible housing units. Changes to the program goals, scope of services, schedule or budget, unless otherwise noted, may only be made through

a written amendment to this Agreement, executed by the Subrecipient and Grantee. Toward the goal of the completion of rehabilitation for up to eight (8) eligible units, the major tasks that the Subrecipient will perform include, but are not necessarily limited to, the following:

**Program Delivery**

1) Refinement of housing rehabilitation program plans, procedures and forms: subject to review and approval by the Grantee, the Subrecipient will establish, or make any necessary revisions to, the housing rehabilitation program design and procedures (including but not limited to the priorities among applicants and among rehabilitation measures, the limits and structure of financial assistance, and the recapture and affordability policies), as well as any other necessary forms, documents or sample contracts.

2) Outreach: the Subrecipient will conduct sufficient advertisement of the housing rehabilitation program and other forms of outreach to ensure that enough eligible applicants from the designated target neighborhood(s) of 7th Avenue District participate in the program to meet the CDBG Year 2024 housing rehabilitation goal of up to 8 completed units.

3) Intake/assessment of eligibility: the Subrecipient will assist property owners and residents in the designated neighborhoods in the completion of applications to permit eligibility determinations for rehabilitation assistance. The Subrecipient will make provision for translation services to meet the needs of non-English-speaking applicants. In the event of applicants who have impaired mobility or other disabilities, the Subrecipient will make provisions for completing the application at the applicant's residence or other acceptable procedures for ensuring equal access to services.

Initial eligibility determination of households/structures will be made by the Subrecipient on the basis of satisfaction of income requirements according to the most current income limits established by HUD), the apparent need for rehabilitation measures to correct relevant housing code or Housing Quality Standard (HQS) deficiencies, and any other pertinent criteria set forth in the approved program design.

4) Work write-ups: for each eligible unit to be assisted, the Subrecipient will complete a detailed work write-up of the rehabilitation to be performed, including estimated costs of each activity, materials to be used, and industry or regulatory standards to be met.

5) Solicitation and selection of contractors: the Subrecipient is responsible for ensuring that the procurement of all contractors is performed in accordance with the procurement requirements of the Uniform Guidance, 2 CFR Chapter 200, and applicable state laws, NCGS Chapter 143, Article 8. Subrecipient will assist approved applicants in the identification, proper solicitation, and selection of contractors qualified to perform the authorized rehabilitation of eligible housing units. The Subrecipient will assist the applicant in ensuring that the description of the work contained in any contracts with contractors is accurate and complete.

6) Compliance with the City's Section 3 plan.

7) Periodic and final inspections: the Subrecipient will perform periodic site visits to ascertain that approved and contracted rehabilitation work is proceeding properly and satisfactorily.

8) Monthly reporting, and documenting the success of the Project. The Subrecipient will provide monthly progress reports, as well as provide press releases, articles, TV coverage, scheduled ribbon cuttings and other events and milestones, as well as periodic photographs to document project stages, training, events and successes to the City.

9) Approval of contractor payments: as rehabilitation progresses and as invoices are submitted by contractors, the Subrecipient will verify that the expenses are reasonable and the work has been completed properly, and will authorize drawdown of funds from the Grantee, and disbursement to the contractors. The Subrecipient shall provide a monthly expense report for all projects to Hendersonville Grant Accountant, Faith Holloway at fholloway@hvlnc.gov and mary@landofsky.org, or their designee(s). See also below.

10) Maintenance of case files and other records: for each applicant, the Subrecipient will maintain case files, including application and documentation of eligibility, work write-ups, the assistance agreement between the property owner and Subrecipient (along with repayment/ recapture provisions), documentation of liens and any other forms of security, contractor selection criteria, copy of contract between owner and contractors), documentation on all necessary licenses and permits, site visit/inspection reports (including final inspection), change orders, and approved contractor invoices for payment. The Subrecipient will also maintain appropriate information on persons residing in the property as well as information on those displaced or temporarily relocated (per 24 CFR 570.606 and 24 CFR part 24). The Subrecipient will maintain these and other program and financial records in accordance with the general requirements for record keeping, and those contained in The City of Hendersonville Community Development Block Grant Policy Manual for Funds Awarded as Part of the North Carolina Department of Commerce, Rural Economic Development Division, the "Manual." The Subrecipient shall provide all of the foregoing documentation on a monthly basis to Hendersonville Grant Accountant, Faith Holloway at fholloway@hvlnc.gov and mary@landofsky.org, or their designee(s).

Items 1) through 10) are in no way deemed to limit the responsibilities for the Subrecipients responsibilities and obligations as contained in the Manual.

B. National Objectives

All activities funded with CDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons; aid in the prevention or elimination of slums or blight; or meet community development needs having a particular urgency, as defined in 24 CFR 570.208.

The Subrecipient certifies that the activity (ies) carried out under this Agreement will meet the Low and Moderate Income Limited Clientele Benefit. The program will meet this objecting through the provision of case management services to homeless families.

B. Levels of Accomplishment – Goals and Performance Measures

Grantee and the Subrecipient will devise a performance schedule for subrecipient to govern the rehabilitation of eligible homes under this agreement. Once agreed to by both parties, the performance schedule shall be binding, and failure of subrecipient to meet deadlines within the timeframes stated shall be considered an event of substantial nonperformance by the subrecipient under this agreement. Once agreement has been reached for the performance schedule between the Grantee and Subrecipient, performance deadlines may be extended in writing by the Grantee. Such extensions shall be in the sole and absolute discretion of the Grantee.

D. Staffing

The Subrecipient shall assign the following staff as Key Personnel to the CDBG Year 2024 housing rehabilitation program:

| Staff Member Title | General Program Duties | Time Allocation |
|---|---|---|
| Margaret Fenton Lebeck, HAC Executive Director | General program oversight and administration; revision of forms and procedures, supervision of HAC Home Repair and Rehabilitation Director, Home Repair Coordinator, and Finance Director. | 1 hours/week |
| Karen Milford, HAC Finance Director | HAC Financial Records | 1 hours/week |
| Stefanie Kompathoum, Home Repair Coordinator | Assist with revision of forms and procedures; outreach; intake and eligibility determinations; maintenance of program records | 5 hours/week |
| David Stoneman, HAC Home Repair and Rehabilitation Director and Home Repair Project Managers | Approval of contractor selection; Submission of approved contractor invoices, Work write-ups; Inspections, Management of rehabilitation projects- contractor oversight. | 25 hours/week |

Any changes in the Key Personnel assigned or their general responsibilities under this project are subject to the prior approval of the Grantee.

E. Performance Monitoring

The Grantee will monitor the performance of the Subrecipient against goals and performance standards as stated above. Substandard performance as determined by the Grantee will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

## II. TIME OF PERFORMANCE

Services of the Subrecipient shall start on the 1st day of March 2025 and end on the 15th day of June 2027. The term of this Agreement and the provisions herein shall automatically be extended commensurate with any extensions granted by the NC REDD for completion of the grant project. As an example, if the Grantee's completion deadline is extended 6 months, the term of this

Agreement shall also be extended 6 months. Unless extended by NC REDD, all funds for rehabilitation services must be obligated no later than April 15, 2027, and must be spent by June 15, 2027. All documentation required for the Grantee to complete closeout of the grant must be received by the Grantee no later than August 15, 2027. Unless extended by NC REDD, the Grantee's deadline to submit all closeout documents to the REDD is October 15, 2027.

## III. BUDGET

| Line Item | Amount: |
|---|---|
| Salaries | $_____ |
| Fringe | $_____ |
| Mileage | $_____ |
| Communications | $_____ |
| Direct Costs (Office Supplies) | $_____ |
| TOTAL | **$96, 271.00** |

The City will not reimburse indirect costs. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to the budget must be approved in writing by both the Grantee and the Subrecipient.

## IV. PAYMENT

Reimbursement for Administrative Costs:
It is expressly agreed and understood that the total amount to be paid by the Grantee under this Agreement for administrative services and costs shall not exceed $96,271.00. The total amount of federal funds obligated by the grantee to the subrecipient at the time of this grant agreement is $96,271.00 which includes all costs.

Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance.

Payments to Subrecipient's Contractors
Payments to Subrecipient's contractors for the performance of the rehabilitative services will be made as follows:

Loan proceeds and City funds will be used to pay for the rehabilitation of dwellings. Such funds will be paid directly to the contractor performing the work upon receipt by the City of the documentation required by The City of Hendersonville Community Development Block Grant Policy Manual For Funds Awarded as Part of the North Carolina Department of Commerce, Rural Economic Development Division, hereinafter the "Manual." The Manual is incorporated herein by reference. In no event shall Subrecipient be liable to pay from their own funds any invoices due to the Subrecipient's contractors.

General Payment Provisions
Funds will be reimbursed to Subrecipient for administrative expenses, or paid to contractors only if the City determines in its sole discretion that:

- Costs are eligible expenditures in accordance with CDBG Regulations and the Uniform Guidance.
- Costs are in compliance with this Agreement and are reasonable and consistent with industry norms.
- The records required to be maintained pursuant to Section 5.2, as applicable, are submitted to the City by the Subrecipient.
- Payment requests for subcontractors include the documentation required by the terms of this Agreement
- All rehabilitation services to be performed by third party contractors have been procured in accordance with requirements of the Uniform Guidance, 04 NCAC 19L.0908, and other North Carolina law including N.C.G.S. Chapter 143 Article 3D, and N.C.G.S. Chapter 143 Article 8.
- The rehabilitation is being performed in conformance with CDBG Regulations, and Bulleting 11-8

Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in 2 CFR part 200.

## V. NOTICES

Notices required by this Agreement shall be in writing and delivered via mail (postage prepaid), commercial courier, or personal delivery or sent by facsimile or other electronic means. Any notice delivered or sent as aforesaid shall be effective on the date of delivery or sending. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.

Communication and details concerning this contract shall be directed to the following contract representatives:

| Grantee | Subrecipient |
|---|---|
| John F. Connet, City Manager | Margaret Fenton Lebeck, Exec. Director |
| Grantee The City of Hendersonville | Subrecipient The Housing Assistance Corporation |
| [Address] 160 6th Ave East | [Address] 214 N. King Street |
| [City, State, ZIP]Hendersonville, NC 28792 | [City, State, ZIP] Hendersonville, NC 29792 |
| [Telephone](828) 697-3000 | [Telephone] 828-692-4744 |

[Fax Number]_____ [Fax Number] 828-692-3009

## VI. SPECIAL CONDITIONS

The Subrecipient certifies that it has received copies of 2 CFR part 200 "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards" and *Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems* in either print or electronic form. Subrecipient certifies that it has received and agrees to be bound by "The City of Hendersonville Community Development Block Grant Policy Manual for Funds Awarded as Part of the North Carolina Department of Commerce, Rural Economic Development Division (REDD)," the terms of which are specifically incorporated herein by reference. Particular attention shall be paid by Subrecipient to the terms summarized for the NC Neighborhood Revitalization Program in Chapter 1 of the Manual. Subrecipient shall perform all requirements for the Subrecipient as stated in the Manual.

## VII. GENERAL CONDITIONS

A. General Compliance

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the Subrecipient does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) the Subrecipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Subrecipient also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract, including 2 CFR Chapter 200, and 4 NCAC Subchapter 19L. It is acknowledged that the references to the North Carolina Administrative Code are contained within the Manual, and have not been reproduced in this Agreement; however Subrecipient agrees to be bound thereby. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Subrecipient is an independent contractor.

C. Hold Harmless and Liability Insurance

The Subrecipient shall hold harmless, defend and indemnify the Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement. Subrecipient shall carry general commercial liability insurance coverage of at least $1,000,000 per occurrence and $2,000,000 general aggregate. The Grantee shall be named as an additional insured on the policy.

The Subrecipient shall provide the Grantee with a copy of its Certificate of Insurance listing the Grantee as an additional insured.

D. Workers' Compensation

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. Insurance & Bonding

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Subrecipient shall comply with the bonding and insurance requirements of 2 CFR part 200, Bonding and Insurance.

F. Grantee Recognition

The Subrecipient shall insure recognition of the role of the Grantee in providing services through this Agreement. All activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

G. Amendments

The Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subrecipient from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subrecipient.

H. Suspension or Termination

In accordance with 2 CFR part 200, the Grantee may suspend or terminate this Agreement if the Subrecipient materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;

2. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement;
3. Ineffective or improper use of funds provided under this Agreement; or
4. Submission by the Subrecipient to the Grantee reports that are incorrect or incomplete in any material respect.

In accordance with 2 CFR part 200, this Agreement may also be terminated for convenience by either the Grantee or the Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Grantee may terminate the award in its entirety.

The sub-recipient nor any contractor for the sub-recipient shall not be included on the government-wide exclusions in the System for Award Management (SAM), in accordance with OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

## VIII. ADMINISTRATIVE REQUIREMENTS

### A. Financial Management

#### 1. Accounting Standards

The Subrecipient agrees to comply with 2 CFR part 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

#### 2. Cost Principles

The Subrecipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations," or A-21, "Cost Principles for Educational Institutions," and 2 CFR part 200 as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

### B. Documentation and Record Keeping

#### 1. Records to be Maintained

The Subrecipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

a. Records providing a full description of each activity undertaken;
b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
c. Records required to determine the eligibility of activities;
d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;

e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
f. Financial records as required by 24 CFR 570.502, and 24 CFR 84.21–28; and
g. Other records necessary to document compliance with Subpart K of 24 CFR Part 570.

2. Retention

The Subrecipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to the Agreement for a period of four (4) years. The retention period begins on the date of the submission of the Grantee's annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

3. Client Data

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

4. Disclosure

The Subrecipient understands that client information collected under this contract is private to the extent permitted by state and federal law. The use or disclosure of such information, shall be according to applicable state and federal laws.

5. Close-outs

The Subrecipient's obligation to the Grantee shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that the Subrecipient has control over CDBG funds, including program income.

6. Audits & Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all

relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy concerning subrecipient audits and OMB Circular A-133.

C. Reporting and Payment Procedures

1. Program Income

The Subrecipient shall report quarterly all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unexpended program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the Grantee.

2. Reserved.

3. Payment Procedures

The Grantee will pay to the Subrecipient funds available under this Agreement based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Subrecipient.

4. Progress Reports

The Subrecipient shall submit regular Progress Reports to the Grantee in the form, content, and frequency as required by the Grantee.

D. Procurement

1. Compliance

The Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this Agreement.

2. OMB Standards

Unless specified otherwise within this agreement, the Subrecipient shall procure all materials, property, or services in accordance with the requirements of 2 CFR part 200.

3. Travel

The Subrecipient shall obtain written approval from the Grantee for any travel outside the metropolitan area with funds provided under this Agreement.

E. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 2 CFR part 200 and 24 CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Subrecipient shall transfer to the Grantee any CDBG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.

2. Real property under the Subrecipient's control that was acquired or improved, in whole or in part, with funds under this Agreement in excess of $25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement [or such longer period of time as the Grantee deems appropriate]. If the Subrecipient fails to use CDBG-assisted real property in a manner that meets a CDBG National Objective for the prescribed period of time, the Subrecipient shall pay the Grantee an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute program income to the Grantee. The Subrecipient may retain real property acquired or improved under this Agreement after the expiration of the five-year period [or such longer period of time as the Grantee deems appropriate].

3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to that funds received under this Agreement were used to acquire the equipment). Equipment not needed by the Subrecipient for activities under this Agreement shall be (a) transferred to the Grantee for the CDBG program or (b) retained after compensating the Grantee [an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment].

## IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD

Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. [The Grantee may preempt the optional policies.] The Subrecipient shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b)(2) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project. The Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

## X. PERSONNEL & PARTICIPANT CONDITIONS

### A. Civil Rights

#### 1. Compliance

The Subrecipient agrees to comply with [fill in local and state civil rights ordinances here] and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

#### 2. Nondiscrimination

The Subrecipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable.

#### 3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

#### 4. Section 504

The Subrecipient agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the individuals with disabilities or handicaps in any Federally assisted program. The Grantee shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

B. Affirmative Action

1. Approved Plan

The Subrecipient agrees that it shall be committed to carry out pursuant to the Grantee's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1966. The Grantee shall provide Affirmative Action guidelines to the Subrecipient to assist in the formulation of such program. The Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. Women- and Minority-Owned Businesses (W/MBE)

The Subrecipient will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises an opportunity to participate in the performance of this contract. As used in this contract, the terms "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Subrecipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions

The Subrecipient will include the provisions of Paragraphs X.A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.

2. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subrecipient agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 *et seq.*) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. The Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of $2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this contract, shall comply with Federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. "Section 3" Clause

a. Compliance

Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Subrecipient

certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

> "The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations. A contractor for the sub-recipient shall not be included on the government-wide exclusions in the System for Award Management (SAM), in accordance with OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 2 CFR part 200 and 570.611, which include (but are not limited to) the following:

a. The Subrecipient shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds.

b. No employee, officer or agent of the Subrecipient shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

c. No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-assisted activity, or with respect to the proceeds from the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a "covered person" includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, the Subrecipient, or any designated public agency.

5. Lobbying

The Subrecipient hereby certifies that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee

of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly:

d. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

6. Copyright

If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for governmental purposes.

7. Religious Activities

The Subrecipient agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR 570.200(j), such as worship, religious instruction, or proselytization.

## XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;
- Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

- Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservacation Act (42 U.S.C 6201)

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), the Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment and/or abatement may be conducted.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

E. **PROCUREMENT OF RECOVERED MATERIALS**

"(1) In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired—

(i) Competitively within a timeframe providing for compliance with the contract performance schedule;

(ii) Meeting contract performance requirements; or

(iii) At a reasonable price.

(2) Information about this requirement, along with the list of EPA-designate items, is available at EPA's Comprehensive Procurement Guidelines web site, https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program."

## XII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

## XIII. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

## XIV. WAIVER

The Grantee's failure to act with respect to a breach by the Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

## XV. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the Grantee and the Subrecipient for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Grantee and the Subrecipient with respect to this Agreement.

Date: _____

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

**CITY OF HENDERSONVILLE, NORTH CAROLINA**

_____
John F. Connet, City Manager

ATTEST:

_____
Jill Murray; City Clerk

Housing Assistance Corporation

_____
President

ATTEST:

_____

Secretary

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
City of Hendersonville, Finance Director

This instrument has been approved as to form.

_____
City Attorney, City of Hendersonville

Resolution #25-_____

**RESOLUTION APPROVING A SUBRECIPIENT AGREEMENT WITH HOUSING ASSISTANCE CORPORATION FOR CDBG-NR FUNDS FOR SCATTERED SITE REHABILITATION**

**WHEREAS,** the City of Hendersonville City Council has previous approved the application for 2024 Community Development Block Grant Neighborhood Revitalization Funding (CDBG-NR), having held two public hearings as required; and

**WHEREAS**, the City has been awarded **$1,312,710.50** in CDBG-NR funds by the NC Department of Commerce, Rural Economic Development Division, for the 2024 funding cycle; and

**WHEREAS**, the City wishes to enter into a subrecipient agreement with Housing Assistance Corporation to administer the use of these funds for rehabilitation of owner-occupied homes for persons having a household income at or below 80% of the area median income;

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

1. The City Council hereby approves the subrecipient agreement with Housing Assistance Corporation for the administration of the City's 2024 funding from the NC Department of Commerce, Rural Economic Development Division, as presented.
2. The City Manager is authorized to execute the subrecipient agreement on behalf of the City of Hendersonville, with such modifications as he deems advisable in consultation with the City Attorney.
3. The City Manager and City staff are authorized to take such actions as are reasonably necessary to carry out CDBG-NR rehabilitation projects, in consultation with the City Attorney, including but not limited to entering into construction agreements for the home rehabilitation, and approving and signing loan documents with the homeowners of properties to be rehabilitated.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May, 2025.

_____
Attest: Barbara 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:** 5/1/2025

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** Creation of Local Government Liaison Position – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that the City Council approve the creation of the Local Government Liaison Position.

**SUMMARY:**

City staff is recommending the creation of a Local Government Liaison position to assist the City Council and City Manager in fostering strategic goals and objectives. The position would be a volunteer position.

**BUDGET IMPACT:** $0.00 (Travel Expenses Only)

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

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

Proposed Job Description

**JOB TITLE:** Local Government Liaison

**PAY GRADE: NA** – Volunteer Position

**DEPARTMENT**: City Manager's Office, City of Hendersonville

**MAJOR DUTIES**

**JOB SUMMARY:** This position is appointed by and reports directly to the City Manager. The position will work directly with the City Manager to advise the City Council and assist in the implementation of City strategic goals. Upon direction from the City Manager, the position may communicate and negotiate the City's position on strategic matters. However, this position shall not have authority to bind the City in any matters. All policy decisions and agreements must be approved by City Council or the City Manager as appropriate.

**MAJOR DUTIES**
**ESSENTIAL:**

- Assist the City Council and staff in the development of strategic positions that facilitate the implementation of City goals and objectives.

- Represents the City Council and staff within the community and among local, state and federal officials to ensure lines of communication remain open and positive working relationships are maintained.

- Upon direction from the City Manager, assist with communicating of the City's position on strategic matters and advocating for this position in a manner that seeks a positive outcome for the City.

- Travels with the City Council and staff to local, state and federal events to represent the City and promote key strategic goals and objectives.

- Advises the City Manager on concerns within the community to ensure there is clear awareness of service issues and operational concerns.

- Serves at the will of the City Manager, and may be removed with or without cause.

**QUALIFICATION:**

Must have a positive relationship with local, state and federal elected officials.

Must generally support City strategic goals and objectives and represent the City Council's policy positions regardless of political philosophy.

Must support the Council-Manager Form of Government and understand the role of the City Manager in providing policy recommendations to the City Council.

Or

An equivalent combination of experience, knowledge, skills, abilities and other characteristics consistent with the required qualifications as determined by the job analysis.

**COMPENSATION:**

The position is a volunteer position and will not be compensated.

The position will be reimbursed for all actual travel, administrative, or subsistence expenses as provided by the City's Travel Policy.

The position will utilize their personal vehicle, and provide their own car insurance. However, the position shall be paid the federal mileage rate for business miles.

The position is not entitled to any City benefits

The position will be provided with a City email address to be used for all City related correspondence.

The position shall receive access to City facilities and parking in the same manner of the City Council to assist with the performance of duties.

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Lu Ann Welter **MEETING DATE:** May 1, 2025

**AGENDA SECTION:** Presentation Only **DEPARTMENT:** Human Resources

**TITLE OF ITEM, Presenter Name, Title:** Quarterly MVP Recipients – *John Connet, City Manager*

**SUGGESTED MOTION(S):** None

**SUMMARY:**

The Service Excellence Design Team voted these employees as the MVPs for the January through March quarter of 2025

**BUDGET IMPACT:** $

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

**If no, describe how it will be funded.**

**PROJECT NUMBER:** N/A **PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

PowerPoint Presentation

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet, City Manager **MEETING DATE:** May 1, 2025

**AGENDA SECTION:** PRESENTATIONS **DEPARTMENT:** Administration

**TITLE OF ITEM:** Human Trafficking Task Force – *Christina Holtgreven, True Ridge*

**SUGGESTED MOTION(S):**

NA

**SUMMARY:**

The Henderson County Human Trafficking Task Force will make a presentation regarding their work to reduce human trafficking in Henderson County.

**BUDGET IMPACT:** $ NA

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

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

Presentation

# HUMAN TRAFFICKING: AN OVERVIEW

Henderson County
Human Trafficking
Response Team

# THANK YOU FOR BEING HERE!

The Henderson County Human Trafficking Response Team (HCHTRT) is a multidisciplinary team committed to human trafficking community education, prevention, and response.

HUMAN TRAFFICKING

# Henderson County

RESPONSE TEAM

# MEET OUR TEAM

Det. Lance Easton, Hendersonville Police Dept.

Det. Juan Gonzalez, Fletcher Police Dept.

Det. Chris Ellis, Henderson County Sheriff's Office

Stephanie Barbosa, Henderson County Sheriff's Office

Emily Joyner, Safelight Child Advocacy Center

Susan Huter, Safelight

Christine Gilmore, Safelight Shelter

Meredith Harding-Bremner, AdventHealth

Mariah Cassum, Blue Ridge Health

Yarinell Vasquez, Department of Social Services

Mindy Denney, Department of Social Services

Andrea Robles-Leon, Pisgah Legal

Christina Holtgreven, True Ridge

Whitney Crouse, Children and Family Resource Center

Mike Sutton, Henderson County Public Schools

# AGENDA

- The Problem
- The Process
- The People
- Next Steps

THE PROBLEM

# WHAT IS HUMAN TRAFFICKING?

The U.S. Department of Justice defines Human Trafficking as:

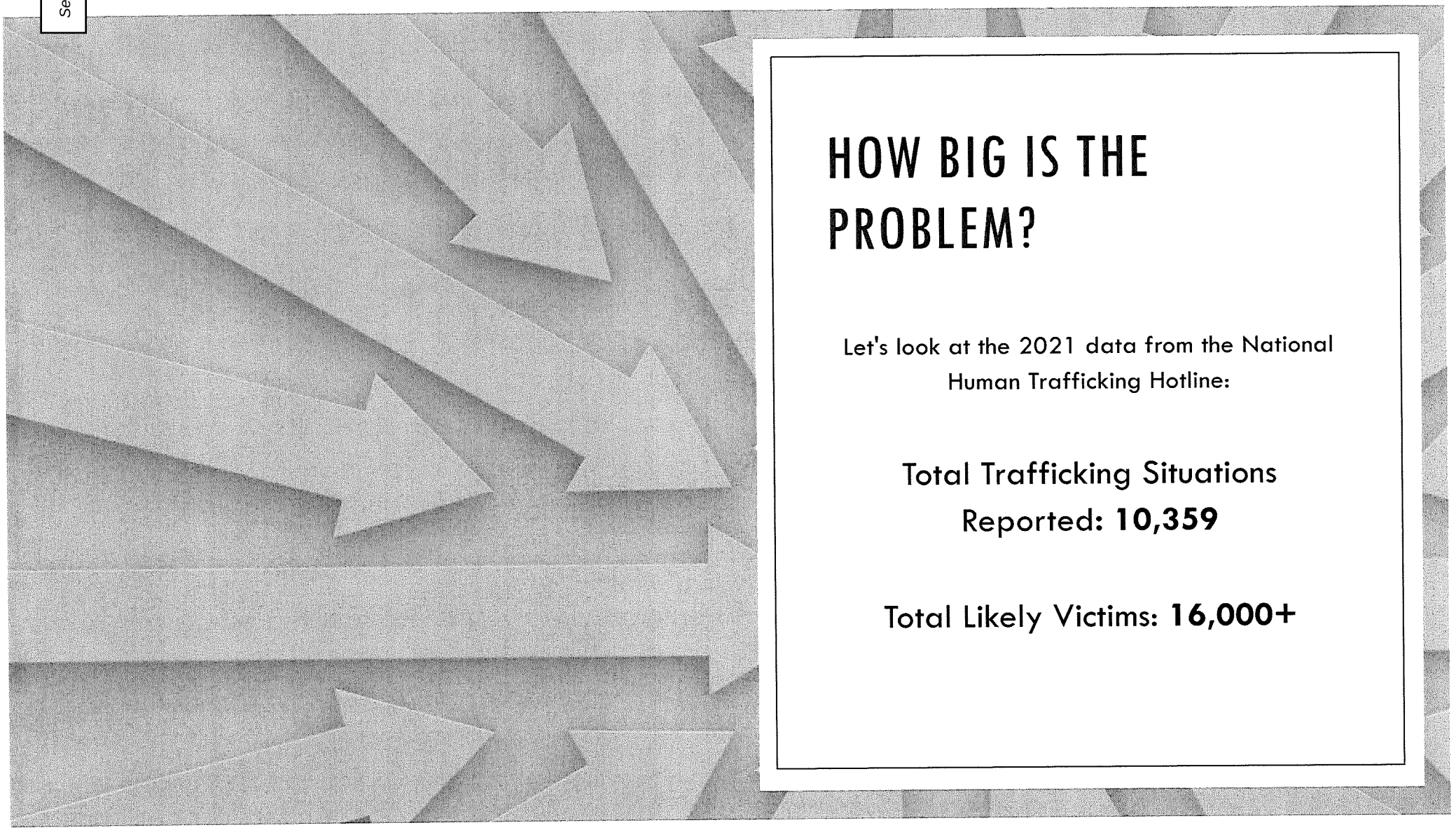
**A crime involving the exploitation of a person for labor, services, or commercial sex.**

# THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000 DEFINES TWO PRIMARY FORMS OF HUMAN TRAFFICKING:



**Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. (22 U.S.C. § 7102(11)(A)).

**Forced labor** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(11)(B)).



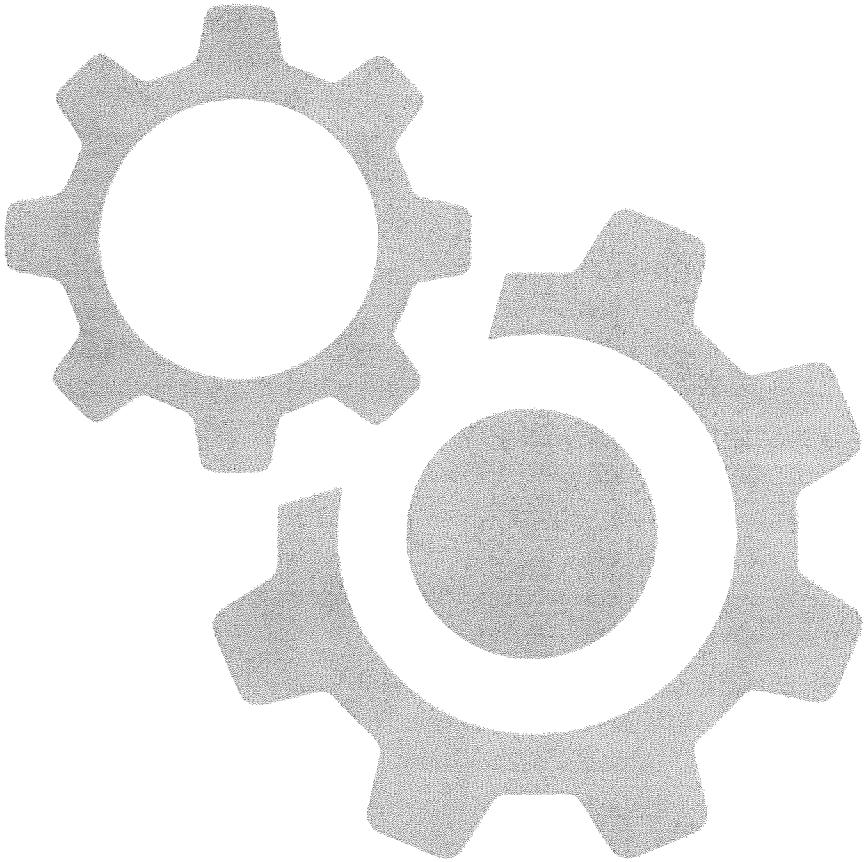
# HOW BIG IS THE PROBLEM?

Let's look at the 2021 data from the National Human Trafficking Hotline:

Total Trafficking Situations Reported: **10,359**

Total Likely Victims: **16,000+**

# THE PROCESS



# RECRUITMENT FOR SEX TRAFFICKING

1. Family member

2. Intimate partner

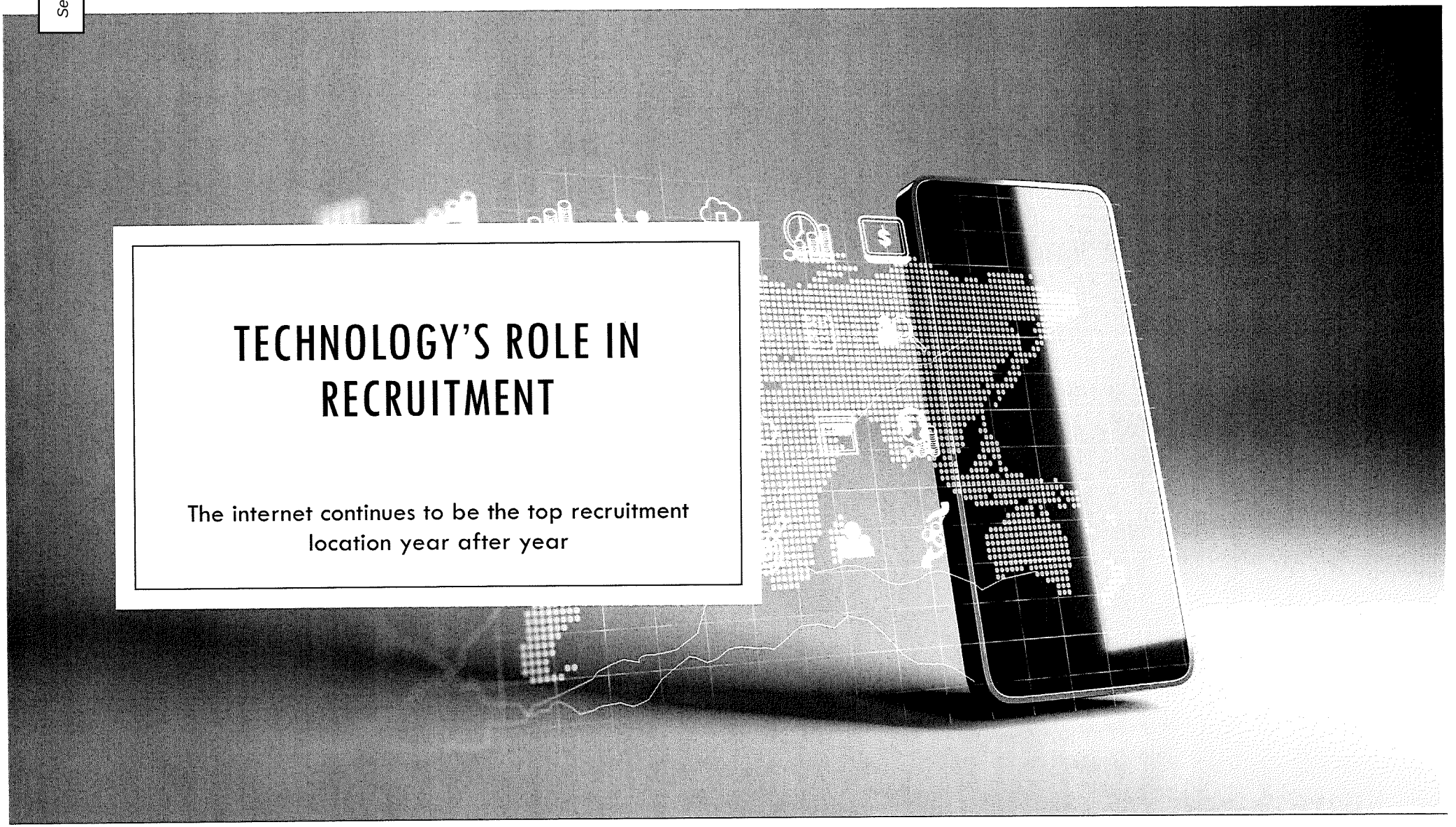
3. Friend, acquaintance, coworker

# RECRUITMENT FOR LABOR TRAFFICKING

1. Employer

2. Friend

3. Coworker



# TECHNOLOGY'S ROLE IN RECRUITMENT

The internet continues to be the top recruitment location year after year

# MANIPULATION

Vacuum selection

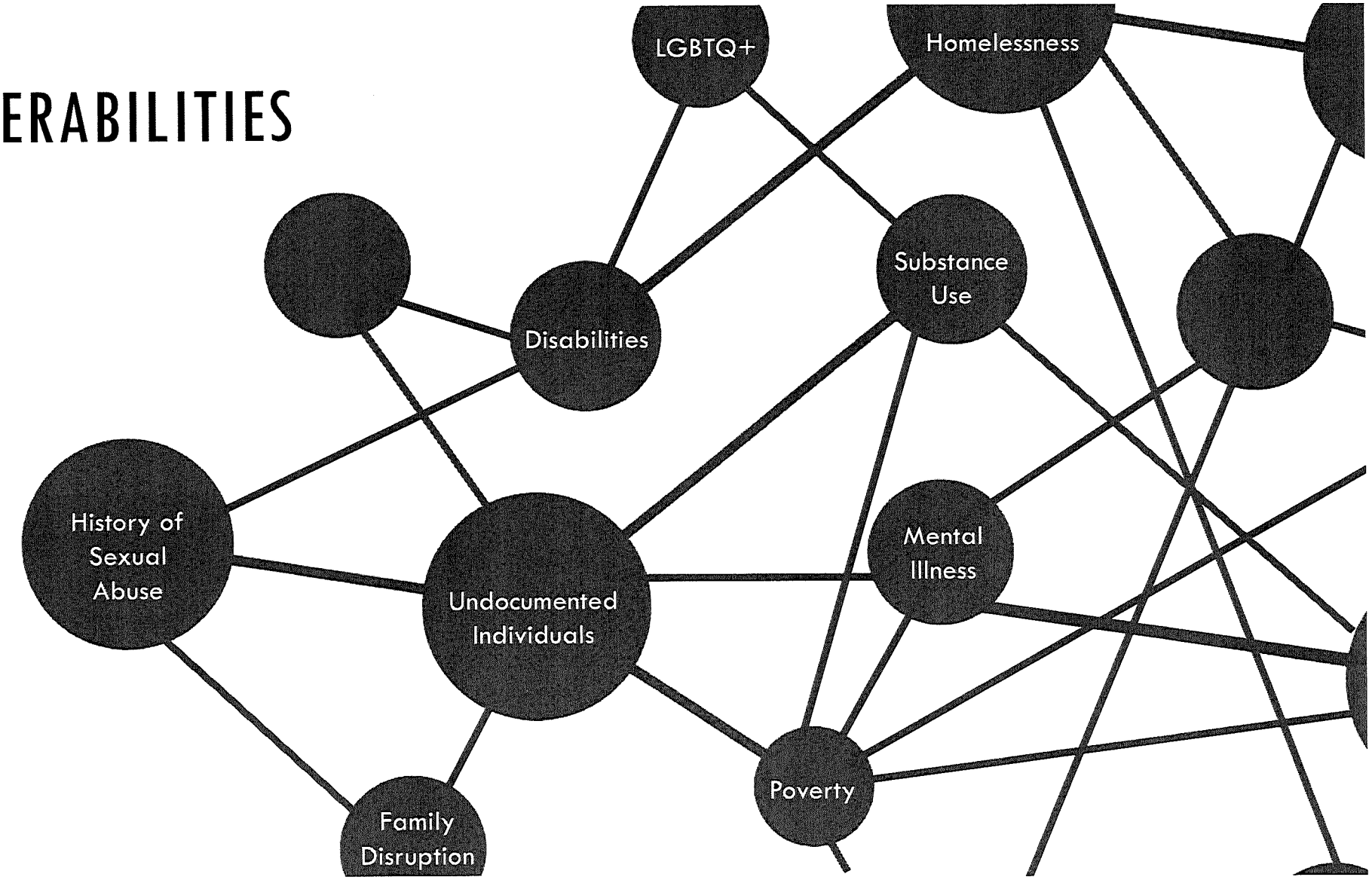
Built Tusk

Weight control

Isolate and Exploit

Weight Needs

# VULNERABILITIES

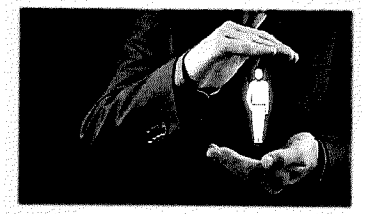


# DISGUISES



## Pretender

Boyfriend,
Friend,
Parent,



## Provider

Take care of basic needs



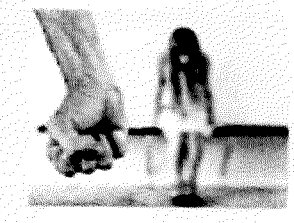
## Protector

Physical stature, Gang related, weapons



## Promiser

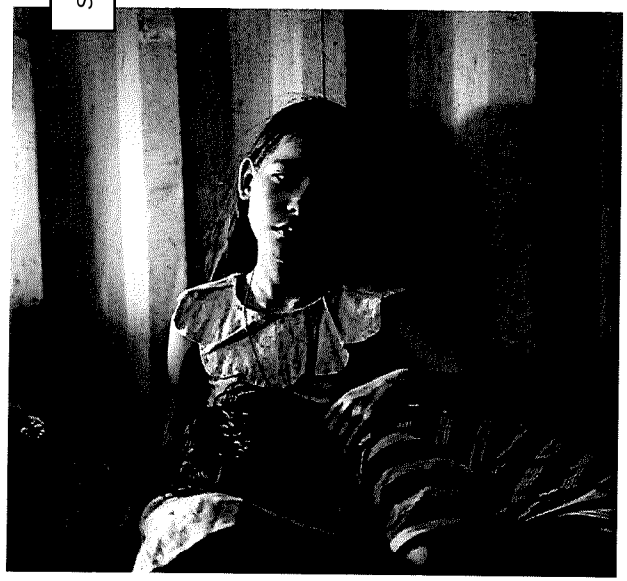
Promise of fame, wealth, better life



## Punisher

Violence, threats, intimidation

# THE PEOPLE





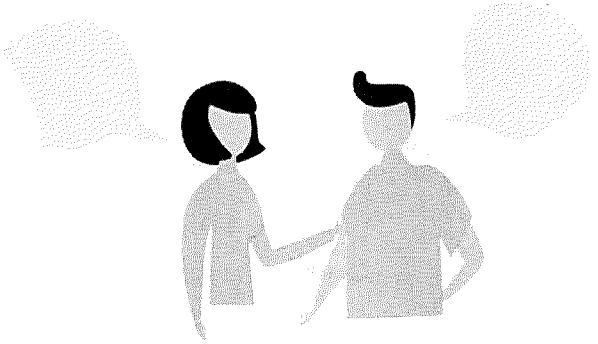


# HOW SOCIETY THINKS OF VICTIMS

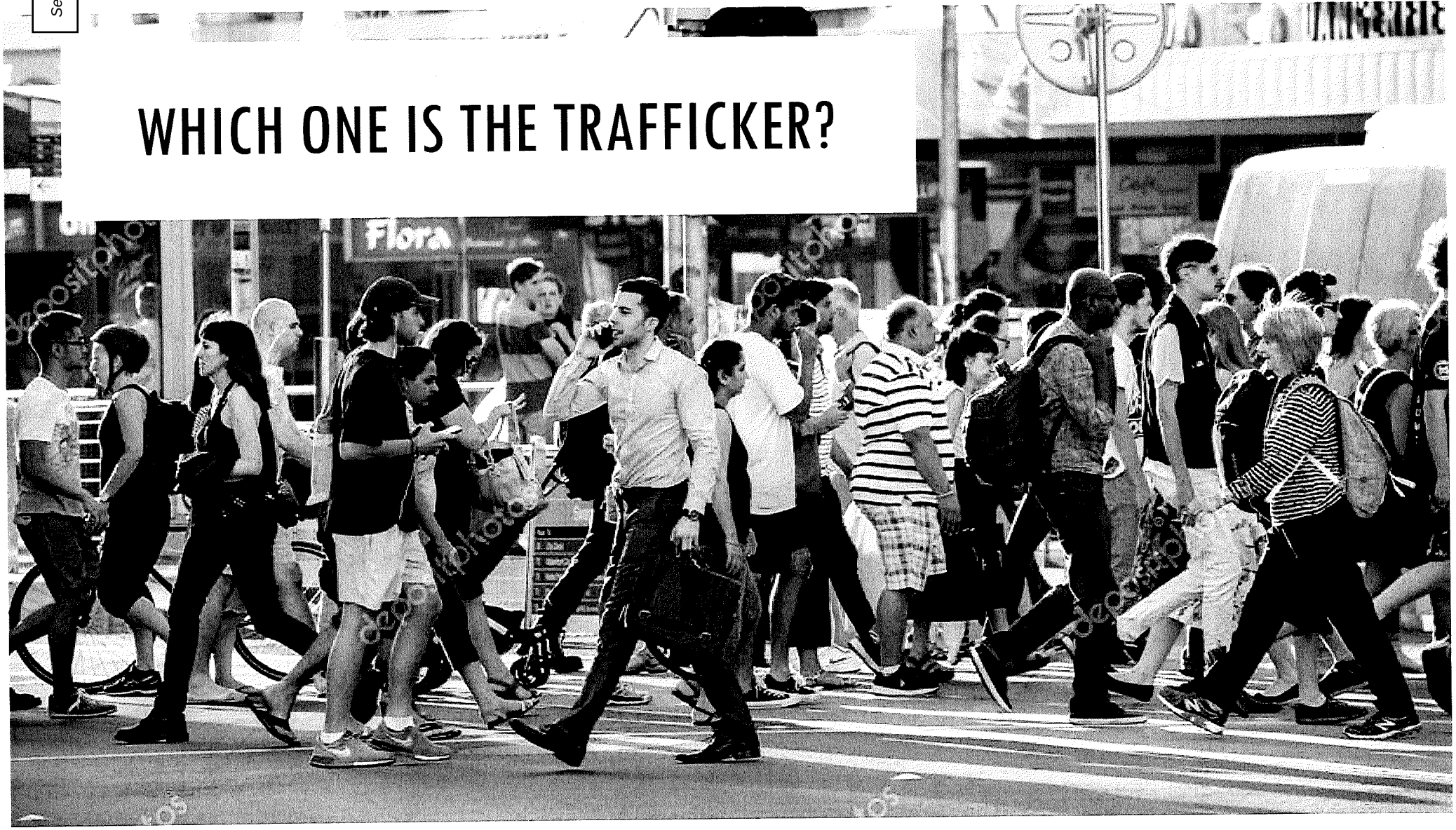
# HOW TO IDENTIFY

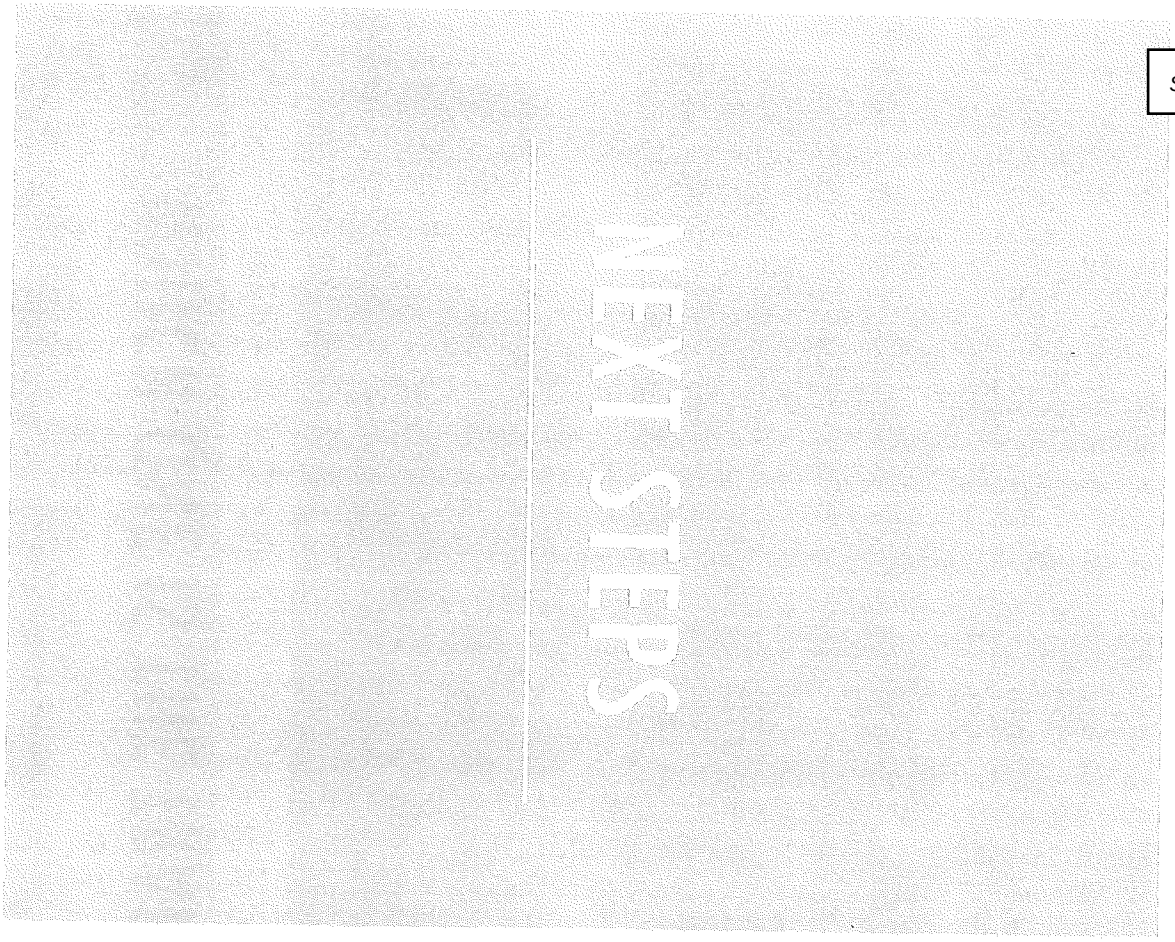



VS



# WHICH ONE IS THE TRAFFICKER?

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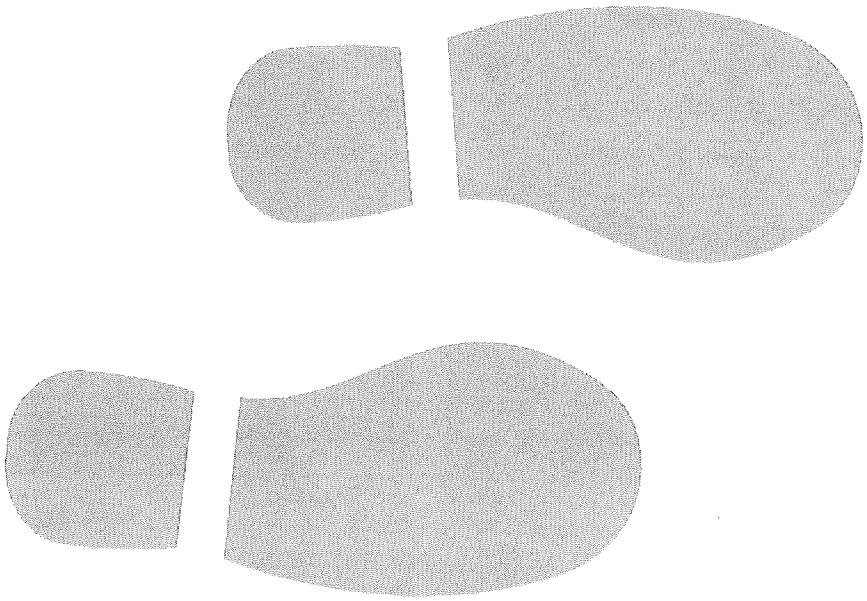

# WHAT CAN YOU DO?



# WHO COULD I CALL TO MAKE A REPORT?

## Henderson County DSS

- 828-697-5500

## Henderson County Sheriff's Office

- 828-697-4596

## Hendersonville Police Department

- 828-697-3025

## Fletcher Police Department

- 828-687-7922

## Laurel Park Police Department

- 828-697-4911

# RESOURCES

**Polaris Project**

https://polarisproject.org/

**National Human Trafficking Hotline Website**

https://humantraffickinghotline.org/en

**U.S. Department of Justice**

https://www.justice.gov/humantrafficking/what-is-human-trafficking

**North Carolina Department of Administration**

https://www.doa.nc.gov/divisions/council-women-youth/human-trafficking

**Homeland Security- Blue Campaign**

https://www.dhs.gov/blue-campaign

# QUESTIONS?



# THANK YOU!

Curious how to reach our team?

Questions regarding today's presentation, available resources, or future training requests can be submitted to our team email at hendersoncountyhtrt@gmail.com

HUMAN TRAFFICKING
Henderson County
RESPONSE TEAM

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet, City Manager **MEETING DATE** 5/1/2025

**AGENDA SECTION:** PRESENTATIONS **DEPARTMENT:** Administration

**TITLE OF ITEM:** Hands On Children's Museum and Science Center Annual Update – *Joseph Knight, Executive Director*

**SUGGESTED MOTION(S):**

EnterMotionHere

**SUMMARY:**

Hands On Children's Museum and Science Center Executive Director Joseph Knight will present the Museum's Annual Update to the City Council

**BUDGET IMPACT:** $45,000

**Is this expenditure approved in the current fiscal year budget? Yes**

**If no, describe how it will be funded.**

**ATTACHMENTS:**

**None**

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Jamie Carpenter, Downtown Manager

**MEETING DATE:** May 1, 2025

**AGENDA SECTION:** PRESENTATIONS

**DEPARTMENT:** Downtown

**TITLE OF ITEM:** Presentation: North Carolina Main Street Champion- *Jamie Carpenter, Downtown Manager*

**SUGGESTED MOTION(S):**

none

**SUMMARY:** Recognizing our 2024 North Carolina Main Street Champion

**BUDGET IMPACT:** NA

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

**If no, describe how it will be funded.**

**ATTACHMENTS:**

None

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Jill Murray, City Clerk **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** PROCLAMATION **DEPARTMENT:** Administration

**TITLE OF ITEM:** Proclamation for Professional Municipal Clerk's Week

**SUGGESTED MOTION(S):**

N/A

**SUMMARY:**

Mayor Volk will read the Proclamation for Professional Municipal Clerk's Week.

**BUDGET IMPACT:** $ TBD

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

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

N/A

# Proclamation

## 56th Annual Professional Municipal Clerks Week
## May 4 – 10, 2025

**WHEREAS**, the Office of the Professional Municipal Clerk is a time-honored and essential part of local government, serving communities throughout the world; and

**WHEREAS**, the Office of the Professional Municipal Clerk is one of the oldest public service positions, integral to the foundation and continuity of local governance; and

**WHEREAS**, Professional Municipal Clerks provide a vital link between citizens, local governing bodies, and various agencies at all levels of government; and

**WHEREAS**, Professional Municipal Clerks are committed to upholding principles of neutrality, impartiality, and equal service to all members of the community; and

**WHEREAS**, the Office of the Professional Municipal Clerk serves as the information hub for local government operations and community affairs; and

**WHEREAS**, Professional Municipal Clerks continuously strive to enhance the administration of their office by actively participating in educational programs, professional development opportunities, and the annual conferences of their state, provincial, county, and international associations; and

**WHEREAS**, it is fitting to recognize and celebrate the significant contributions and accomplishments of Professional Municipal Clerks.

**NOW, THEREFORE**, I, Barbara Volk, Mayor of the City of Hendersonville, do hereby proclaim the week of May 4 through May 10, 2025, as **Professional Municipal Clerks Week** and extend appreciation to our Professional Municipal Clerk, Jill Murray, along with all Professional Municipal Clerks, for their invaluable service and steadfast dedication to the communities they serve.

**PROCLAIMED** this 1st day of May, 2025.

Seal

_____
Barbara G. Volk, Mayor
City of Hendersonville

Attest: _____
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Brian Pahle **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** Presentations **DEPARTMENT:** Administration

**TITLE OF ITEM:** Communications Team Recognition – *Brian Pahle, Assistant City Manager*

**SUGGESTED MOTION(S):**

N/A

**SUMMARY:**

An agenda item to recognize the Communications Department.

**BUDGET IMPACT:** N/A

**Is this expenditure approved in the current fiscal year budget?** To be funded by loan/grant proceeds in future years.

**If no, describe how it will be funded.** EnterTextHere

**ATTACHMENTS:**

N/A

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet, City Manager **MEETING DATE:** 5/1/2025

**AGENDA SECTION:** PRESENTATION **DEPARTMENT:** EnterTextHere

**TITLE OF ITEM:** Hurricane Helene Debris Update – *Tom Wooten, Public Works Director*

**SUGGESTED MOTION(S):**

NA

**SUMMARY:**

Public Works Director Tom Wooten will provide an update regarding our Spring Clean Up.

**BUDGET IMPACT:** NA

**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
## PLANNING DIVISION

**SUBMITTER:** Sam Hayes, Planner II

**MEETING DATE:** May 1st, 2025

**AGENDA SECTION:** New Business

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Conditional Zoning District – Meadowcrest (25-12-CZD) – *Sam Hayes – Planner II*

**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 (PIN: 9569-94-7077) from R-20 (Low-Density Residential) 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 4/21/25], 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) Residential, Multi-Family
- 132, 1-3 Bedroom Units

***[for amendments to uses or conditions discussed and agreed upon in the 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(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 because:**

**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 (PIN: 9569-94-7077) from R-20 (Low-Density Residential) 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 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, scale, and architectural design.
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 have a negative impact on the natural resources of Hendersonville.

| | |
|---|---|
| The petition is consistent with a range of Goals, Guiding Principles, and the Future Land Use Designation of Multi-Generational Living as defined in Chapter IV of the Gen H Comprehensive Plan.<br><br>**4(3). We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:**<br>1. The petition incorporates a mix of housing types into an existing urban neighborhood.<br>2. The petition places residents within an area of existing city services and infrastructure.<br>3. The petition places residents within an area of existing job opportunities.<br>4. The petition will provide more housing to support existing and future residents of Hendersonville.<br><br>**[DISCUSS & VOTE]** | **[DISCUSS & VOTE]** |

***SUMMARY:*** *Here's a revised version of your text:*

*The City of Hendersonville has received an application for a Conditional Zoning District from the Housing Assistance Corporation for the property located at 0 Dermid Avenue (PIN: 9569-94-7077). The property is currently zoned as Low Density Residential (R-20), and the applicant is requesting a rezoning to Urban Residential Conditional Zoning District (UR-CZD).*

*The project is planned in two phases, with both phases featuring similar buildings and amenities. Each phase will include three apartment buildings, a community building, and a playground. Phase I will consist of 60 units, while Phase II will include 72 units. The streets within the development will be private; however, the applicant has agreed to establish a stub-out in the northwestern corner of the property to allow for future access.*

*Additionally, the Housing Assistance Corporation has submitted an application to the state Housing Finance Agency for this year's round of Low Income Housing Tax Credits (LIHTC) to support Phase I of the project.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | 25-12-CZD |
| **PETITIONER NAME:** | The Housing Assistance Corporation [owner/applicant] |

| | |
|---|---|
| **ATTACHMENTS:** | 1. Staff Report<br>2. Comprehensive Plan & FLUM Consistency Worksheet<br>3. Goals & Guiding Principles Evaluation Worksheet<br>4. Proposed Site Plan<br>5. Neighborhood Compatibility Summary<br>6. Draft Ordinance<br>7. Application / Owner Signature Addendum / LLC Record |

# REZONING: CONDITIONAL REZONING - MEADOWCREST (25-12-CZD)
# CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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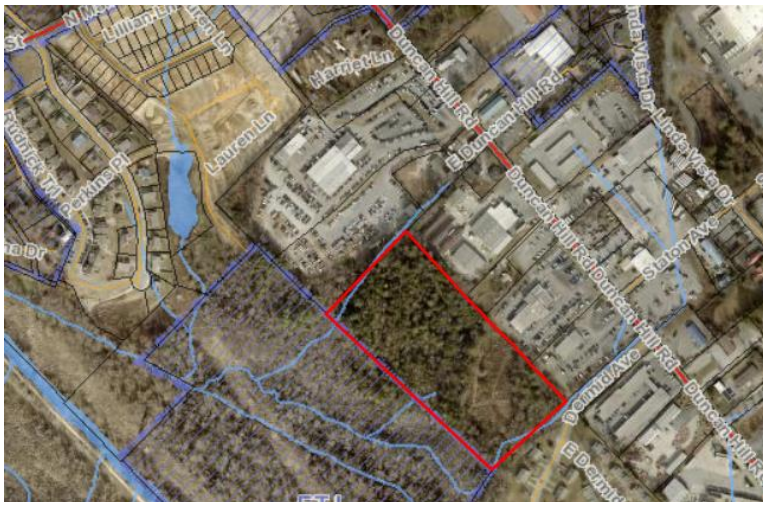
REZONING STANDARDS ANALYSIS & CONDITIONS ..... **Error! Bookmark not defined.**
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 12
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 12

PROJECT SUMMARY

- Project Name & Case #:
  - Meadowcrest
  - 25-12-CZD
- Applicant & Property Owner:
  - The Housing Assistance Corporation
- Property Address:
  - 0 Dermid Avenue
- Project Acreage:
  - 10.48
- Parcel Identification (PIN):
  - 9569-94-7077
- Current Parcel Zoning:
  - R-20 Low Density Residential
- Requested Zoning:
  - UR-CZD – Urban Residential Conditional Zoning District
- Future Land Use Designation:
  - Multi-Generational Living
- Neighborhood Compatibility Meeting:
  - March 5th, 2025
- Planning Board Meeting
  - April 10th, 2025
  - Passed unanimously



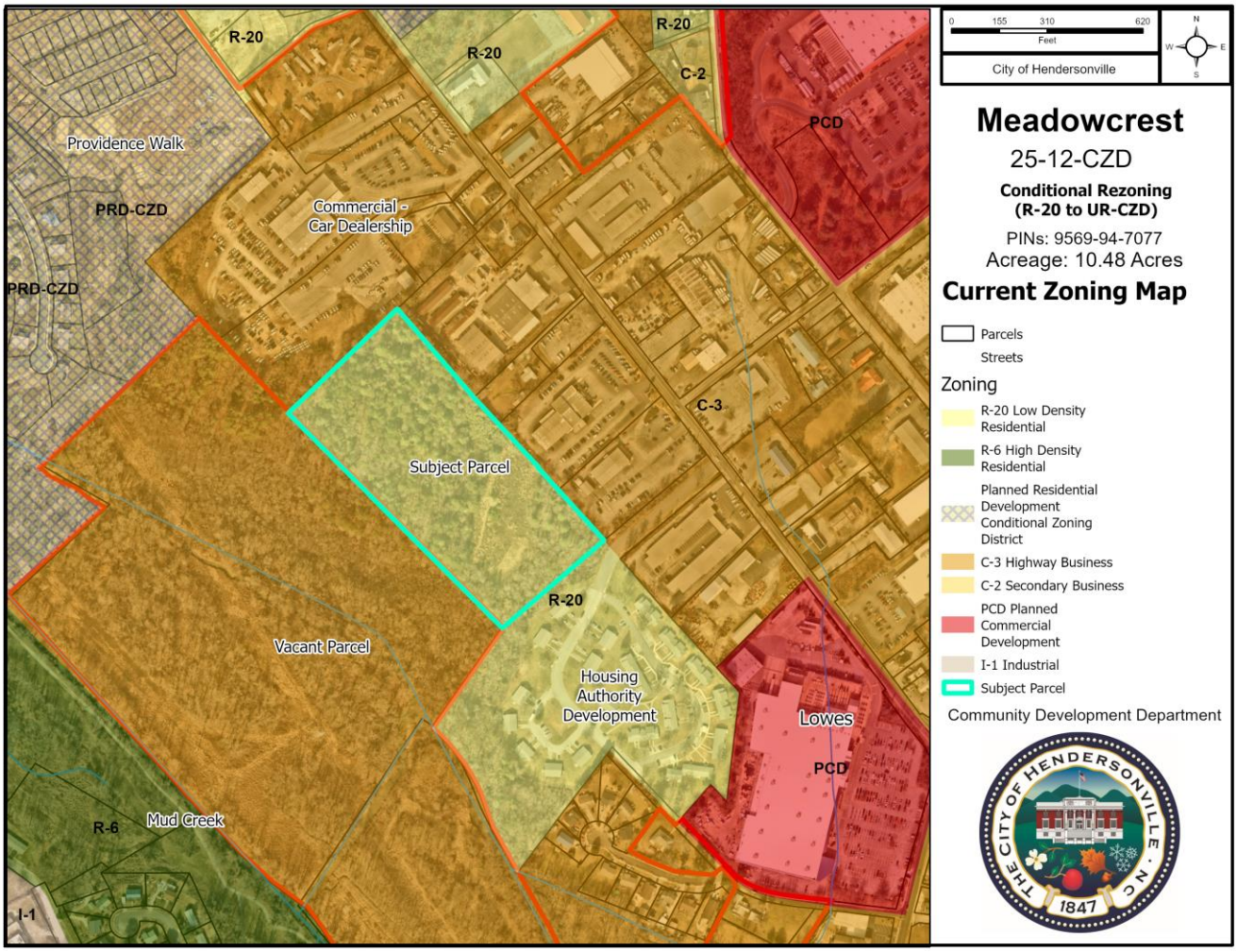

SITE VICINITY MAP

*The City of Hendersonville has received an application for a Conditional Zoning District from the Housing Assistance Corporation for the property located at 0 Dermid Avenue (PIN: 9569-94-7077). The property is currently zoned as Low Density Residential (R-20), and the applicant is requesting a rezoning to Urban Residential Conditional Zoning District (UR-CZD).*

*The project is planned in two phases, with both phases featuring similar buildings and amenities. Each phase will include three apartment buildings, a community building, and a playground. Phase I will consist of 60 units, while Phase II will include 72 units. The streets within the development will be private; however, the applicant has agreed to establish a stub-out easement in the northwestern corner of the property to allow for future access.*

*Additionally, the Housing Assistance Corporation has submitted an application to the state Housing Finance Agency for this year's round of Low Income Housing Tax Credits (LIHTC) to support Phase I of the project.*

## EXISTING ZONING & LAND USE




City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Low Density Residential (R-20). The adjacent property, owned by the Housing Authority, is also zoned R-20 and contains duplexes and quadplexes. The parcels surrounding the property to the east, north, and west are zoned Highway Business (C-3), with businesses along Duncan Hill Road, including car dealerships, a grocery store, and a home improvement store. Nearby, there is a Planned Residential Development – Conditional Zoning District (PRD-CZD) known as Providence Walk, which consists of single-family homes.

SITE IMAGES



*View of subject property from Dermid Avenue. One of two blue line streams runs through the southern portion of the property. The other blue line stream runs through the northern portion of the property.*



*View looking south from site to Dermid Avenue.*

SITE IMAGES



*View through trees of adjacent property located on Dermid Avenue.*



*View of western portion of property from center or property.*

SITE IMAGES

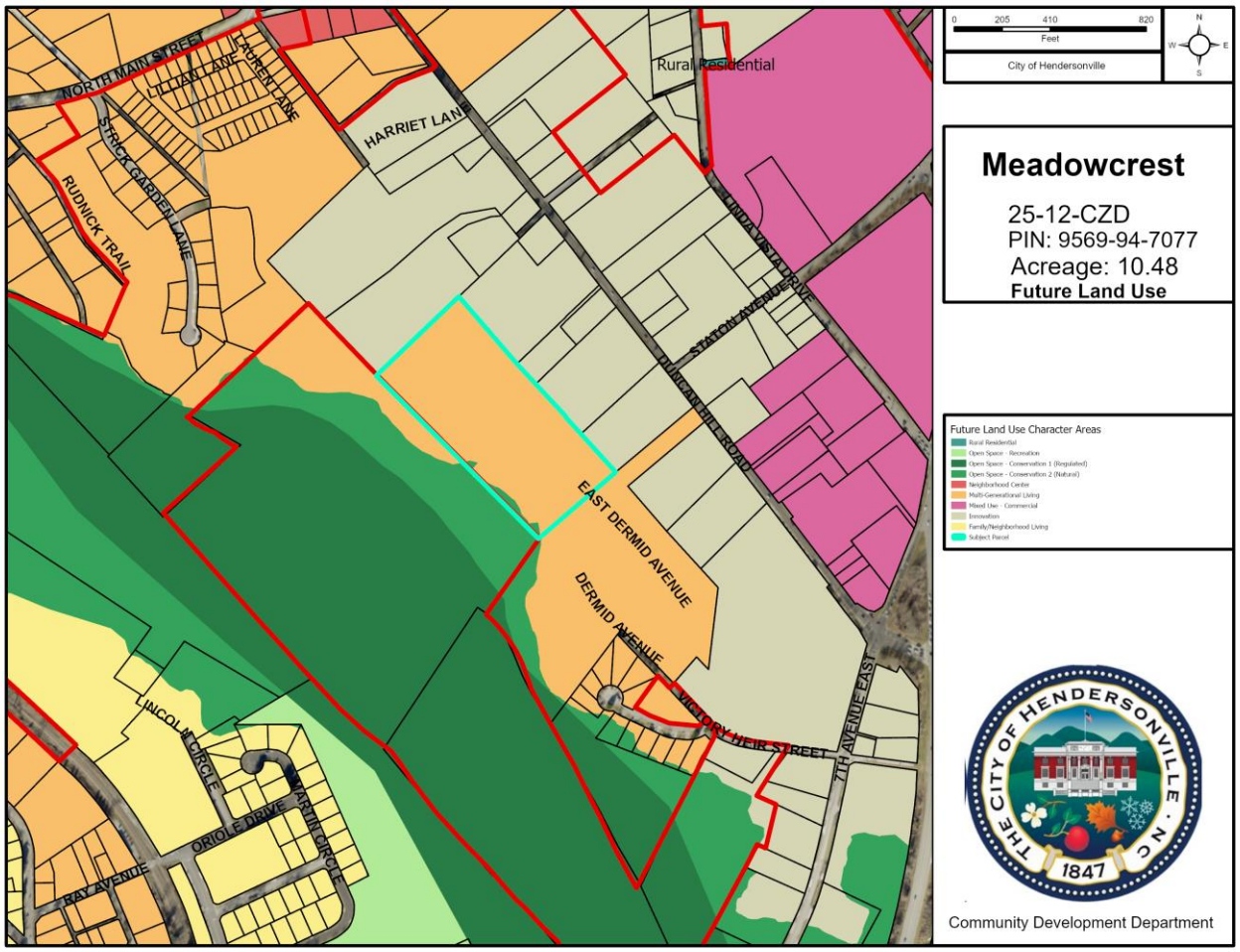


*Northeastern edge of property. An adjacent building can be seen in the distance.*



*View looking south from the subject property. Through the trees, homes located on Dermid Avenue can be seen.*

## FUTURE LAND USE




City of Hendersonville Future Land Use

*The subject property is designated as Multi-Generational Living in the Gen H comprehensive plan. This designation encompasses the Housing Authority-owned parcel to the south of the subject property, as well as a portion of the property to the southwest. Parcels to the east of the property are classified as Innovation.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

## PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Use: Residential, multi-family
- Total Dwelling Units: 132 total (60 in Phase I, 72 in Phase II)
- Site: 10.48 acres
- Density: 13 Units / Acre
- Buildings:
  - Total Footprint – 53,860 square feet
  - Community Buildings (2) Footprint – 1,986 square feet
  - Building 100 Footprint – 4,770 square feet
  - Building 200 Footprint – 8,800 square feet
  - Building 300 Footprint – 8,926 square feet
  - Building 500 Footprint – 8,926 square feet
  - Building 600 Footprint – 9,540 square feet
  - Building 700 Footprint – 8,926 square feet
  - Height:
    - Mid-point of gable between ridge and eaves (height by definition) = max 34'
- Open Space: 3.08 acres
- Common Open Space: 1.05 acres
- Transportation:
  - The site is currently undeveloped. The proposed access point is off of Dermid Avenue. No public streets will be provided in this development.
  - Staff requested a second access stub-out be proposed for the north west corner of the property, which could eventually connect to the stub-out created by Providence Walk. Due to topographical challenges, the applicant requested to not extend the stub out to the property line, but instead, to create an easement to allow the city to eventually establish a road connection in the future.
- Sidewalks:
  - 7' wide sidewalks are provided throughout the site.
  - The applicant has proposed a crosswalk at the exit from their driveway entrance on Dermid Avenue.
- 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) = 96 spaces, 1.5 per unit (3+ bedroom units) = 54 spaces. Total Required 150 spaces
    - Provided: 256 spaces
      - The LIHTC design requirements require that for family projects, there is a ***minimum*** of 1.75 parking spaces per unit.
  - Drive Aisle
    - Minimum of 24' wide

- In front of buildings, all drive aisle are 26' wide to accommodate fire safety regulations.

- Landscaping:
  - This development will be required to plant:
    - Vehicular Use Landscaping
      - Interior parking lot plantings (Sec. 15-9a)
    - Street Trees (Sec. 15-15)
    - Common space plantings
      - Trees (Sec. 5-25-5.2b)
    - A detailed Landscaping Plan will be provided at final site plan

- Building Design:
  - 3-Story design
  - Building Materials – Brick masonry and vinyl siding
  - Central open-air access stairway
  - First-floor patios and balconies proposed on upper levels.
  - Roofline features a variety of gables and false gables

- Natural Resources
  - There are two blue line streams on the property. One is located along the southern portion of the property, and the other is located on the northern portion.

- Floodplain: N/A
  - The southwestern edge of the property includes part of the 100 year and 500 year floodplain.
  - The 100 year floodplain will not be impacted by the proposed design.

- Stream Buffer: N/A
  - On their preliminary site plan, the applicant is abiding by the stream buffer requirements.

## 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 plan shows a buffer along the outer edge of the property which may

not be required per the City's zoning ordinance.
- 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:**
1.None

## 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. A right-of-way is needed to connect from property line to Dermid Avenue. (Resolve at Final Site Plan)
2. SESC Plan approval required by Henderson County Site Development (Resolve at Final Site Plan)

**Proposed City-Initiated Conditions:**

1. None

### Developer Proposed Conditions

1. Building Orientation Per Section 5-25-5.1: Applicant requests relief from Section 5-25-5.1 of the zoning code as it relates to the building orientation. While the proposed buildings do not directly front onto areas such as parks or plazas, each of the proposed multi-family buildings directly adjoins open space area being provided for the community. Additionally, the proposed community building, playground, picnic pavilion and outdoor spaces are intended to serve as a significant central gathering area and meeting space for the community.
2. Fire Sprinklers: Applicant shall equip all buildings, including non-residential occupancies with an approved automatic fire sprinkler system.
3. TIA (Traffic Impact Analysis): The developer request that the TIA be waived rather than deferred, granting relief from Sec. 5-25-2.3.1 of the zoning code. The proposed trip generation does not meet the threshold established under Article 6. Furthermore, as a LIHTC product, trip generation is expected to be below typical averages.
4. Secondary Access: While not required for fire service, the applicant agrees to grant a future easement in the Northwest Corner of Phase 2 for the extension and connection of adjacent developments in the future for secondary access. The alignment and extents of the easement will be

determined in the future and will not impact any access, utilities, parking or structures proposed with this project.

REZONING STANDARDS (ARTICLE 11-4)

| GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY | |
|---|---|
| 1) COMPREHENSIVE PLAN | **LAND SUPPLY, SUITABILITY & INTENSITY**<br>The subject property was excluded from the Land Supply Map analysis. |

| | |
|---|---|
| **CONSISTENCY** | The subject property was excluded from the Suitability Assessment analysis. |
| | **FUTURE LAND USE & CONSERVATION MAP**<br>**Character Area Designation:** Multi-Generational Living<br>**Character Area Description:** Consistent<br>**Zoning Crosswalk:** Consistent<br>**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*** |
| | The proposed introduction of residential use is compatible with the development along Dermid Avenue that is owned by the Housing Authority. |
| | **EXISTING CONDITIONS**<br>The subject property is currently vacant. A large portion of the property is wooded, with a clearing on the southern portion of the property. There are streams running along the southernmost and northernmost sides of the property. The adjacent properties have a mix of uses. Duncan Hill Road has several car dealerships, a grocery store, and other commercial businesses. Dermid Avenue is a residential development owned by the Housing Authority. To the southwest of the property is a large property that is currently wooded and largely sits within the flood plain. Within close proximity to the subject property is the Providence Walk development. |
| | **GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV)<br>**Vibrant Neighborhoods**: Consistent<br>**Abundant Housing Choices**: Consistent<br>**Healthy and Accessible Natural Environment**: Consistent<br>**Authentic Community Character**: Consistent<br>**Safe Streets and Trails**: Consistent<br>**Reliable & Accessible Utility Services**: Consistent<br>**Satisfying Work Opportunities**: Consistent<br>**Welcoming & Inclusive Community**: Consistent<br>**Accessible & Available Community Uses and Services**: Consistent<br>**Resilient Community**: N/A |
| | **GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES** (Chapter IV)<br>**Mix of Uses:** N/A<br>**Compact Development:** Consistent<br>**Sense of Place:** Consistent<br>**Conserved & Integrated Open Spaces:** Consistent<br>**Desirable & Affordable Housing**: Consistent<br>**Connectivity**: Consistent<br>**Efficient & Accessible Infrastructure:** Consistent |

| | |
|---|---|
| 3) Changed Conditions | **Whether and the extent to which there are changed conditions, trends or facts that require an amendment -** |
| | The need for more affordable housing is an ongoing problem within the City of Hendersonville and broader region. |
| 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 status of the region's affordable housing crisis is well documented from reports such as the Bowen Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue. |
| 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. The subject property is located near one of the city's main entry corridors. |
| 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 -** |
| | **Mature Trees:** There are a number of mature trees and vegetation around the subject property. Much of the tree canopy will need to be removed, however, the applicant is seeking to preserve existing tree canopy.<br>**Floodplain and Blue Line Streams:** The subject property has a small portion of floodplain on the lower southwestern corner. The preliminary site plan shows the applicant is not impacting the 100 year floodplain. There are two blue line streams on the property. The applicant has shown they will take proper measures per the city's ordinance to protect the stream buffers. |

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 petition is consistent with a range of Goals, Guiding Principles, and the Future Land Use Designation of Multi-Generational Living as defined in Chapter IV 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 incorporates a mix of housing types into an existing urban neighborhood.*
- *The petition places residents within an area of existing city services and infrastructure.*
- *The petition places residents within an area of existing job opportunities.*
- *The petition will provide more housing to support existing and future residents of Hendersonville.*

*DRAFT [Rational for Denial]*

- *The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.*
- *The petition proposes a density that is out of character with the surrounding neighborhood*
- *The petition would generate excessive traffic, noise and light in an existing residential neighborhood.*
- *The petition would have a negative impact on the natural resources of Hendersonville.*

| Chapter 4 - The Vision for the Future | Consistent | Inconsistent |
|---|---|---|
| **SUPPLY, SUITABILITY, & INTENSITY** | | |
| **LAND SUPPLY MAP (Pg. 81, Figure 4.4)** | NA | NA |
| **LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)** | NA | NA |
| **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) | Somewhat Consistent | |
| Zoning Crosswalk (Pg. 132-133, Figure 4.18) | Consistent | |
| **Focus Area Map (Pg. 134-159)** | NA | NA |

| Chapter 4 - The Vision for the Future | Consistent |
|---|---|
| **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. | Somewhat 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. | Somewhat Consistent |
| New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment. | Consistent |
| 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. | NA |
| Historic preservation is utilized to maintain the city's identity. | NA |
| A development is considered a quality development that preserves the city center or neighborhood. | 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. | Somewhat 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 | |
| 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. | Consistent |
| Welcoming & Inclusive Community | |

| | |
|---|---|
| Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging. | Consistent |
| 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 | NA |
| New business and office space promotes creative hubs. | NA |
| Compact Development (Pg. 100) | |
| Development is consistent with efforts in the area to establish 15-minute neighborhoods. | Consistent |
| The infill project is context sensitive. | 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. | 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 |

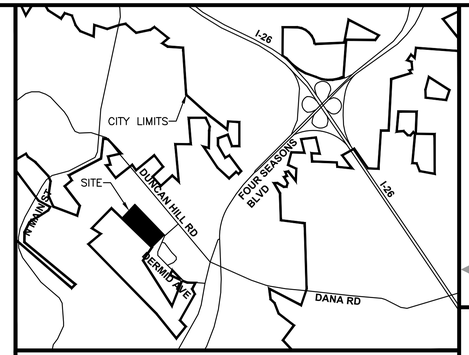
| Inconsistent |
| --- |
| |
| |
|

NA
NA

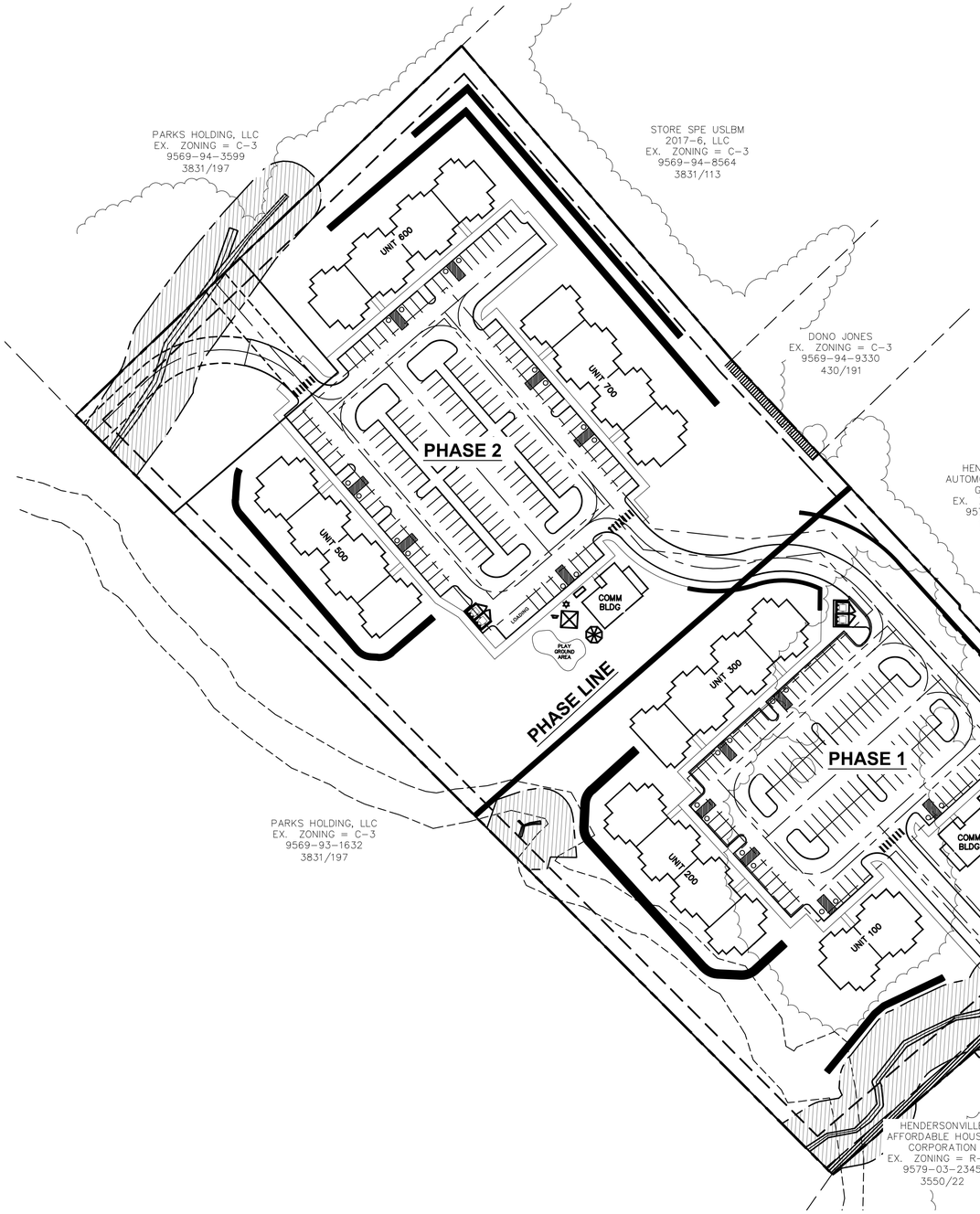
# MEADOWCREST

## LOCATED IN
## THE CITY OF HENDERSONVILLE
## HENDERSONVILLE, NORTH CAROLINA

| Sheet List Table | |
|---|---|
| Sheet Number | Sheet Title |
| C0.0 | COVER |
| C1.0 | SITE SURVEY |
| C2.0 | OVERALL SITE PLAN |
| C-2.1 | SITE PLAN PHASE 2 |
| C-2.2 | SITE PLAN PHASE 1 |
| C-3.0 | OVERALL GRADING PLAN |
| C-3.1 | GRADING PLAN PHASE 2 |
| C-3.2 | GRADING PLAN PHASE 3 |
| C-6.0 | OVERALL UTILITY PLAN |
| C-6.1 | UTILITY PLAN PHASE 2 |
| C-6.2 | UTILITY PLAN PHASE 1 |
| L-1.1 | PLANTING PLAN (1 of 2) |
| L1.2 | PLANTING PLAN (2 of 2) |
| L-2.1 | TREE CANOPY PLAN |




VICINITY MAP: N.T.S.




**SITE DATA:**

**OWNER:**
THE HOUSING ASSISTANCE CORPORATION
214 KING STREET
HENDERSONVILLE, NC 28792

**PARCEL DATA:**
AREA: 10.48 ACRES
PIN#: 9569-94-7077
DB/PG: 4088/405
DENSITY: 12.40 UNITS/AC

**SITE ZONING:**
EXISTING PARCEL ZONING: R-20
PROPOSED PARCEL ZONING: UR

**CITY LIMITS:**
PROJECT AREA IS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF HENDERSONVILLE, IN THE COUNTY OF HENDERSON, NORTH CAROLINA

**PHASE 1:**
NUMBER OF UNITS: 60 + 1 COMMUNITY BUILDING (1800+SF)
PARKING REQUIRED: 100 (1.5/unit + 1/200sf Com. Bldg.)
PARKING PROVIDED: 116 (1.76/unit + 1/200sf Com. Bldg.)

**PHASE 2:**
NUMBER OF UNITS: 72 + 1 COMMUNITY BUILDING (1800+SF)
PARKING REQUIRED: 118 (1.5/unit + 1/200sf Com. Bldg.)
PARKING PROVIDED: 140 (1.80/unit + 1/200sf Com. Bldg.)

**UR ZONING BUILDING SETBACKS:**
FRONT: 14' (from proposed curb)
SIDE: 5'
REAR: 10' or 14' (from proposed curb)
MAX. HEIGHT: 62'
MIN. WIDTH: 20'
SEPARATION: 20' (provided)

**UTILITIES:**
SEWER SERVICE: PUBLIC - CITY OF HENDERSON
WATER SERVICE: PUBLIC - CITY OF HENDERSON

**PROJECT SQUARE FOOTAGE/ACREAGE & PERCENTAGE OF TOTAL SITE**

| | |
|---|---|
| TOTAL PROJECT AREA: | 10.48 AC (100%) |
| SITE COVERAGE - BUILDINGS: | 1.22 AC (11.7%) |
| SITE COVERAGE - OPEN SPACE (landscaped): | 3.08 AC (29.4%) |
| SITE COVERAGE - STREETS & PARKING: | 2.77 AC (26.4%) |
| SITE COVERAGE - OTHER FACILITIES: | 0.00 AC (0.0%) |
| SITE COVERAGE - COMMON OPEN SPACE: | 1.05 AC (10.0%) |
| SITE COVERAGE - REMAINDER PERVIOUS AREA/OPEN SPACE: | 2.36 AC (22.5%) |

**SITE NOTES**

1. ALL PROPOSED ACCESS IS PRIVATE .
2. CROSSWALKS AND CURB RAMPS ARE PROPOSED TO CONNECT INTERNAL SIDEWALKS AND TO EXISTING SIDEWALKS IN DERMID
3. THE MAXIMUM PROPOSED ROAD GRADE IS 5.2%+/-
4. ALL SIGNAGE SHALL BE LOCATED OUTSIDE THE ROAD RIGHT OF WAY AND SIGHT TRIANGLES, AND WILL GO THROUGH A SEPARATE REVIEW PROCESS AT FINAL SITE PLAN REVIEW.
5. THE COMPLEX OWNER SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL PORTIONS OF THE SITE INCLUDING ALL DEVELOPED AREAS, UNDEVELOPED AREAS, AND PRIVATE UTILITIES. \
6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
7. THE MAXIMUM BUILDING HEIGHT IS 34'.
8. ALL DRIVE AISLES ARE A MINIMUM OF 24' WIDE AND PRIVATE. AISLES IN FRONT OF BUILDINGS ARE A MINIMUM OF 26' WIDE.
9. ALL STANDARD PARKING SPACES ARE 9'x18'
10. ALL SIDEWALKS ARE 7' WIDE.
11. ALL DIRECT ACCESS DRIVE AISLES HAVE A 30' CENTERLINE RADII FOR FIRE ACCESS
12. ALL RADII DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
13. SHADED CURB & GUTTER INDICATES LOCATION FOR SPILL CURB.
14. MINIMUM SLOPE ON CURB AND GUTTER SHALL BE 1.0%, UNLESS SPILL CURB IS INDICATED.
15. ALL HANDICAP ACCESS RAMPS SHALL COMPLY WITH THE LATEST EDITION OF THE ADA ACCESSIBILITY GUIDELINES.
16. NO OBSTRUCTIONS, PLANTINGS, OR FENCING SHALL BE PERMITTED WITHIN SIGHT TRIANGLES, STORM DRAINAGE EASEMENTS (SDE) AND SANITARY SEWER EASEMENTS.
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19. IRRIGATION PLAN, IF REQUIRED, TO BE DESIGNED BY OTHERS.
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21. SITE TRIANGLES 35' X 35' SHALL BE PRESERVED FOR ALL INTERSECTIONS (TYP.). ADDITIONAL SIGHT TRIANGLES OF 10' X 70' SHALL BE PROVIDED FOR ACCESS ONTO THOROUGHFARE, COMMERCIAL, AND NCDOT STREETS (TYP.).
22. SESC PLANS AND PERMITTING SHALL BE PROVIDED TO THE APPROPRIATE LOCAL OR STATE AGENCY DURING FINAL CIVIL DESIGN.

NORTH ORIENTED TO NAD 1983

GRAPHIC SCALE
60' 0 30' 60' 120' 240'
( IN FEET )
1 INCH = 60 FT.

Know what's below. Call before you dig.

**THIS SET IS CURRENT THROUGH SHEET DATE 03/07/25**

**ENGINEERING FIRM:** ESP ASSOCIATES, INC.
**ADDRESS:** 20484 CHARTWELL CENTER DR., SUITE D, CORNELIUS, NC 28031
**PHONE:** (704) 990-6429
**CONTACT:** DANNY WATSON, PE
**EMAIL:** DWATSON@ESPASSOCIATES.COM

**DEVELOPER:** HOUSING ASSISTANCE CORPORATION
**ADDRESS:** 214 N KING ST, HENDERSONVILLE, NC, 28792
**FAX:** (828)-682-3009
**CONTACT:** (828)-692-4744

**REVIEW AGENCY:** CITY OF HENDERSONVILLE
**ADDRESS:** 160 SIXTH AVENUE, SUITE E, HENDERSONVILLE, NC 28792
**PHONE:** (828)-697-3000

ESP Associates, Inc.
20484 Chartwell Center Dr.
Suite D
Cornelius, NC 28031
1-800-960-7317
NC License F-1407
www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

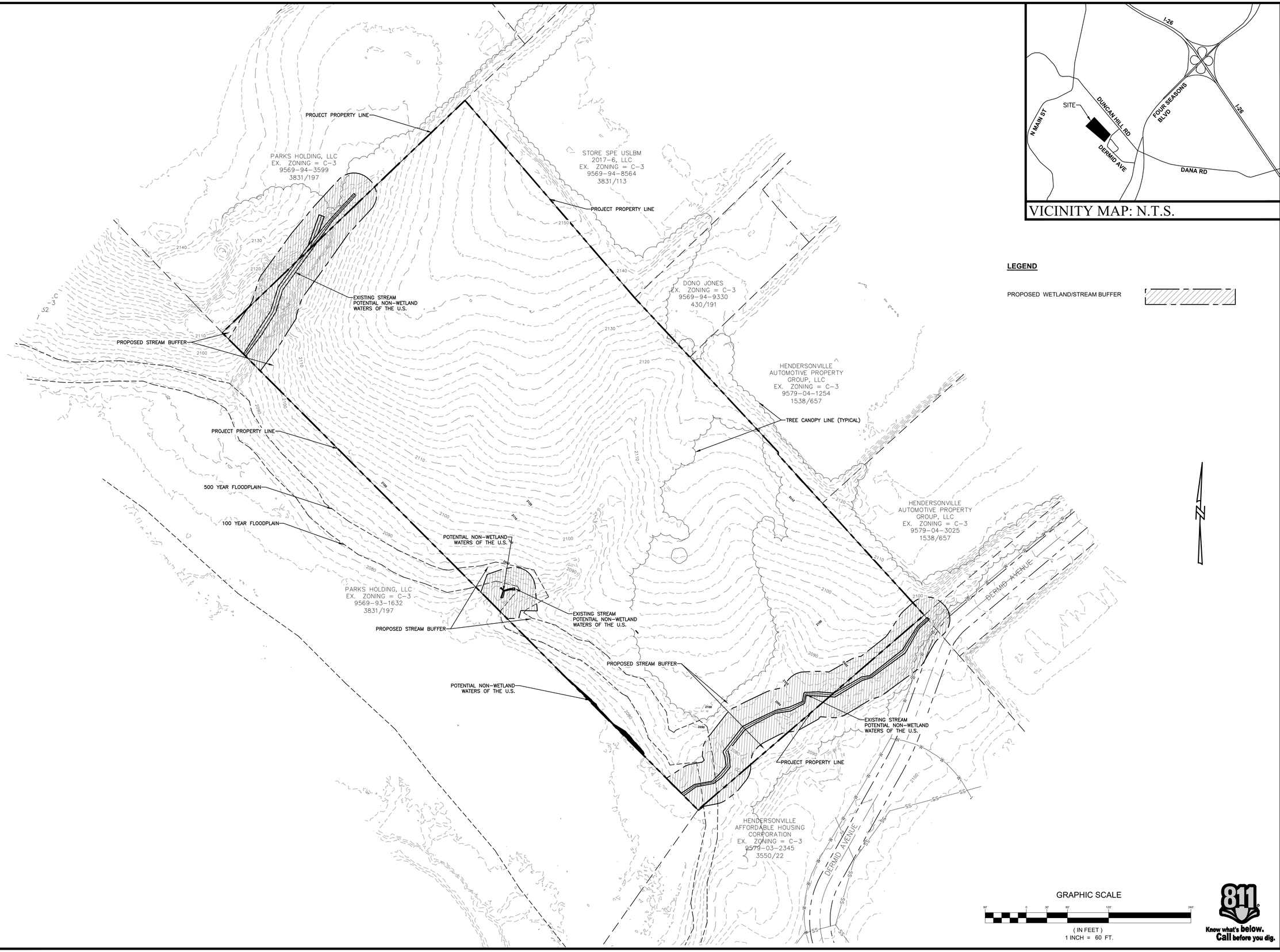
COVER

MEADOWCREST
HENDERSONVILLE, NC
HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: C0.0

R:\Projects\2025 (N)\25-00332 - Meadowcrest Phase 1_25-00332\Sheets\C0.0 - COVER.dwg, COVER, dkitchen







VICINITY MAP: N.T.S.

**LEGEND**

PROPOSED WETLAND/STREAM BUFFER

GRAPHIC SCALE

60' 0 30' 60' 120' 240'

( IN FEET )
1 INCH = 60 FT.

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Suite 170
Cornelius, NC 28031
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www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

# SITE SURVEY

# MEADOWCREST

HENDERSONVILLE, NC

HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET:
**C-1.0**

**ENGINEERING FIRM:** ESP ASSOCIATES, INC.
**ADDRESS:** 20484 CHARTWELL CENTER DR., SUITE D, CORNELIUS, NC 28031
**PHONE:** (704) 990-6429
**CONTACT:** DANNY WATSON, PE
**EMAIL:** DWATSON@ESPASSOCIATES.COM

**DEVELOPER:** HOUSING ASSISTANCE CORPORATION
**ADDRESS:** 214 N KING ST, HENDERSONVILLE, NC, 28792
**FAX:** (828)-682-3009
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**REVIEW AGENCY:** CITY OF HENDERSONVILLE
**ADDRESS:** 160 SIXTH AVENUE, SUITE E, HENDERSONVILLE, NC 28792
**PHONE:** (828)-697-3000

DEVELOPER PROPOSED CONDITIONS:

BUILDING ORIENTATION PER SECTION 5-25-5.1:
APPLICANT REQUESTS RELIEF FROM SECTION 5-25-5.1 OF THE ZONING CODE AS IT RELATES TO BUILDING ORIENTATION. WHILE THE PROPOSED BUILDINGS DO NOT DIRECTLY FRONT ONTO AREAS SUCH AS PARKS OR PLAZAS- EACH OF THE PROPOSED MULTI-FAMILY BUILDINGS DIRECTLY ADJOINS OPEN SPACE AREA BEING PROVIDED FOR THE COMMUNITY. ADDITIONALLY, THE PROPOSED COMMUNITY BUILDING, PLAYGROUND, PICNIC PAVILION AND OUTDOOR SPACES ARE INTENDED TO SERVE AS A SIGNIFICANT CENTRAL GATHERING AREA AND MEETING SPACE FOR THE COMMUNITY.

FIRE SPRINKLERS
APPLICANT SHALL EQUIP ALL BUILDINGS, INCLUDING NON-RESIDENTIAL OCCUPANCIES WITH AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM

TIA (TRAFFIC IMPACT ANALYSIS)
THE DEVELOPER REQUEST THAT THE TIA BE WAIVED RATHER THAN DEFERRED, GRANTING RELIEF FROM SEC. 5-25-2.3.1 OF THE ZONING CODE. THE PROPOSED TRIP GENERATION DOES NOT MEET THE THRESHOLD ESTABLISHED UNDER ARTICLE 6. FURTHERMORE, AS A LIHTC PRODUCT, TRIP GENERATION IS EXPECTED TO BE BELOW TYPICAL AVERAGES.

SECONDARY ACCESS
WHILE NOT REQUIRED FOR FIRE SERVICE, THE APPLICANT AGREES TO GRANT A FUTURE EASEMENT IN THE NORTHWEST CORNER OF PHASE 2 FOR THE EXTENSION AND CONNECTION OF ADJACENT DEVELOPMENTS IN THE FUTURE FOR SECONDARY ACCESS. THE ALIGNMENT AND EXTENTS OF THE EASEMENT WILL BE DETERMINED IN THE FUTURE AND WILL NOT IMPACT ANY ACCESS, UTILITIES, PARKING OR STRUCTURES PROPOSED WITH THIS PROJECT.

**SITE NOTES**

1. ALL PROPOSED ACCESS IS PRIVATE .
2. CROSSWALKS AND CURB RAMPS ARE PROPOSED TO CONNECT INTERNAL SIDEWALKS AND TO EXISTING SIDEWALKS IN DERMID
3. THE MAXIMUM PROPOSED ROAD GRADE IS 5.2%+/-
4. ALL SIGNAGE SHALL BE LOCATED OUTSIDE THE ROAD RIGHT OF WAY AND SIGHT TRIANGLES, AND WILL GO THROUGH A SEPARATE REVIEW PROCESS AT FINAL SITE PLAN REVIEW.
5. THE COMPLEX OWNER SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL PORTIONS OF THE SITE INCLUDING ALL DEVELOPED AREAS, UNDEVELOPED AREAS, AND PRIVATE UTILITIES. \
6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
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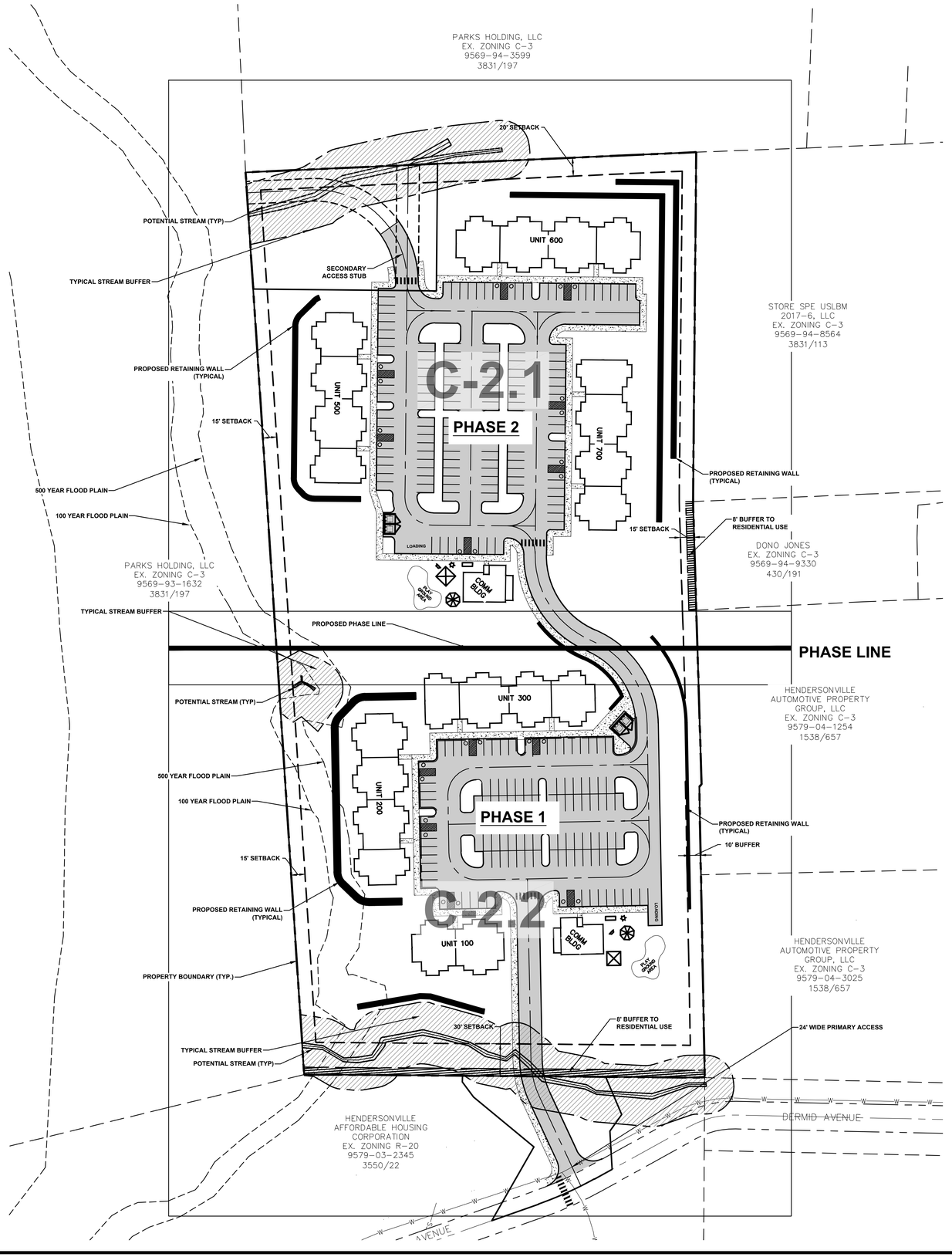


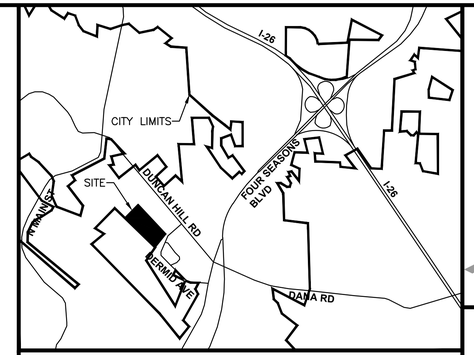


VICINITY MAP: N.T.S.

**LEGEND**

PROP. CONCRETE SIDEWALK

PROP. PAVEMENT

PROP. WETLAND/STREAM BUFFER

**SITE DATA:**

**OWNER:**
THE HOUSING ASSISTANCE CORPORATION
214 KING STREET
HENDERSONVILLE, NC 28792

**PARCEL DATA:**
AREA: 10.48 ACRES
PIN#: 9569-94-7077
DB/PG: 4088/405
DENSITY: 12.40 UNITS/AC

**SITE ZONING:**
EXISTING PARCEL ZONING: R-20
PROPOSED PARCEL ZONING: UR

**CITY LIMITS:**
PROJECT AREA IS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF HENDERSONVILLE, IN THE COUNTY OF HENDERSON, NORTH CAROLINA

**PHASE 1:**
NUMBER OF UNITS: 60 + 1 COMMUNITY BUILDING (1800+SF)
PARKING REQUIRED: 100 (1.5/unit + 1/200sf Com. Bldg.)
PARKING PROVIDED: 116 (1.76/unit + 1/200sf Com. Bldg.)

**PHASE 2:**
NUMBER OF UNITS: 72 + 1 COMMUNITY BUILDING (1800+SF)
PARKING REQUIRED: 118 (1.5/unit + 1/200sf Com. Bldg.)
PARKING PROVIDED: 140 (1.80/unit + 1/200sf Com. Bldg.)

**UR ZONING BUILDING SETBACKS:**
FRONT: 14' (from proposed curb)
SIDE: 5'
REAR: 10' or 14' (from proposed curb)
MAX. HEIGHT: 62'
MIN. WIDTH: 20'
SEPARATION: 20' (provided)

**UTILITIES:**
SEWER SERVICE: PUBLIC - CITY OF HENDERSON
WATER SERVICE: PUBLIC - CITY OF HENDERSON

**PROJECT SQUARE FOOTAGE/ACREAGE & PERCENTAGE OF TOTAL SITE**

| | |
|---|---|
| TOTAL PROJECT AREA: | 10.48 AC (100%) |
| SITE COVERAGE - BUILDINGS: | 1.22 AC (11.7%) |
| SITE COVERAGE - OPEN SPACE (landscaped): | 3.08 AC (29.4%) |
| SITE COVERAGE - STREETS & PARKING: | 2.77 AC (26.4%) |
| SITE COVERAGE - OTHER FACILITIES: | 0.00 AC (0.0%) |
| SITE COVERAGE - COMMON OPEN SPACE: | 1.05 AC (10.0%) |
| SITE COVERAGE - REMAINDER PERVIOUS AREA/OPEN SPACE: | 2.36 AC (22.5%) |

GRAPHIC SCALE
60' 0 30' 60' 120' 240'
( IN FEET )
1 INCH = 60 FT.

Know what's below. Call before you dig.

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20484 Chartwell Center Dr. Suite D
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www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

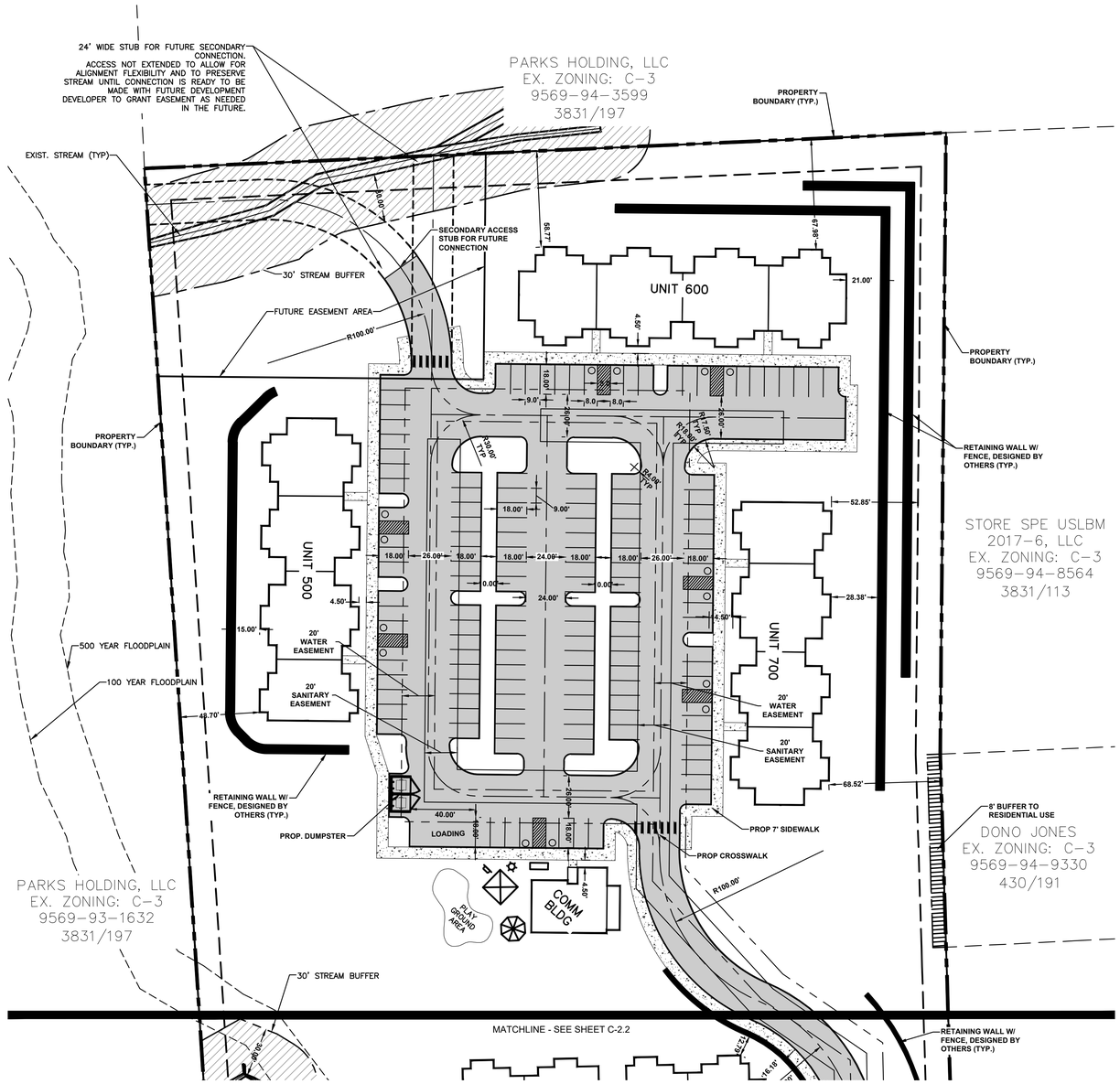
OVERALL SITE PLAN

MEADOWCREST
HENDERSONVILLE, NC
HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: C2.0

# PHASE 2

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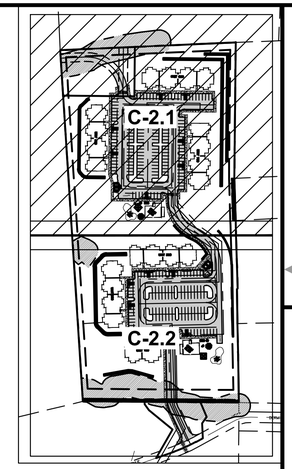



KEY MAP
1" = 200'

## LEGEND

PROP. CONCRETE SIDEWALK

PROP. PAVEMENT

PROP. WETLAND/STREAM BUFFER

GRAPHIC SCALE

40' 0 20' 40' 80' 160'

( IN FEET )
1 INCH = 40 FT.

811 Know what's below. Call before you dig.

ESP Associates, Inc.
20484 Chartwell Center Dr.
Suite 100
Cornelius, NC 28031
1-800-960-7317
NC License F-1407
www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

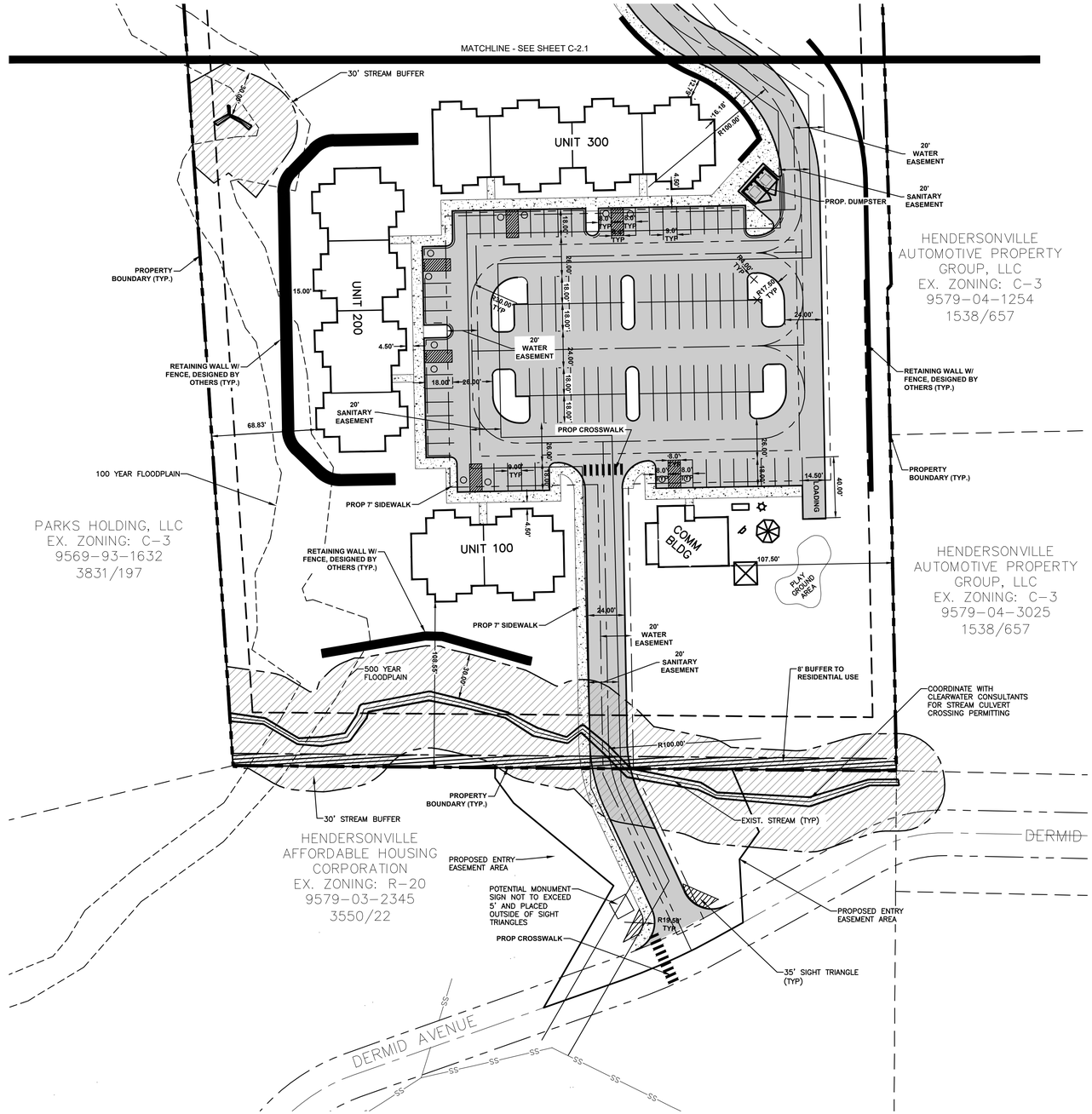
SITE PLAN PHASE 2

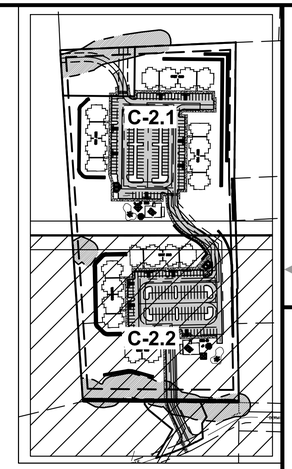
MEADOWCREST
HENDERSONVILLE, NC
HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: C-2.1

# PHASE 1




KEY MAP
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**LEGEND**

PROP. CONCRETE SIDEWALK

PROP. PAVEMENT

PROP. WETLAND/STREAM BUFFER

GRAPHIC SCALE

40' 0 20' 40' 80' 160'

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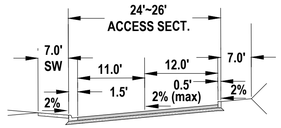
| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

SITE PLAN PHASE 1

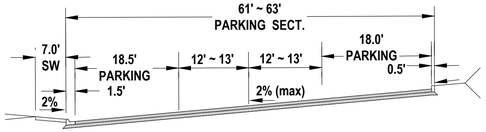
MEADOWCREST
HENDERSONVILLE, NC
HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: C-2.2



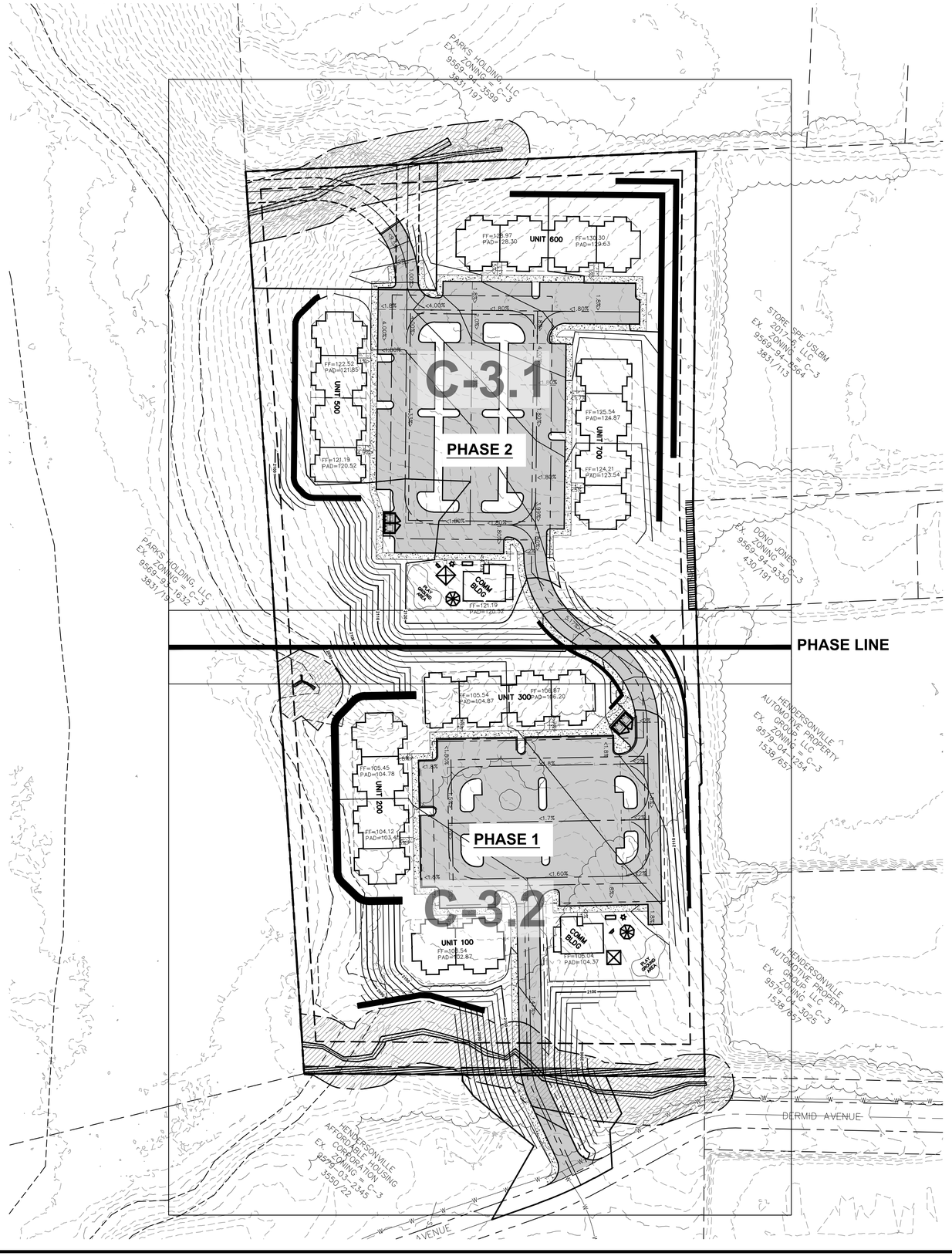

TYPICAL ACCESS DRIVE SECTION

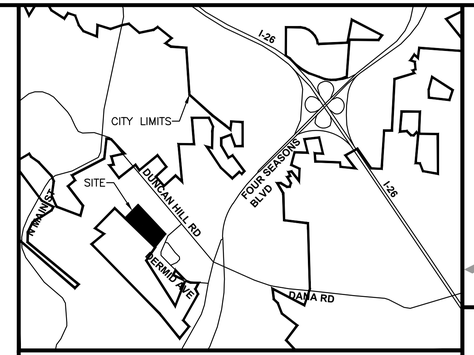



TYPICAL PARKING AND DRIVE AISLE SECTION

**SECTION NOTES**

1. SECTION IS NOT TO SCALE
2. PAVEMENT DESIGN SHALL BE DESIGNED BY GEOTECHNICAL ENGINEER OR MEET NCDOT STANDARDS, WHICHEVER IS GREATER.
3. FINAL SURFACE COURSE SHALL BE APPLIED UPON APPROVAL OF CITY OF HENDERSONVILLE.




VICINITY MAP: N.T.S.

**LEGEND**

PROPOSED CONCRETE SIDEWALK

PROPOSED PAVING

PROPOSED WETLAND/STREAM BUFFER

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15. ALL HANDICAP ACCESS RAMPS SHALL COMPLY WITH THE LATEST EDITION OF THE ADA ACCESSIBILITY GUIDELINES.
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17. ALL SITE CONCRETE (SIDEWALKS, CURB & GUTTER, ETC.) SHALL NOT BE LESS THAN 3,600 PSI STRENGTH AT 28 DAYS.
18. LIGHTING PLAN TO BE PROVIDED WITH FINAL SITE REVIEW AND TO BE DESIGNED BY OTHERS.
19. IRRIGATION PLAN, IF REQUIRED, TO BE DESIGNED BY OTHERS.
20. ENTRY MONUMENTS PLAN TO BE DESIGNED AND PERMITTED BY OTHERS.
21. SITE TRIANGLES 35' X 35' SHALL BE PRESERVED FOR ALL INTERSECTIONS (TYP.). ADDITIONAL SIGHT TRIANGLES OF 10' X 70' SHALL BE PROVIDED FOR ACCESS ONTO THOROUGHFARE, COMMERCIAL, AND NCDOT STREETS (TYP.).
22. SESC PLANS AND PERMITTING SHALL BE PROVIDED TO THE APPROPRIATE LOCAL OR STATE AGENCY DURING FINAL CIVIL DESIGN.

GRAPHIC SCALE

60' 0 30' 60' 120' 240'

( IN FEET )
1 INCH = 60 FT.

811 Know what's below. Call before you dig.

ESP Associates, Inc.
20484 Chartwell Center Dr.
Suite 110
Cornelius, NC 28031
1-800-960-7317
NC License F-1407
www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

# OVERALL GRADING PLAN

# MEADOWCREST

HENDERSONVILLE, NC

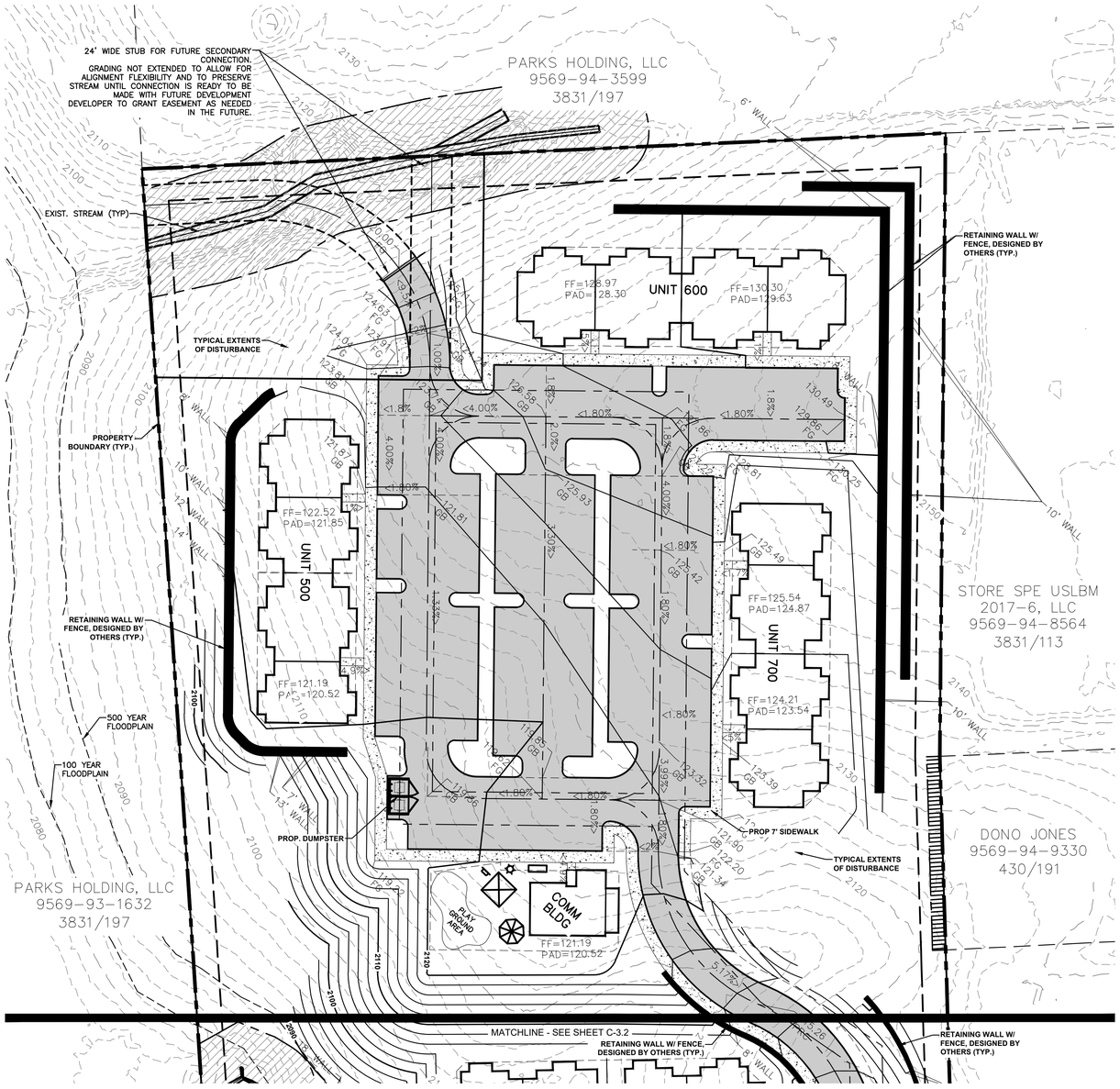
HOUSING ASSISTANCE CORPORATION

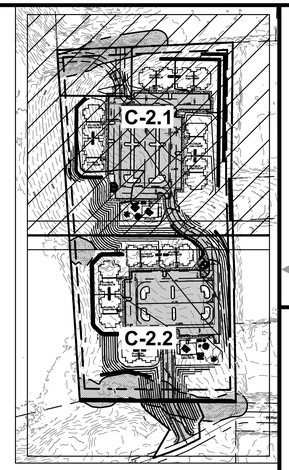
| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: **C-3.0**

## SITE NOTES

1. ALL PROPOSED ACCESS IS PRIVATE .
2. CROSSWALKS AND CURB RAMPS ARE PROPOSED TO CONNECT INTERNAL SIDEWALKS AND TO EXISTING SIDEWALKS IN DERMID
3. THE MAXIMUM PROPOSED ROAD GRADE IS 5.2%+/-
4. ALL SIGNAGE SHALL BE LOCATED OUTSIDE THE ROAD RIGHT OF WAY AND SIGHT TRIANGLES, AND WILL GO THROUGH A SEPARATE REVIEW PROCESS AT FINAL SITE PLAN REVIEW.
5. THE COMPLEX OWNER SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL PORTIONS OF THE SITE INCLUDING ALL DEVELOPED AREAS, UNDEVELOPED AREAS, AND PRIVATE UTILITIES. \
6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
7. THE MAXIMUM BUILDING HEIGHT IS 34'.
8. ALL DRIVE AISLES ARE A MINIMUM OF 24' WIDE AND PRIVATE. AISLES IN FRONT OF BUILDINGS ARE A MINIMUM OF 26' WIDE.
9. ALL STANDARD PARKING SPACES ARE 9'x18'
10. ALL SIDEWALKS ARE 7' WIDE.
11. ALL DIRECT ACCESS DRIVE AISLES HAVE A 30' CENTERLINE RADII FOR FIRE ACCESS
12. ALL RADII DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
13. SHADED CURB & GUTTER INDICATES LOCATION FOR SPILL CURB.
14. MINIMUM SLOPE ON CURB AND GUTTER SHALL BE 1.0%, UNLESS SPILL CURB IS INDICATED.
15. ALL HANDICAP ACCESS RAMPS SHALL COMPLY WITH THE LATEST EDITION OF THE ADA ACCESSIBILITY GUIDELINES.
16. NO OBSTRUCTIONS, PLANTINGS, OR FENCING SHALL BE PERMITTED WITHIN SIGHT TRIANGLES, STORM DRAINAGE EASEMENTS (SDE) AND SANITARY SEWER EASEMENTS.
17. ALL SITE CONCRETE (SIDEWALKS, CURB & GUTTER, ETC.) SHALL NOT BE LESS THAN 3,600 PSI STRENGTH AT 28 DAYS.
18. LIGHTING PLAN TO BE PROVIDED WITH FINAL SITE REVIEW AND TO BE DESIGNED BY OTHERS.
19. IRRIGATION PLAN, IF REQUIRED, TO BE DESIGNED BY OTHERS.
20. ENTRY MONUMENTS PLAN TO BE DESIGNED AND PERMITTED BY OTHERS.
21. SITE TRIANGLES 35' X 35' SHALL BE PRESERVED FOR ALL INTERSECTIONS (TYP.). ADDITIONAL SIGHT TRIANGLES OF 10' X 70' SHALL BE PROVIDED FOR ACCESS ONTO THOROUGHFARE, COMMERCIAL, AND NCDOT STREETS (TYP.).
22. SESC PLANS AND PERMITTING SHALL BE PROVIDED TO THE APPROPRIATE LOCAL OR STATE AGENCY DURING FINAL CIVIL DESIGN.




KEY MAP
1" = 200'

## LEGEND

PROPOSED CONCRETE SIDEWALK

PROPOSED PAVING

PROPOSED WETLAND/STREAM BUFFER

GRAPHIC SCALE

40' 0 20' 40' 80' 160'

( IN FEET )
1 INCH = 40 FT.

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1-800-960-7317
NC License F-1407
www.espassociates.com

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|---|---|---|---|
| | | | |

# GRADING PLAN PHASE 2

# MEADOWCREST

HENDERSONVILLE, NC

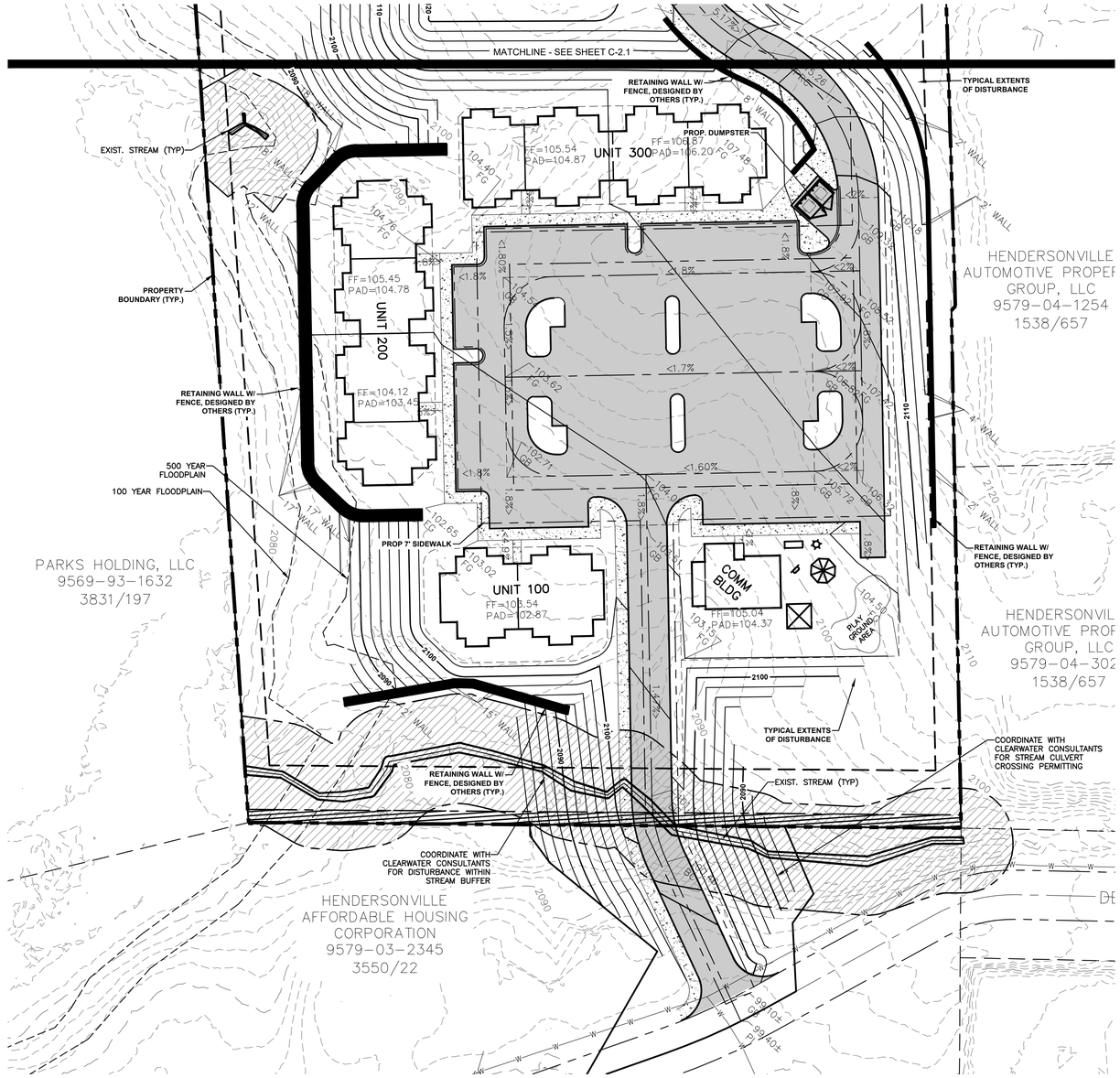
HOUSING ASSISTANCE CORPORATION

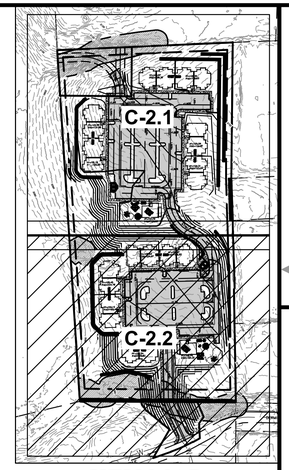
| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET:
**C-3.1**

**SITE NOTES**

1. ALL PROPOSED ACCESS IS PRIVATE .
2. CROSSWALKS AND CURB RAMPS ARE PROPOSED TO CONNECT INTERNAL SIDEWALKS AND TO EXISTING SIDEWALKS IN DERMID
3. THE MAXIMUM PROPOSED ROAD GRADE IS 5.2%+/-
4. ALL SIGNAGE SHALL BE LOCATED OUTSIDE THE ROAD RIGHT OF WAY AND SIGHT TRIANGLES, AND WILL GO THROUGH A SEPARATE REVIEW PROCESS AT FINAL SITE PLAN REVIEW.
5. THE COMPLEX OWNER SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL PORTIONS OF THE SITE INCLUDING ALL DEVELOPED AREAS, UNDEVELOPED AREAS, AND PRIVATE UTILITIES. \
6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
7. THE MAXIMUM BUILDING HEIGHT IS 34'.
8. ALL DRIVE AISLES ARE A MINIMUM OF 24' WIDE AND PRIVATE. AISLES IN FRONT OF BUILDINGS ARE A MINIMUM OF 26' WIDE.
9. ALL STANDARD PARKING SPACES ARE 9'x18'
10. ALL SIDEWALKS ARE 7' WIDE.
11. ALL DIRECT ACCESS DRIVE AISLES HAVE A 30' CENTERLINE RADII FOR FIRE ACCESS
12. ALL RADII DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
13. SHADED CURB & GUTTER INDICATES LOCATION FOR SPILL CURB.
14. MINIMUM SLOPE ON CURB AND GUTTER SHALL BE 1.0%, UNLESS SPILL CURB IS INDICATED.
15. ALL HANDICAP ACCESS RAMPS SHALL COMPLY WITH THE LATEST EDITION OF THE ADA ACCESSIBILITY GUIDELINES.
16. NO OBSTRUCTIONS, PLANTINGS, OR FENCING SHALL BE PERMITTED WITHIN SIGHT TRIANGLES, STORM DRAINAGE EASEMENTS (SDE) AND SANITARY SEWER EASEMENTS.
17. ALL SITE CONCRETE (SIDEWALKS, CURB & GUTTER, ETC.) SHALL NOT BE LESS THAN 3,600 PSI STRENGTH AT 28 DAYS.
18. LIGHTING PLAN TO BE PROVIDED WITH FINAL SITE REVIEW AND TO BE DESIGNED BY OTHERS.
19. IRRIGATION PLAN, IF REQUIRED, TO BE DESIGNED BY OTHERS.
20. ENTRY MONUMENTS PLAN TO BE DESIGNED AND PERMITTED BY OTHERS.
21. SITE TRIANGLES 35' X 35' SHALL BE PRESERVED FOR ALL INTERSECTIONS (TYP.). ADDITIONAL SIGHT TRIANGLES OF 10' X 70' SHALL BE PROVIDED FOR ACCESS ONTO THOROUGHFARE, COMMERCIAL, AND NCDOT STREETS (TYP.).
22. SESC PLANS AND PERMITTING SHALL BE PROVIDED TO THE APPROPRIATE LOCAL OR STATE AGENCY DURING FINAL CIVIL DESIGN.




KEY MAP
1" = 200'

**LEGEND**

PROPOSED CONCRETE SIDEWALK

PROPOSED PAVING

PROPOSED WETLAND/STREAM BUFFER

GRAPHIC SCALE

40' 0 20' 40' 80' 160'

( IN FEET )
1 INCH = 40 FT.

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| | | | |

# GRADING PLAN PHASE 3

## MEADOWCREST

HENDERSONVILLE, NC

HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: C-3.2

## SITE NOTES

1. ALL PROPOSED ACCESS IS PRIVATE .
2. CROSSWALKS AND CURB RAMPS ARE PROPOSED TO CONNECT INTERNAL SIDEWALKS AND TO EXISTING SIDEWALKS IN DERMID
3. THE MAXIMUM PROPOSED ROAD GRADE IS 5.2%+/-
4. ALL SIGNAGE SHALL BE LOCATED OUTSIDE THE ROAD RIGHT OF WAY AND SIGHT TRIANGLES, AND WILL GO THROUGH A SEPARATE REVIEW PROCESS AT FINAL SITE PLAN REVIEW.
5. THE COMPLEX OWNER SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL PORTIONS OF THE SITE INCLUDING ALL DEVELOPED AREAS, UNDEVELOPED AREAS, AND PRIVATE UTILITIES. \
6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
7. THE MAXIMUM BUILDING HEIGHT IS 34'.
8. ALL DRIVE AISLES ARE A MINIMUM OF 24' WIDE AND PRIVATE. AISLES IN FRONT OF BUILDINGS ARE A MINIMUM OF 26' WIDE.
9. ALL STANDARD PARKING SPACES ARE 9'x18'
10. ALL SIDEWALKS ARE 7' WIDE.
11. ALL DIRECT ACCESS DRIVE AISLES HAVE A 30' CENTERLINE RADII FOR FIRE ACCESS
12. ALL RADII DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
13. SHADED CURB & GUTTER INDICATES LOCATION FOR SPILL CURB.
14. MINIMUM SLOPE ON CURB AND GUTTER SHALL BE 1.0%, UNLESS SPILL CURB IS INDICATED.
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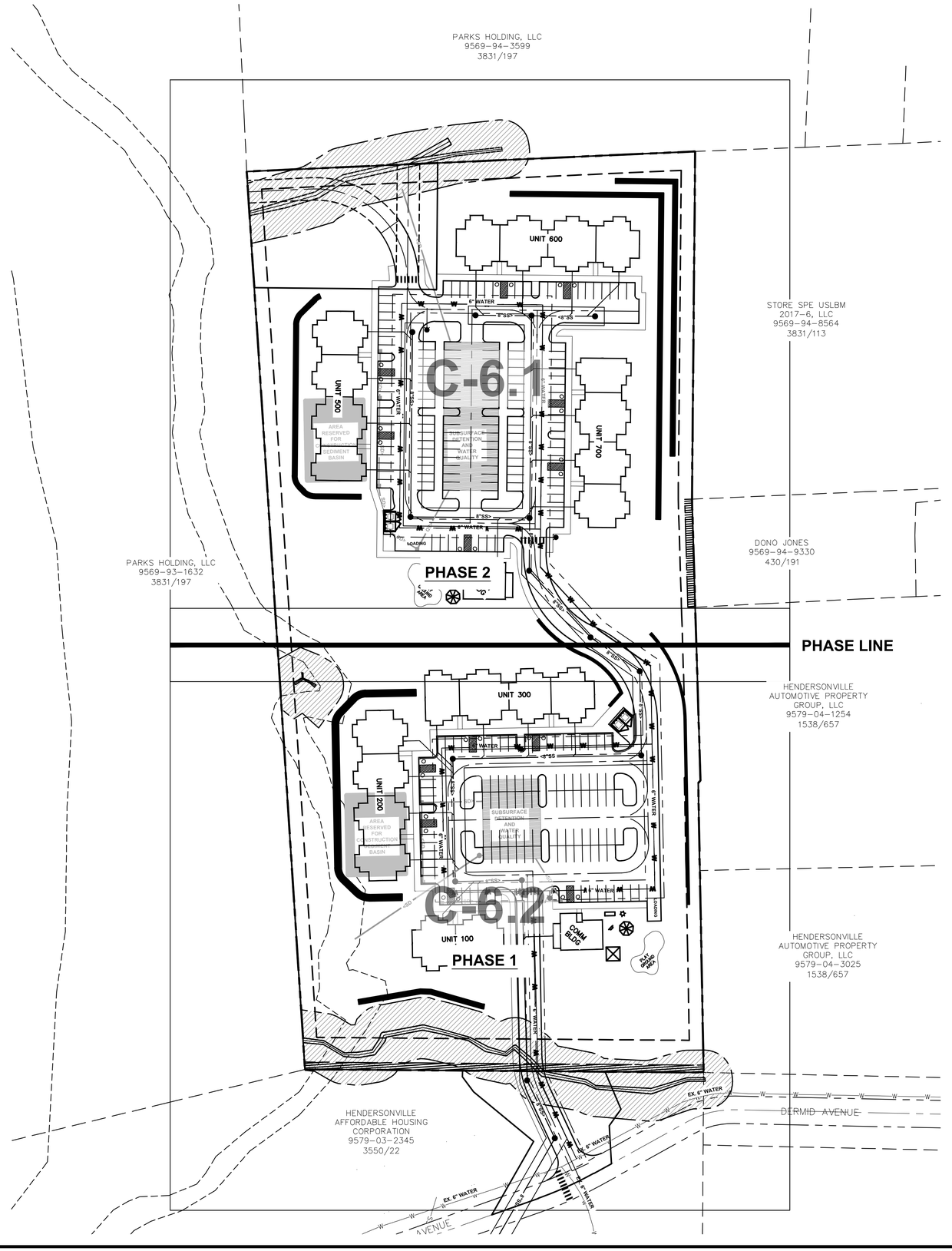
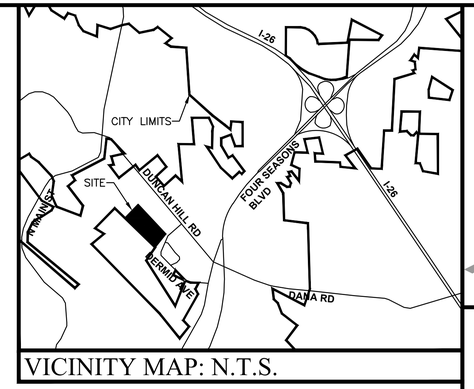
19. IRRIGATION PLAN, IF REQUIRED, TO BE DESIGNED BY OTHERS.
20. ENTRY MONUMENTS PLAN TO BE DESIGNED AND PERMITTED BY OTHERS.
21. SITE TRIANGLES 35' X 35' SHALL BE PRESERVED FOR ALL INTERSECTIONS (TYP.). ADDITIONAL SIGHT TRIANGLES OF 10' X 70' SHALL BE PROVIDED FOR ACCESS ONTO THOROUGHFARE, COMMERCIAL, AND NCDOT STREETS (TYP.).
22. SESC PLANS AND PERMITTING SHALL BE PROVIDED TO THE APPROPRIATE LOCAL OR STATE AGENCY DURING FINAL CIVIL DESIGN.




## LEGEND

PROPOSED CONCRETE SIDEWALK

PROPOSED PAVING

PROPOSED WETLAND/STREAM BUFFER

ON-SITE DISTURBED AREA = 7.63 ACRES
SITE DEVELOPMENT SHALL COMPLY WITH REQUIRED STORMWATER ORDINANCE.

GRAPHIC SCALE

60' 0 30' 60' 120' 240'

( IN FEET )
1 INCH = 60 FT.

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# OVERALL UTILITY PLAN

# 1 MEADOWCREST

HENDERSONVILLE, NC

HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET:
**C-6.0**

## SITE NOTES

1. ALL PROPOSED ACCESS IS PRIVATE .
2. CROSSWALKS AND CURB RAMPS ARE PROPOSED TO CONNECT INTERNAL SIDEWALKS AND TO EXISTING SIDEWALKS IN DERMID
3. THE MAXIMUM PROPOSED ROAD GRADE IS 5.2%+/-
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5. THE COMPLEX OWNER SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL PORTIONS OF THE SITE INCLUDING ALL DEVELOPED AREAS, UNDEVELOPED AREAS, AND PRIVATE UTILITIES. \
6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
7. THE MAXIMUM BUILDING HEIGHT IS 34'.
8. ALL DRIVE AISLES ARE A MINIMUM OF 24' WIDE AND PRIVATE. AISLES IN FRONT OF BUILDINGS ARE A MINIMUM OF 26' WIDE.
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11. ALL DIRECT ACCESS DRIVE AISLES HAVE A 30' CENTERLINE RADII FOR FIRE ACCESS
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13. SHADED CURB & GUTTER INDICATES LOCATION FOR SPILL CURB.
14. MINIMUM SLOPE ON CURB AND GUTTER SHALL BE 1.0%, UNLESS SPILL CURB IS INDICATED.
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20. ENTRY MONUMENTS PLAN TO BE DESIGNED AND PERMITTED BY OTHERS.
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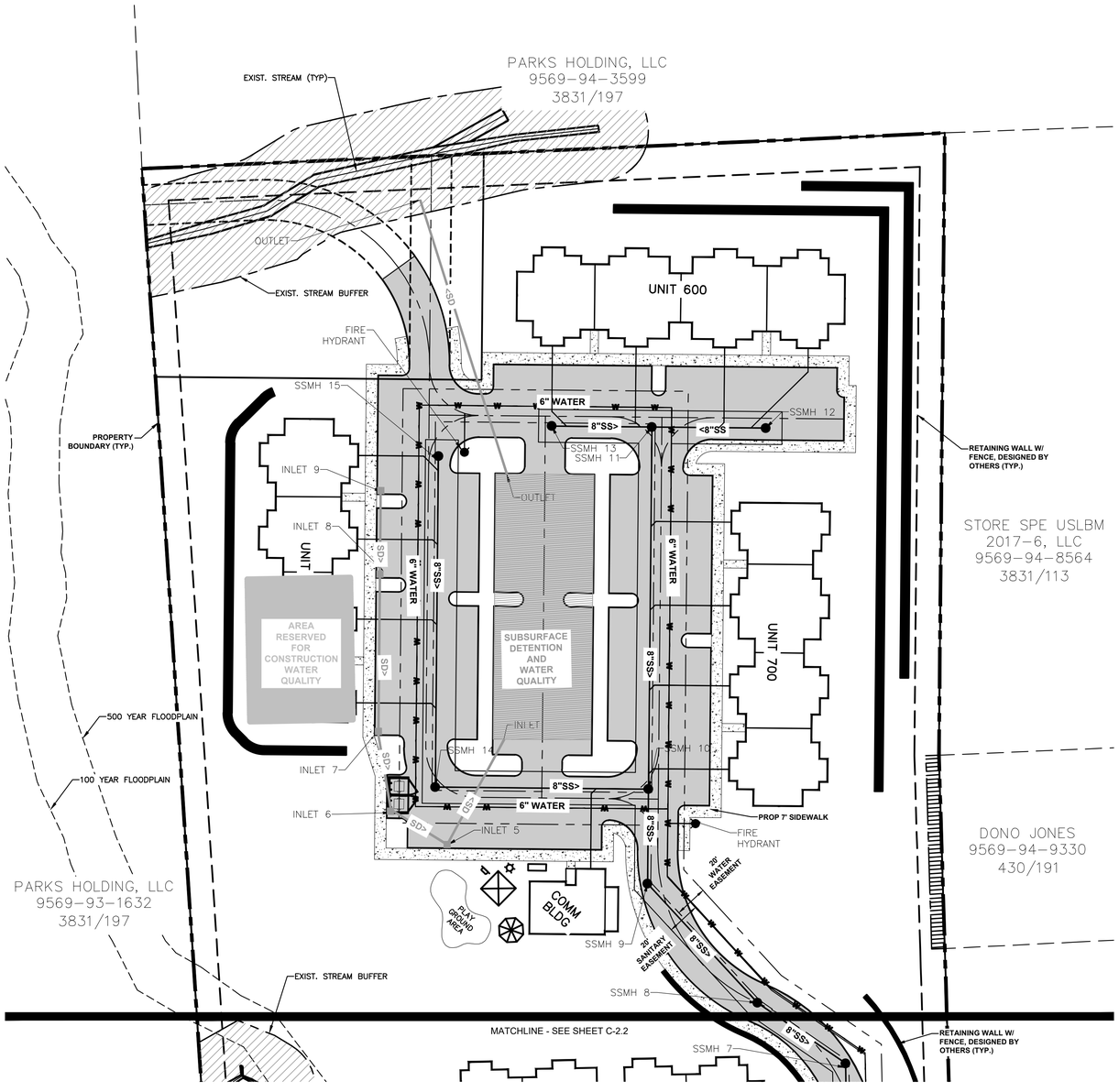
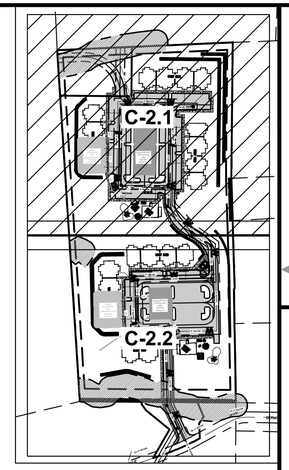
22. SESC PLANS AND PERMITTING SHALL BE PROVIDED TO THE APPROPRIATE LOCAL OR STATE AGENCY DURING FINAL CIVIL DESIGN.




KEY MAP
1" = 200'

**LEGEND**

PROPOSED CONCRETE SIDEWALK

PROPOSED PAVING

PROPOSED WETLAND/STREAM BUFFER

ON-SITE DISTURBED AREA = 7.63 ACRES
SITE DEVELOPMENT SHALL COMPLY WITH REQUIRED STORMWATER ORDINANCE.

GRAPHIC SCALE
40' 0 20' 40' 80' 160'
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UTILITY PLAN PHASE 2

MEADOWCREST
HENDERSONVILLE, NC
HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET:
C-6.1

## SITE NOTES

1. ALL PROPOSED ACCESS IS PRIVATE .
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6. PROJECT IS PLANNED TO BE COMPLETED IN TWO (2) PHASES.
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10. ALL SIDEWALKS ARE 7' WIDE.
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12. ALL RADII DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
13. SHADED CURB & GUTTER INDICATES LOCATION FOR SPILL CURB.
14. MINIMUM SLOPE ON CURB AND GUTTER SHALL BE 1.0%, UNLESS SPILL CURB IS INDICATED.
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20. ENTRY MONUMENTS PLAN TO BE DESIGNED AND PERMITTED BY OTHERS.
21. SITE TRIANGLES 35' X 35' SHALL BE PRESERVED FOR ALL INTERSECTIONS (TYP.). ADDITIONAL SIGHT TRIANGLES OF 10' X 70' SHALL BE PROVIDED FOR ACCESS ONTO THOROUGHFARE, COMMERCIAL, AND NCDOT STREETS (TYP.).
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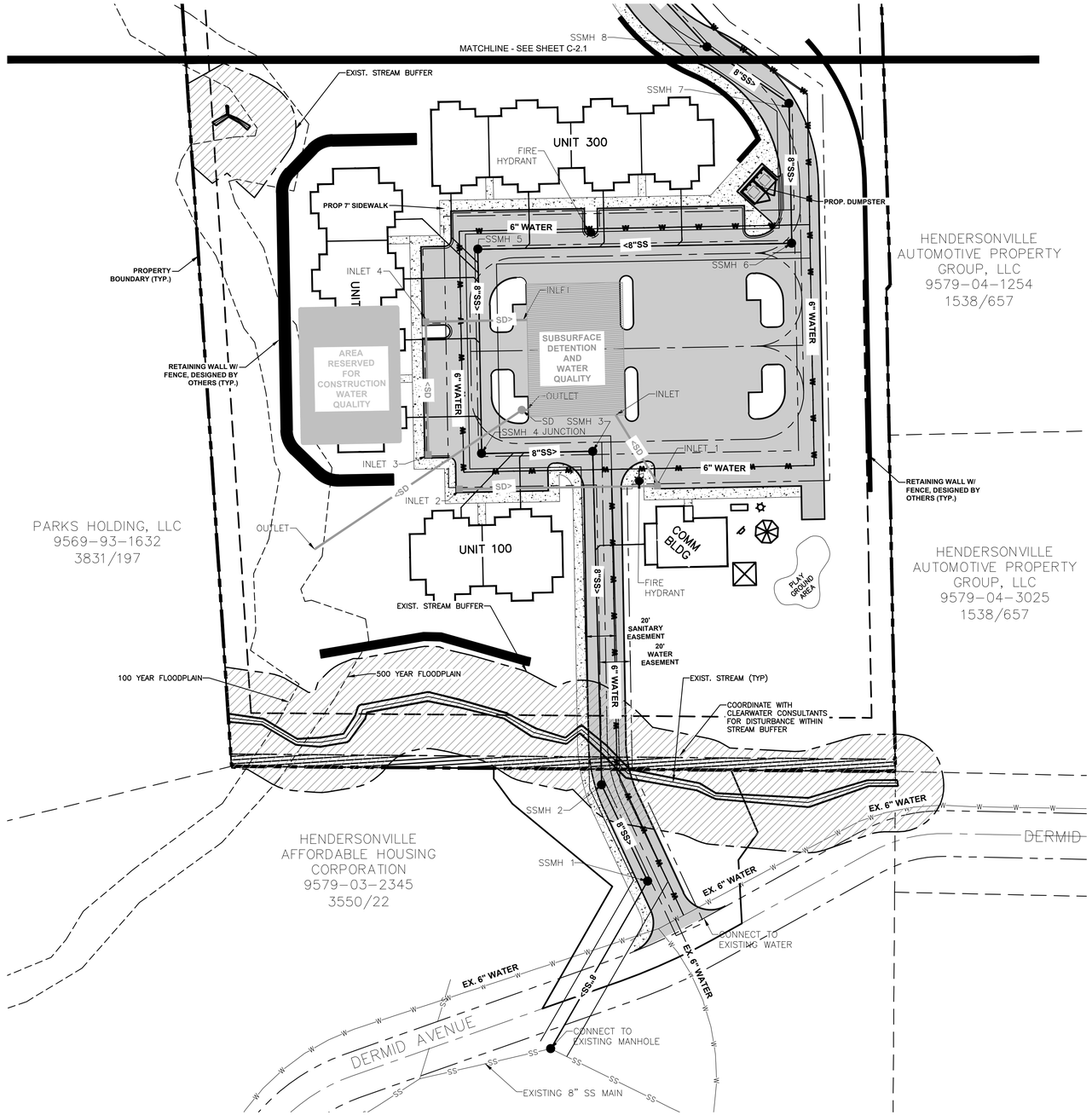


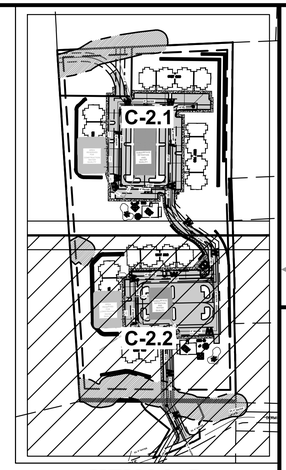


KEY MAP
1" = 200'

**LEGEND**

PROPOSED CONCRETE SIDEWALK

PROPOSED PAVING

PROPOSED WETLAND/STREAM BUFFER

ON-SITE DISTURBED AREA = 7.63 ACRES
SITE DEVELOPMENT SHALL COMPLY WITH REQUIRED STORMWATER ORDINANCE.

GRAPHIC SCALE

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**UTILITY PLAN PHASE 1**

**MEADOWCREST**

HENDERSONVILLE, NC

HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | DW |
| DESIGNED BY: | DK |
| DRAWN BY: | DK |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/02/21 |

SHEET: **C-6.2**

## TREE CANOPY:

**EXISTING CANOPY TO BE PRESERVED:**

TIER 1 REQUIRED: 20% OF EXISTING CANOPY
393,137.35 SF * 0.20 = 78,627.47 SF

TIER 1 PROVIDED: 78,627.47 SF (20%)

TIER 2 REQUIRED: 5% ADDITIONAL EXISTING CANOPY (OPTION 2)
393,137.35 SF * 0.05 = 19,656.88 SF

7% OF NEW TREE CANOPY INSTALLATION
393,137.35 SF * 0.07 = 27,519.61 SF

TIER 2 PROVIDED: 28,222.58 SF (7.18%) ADDITIONAL EXISITING CANOPY

27,519.61 SF OF NEW TREE CANOPY INSTALLATION

**NEW TREE CANOPY:**

TREE CANOPY CREDIT REQUIRED: 27,519.61 SF

27,519.61 SF/879 SF LARGE MATURING TREE
CANOPY CREDIT = 31.3 LARGE MATURING TREES

TREE CANOPY CREDIT PROVIDED: 27,519.61 SF
32 LARGE MATURING TREES

**STREET TREES:**

REQUIRED: 1 TREE PER 40 SF OF ROAD
(70% MIN., OF TREES SHALL BE LARGE MATURING)

PROVIDED: 29 TREES

**VUA PLANTINGS:**

REQUIRED: 1 TREE PER 1,500 SF OF VUA
95,367.60 SF AT 1 TREE PER 1,500 SF = 64 TREES
2 SHRUBS PER 3,000 SF OF VUA
95,367.60 SF AT 2 SHRUBS PER 3,000 SF = 64 SHRUBS

NO PARKING SPACE MORE THAN 45' FROM A TREE
50% OF SHRUBS TO BE LOCATED IN ISLANDS AND MEDIANS

PROVIDED: 64 TREES (30 IN ISLANDS AND MEDIANS)
71 SHRUBS (51 IN ISLANDS AND MEDIANS)

**OPEN SPACE:**

REQUIRED: 30% OF SITE IN OPEN SPACE
3.08 ACRES OF OPEN SPACE

134,253.958 SF AT 1 TREE PER 4,000 SF OF OPEN SPACE=
33.5 TREES

PROVIDED: 3.08 ACRES OF OPEN SPACE

34 TREES

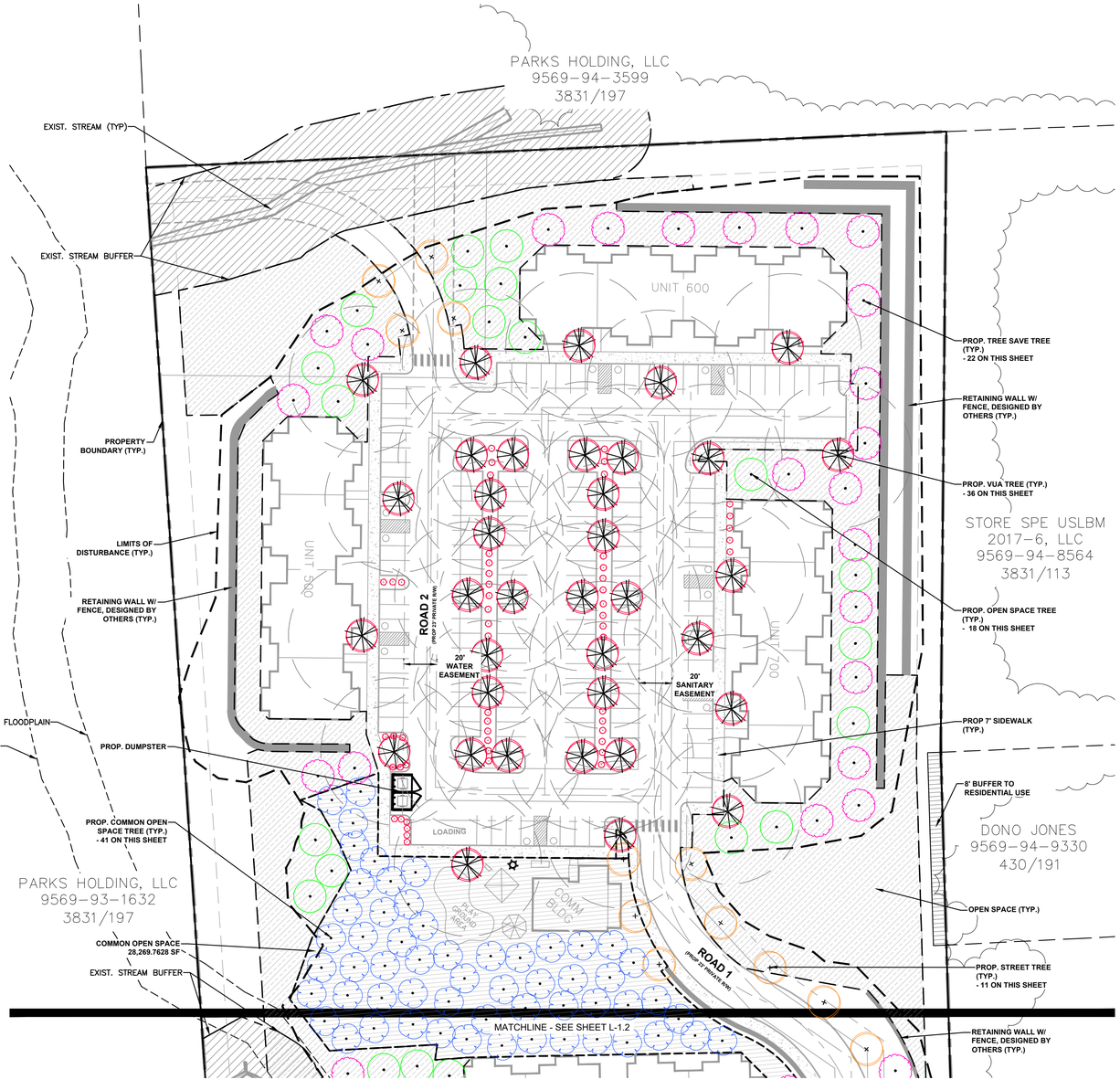
**COMMON OPEN SPACE:**

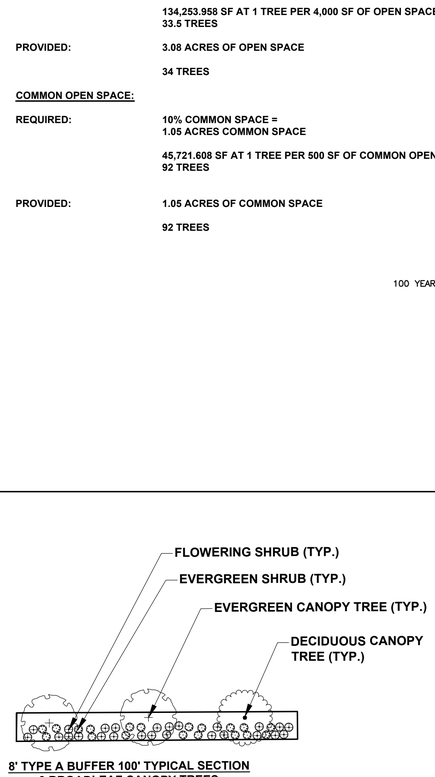
REQUIRED: 10% COMMON SPACE =
1.05 ACRES COMMON SPACE

45,721.608 SF AT 1 TREE PER 500 SF OF COMMON OPEN SPACE =
92 TREES

PROVIDED: 1.05 ACRES OF COMMON SPACE

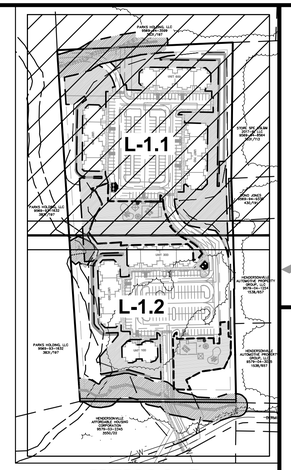
92 TREES




**8' TYPE A BUFFER 100' TYPICAL SECTION**
3 BROADLEAF CANOPY TREES
20 EVERGREEN SHRUBS
25 FLOWERING SHRUBS
PER 100'

**8' TYPE A BUFFER 100' TYPICAL SECTION**




KEY MAP
1" = 200'

**LEGEND**

**COMMON OPEN SPACE TREES**
92 TREES

**STREET TREES**
29 LARGE TREES

**OPEN SPACE TREES**
34 TREES

**VUA TREES**
64 TREES
71 SHRUBS

**TREE CANOPY CREDIT TREES**
32 TREES

**COMMON OPEN SPACE**
1.05 ACRES

**OPEN SPACE**
3.08 ACRES

**10' TYPE B LANDSCAPE BUFFER**

GRAPHIC SCALE
40' 0 20' 40' 80' 160'
( IN FEET )
1 INCH = 40 FT.

811 Know what's below. Call before you dig.

ESP Associates, Inc.
2044 Charlwell Center Dr.
Suite A
Cornelius, NC 28031
1-800-960-7317
NC License F-1407
www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

# LANDSCAPE PLAN (1 OF 2)

# MEADOWCREST PHASE 1

HENDERSONVILLE, NC
HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | MM |
| DESIGNED BY: | ENM |
| DRAWN BY: | ENM |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/04/21 |

SHEET: **L1.0**

## TREE CANOPY:

**EXISTING CANOPY TO BE PRESERVED:**

TIER 1 REQUIRED: 20% OF EXISTING CANOPY
393,137.35 SF * 0.20 = 78,627.47 SF

TIER 1 PROVIDED: 78,627.47 SF (20%)

TIER 2 REQUIRED: 5% ADDITIONAL EXISTING CANOPY (OPTION 2)
393,137.35 SF * 0.05 = 19,656.88 SF

7% OF NEW TREE CANOPY INSTALLATION
393,137.35 SF * 0.07 = 27,519.61 SF

TIER 2 PROVIDED: 28,222.58 SF (7.18%) ADDITIONAL EXISITING CANOPY

27,519.61 SF OF NEW TREE CANOPY INSTALLATION

**NEW TREE CANOPY:**

TREE CANOPY CREDIT REQUIRED: 27,519.61 SF

27,519.61 SF/879 SF LARGE MATURING TREE
CANOPY CREDIT = 31.3 LARGE MATURING TREES

TREE CANOPY CREDIT PROVIDED: 27,519.61 SF
32 LARGE MATURING TREES

**STREET TREES:**

REQUIRED: 1 TREE PER 40 SF OF ROAD
(70% MIN., OF TREES SHALL BE LARGE MATURING)

PROVIDED: 29 TREES

**VUA PLANTINGS:**

REQUIRED: 1 TREE PER 1,500 SF OF VUA
95,367.60 SF AT 1 TREE PER 1,500 SF = 64 TREES
2 SHRUBS PER 3,000 SF OF VUA
95,367.60 SF AT 2 SHRUBS PER 3,000 SF = 64 SHRUBS

NO PARKING SPACE MORE THAN 45' FROM A TREE
50% OF SHRUBS TO BE LOCATED IN ISLANDS AND MEDIANS

PROVIDED: 64 TREES (30 IN ISLANDS AND MEDIANS)
71 SHRUBS (51 IN ISLANDS AND MEDIANS)

**OPEN SPACE:**

REQUIRED: 30% OF SITE IN OPEN SPACE
3.08 ACRES OF OPEN SPACE

134,253.958 SF AT 1 TREE PER 4,000 SF OF OPEN SPACE=
33.5 TREES

PROVIDED: 3.08 ACRES OF OPEN SPACE

34 TREES

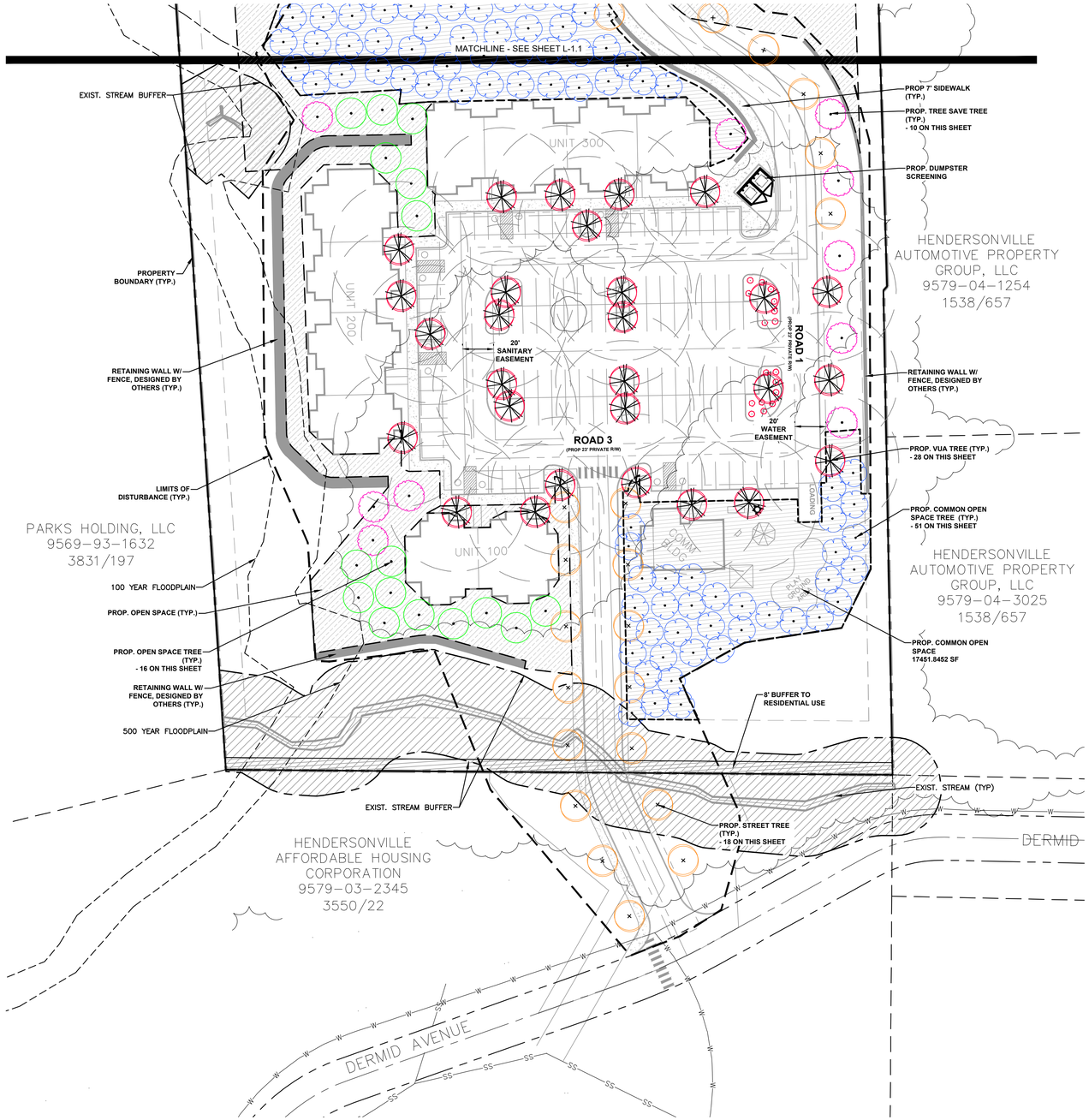
**COMMON OPEN SPACE:**

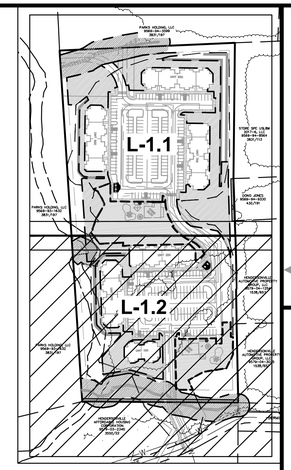
REQUIRED: 10% COMMON SPACE =
1.05 ACRES COMMON SPACE

45,721.608 SF AT 1 TREE PER 500 SF OF COMMON OPEN SPACE =
92 TREES

PROVIDED: 1.05 ACRES OF COMMON SPACE

92 TREES




KEY MAP
1" = 200'

**LEGEND**

**COMMON OPEN SPACE TREES**
92 TREES

**STREET TREES**
29 LARGE TREES

**OPEN SPACE TREES**
34 TREES

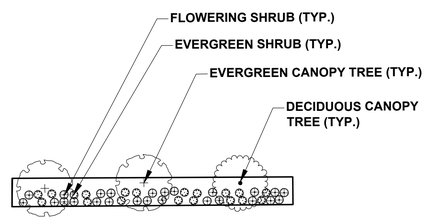
**VUA TREES**
64 TREES
71 SHRUBS

**TREE CANOPY CREDIT TREES**
32 TREES

**COMMON OPEN SPACE**
1.05 ACRES

**OPEN SPACE**
3.08 ACRES

**10' TYPE B LANDSCAPE BUFFER**




**8' TYPE A BUFFER 100' TYPICAL SECTION**
3 BROADLEAF CANOPY TREES
20 EVERGREEN SHRUBS
25 FLOWERING SHRUBS
PER 100'

**8' TYPE A BUFFER 100' TYPICAL SECTION**

GRAPHIC SCALE
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( IN FEET )
1 INCH = 40 FT.

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1-800-960-7317
NC License F-1407
www.espassociates.com

| NO. | REVISION | DATE | BY |
|---|---|---|---|
| | | | |

# LANDSCAPE PLAN (2 OF 2)

# MEADOWCREST PHASE 1

HENDERSONVILLE, NC

HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | MM |
| DESIGNED BY: | ENM |
| DRAWN BY: | ENM |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/04/21 |
| SHEET: | L1.1 |

## TREE CANOPY:

**EXISTING CANOPY TO BE PRESERVED:**

**TIER 1 REQUIRED:** 20% OF EXISTING CANOPY
393,137.35 SF * 0.20 = 78,627.47 SF

**TIER 1 PROVIDED:** 78,627.47 SF (20%)

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7% OF NEW TREE CANOPY INSTALLATION
393,137.35 SF * 0.07 = 27,519.61 SF

**TIER 2 PROVIDED:** 28,222.58 SF (7.18%) ADDITIONAL EXISITING CANOPY

27,519.61 SF OF NEW TREE CANOPY INSTALLATION

**NEW TREE CANOPY:**

**TREE CANOPY CREDIT REQUIRED:** 27,519.61 SF

27,519.61 SF/879 SF LARGE MATURING TREE
CANOPY CREDIT = 31.3 LARGE MATURING TREES

**TREE CANOPY CREDIT PROVIDED:** 27,519.61 SF
32 LARGE MATURING TREES

## LEGEND:

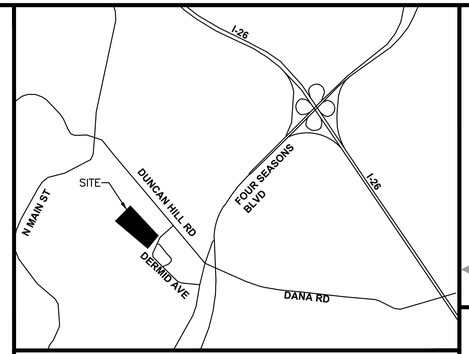
EXISTING TREE CANOPY

EXISTING TREE CANOPY TO SAVE

PROPERTY BOUNDARY

PROPOSED LIMITS OF DISTURBED AREA

TREE CANOPY CREDIT TREES (32)




VICINITY MAP: N.T.S.

STORE SPE USLBM 2017-6, LLC
9569-94-8564
3831/113

DONO JONES
9569-94-9330
430/191

HENDERSONVILLE AUTOMOTIVE PROPERTY GROUP, LLC
9579-04-1254
1538/657

HENDERSONVILLE AUTOMOTIVE PROPERTY GROUP, LLC
9579-04-3025
1538/657

UNIT 700
UNIT 600
UNIT 500
UNIT 300
UNIT 200
UNIT 100
COMM BLDG
LOADING
PLAY GROUND AREA

30' STREAM BUFFER
EXIST. STREAM (TYP)
500 YEAR FLOODPLAIN
100 YEAR FLOODPLAIN
RETAINING WALL W/ FENCE, DESIGNED BY OTHERS (TYP.)
LIMITS OF DISTURBANCE (TYP.)
50' STREAM BUFFER

PARKS HOLDING, LLC
9569-93-1632
3831/197

HENDERSONVILLE AFFORDABLE HOUSING CORPORATION
9579-03-2345
3550/22

GRAPHIC SCALE
40' 0 20' 40' 80' 160'
( IN FEET )
1 INCH = 40 FT.

Know what's below. Call before you dig.

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20484 Chartwell Center Dr.
Suite A
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1-800-960-7317
NC License F-1407
www.espassociates.com

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

# TREE CANOPY PLAN

# MEADOWCREST PHASE 1

HENDERSONVILLE, NC

HOUSING ASSISTANCE CORPORATION

| PROJECT INFORMATION | |
|---|---|
| PROJECT MANAGER: | MM |
| DESIGNED BY: | ENM |
| DRAWN BY: | ENM |
| PROJECT NUMBER: | 25-00332 |
| ORIGINAL DATE: | 2025/04/21 |

SHEET: L-2.1

# NEIGHBORHOOD COMPATIBILITY MEETING REPORT
## MEADOWCREST (25-12-CZD)
## NCM MEETING DATES: MARCH 5TH, 2025

PETITION REQUEST: Rezoning: Meadowcrest- Urban Residential (UR-CZD)

APPLICANT/PETITIONER: Housing Assistance Corporation (Applicant)

### NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on March 5th, 2025, at 1pm in the Old Council Chambers at City Hall, 160 6th Avenue E and via Zoom. The meeting lasted approximately 30 minutes.

There were 3 members of the public in attendance in-person while 1 attended virtually. The applicant and their development team were present with a total of 3 attendees. The City was represented with 3 members Planning staff.

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

There were no pre-submitted comment.

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

Concerns and questions from the public related to:

- Concerns regarding the impact of this development on flooding in other neighborhoods in the vicinity.
- Questions regarding the surrounding area uses (commercial vs. residential)
- Questions pertaining to the floodplain and the encroachment on the 500 year floodplain.
- Questions regarding the blueline streams on the site and where they flow.
- Questions about the design of the buildings and number of bedrooms.
- Questions about the site plan.

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

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: 9569-94-7077 BY CHANGING THE ZONING DESIGNATION R-20 (LOW-DENSITY RESIDENTIAL) TO UR-CZD (URBAN RESIDENTIAL - CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Numbers: 9569-94-7077
Addresses: 0 Dermid Avenue
1st Ave Villas: (File # 25-12-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Housing Assistance Corporation, for the development of 132 multi-family residential units on Dermid Avenue; and

**WHEREAS,** the Planning Board took up this application at a special called meeting on April 10, 2025; voting 5-0 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 May 1st, 2025, 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 Number: 9569-94-7077, changing the zoning designation from R-20 (Low-Density Residential) 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 site plan submitted by the applicant dated April 21, 2025, 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 - 132 Units

   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 1st day of May 2025.

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: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-26-CZD)

Property Owner/Application: Housing Assistance Corporation

Signature:_____

Printed Name:_____

Title:_____

Date:_____

| For use by Principal Authority |
|---|
| Cloudpermit application number<br>US-NC30720-P-2025-19 |
| PIN<br>9569947077 |
| Application submitted to<br>Hendersonville, NC, North Carolina |

| Description of Subject Property |
|---|
| Address<br>0 NO ADDRESS ASSIGNED |
| Municipality<br>Hendersonville, NC, North Carolina |
| PIN<br>9569947077 |

| Purpose of Application |
|---|
| Application type<br>Conditional Rezoning |

| Applicant, Property owner | | |
|---|---|---|
| Last name<br>Fenton Lebeck | First name<br>Margaret | Corporation or partnership<br>Housing Assistance Corporation |
| Street address<br>214 N. King Street | Unit number | Lot / Con. |
| Municipality<br>Hendersonville | State<br>NC | ZIP code<br>28792 |
| Other phone | Mobile phone<br>+1 828-692-4744 | |
| Fax | Email<br>margaret@housing-assistance.com | |

## Declaration and Signatures

### Applicant

I, Margaret Fenton Lebeck (The Applicant), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Applicant is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

Digitally signed on 02/21/2025, 1:51:27 PM EST by Margaret Fenton Lebeck.

### Property owner

I, Margaret Fenton Lebeck (The Property owner), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Property owner is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

Digitally signed on 02/21/2025, 1:51:30 PM EST by Margaret Fenton Lebeck.

## Required Information

| Scheduled Neighborhood Compatibility Meeting - NCM Date | NCM Time |
|---|---|
| 03/05/2025 | 1:00 PM |

Transportation Impact Analysis - (if applicable) Required for complete application but not due until 24 calendar days prior to Planning Board Meeting

## Information

| Type of Development: | Current Zoning | Total Acerage | Proposed Zoning: | Proposed Building Square Footage: |
|---|---|---|---|---|
| Residential | R-20 | 10 | PRD-CZD or UR-CZD | 60690.0 sq.ft. |

| Number of Dwelling Units: | List of Requested Uses: |
|---|---|
| 132 | Multi-Family |

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY
## PLANNING DIVISION

**SUBMITTER:** Tyler Morrow

**MEETING DATE:** May 1st, 2025

**AGENDA SECTION:** Public Hearings

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Standard Rezoning–2620 Chimney Rock Road (and other associated White Pine Villas parcels) (25-14-RZO) – *Sam Hayes, Planner II*

**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 (PIN: 9670-70-6498) from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use as requested in the zoning map amendment application.

I further move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of PINs 9670-70-8607 and 9670-70-8864 from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use so that no unconstructable residual parcels of the White Pine Villas Development remain, 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. 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 proposed map amendment seeks to return the parcels to their previous base zoning.

**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 property (PIN: 9670-70-6498) from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use 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 proposed rezoning eliminates the current entitlements on the property linked to a LIHTC project that could be potentially developed in the future.

| | |
|---|---|
| 2. The proposed map amendment restores potential development opportunities on this property by permitting the same uses available to the other adjacent Highway Mixed Use properties.<br><br>**[DISCUSS & VOTE]** | **[DISCUSS & VOTE]** |

***SUMMARY:*** *The City of Hendersonville is in receipt of an application for a Standard Rezoning from Nehemias Lopez and Rosalva Gomez, applicants and owners of 2620 and 2626 Chimney Rock Road. The applicants are requesting to rezone the subject property, PIN 9670-70-6498, from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use.*

*Mr. Lopez and Mrs. Gomez own one of three parcels within the conditional zoning district. These parcels are associated with an inactive Low Income Housing Tax Credit project known as "White Pine Villas", which never received tax credits. The developer of this project has since obtained tax credits for a different project in the City, (The Lofts at Chadwick).*

*If City Council rezones PIN 9670-70-6498, City staff also recommends rezoning PINS 9670-70-8607 and 9670-70-8864 to a base district, preferably HMU, as part of the same effort. Rezoning only one parcel within the conditional zoning district would leave the rest of the CZD unconstructable, necessitating a future rezoning anyways. All 3 parcels were zoned HMU prior to the establishment of the conditional zoning.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | 25-14-RZO |
| **PETITIONER NAME:** | • Nehemias Lopez & Rosalva Gomez [Applicants and Owners of 2620 Chimney Rock Road]<br>• City of Hendersonville [applicant for PINs 9670-70-8607 and 9670-70-8864, **IF** 2620 Chimney Rock Road is rezoned.) |
| **ATTACHMENTS:** | 1. Staff Report<br>2. Comprehensive Plan Review<br>3. Planning Board Summary<br>4. PRD-CZD and HMU Use Comparison<br>5. White Pine Villas Site Plan for parcel reference<br>6. Proposed Zoning Map<br>7. Draft Ordinance<br>8. Application |

# REZONING: STANDARD REZONING –2620 CHIMNEY ROCK ROAD (25-14-RZO) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY ..... 2
EXISTING ZONING & LAND USE ..... 3
SITE IMAGES ..... 4
FUTURE LAND USE ..... 6
REZONING HISTORY ..... 7
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) ..... 8
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 9

## PROJECT SUMMARY

- Project Name & Case #:
  - 2620 Chimney Rock Road Rezoning
  - 25-14-RZO
- Applicant & Property Owner:
  - Nehemias Lopez & Rosalva Gomez [Applicant and Owner]
  - City of Hendersonville [Applicant]
- Property Address:
  - 2620 Chimney Rock Road
  - 2626 Chimney Rock Road
- Project Acreage:
  - 4.64 Acres
- Parcel Identification (PIN):
  - 9670-70-6498 (applicant) (Orange on map)
  - 9670-70-8607 (COH) (Blue on map)
  - 9670-70-8864 (COH) (Blue on map)
- Current Parcel Zoning:
  - PRD-CZD- Planned Residential Development Conditional Zoning District (White Pine Villas)
- Future Land Use Designation:
  - Mixed Use Commercial
  - Multi-Generational Living
- Requested Zoning:
  - HMU, Highway Mixed Use
- Requested Uses:
  - All uses in HMU would be permitted.




SITE VICINITY MAP

*The City of Hendersonville is in receipt of an application for a Standard Rezoning from Nehemias Lopez and Rosalva Gomez, applicants and owners of 2620 and 2626 Chimney Rock Road. The applicants are requesting to rezone the subject property, PIN 9670-70-6498, from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use.*

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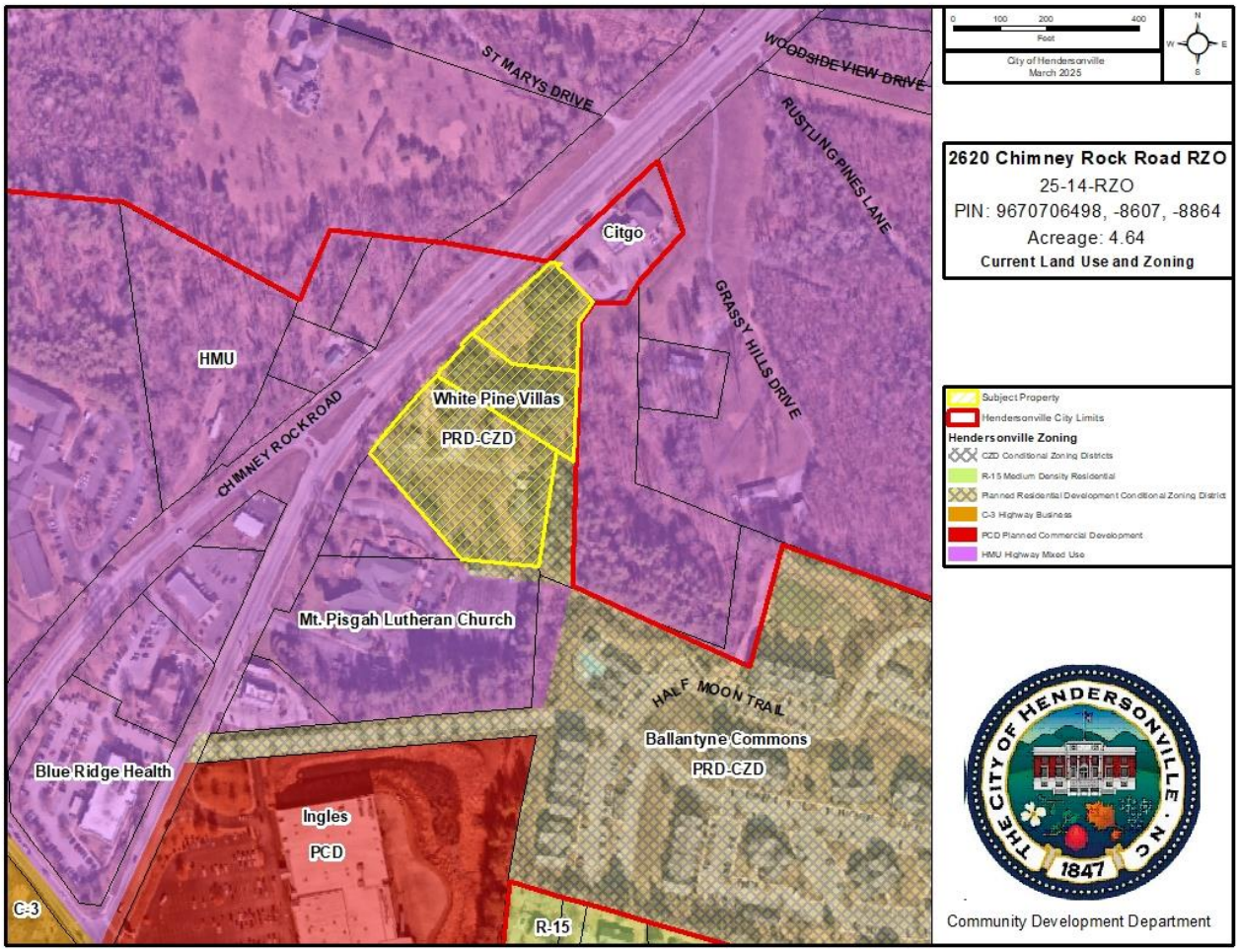
EXISTING ZONING & LAND USE




City of Hendersonville Current Zoning & Land Use Map

*The subject property is currently zoned Planned Residential Development Conditional Zoning District, associated with the White Pine Villas Project, which is currently entitled but inactive. The White Pine Villas project, developed for low-income housing tax credits, did not receive those credits, and the developer obtained credits for a different project elsewhere in the City. He no longer has an option on the property and the likelihood of White Pine Villas being developed is low.*

*The US 64 corridor is zoned Highway Mixed Use, a designation created for this corridor. Before the establishment of the White Pine Villas zoning district, the subject property also held a Highway Mixed Use designation.*

*To the east, there is a large-scale apartment complex under a Planned Residential Development Conditional Zoning District, and to the south, the Ingles development is zoned as Planned Commercial Development Conditional Zoning District. However, the predominant zoning along this corridor remains Highway Mixed Use.*

SITE IMAGES



*View of existing home at 2620 Chimney Rock Road.*

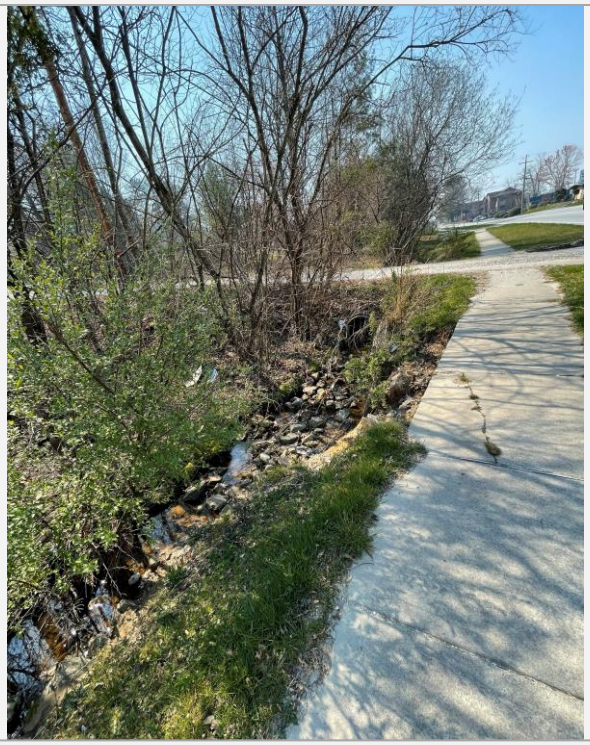


*Typical view of inside the wooded area of the subject property.*

SITE IMAGES

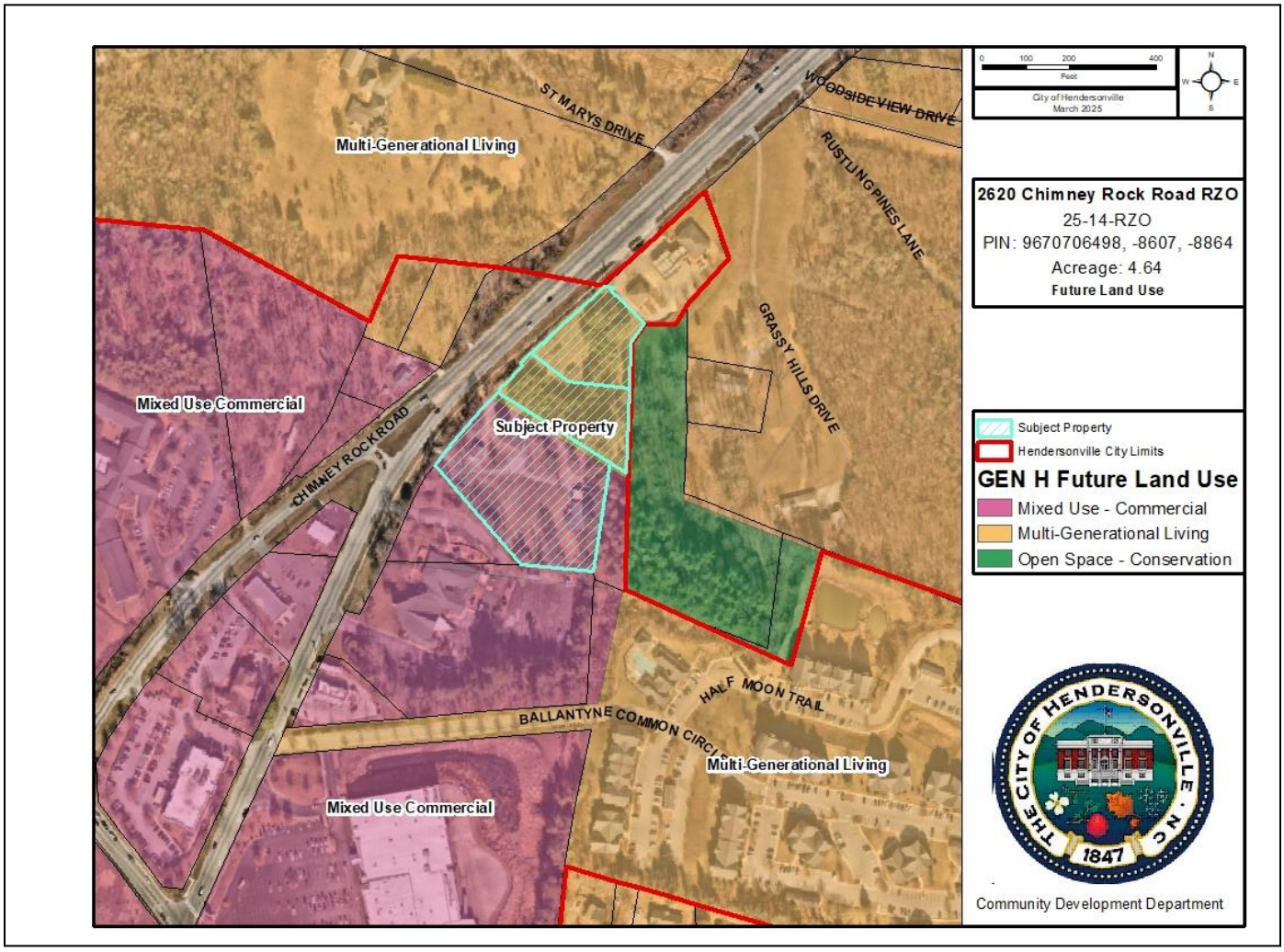


*View of the subject property taken from Citgo looking south.*



*View of the stream running along the property frontage.*

## FUTURE LAND USE




City of Hendersonville Future Land Use Map

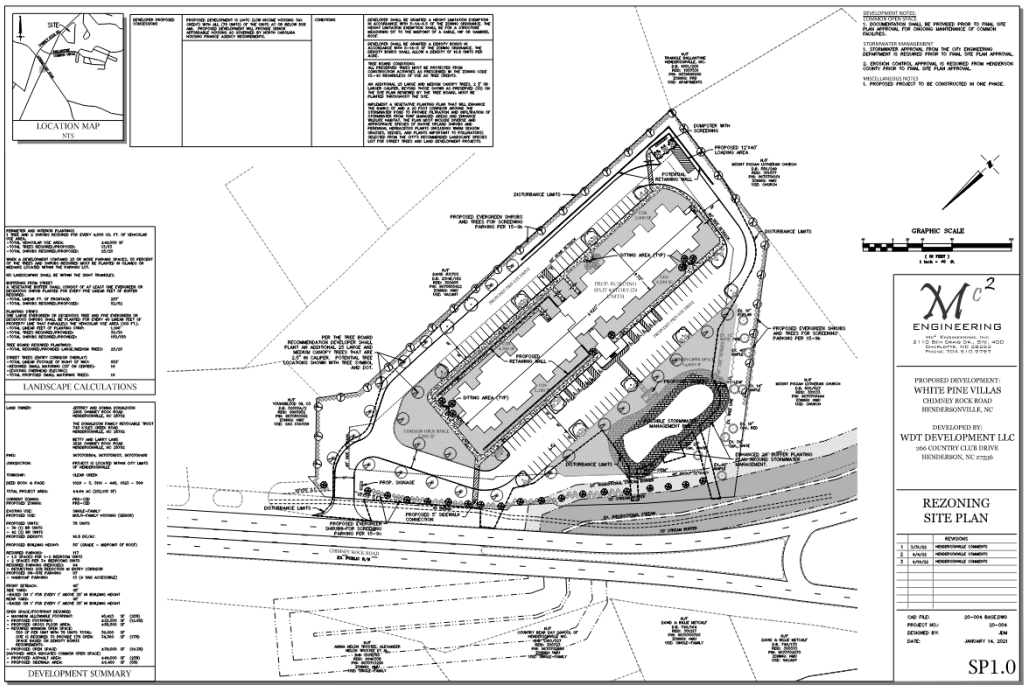
*The subject property has a split designation of Mixed-Use Commercial and Multi-Generational Living, acting as a transitional area between the two designations. The parcels to the south, which front US 64, are designated as Mixed-Use Commercial, while the parcels to the north are designated as Multi-Generational Living. Many of the parcels to the north are vacant or underutilized, offering potential for future development. Additionally, the entire subject property, including all three parcels, lies within the focused intensity node associated with the US 64 and Howard Gap Road intersection. To the east, a parcel containing a blueline stream is designated as Open Space Conservation.*

REZONING HISTORY

| Prior Rezoning (P22-13-CZD) | Summary of Prior Petition | Status |
|---|---|---|
| 5-5-2022<br>(PRD-CZD to PRD-CZD) | 4.64 acre development for the construction of a 78 unit low income housing tax credit multi-family project. | Inactive but entitled |

## Subject Property History

- Highway Mixed Use is established (December 9th, 2004)
  - In 2002 City Council adopted corridor plans calling for mixed -use zoning on U.S. Highway 64 East
  - City Council Minutes: https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9b5a787970d
- White Pine Villas Version 1 (approved April 2, 2020)
  - 3 story multi-family building consisting of 78 Low Income Housing Tax Credit units for seniors (55+)
  - 34' 11" to the midpoint of the roof.
  - City Council Minutes- https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-4ab50b18954346f49ac79b2f04368be2.pdf
- White Pine Villas Version 2 (approved May 5th, 2022, current entitlement)
  - 4 story multi-family building consisting of 78 Low Income Housing Tax Credit units for seniors (55+)
  - 50' to the midpoint of the roof.
  - City Council Minutes: https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-fa918ebba3904e16a37c226d271d4290.pdf



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

| GENERAL REZONING STANDARDS | |
|---|---|
| 1) Comprehensive Plan Consistency | **Land Supply, Suitability & Intensity**<br>All 3 properties are listed as underdeveloped on the land suitability map.<br>All 3 properties are within the focused intensity node for US 64 and Howard Gap.<br>All 3 properties are listed as underdeveloped on the land supply map. |
| | **Future Land Use & Conservation Map-** See Gen H appendix.<br><br>**Designation:** Mixed Use Commercial (PIN- 9670-70-6498)<br>**Character Area Description:** Consistent<br>**Zoning Crosswalk:** Consistent<br><br>**Designation:** Multi-Generational Living (PINs- 9670-70-8607 and 9670-70-8864)<br>**Character Area Description:** Consistent<br>**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 –** |
| | Prior to the 2020 and 2022 rezonings to PRD-CZD, these parcels were zoned Highway Mixed Use. Highway Mixed Use was created for this corridor and all other adjacent properties are currently zone Highway Mixed Use. |
| 3) Changed Conditions | **Whether and the extent to which there are changed conditions, trends or facts that require an amendment -** |
| | The White Pine Villas project was a low-income housing tax credit project that did not receive the necessary tax credits to proceed. In discussions with Stephen Drake, the developer of White Pine Villas, he confirmed that he no longer has an option on the property and does not foresee moving forward with the project. |
| 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 City has focused on developing mixed-use districts, particularly along our corridors. This rezoning supports that initiative by designating these parcels to the mixed use zoning district established for this corridor. |

| | |
|---|---|
| 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** |
| | These parcels are located within the corporate City limits and will have access to all services associated with that. |
| 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 -** |
| | Even if rezoned, any new development on the site will be required to follow all zoning and subdivision ordinance requirements concerning natural resources and the environment. |

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 a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV 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 proposed map amendment seeks to return the parcels to their previous base zoning.*
- *The proposed map amendment restores potential development opportunities on this property by permitting the same uses available to the other adjacent Highway Mixed Use properties.*

*DRAFT [Rational for Denial]*

- *The proposed rezoning eliminates the current entitlements on the property linked to a LIHTC project that could be potentially developed in the future.*

**2620 Chimney Rock Road Rezoning (25-14-RZO)**

| Chapter 4 - The Vision for the Future | Consistent | Inconsistent | Staff Notes |
|---|---|---|---|
| **SUPPLY, SUITABILITY, & INTENSITY** | | | |
| **LAND SUPPLY MAP (Pg. 81, Figure 4.4)** | Consistent | | Listed as underdeveloped in the Land Supply Map |
| **LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)** | Consistent | | Listed as underdeveloped in the Land Suitability Map |
| **DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)** | Consistent | | Located in the Intesnity Node for Howard Gap Road and US 64 |
| **FUTURE LAND USE & CONSERVATION MAP** | | | |
| **Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)** | **Mixed Use-Commerical (PIN 9670-70-6498)** | | |
| Character Area Description (Pg. 122-131) | Consistent | | |
| Zoning Crosswalk (Pg. 132-133, Figure 4.18) | Consistent | | |
| **Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)** | **Multi-Generational Living (PINs 9670-70-8607 & 9670-70-8864** | | |
| Character Area Description (Pg. 122-131) | Consistent | | |
| Zoning Crosswalk (Pg. 132-133, Figure 4.18) | | Inconsistent | |

**2620 Chimney Rock Road Rezoning (25-14-RZO)**

| 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. | N/A | | |
| 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. | Somewhat Consistent | | HMU zoning aligns with this goal, however, in rezoning the property the previous entitlments for 78 LIHTC senior units would be removed. |
| 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. | Consistent | | |
| **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. | 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 | 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. | 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 | | |
| **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. | 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. | 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] | 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 | | |

# PLANNING BOARD RECOMMENDATION
# 2620 CHIMNEY ROCK ROAD REZONING (25-14-RZO)
# MEETING DATE: APRIL 10TH, 2024

| | |
|---|---|
| PETITION REQUEST: | 2620 Chimney Rock Road-Standard Rezoning- PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use |
| APPLICANT/PETITIONER: | Nehemias Lopez & Rosalva Gomez [Applicants and Owners of 2620 Chimney Rock Road]<br>City of Hendersonville [Applicant] |

## PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 7-0 to recommend **approval** of this petition and adopted the following motion:

## PLANNING BOARD MOTION:

Mr. Johnson moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9670-70-6498) from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use as requested in the zoning map amendment application.

He further moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of PINs 9670-70-8607 and 9670-70-8864 from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use so that no unconstructable residual parcels of the White Pine Villas Development remain, 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:

    1.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. 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 proposed map amendment seeks to return the parcels to their previous base zoning.

    2. The proposed map amendment restores potential development opportunities on this property by permitting the same uses available to the other adjacent Highway Mixed Use properties.

## OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES:

*The Planning Board convened on this project for **16 minutes.***

*Chair asked if all three parcels were under the same ownership. Mr. Morrow stated no, the other two properties are owned by separate entities. Chair asked if they were notified. Mr. Morrow stated they were notified of the rezoning.*

*Mr. Johnson was concerned about losing these properties for housing and asked if HMU would allow some type of housing. Mr. Morrow stated HMU does allow for housing as well. It allows for single, two-family and multi-family. There would not be a loss in housing but it does increase the other uses they could do in conjunction with housing. Right now the property can only be used for the approved site plan and multi-family. If rezoned this would open it back up to other uses but also multi-family as well.*

*Chair stated he felt like concerning these properties that are zoned PRD CZD, they should have some language where it reverts back if it doesn't get developed within a certain period of time. This has happened several times where things don't get funded and they don't get built. He thinks after a certain period of time and he does not know what that timeframe is but things should revert back to what they were rather than going through this process of rezoning it back. Mr. Holloway stated they could have a timeline in which staff brings them back but he does not think you can just revert. Whatever process is used to rezone it in the first place you have to go through that process to rezone again. It would be a rezoning and would be required to go through the rezoning steps. Once the property is zoned CZD to change that you have to go through the same series of steps. Staff can look at what the timelines would be. Chair asked about having a condition at the time of approval where it would revert back if the project does not get funded. Ms. Beeker, City Attorney stated it would still have to go back through the process to make a determination at the time as far as what the best zoning is for it. Something could have changed in that interim and she thinks it has to be looked at every time. You also have to work in conjunction with the property owners. She stated the plan is good for two years once it gets approved but right now the legislature has extended that automatically because of Helene and anyone that has a plan that was valid in the last year has been extended out (she wasn't sure of the length of time it was extended to). She stated they cannot down zone right now.*

## PUBLIC COMMENTS:

*None*

## BOARD ACTION:

*Motion:*

- *Bob Johnson*

*Second:*

- *Donna Waters*

*Yeas:*

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

*Nays:*

- *None*

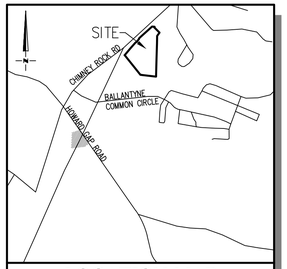
*Absent: Peter Hanley, Mark Russell*

*Recused: None*

| PERMITTED & SPECIAL USES | |
|---|---|
| **PRD-CZD (Current)**<br>*Green = Same in both districts*<br>*Red = Different from proposed district* | **HMU Highway Mixed Use (Proposed)**<br>*Green = Same in both districts*<br>*Red = Different from proposed district* |
| **Permitted Uses:**<br>• Residential Dwellings, Multi-Family | **Permitted Uses:**<br>• **Accessory dwelling units subject to supplementary standards contained in section 16-4, below**<br>• **Accessory uses & structures**<br>• **Adult care centers registered with the NC Department of Health and Human Services (DHSS)**<br>• **Adult care homes**<br>• **Animal hospitals & clinics so long as they contain no outdoor kennel**<br>• **Automobile car washes**<br>• **Banks & other financial institutions**<br>• **Bed & breakfast facilities**<br>• **Business services**<br>• **Child care centers, subject to supplementary standards contained in section 16-4, below**<br>• **Child care homes**<br>• **Civic clubs & fraternal organizations, subject to supplementary standards contained in section 16-4 below**<br>• **Congregate care facilities, subject to supplementary standards contained in section 16-4, below**<br>• **Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way**<br>• **Convenience stores with or without gasoline sales**<br>• **Cultural arts buildings**<br>• **Dance, health & fitness facilities**<br>• **Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area**<br>• **Funeral homes**<br>• **Greenhouses & commercial nurseries**<br>• **Home occupations**<br>• **Hotels & motels**<br>• **Laundries, coin-operated** |

| | |
|---|---|
| | • Lawn & garden centers<br>• Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below<br>• Mobile food vendors, subject to supplementary standards contained in section 16-4, below<br>• Music & art studios<br>• Neighborhood community centers<br>• Newspaper offices & printing establishments<br>• Nursing homes, subject to supplementary standards contained in section 16-4, below<br>• Offices, business, professional and public<br>• Parking lots & parking garages<br>• Parks<br>• Personal services<br>• Progressive care facilities, subject to supplementary standards contained in section 16-4, below<br>• Public & semi-public buildings<br>• Recreational facilities, indoors<br>• Recreational facilities, outdoors, commercial<br>• Religious institutions<br>• Repair services, miscellaneous<br>• Residential care facilities<br>• Residential dwellings, single-family<br>• Residential dwellings, multi-family<br>• Residential dwellings, two-family<br>• Restaurants<br>• Restaurants, drive-in<br>• Retail stores (not including automobile, manufactured housing, and boat & heavy equipment sales)<br>• Schools, post-secondary, business, technical and vocational<br>• Schools, primary & secondary<br>• Service stations<br>• Signs, subject to the provisions of article XIII, below<br>• 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**<br>• **Theaters, indoors**<br>**Special Uses**<br>• **Bus stations**<br>• **Public utility facilities** |




LOCATION MAP
NTS

| | | | |
|---|---|---|---|
| DEVELOPER PROPOSED CONCESSIONS | PROPOSED DEVELOPMENT IS LIHTC (LOW INCOME HOUSING TAX CREDIT) WITH ALL (78 UNITS) OF THE UNITS AT OR BELOW 80% AMI. PROPOSED DEVELOPMENT WILL PROVIDE SENIOR AFFORDABLE HOUSING AS GOVERNED BY NORTH CAROLINA HOUSING FINANCE AGENCY REQUIREMENTS. | CONDITIONS | DEVELOPER SHALL BE GRANTED A HEIGHT LIMITATION EXEMPTION IN ACCORDANCE WITH 5-14-6.5 OF THE ZONING ORDINANCE. THE HEIGHT LIMITATION EXEMPTION SHALL BE FOR A STRUCTURE MEASURING 50' TO THE MIDPOINT OF A GABLE, HIP OR GAMBREL ROOF. |
| | | | DEVELOPER SHALL BE GRANTED A DENSITY BONUS IN ACCORDANCE WITH 5-14-5 OF THE ZONING ORDINANCE. THE DENSITY BONUS SHALL ALLOW A DENSITY OF 16.8 UNITS PER ACRE. |
| | | | TREE BOARD CONDITIONS:<br>ALL PRESERVED TREES MUST BE PROTECTED FROM CONSTRUCTION ACTIVITIES AS PRESCRIBED IN THE ZONING CODE 15.-4C REGARDLESS OF USE AS TREE CREDITS.<br><br>AN ADDITIONAL 25 LARGE AND MEDIUM CANOPY TREES, 2 1" OR LARGER CALIPER, BEYOND THOSE SHOWN AS PRESERVED (10) ON THE SITE PLAN REVIEWED BY THE TREE BOARD, MUST BE PLANTED THROUGHOUT THE SITE.<br><br>IMPLEMENT A VEGETATIVE PLANTING PLAN THAT WILL ENHANCE THE BANKS OF AND A 20 FOOT CORRIDOR AROUND THE STORMWATER POND TO PROVIDE FILTRATION AND INFILTRATION OF STORMWATER FROM TURF MANAGED AREAS AND ENHANCE WILDLIFE HABITAT. THE PLAN MUST INCLUDE DIVERSE AND APPROPRIATE SPECIES OF NATIVE UPLAND SHRUBS AND PERENNIAL HERBACEOUS PLANTS (INCLUDING WARM SEASON GRASSES, SEDGES, AND PLANTS IMPORTANT TO POLLINATORS) SELECTED FROM THE CITY'S RECOMMENDED LANDSCAPE SPECIES LIST FOR STREET TREES AND LAND DEVELOPMENT PROJECTS. |

PERIMETER AND INTERIOR PLANTINGS
1 TREE AND 2 SHRUBS REQUIRED FOR EVERY 4,000 SQ. FT. OF VEHICULAR USE AREA.
- TOTAL VEHICULAR USE AREA: ±49,000 SF
- TOTAL TREES REQUIRED/PROPOSED: 13/13
- TOTAL SHRUBS REQUIRED/PROPOSED: 25/25

WHEN A DEVELOPMENT CONTAINS 20 OR MORE PARKING SPACES, 50 PERCENT OF THE TREES AND SHRUBS REQUIRED MUST BE PLANTED IN ISLANDS OR MEDIANS LOCATED WITHIN THE PARKING LOT.

NO LANDSCAPING SHALL BE WITHIN THE SIGHT TRIANGLES.

BUFFERING FROM STREET
A VEGETATIVE BUFFER SHALL CONSIST OF AT LEAST ONE EVERGREEN OR DECIDUOUS SHRUB PLANTED FOR EVERY FIVE LINEAR FEET OF BUFFER REQUIRED.
- TOTAL LINEAR FT. OF FRONTAGE: 257'
- TOTAL SHRUBS REQUIRED/PROPOSED: 52/52

PLANTING STRIPS
ONE LARGE EVERGREEN OR DECIDUOUS TREE AND FIVE EVERGREEN OR DECIDUOUS SHRUBS SHALL BE PLANTED FOR EVERY 40 LINEAR FEET OF PROPERTY LINE THAT PARALLELS THE VEHICULAR USE AREA (100 FT.).
- TOTAL LINEAR FEET OF PLANTING STRIP: 1,196'
- TOTAL TREES REQUIRED/PROVIDED: 30/30
- TOTAL SHRUBS REQUIRED/PROVIDED: 150/150

TREE BOARD REQUIRED PLANTINGS:
- TOTAL REQUIRED/PROVIDED LARGE/MEDIUM TREES: 25/25

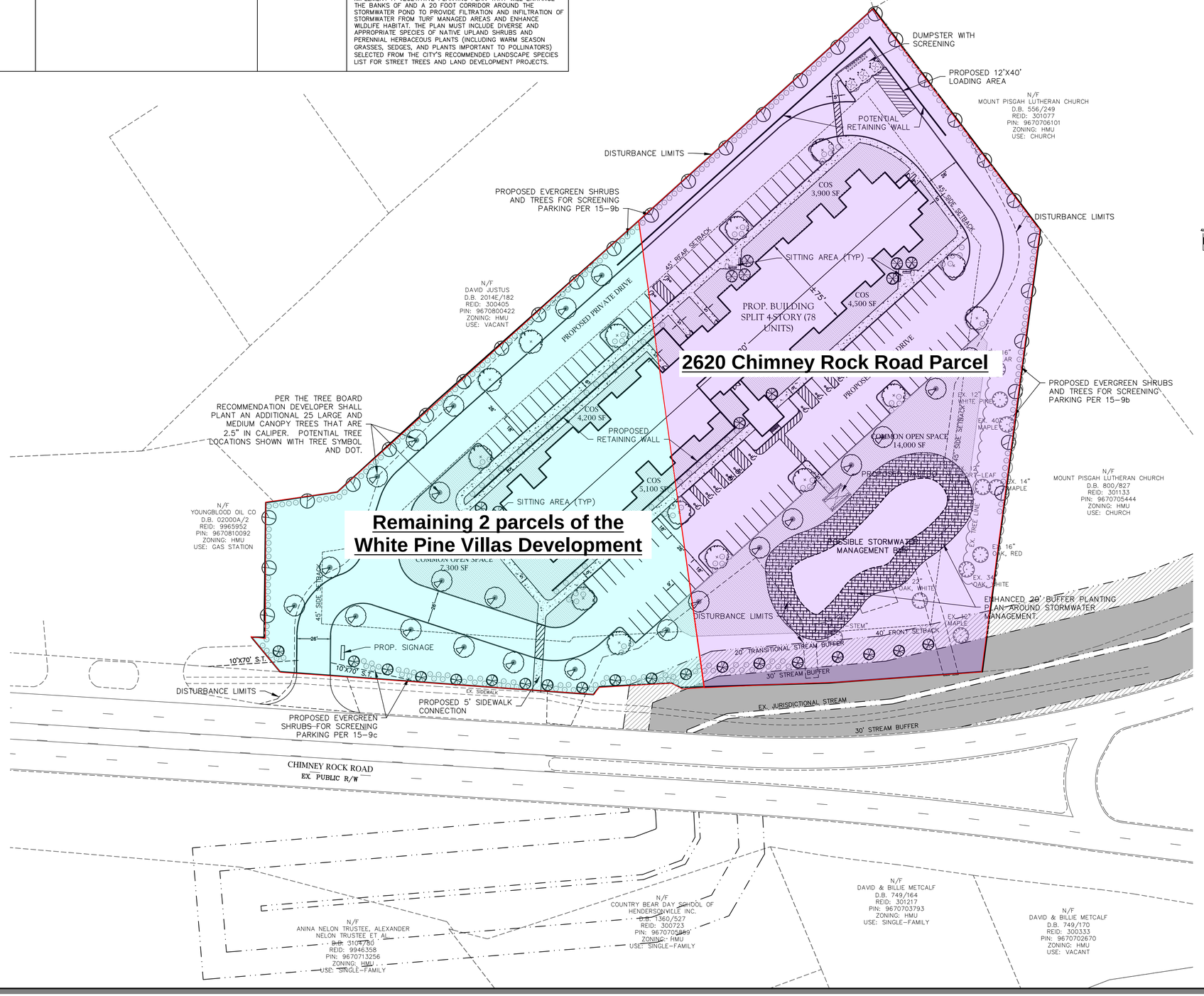
STREET TREES (ENTRY CORRIDOR OVERLAY)
- TOTAL LINEAR FOOTAGE OF RIGHT OF WAY: 553'
- REQUIRED SMALL MATURING (30' ON CENTER): 19
- (EXISTING OVERHEAD ELECTRIC)
- TOTAL PROPOSED SMALL MATURING TREES: 19

LANDSCAPE CALCULATIONS

| | |
|---|---|
| LAND OWNER: | JEFFREY AND DONNA DONALDSON<br>2968 CHIMNEY ROCK ROAD<br>HENDERSONVILLE, NC 28792<br><br>THE DONALDSON FAMILY REVOCABLE TRUST<br>743 KYLES CREEK ROAD<br>HENDERSONVILLE, NC 28792<br><br>BETTY AND LARRY LAWS<br>2626 CHIMNEY ROCK ROAD<br>HENDERSONVILLE, NC 28792 |
| PINS: | 9670708864, 9670708607, 9670706498 |
| JURISDICTION: | PROJECT IS LOCATED WITHIN CITY LIMITS OF HENDERSONVILLE |
| TOWNSHIP: | CLEAR CREEK |
| DEED BOOK & PAGE: | 1029 – 3, 3191 – 448, 1023 – 599 |
| TOTAL PROJECT AREA: | ±4.64 AC (202,118 SF) |
| CURRENT ZONING:<br>PROPOSED ZONING: | PRD-CZD<br>PRD-CZD |
| EXISTING USE:<br>PROPOSED USE: | SINGLE-FAMILY<br>MULTI-FAMILY HOUSING (SENIOR) |
| PROPOSED UNITS:<br>– 36 (1) BR UNITS<br>– 42 (2) BR UNITS<br>PROPOSED DENSITY: | 78 UNITS<br><br><br>16.8 DU/AC |
| PROPOSED BUILDING HEIGHT: | 50' (GRADE – MIDPOINT OF ROOF) |
| REQUIRED PARKING:<br>– 1.5 SPACES PER 1–2 BEDROOM UNITS<br>– 2 SPACES PER 3+ BEDROOMS UNITS<br>REQUIRED PARKING (REDUCED):<br>– REQUESTING 20% REDUCTION IN ENTRY CORRIDOR<br>PROPOSED ON-SITE PARKING:<br>– HANDICAP PARKING: | 117<br><br><br>94<br><br>97<br>13 (4 VAN ACCESSIBLE) |
| FRONT SETBACK: | 40' |
| SIDE YARD:<br>-BASED ON 1' FOR EVERY 1' ABOVE 35' IN BUILDING HEIGHT | 45' |
| REAR YARD:<br>-BASED ON 1' FOR EVERY 1' ABOVE 35' IN BUILDING HEIGHT | 45' |

| OPEN SPACE/FOOTPRINT REQUIRED | | | |
|---|---|---|---|
| – MAXIMUM ALLOWABLE FOOTPRINT: | 40,423 | SF | (20%) |
| – PROPOSED FOOTPRINT: | ±25,500 | SF | (12.6%) |
| – PROPOSED GROSS FLOOR AREA: | ±88,500 | SF | |
| – REQUIRED MINIMUM OPEN SPACE:<br>500 SF PER UNIT WITH 78 UNITS TOTAL:<br>SITE IS REQUIRED TO PROVIDE 17% OPEN SPACE BASED ON DENSITY BONUS REQUIREMENTS. | 39,000<br>34,360 | SF<br>SF | <br>(17%) |
| – PROPOSED OPEN SPACE:<br>(HATCHED AREA INDICATES COMMON OPEN SPACE) | ±39,000 | SF | (19.3%) |
| – PROPOSED ASPHALT AREA: | ±49,000 | SF | (25%) |
| – PROPOSED SIDEWALK AREA: | ±9,400 | SF | (5%) |

DEVELOPMENT SUMMARY




DEVELOPMENT NOTES:

COMMON OPEN SPACE
1. DOCUMENTATION SHALL BE PROVIDED PRIOR TO FINAL SITE PLAN APPROVAL FOR ONGOING MAINTENANCE OF COMMON FACILITIES.

STORMWATER MANAGEMENT
1. STORMWATER APPROVAL FROM THE CITY ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO FINAL SITE PLAN APPROVAL.

2. EROSION CONTROL APPROVAL IS REQUIRED FROM HENDERSON COUNTY PRIOR TO FINAL SITE PLAN APPROVAL.

MISCELLANEOUS NOTES
1. PROPOSED PROJECT TO BE CONSTRUCTED IN ONE PHASE.

GRAPHIC SCALE
40 0 20 40 80 160
( IN FEET )
1 inch = 40 ft.

MC² ENGINEERING
MC² ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
WHITE PINE VILLAS
CHIMNEY ROCK ROAD
HENDERSONVILLE, NC

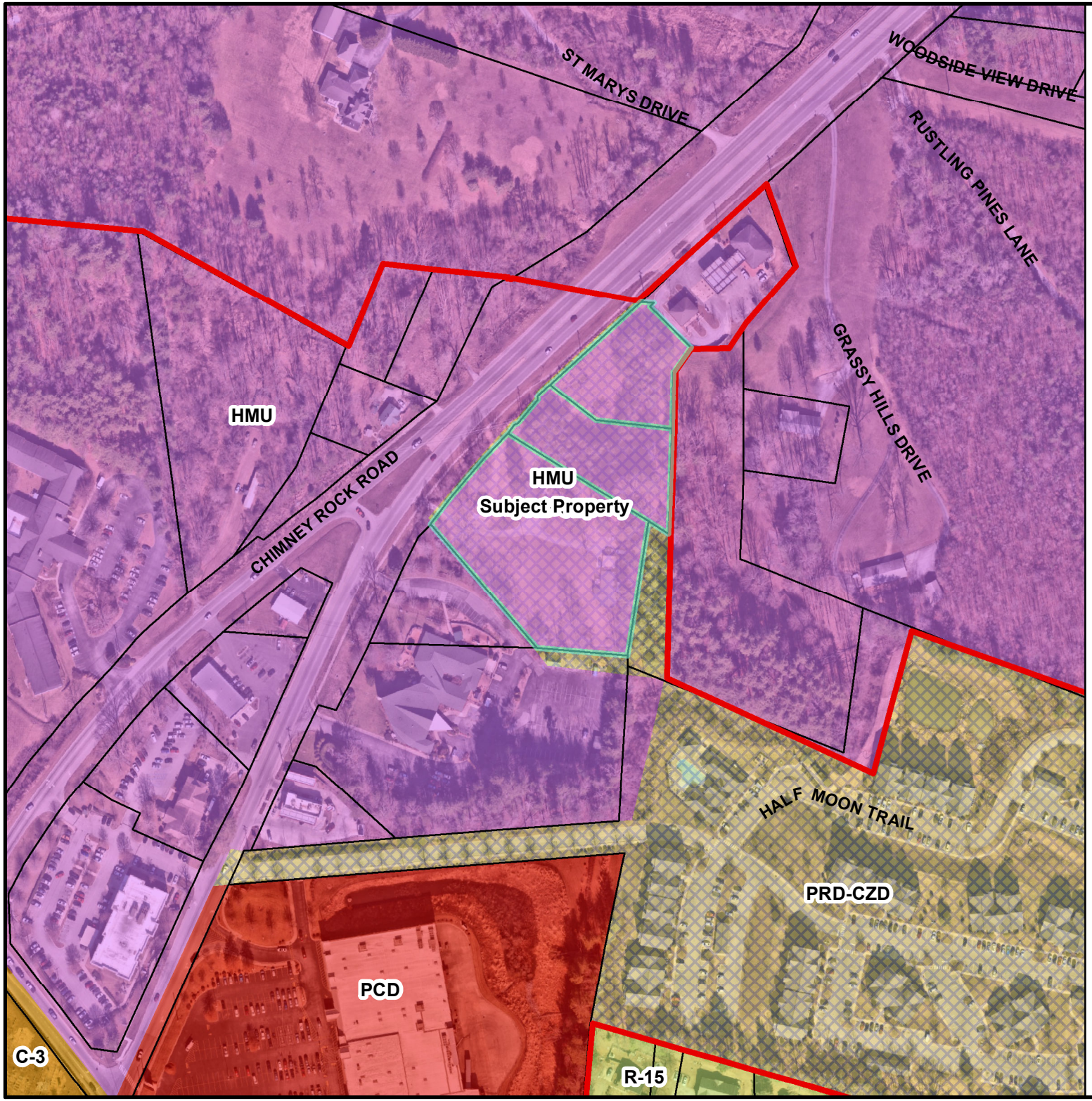
DEVELOPED BY:
WDT DEVELOPMENT LLC
266 COUNTRY CLUB DRIVE
HENDERSON, NC 27536

# REZONING SITE PLAN

| | | REVISIONS |
|---|---|---|
| 1 | 3/31/22 | HENDERSONVILLE COMMENTS |
| 2 | 4/4/22 | HENDERSONVILLE COMMENTS |
| 3 | 4/19/22 | HENDERSONVILLE COMMENTS |

| | |
|---|---|
| CAD FILE: | 20-004 BASE.DWG |
| PROJECT NO.: | 20-004 |
| DESIGNED BY: | JDM |
| DATE: | JANUARY 14, 2021 |

SP1.0




0 100 200 400 Feet

N E S

City of Hendersonville
March 2025

# 2620 Chimney Rock Road RZO

25-14-RZO

PIN: 9670706498, -8607, -8864

Acreage: 4.64

**Proposed Zoning**

- Subject Property
- Hendersonville City Limits

**Hendersonville Zoning**

- CZD Conditional Zoning Districts
- R-15 Medium Density Residential
- Planned Residential Development Conditional Zoning District
- C-3 Highway Business
- PCD Planned Commercial Development
- HMU Highway Mixed Use

THE CITY OF HENDERSONVILLE · N C · 1847

Community Development Depa

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 9670-70-6498, 9670-70-8607, & 9670-70-8864) BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD, PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT TO HMU, HIGHWAY MIXED USE.**

IN RE: Parcel Numbers: 9670-70-6498, 9670-70-8607, & 9670-70-8864
2620 Chimney Rock Road Rezoning (File # 25-14-RZO)

**WHEREAS,** the Planning Board took up this application at its regular meeting on April 10th, 2025; voting 7-0 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 May 1st, 2025, 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 May 1st, 2025,

**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: 9670-70-6498, 9670-70-8607, & 9670-70-8864 from PRD-CZD, Planned Residential Development Conditional Zoning District to HMU, Highway Mixed Use Zoning District.

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 1st day of May 2025.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

**CITY OF HENDERSONVILLE**
**COMMUNITY DEVELOPMENT DEPARTMENT**
**160 6th Ave. E., 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:** 3-7-25

**PIN(s):** 9670706498

**Address(es) / Location of Property:** 2620 Chimney Rock Road

**Current Zoning:** PRD-CZD

**Proposed Zoning:** HMU

## B. Adjacent Parcel Numbers and Uses

| | | | |
|---|---|---|---|
| **PIN:** | 9670708607 | **Use:** | Vacant |
| **PIN:** | 9670705444 | **Use:** | Church |
| **PIN:** | 9670706101 | **Use:** | Church |
| **PIN:** | 9670800422 | **Use:** | Vacant |
| **PIN:** | | **Use:** | |

Office Use:
**Date Received:** _____ **By:** _____ **Fee Received? Y/N**

**C. Applicant Contact Information**

NEHEMIAS LOPEZ-PEREZ

* Printed Applicant Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: Individual

Nehemias Lopez

Applicant Signature

Applicant Title (if applicable)

181 ACORN DR

Address of Applicant

Hendersonville NC 28792

City, State, and Zip Code

Telephone

nehemiaslopez89@gmail.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.

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

ROSALVA GOMEZ SANCHEZ

* Printed Property Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: Individual

Rosalva Gomez

Property Owner Signature

Property Owner Title (if applicable)

181 ACORN DR

Address of Property Owner

Hendersonville NC 28792

City, State, and Zip Code

Telephone

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.

| Property Information | |
|---|---|
| Current Zoning<br>PRD | Proposed Zoning<br>HMU |

| Adjacent Parcel Numbers and Uses | |
|---|---|
| PIN:<br>9670706498 | Use:<br>Church |
| PIN:<br>9670705444 | Use:<br>Residential |
| PIN:<br>9670708607 | Use:<br>Church |
| PIN:<br>9670800422 | Use:<br>Residential |
| PIN: | Use: |

**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.

Just want to have it mixed use. I don't currently have any plans for its use at the moment.

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

all other property around me is highway mixed use

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)

the existing plans was there when I purchsed the property and is no longer needed for thsi PRD plans

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)

I just like to continue to be like other propety around me in Highway Mixed Use

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)

the property already suing public services and will continue

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

no significant impact to the natural environment.

**PIN or PID #**

**Signature**

Nehemias Lopez

**Printed Name:**
Nehemias Lopez

**Official Use Only:**

**Date Recieved:**

**Received By:**

**Fee Received:**

**Section 11-4 Standards:** The advisability of amending the text of thei 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.**
Just ~~want~~ want to Have if on Mixed ~~w~~ use ~~His~~
I dont Have a plan on ~~what~~ with am doing for now

**b) Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with exisiting and proposed uses surrounding the subject property.**
all other Properties around me are Highway Mixed use

**c) Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.** The existen Plans was there whe I Purchase the Property and is no longer needed for this ~~or~~ PRD Plans

**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.**
I Just like to cotinue to be like other Property around me
The Highway Mixed use

**e) Public facilities. Whether and to the extent 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 Property already using Public Services and well continue

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY
# PLANNING DIVISION

| | | | |
|---|---|---|---|
| **SUBMITTER:** | Matthew Manley | **MEETING DATE:** | May 1, 2025 |
| **AGENDA SECTION:** | Public Hearing | **DEPARTMENT:** | Community Development |

**TITLE OF ITEM:** Rezoning: Standard Rezoning – 23 Brevard Knoll Dr (Cowan) | 25-07-RZO – *Matthew Manley, 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 (PIN: 9579-06-3217) from R-20, Low Density Residential to CHMU, Commercial Highway Mixed Use Zoning District, 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 CHMU 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. CHMU Zoning would allow for greater economic use of the subject property given the wide range of permitted uses
2. CHMU Zoning along this corridor could lead to additional opportunities for needed housing in close proximity to Commercial uses.
3. CHMU Zoning ensure some level of compatibility through application of Design Standards.

**[DISCUSS & VOTE]**

**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 (PIN: 9579-06-3217) from R-20, Low Density Residential to CHMU, Commercial Highway Mixed Use Zoning District, 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 CHMU 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. CHMU Zoning is found to be incompatible with the surrounding land uses
2. CHMU 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 revised Zoning Map Amendment application from Lamott Cowan (owner) for 23 Brevard Knoll Dr (PIN: 9579-06-3217) totaling 0.43 Acres located at the corner of Signal Hill Road and Brevard Knoll Dr. The property is currently zoned R-20, Low Density Residential. The petitioner is requesting that the property be rezoned to CHMU, Commercial Highway Mixed Use.*

*Development/redevelopment under the CHMU zoning is much more permissive than under R-20 in terms of the intensity of commercial uses permitted and the dimensional requirements. CHMU allows for a wide range additional uses compared to R-20. Dimensional standards under CHMU are also significantly relaxed relative to those required under R-20. However, CHMU does provide site design and architectural standards.*

*If rezoned, there will not be a binding site plan, list of uses, nor conditions placed on the site. All permitted uses within the CHMU 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 voted 5 to 2 in favor of recommending approval of the rezoning.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | 25-07-RZO |
| **PETITIONER NAME:** | o Lamott & Meghan Cowan [Applicant/Owner] |
| **ATTACHMENTS:** | 1. Staff Report<br>2. Planning Board Summary<br>3. Zoning District Comparison<br>4. Comprehensive Plan Consistency & Criteria Evaluation Worksheet<br>5. Draft Ordinance<br>6. Proposed Zoning Map<br>7. Application |

# STANDARD REZONING: 23 BREVARD KNOLL DR (25-07-RZO)
# CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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FUTURE LAND USE ..... 6
REZONING STANDARDS (ARTICLE 11-4) ..... 7
REZONING STANDARDS ANALYSIS & CONDITIONS ..... 9
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 10

PROJECT SUMMARY

- Project Name & Case #:
  - 23 Brevard Knoll Dr (Cowan)
  - 25-07-RZO
- Applicant & Property Owner:
  - Lamott & Meghan Cowan
- Property Address:
  - 23 Brevard Knoll
- Project Acreage:
  - .43 Acres
- Parcel Identification (PINS):
  - 9579-06-3217
- Current Parcel Zoning:
  - R-20, Low Density Residential
- Proposed Zoning District:
  - CHMU, Commercial Highway Mixed Use
- Future Land Use Designation:
  - Innovation


Signal Hill Rd
Brevard Knoll Dr
Driveway Ln
Signal Hill Rd
Signal Hill Rd
Signal Hill Rd

SITE IMAGES




*View of subject property from corner of Signal Hill Rd and Brevard Knoll Dr.*



*View of portion of subject property across Brevard Knoll Dr. Brevard Knoll Dr in foreground / right.*

SITE IMAGES

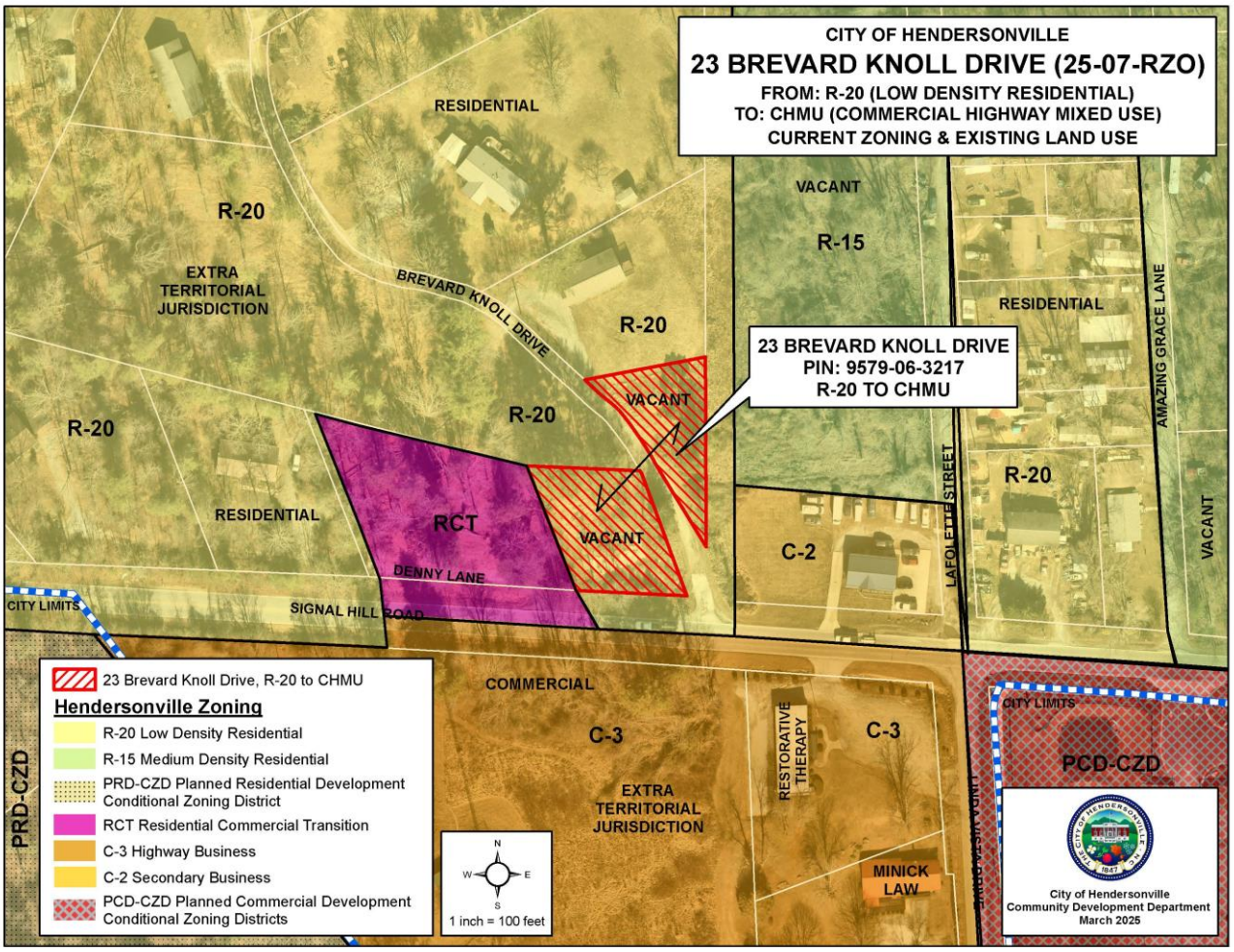


*View of center of site from Brevard Knoll Dr.*



*View of rear of site from Brevard Knoll Dr*

EXISTING ZONING & LAND USE

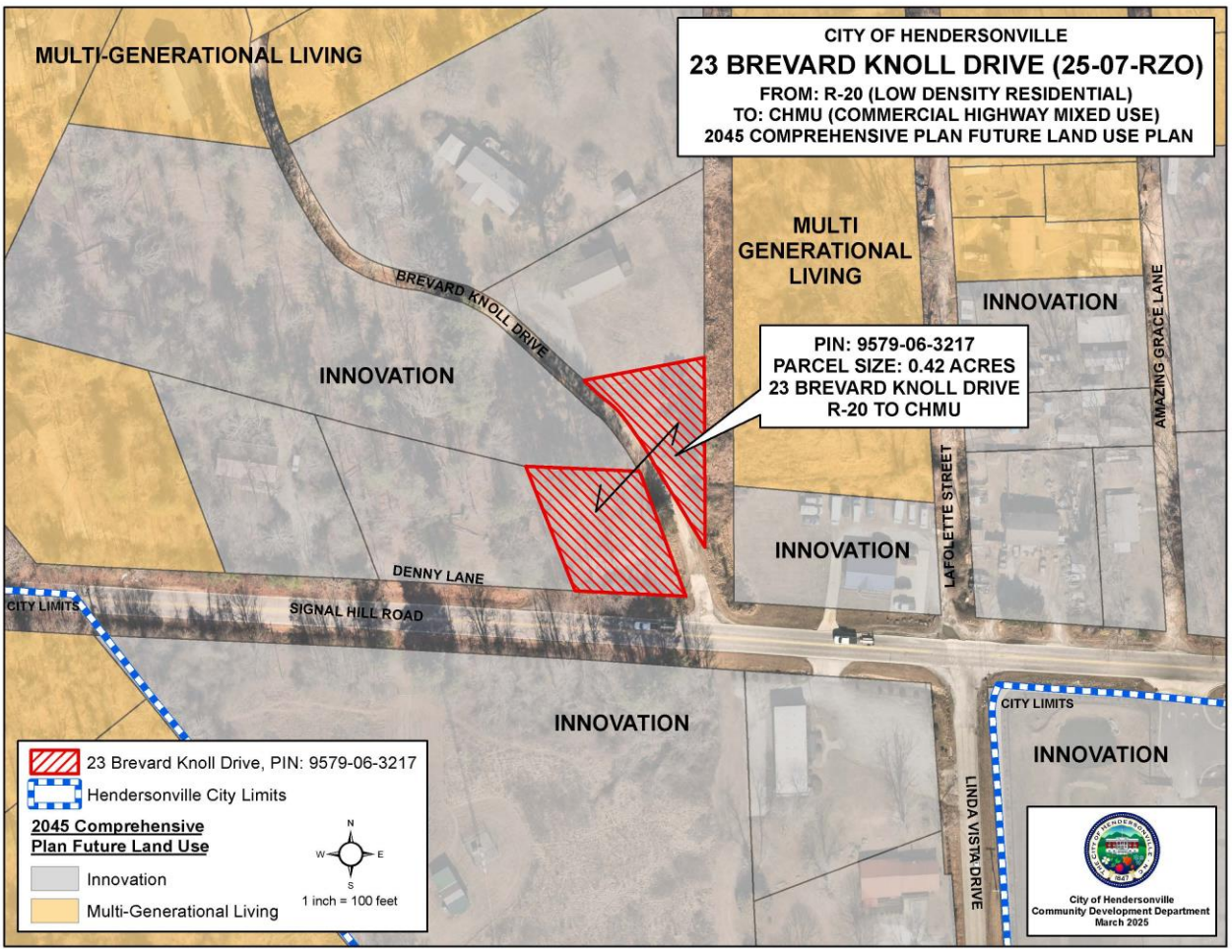



Existing Zoning & Current Land Use Map

*The subject property is currently outside the municipal limits in the City's ETJ and is zoned R-20, Low Density Residential. The property is made up of a vacant 0.43 acre lot that is split by Brevard Knoll Dr The larger, .24 acre portion of the property fronts along Signal Hill Rd while the remainder of the parcel is set back from Signal Hil and across Brevard Knoll Dr. The remainder of the parcels on Brevard Knoll Dr and along Signal Hill Rd extending down to Clear Creek Rd are zoned R-20. In late 2024, City Council approved the introduction of C-2 in this area on a neighboring parcel to the east fronting Signal Hill Rd.*

*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 southeast, west and south are also designated Innovation. To the northeast, 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**<br>The subject property is located on an ***Underutilized*** property in the Land Supply Map. It is ranked as next to ***Least Suitability*** for Commercial uses and Industrial uses. It is ***Moderately Suitable*** for Residential uses.<br>The subject property is located in an area designated as "***Moderate***" for Development Intensity.<br>The subject property is not located in one the 5 Focus Areas.<br>The subject property is located in a Focused Intensity Node.<br>**FUTURE LAND USE & CONSERVATION MAP**<br>**Character Area Designation:** Innovation<br>**Character Area Description:** Consistent<br>**Zoning Crosswalk:** Consistent<br>**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**<br>*[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]*<br>**EXISTING CONDITIONS**<br>The subject property is a .043 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.<br>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. 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.<br>**GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV)<br>**Vibrant Neighborhoods**: Consistent<br>**Abundant Housing Choices**: Consistent<br>**Healthy and Accessible Natural Environment**: Consistent<br>**Authentic Community Character**: Consistent<br>**Safe Streets and Trails**: Consistent<br>**Reliable & Accessible Utility Services**: Inconsistent<br>**Satisfying Work Opportunities**: Consistent<br>**Welcoming & Inclusive Community**: Consistent<br>**Accessible & Available Community Uses and Services**: |

| | |
|---|---|
| | Consistent<br>**Resilient Community**: N/A |
| | **GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES** (Chapter IV)<br>**Mix of Uses:** Inconsistent<br>**Compact Development:** Inconsistent<br>**Sense of Place:** Inconsistent<br>**Conserved & Integrated Open Spaces:** Inconsistent<br>**Desirable & Affordable Housing**: Inconsistent<br>**Connectivity**: Inconsistent<br>**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 -** |
| | An adjoining property was recently rezoned from RCT to C-2. Another adjoining property recently submitted an application for the development of a 50-unit single-family attached residential project.<br>Two commercial uses were recently constructed on the Signal Hill Rd corridor. 1) Signal Hill Storage was constructed cattycorner across the street from the subject property and 2) First Aid Collision body shop was recently constructed about ½ mile from the subject property.<br>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. This project is not funded. |
| 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 CHMU 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 some existing trees but no significantly environmentally-sensitive areas within the area proposed for rezoning. To the east 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 to be Consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description
2) Compatibility –CHMU Zoning is found to be compatible with the surrounding land uses.
3) Changed Conditions - Staff finds that the changed conditions relate to the recent rezoning on Signal Hill Rd, increased commercial activity along the Signal Hill Rd corridor and future transportation improvements.
4) Public Interest - Staff finds that while new economic activity could be introduced by CHMU 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 CHMU 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]*

- *CHMU Zoning would allow for greater economic use of the subject property given the wide range of permitted uses*
- *CHMU Zoning along this corridor could lead to additional opportunities for needed housing in close proximity to Commercial uses.*
- *CHMU Zoning ensure some level of compatibility through application of Design Standards.*

*DRAFT [Rational for Denial]*

- *CHMU Zoning is found to be incompatible with the surrounding land uses*
- *CHMU 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 | |
|---|---|
| **R-20 Low Density Residential (Current)**<br>*Green = Same in both districts*<br>*Red = Different from proposed district*<br>*Orange = Caveat on use* | **CHMU Commercial Highway MU (Proposed)**<br>*Green = Same in both districts*<br>*Red = Different from proposed district*<br>*Orange = Caveat on use* |
| **Permitted Uses:**<br>• Accessory dwelling units, subject to supplementary standards contained in section 16-4, below<br>• Accessory structures<br>• 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<br>• Camps<br>• 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<br>• Home occupations<br>• Parks<br>• Planned residential developments (minor), subject to the requirements of article VII, below<br>• Religious institutions containing no more than 50,000 square feet of gross floor area<br>• Residential dwellings, single-family<br>• Residential dwellings, two-family<br>• Signs, subject to the provisions of article XIII<br>• Telecommunications antennas, subject to supplementary standards contained in section 16-4, below.<br><br>**Special Uses:**<br>• Bed & breakfast facilities<br>• Cemeteries<br>• Public utility facilities<br>• Schools, primary and secondary containing no more than 50,000 sq ft in gfa | **Permitted Uses:**<br>• Accessory dwelling units subject to supplementary standards contained in section 16-4, below<br>• Accessory uses and structures<br>• Adult care centers registered with the NC Department of Health and Human Services (DHSS)<br>• Adult Care homes<br>• Animal hospitals and clinics so long as the use contains no outdoor kennels<br>• Automobile car washes<br>• Automobile sales & service establishments<br>• Banks and other financial institutions<br>• Business services<br>• Camps<br>• Child care centers, subject to supplementary standards contained in section 16-4, below<br>• Child care homes<br>• Civic clubs & fraternal organizations, subject to supplementary standards contained in section 16-4<br>• Congregate care facilities, subject to supplementary standards contained in section 16-4, below<br>• Construction trades facilities so long as the storage of equipment and materials is screened from view from public rights-of-way<br>• Convenience stores with or without gasoline sales<br>• Cultural arts buildings<br>• Dance and fitness facilities<br>• Day care facilities<br>• Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area<br>• Equipment rental & sales<br>• Funeral homes |

| | |
|---|---|
| | • Greenhouses and nurseries, commercial<br>• Health Clubs & athletic facilities<br>• Home occupations<br>• Hotels and motels<br>• Laundries, coin-operated<br>• Lawn & garden centers<br>• Manufacturing, light<br>• Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below<br>• Music and art studios<br>• Neighborhood community centers<br>• Newspaper offices and printing establishments<br>• Nursing homes subject to supplementary standards contained in section 16-4, below<br>• Offices, business, professional and public<br>• Parking lots and parking garages<br>• Parks<br>• Personal services<br>• Private clubs<br>• Progressive care facilities subject to supplementary standards contained in section 16-4, below<br>• Public and semi-public buildings<br>• Recreational facilities, indoors<br>• Recreational facilities, outdoors, commercial<br>• Religious institutions<br>• Repair services, miscellaneous<br>• Research & development with no outdoor storage and operations<br>• Residential care facilities<br>• Residential dwellings, single-family<br>• Residential dwellings, two-family<br>• Residential dwellings, multi-family<br>• Restaurants<br>• Restaurants, drive-in<br>• Retail stores (not including manufactured housing, boat & heavy equipment sales)<br>• Schools, post-secondary, business, technical and vocational<br>• Schools, primary and secondary<br>• Service stations |

| | |
|---|---|
| | • Signs, subject to the provisions of article XIII<br>• Small scale manufacturing, subject to the supplementary standards contained in section 16-4, below<br>• Telecommunications antennas, subject to supplementary standards contained in section 16-4, below<br>• Theaters, indoor<br>**Special Uses:**<br>• Bus stations<br>• Public utility facilities |
| **DIMENSIONAL STANDARDS** | |
| **R-20 Low Density Residential (Current)**<br>*Green = Same in both districts*<br>*Red = Different from proposed district*<br>*Orange = Caveat on standard* | **CHMU Commercial Highway MU (Proposed)**<br>*Green = Same in both districts*<br>*Red = Different from proposed district*<br>*Orange = Caveat on standard* |
| **Dimensional Requirements:**<br>Minimum Lot Area in Square Feet: 20,000<br><br>Lot Area per Dwelling Unit in Square Feet: 10,000<br><br>Minimum Lot Width at Building Line in Feet: 100<br><br>Minimum Yard Requirements in Feet:<br><br>Principal Structure:<br>Front: 35<br>Side: 15<br>Rear: 20<br><br>Maximum Height in Feet: 35 | Dimensional Requirements:<br>Minimum Lot Area in Square Feet: 0<br><br>Lot Area per Dwelling Unit in Square Feet: 0;<br><br>Minimum Lot Width at Building Line in Feet: 0<br><br>Minimum Yard Requirements in Feet (varies based on building type):<br>Principal Structure:<br>Front: 15 / 8 / 10 / 10<br>Side: 20% / 0 / 15+ / 15+<br>Rear: 10 / 15/ 15+ / 15+<br><br>Maximum Height in Feet: 50 / 3 Stories / 4 stories<br><br>Max Density: 12/DU per Acre w/ 60% OS |

| 23 Brevard Knoll Dr - R-20 to CHMU \| 25-07-RZO | | |
|---|---|---|
| **Chapter 4 - The Vision for the Future** | **Consistent** | **Inconsistent** |
| **SUPPLY, SUITABILITY, & INTENSITY** | | |
| **LAND SUPPLY MAP (Pg. 81, Figure 4.4)** | Underdeveloped | |
| **LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)** | | Least Suitable |
| **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)** | **Innovation** | |
| Character Area Description (Pg. 122-131) | Consistent | |
| Zoning Crosswalk (Pg. 132-133, Figure 4.18) | Consistent | |
| **Focus Area Map (Pg. 134-159)** | N/A | |

| 23 Brevard Knoll Dr - R-20 to CHMU \| 25-07-RZO | | |
|---|---|---|
| **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. | Consistent | |
| **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. | 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 |

| | | |
|---|---|---|
| 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. | 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. | Consistent | |
| **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 | | 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 9579-06-3217) BY CHANGING THE ZONING DESIGNATION FROM R-20, LOW DENSITY RESIDENTIAL TO CHMU, COMMERCIAL HIGHWAY MIXED USE**

IN RE: Parcel Numbers: 9579-06-3217
23 Brevard Knoll (Cowan) | File # 25-07-RZO

**WHEREAS,** the Planning Board took up this application at its regular meeting on March 13, 2025; voting ___ 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 May 1, 2025, 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 May 1, 2025,

**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: 9579-06-3217, by changing the zoning designation from R-20, Low Density Residential to CHMU, Commercial Highway Mixed Use

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 1st day of May 2025.

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

_____
Jill Murray, City Clerk

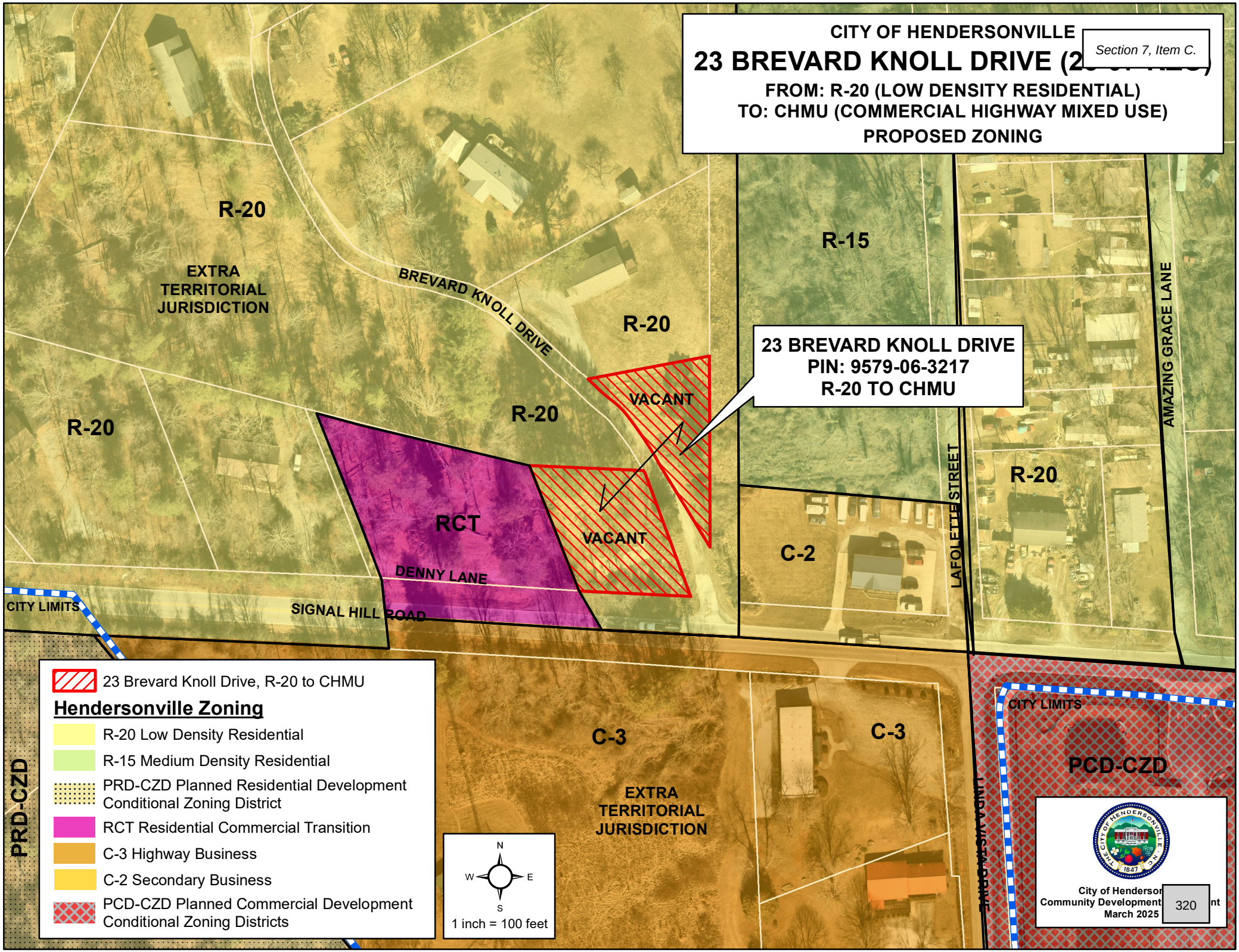
Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

# 23 BREVARD KNOLL DRIVE (2[illegible])

FROM: R-20 (LOW DENSITY RESIDENTIAL)
TO: CHMU (COMMERCIAL HIGHWAY MIXED USE)
PROPOSED ZONING



**Entry #:** 15 - 1/9/2025 **Status:** Submitted **Submitted:** 1/9/2025 6:33 PM

**Date:**
1/9/2025

**Address/Location of Property:**
23 Brevard Knoll Drive

**Current Zoning:**
R20

**Proposed Zoning:**
C2

List the adjacent property parcel numbers and uses.

**PIN or PID #**
9579064126

**Adjacent Property Use:**
RCT

**PIN or PID #**
9579060189

**Adjacent Property Use:**
RCT

**PIN or PID #**
9569969347

**Adjacent Property Use:**
R20

**PIN or PID #**
9579063404

**Adjacent Property Use:**
R20

**Applicant Name:**
LaMott Cowan

**Address**
213 Heathcote Road, Hendersonville, North Carolina 28791

**Phone**
(919) 522-3036

**Email**
account@lsmarine.net

**Property Owner Name:**
LaMott Cowan

**Address**
23 Brevard Knoll Drive, Hendersonville, North Carolina 28792

**PIN or PID #**

9579063217

**Signature**

LaMott Cowan

**Printed Name:**

LaMott Cowan

**Official Use Only:**

**Date Recieved:**

**Received By:**

**Fee Received:**

**Section 11-4 Standards:** The advisability of amending the text of thei 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 proposed rezoning from R20 to C2 is in full alignment with the City's Comprehensive Plan. The designated area is specifically identified as an "innovation" zone, with C2 zoning as the intended zoning category to facilitate industrial and commercial development. This aligns with the plan's vision for this area to serve as a hub for economic growth and job creation.

**b) Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with exisiting and proposed uses surrounding the subject property.**

The surrounding area already features a mix of industrial and commercial uses, including warehouses, light manufacturing, and retail businesses. The proposed C2 zoning for our property will maintain compatibility with the existing character of the neighborhood. Moreover, the warehouse and equipment parking proposed will minimize any potential negative impacts on surrounding properties.

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

While the current zoning is R20, the City's Comprehensive Plan has clearly designated this area for C2 zoning, recognizing the changed conditions and the need to accommodate industrial and commercial development. This rezoning would reflect the city's long-term vision for this area and its economic potential.

**d) Public Interest. Whether and the extent to which the proposed amendment would result in a logical ar development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.**

While the proposed rezoning may not directly result in job creation through traditional employment, it will still serve the public interest in several ways:

Facilitates Property Owner's Economic Activity:

*The rezoning allows the property owner to utilize their property for a legitimate business purpose, generating income and contributing to the local economy.

*Preserves and Protects Assets: The warehouse will be used for the storage and parking of essential equipment, ensuring its protection and availability for future use. This benefits both the property owner and potentially their clients or customers who rely on these assets.

*Promotes Orderly Development: The proposed use is compatible with the surrounding area and aligns with the city's vision for the designated zone, contributing to a well-planned and organized community.

**e) Public facilities. Whether and to the extent 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 property is located within reach of adequate public facilities such as water supply, wastewater treatment, fire and police protection, and transportation infrastructure. These facilities are capable of supporting the proposed C2 zoning and the associated development.

**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, stormwater managment, streams, vegetation, wetlands and wildlife.**

The proposed development will be designed with a strong emphasis on environmental sustainability. We will implement measures to minimize any potential adverse impacts on the natural environment, including:
* Stormwater management systems to control runoff and protect water quality.
* Landscaping and green space to mitigate noise and air pollution.
* Energy-efficient building practices to reduce the environmental footprint.
* Un-Occupied Warehouse which will limit noise concerns.

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY
# PLANNING DIVISION

| | | | |
|---|---|---|---|
| **SUBMITTER:** | Matthew Manley | **MEETING DATE:** | May 1, 2025 |
| **AGENDA SECTION:** | Public Hearing | **DEPARTMENT:** | Community Development |

**TITLE OF ITEM:** Zoning Text Amendment: Reforms for Housing (25-01-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 IV. Establishment of Zoning Districts, Article V. Zoning District Classifications, Article VI. General Provisions, Article VIII. Exceptions & Modifications, Article XII. Definition of Terms, and Article XVI. Supplementary Standards, as presented by staff, 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. The proposed amendment creates an opportunity to address the need for additional, dispersed, "attainable" infill housing.
2. The proposed amendment allows for property owners to better utilize their property and earn additional revenue
3. The proposed amendment will incentive the construction of smaller, more affordable dwellings ("starter homes").

**[DISCUSS & VOTE]**

**For Recommending Denial:**

I move City Council **deny** an ordinance amending the official City of Hendersonville Zoning Ordinance: Article IV. Establishment of Zoning Districts, Article V. Zoning District Classifications, Article VI. General Provisions, Article VIII. Exceptions & Modifications, Article XII. Definition of Terms, and Article XVI. Supplementary Standards, as presented by staff, 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. The proposed amendment is incompatible with existing residential districts
2. The proposed amendment will create traffic congestion
3. The proposed amendment will result in substantial loss of privacy

**[DISCUSS & VOTE]**

***SUMMARY:*** *The City of Hendersonville has initiated an amendment to the City's Zoning Ordinance to make changes that would allow for the greater utilization of land for housing and improved clarity.*

*The proposed changes address a range of issues that will relax standards, create additional flexibility and establish new opportunities for needed infill housing. These proposed changes include: reductions in dimensional standards (minimum lot widths, setbacks, and minimum lot size for two-family dwellings) across the city's base residential and commercial zoning districts, scaling setbacks for corner lots, providing clarity with new and revised definitions, and incorporation of new permitted uses.*

*The more impactful revisions include those to the Planned Residential Development (PRD) Conditional Zoning District which are designed to tailor PRD to single-family / two-family/three-family / four-family developments as opposed to large apartment developments. These changes also translate to greater flexibility for minor PRDs for infill projects. Additionally, there is a proposal to allow units that are under 1,200 Sq FT to count as .5 units in density calculations. This change aims to create more affordable housing options by removing disincentivizes that restrict the construction of smaller sized units. Lastly, changes in the size allowances for ADUs will allow for slightly larger units in some cases.*

*The Planning Board voted unanimously to recommend adoption of the text updates.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | 25-01-ZTA |
| **PETITIONER NAME:** | City of Hendersonville |
| **ATTACHMENTS:** | 1. Staff Report<br>2. Comprehensive Plan Consistency & Criteria Evaluation<br>3. Draft Ordinance |

# ZONING TEXT AMENDMENT: ZONING REFORMS FOR HOUSING (25-01-ZTA)
# CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Zoning Reforms for Housing
  - 25-01-ZTA

- Applicant:
  - City of Hendersonville

- Articles Amended:
  - Zoning Ordinance
    - Article IV
    - Article V
    - Article VI
    - Article VIII
    - Article XII
    - Article XVI

- Zoning Districts Impacted:
  - R-40/R-20/R-15/R-10/R-6
  - C-2/C-3/C-4
  - MIC
  - PRD

- Future Land Use Designations:
  - Rural Residential
  - Family Neighborhood Living
  - Multi-Generational Living

***Summary***

*The City of Hendersonville has initiated an amendment to the City's Zoning Ordinance to make changes that would allow for the greater utilization of land for housing and improved clarity.*

*The proposed changes address a range of issues that will relax standards, create additional flexibility and establish new opportunities for needed infill housing. These proposed changes include: reductions in dimensional standards (minimum lot widths, setbacks, and minimum lot size for two-family dwellings) across the city's base residential and commercial zoning districts, scaling setbacks for corner lots, providing clarity with new and revised definitions, and incorporation of new permitted uses.*

*The more impactful revisions include those to the Planned Residential Development (PRD) Conditional Zoning District which are designed to tailor PRD to single-family / two-family/three-family / four-family developments as opposed to large apartment developments. These changes also translate to greater flexibility for minor PRDs. Additionally, there is a proposal to allow units that are under 1,200 Sq FT to count as .5 units in density calculations. This change aims to create more affordable housing options by removing disincentivizes that restrict the construction of smaller sized units. Lastly, changes in the size allowances for ADUs will allow for slightly larger units in some cases.*

Introduction - For the purposes of this staff report, references to "Affordable Housing" are made in regards to the larger crisis of the lack of housing stock that is available at a cost totaling 30% of a Household Income or less and specifically for those making 120% of the Area Median Income (AMI) or less. References to "attainable housing" are made in regards to market rate solutions for the provision of dwelling units that may be made available to those that do not income qualify for subsidized housing but are still in need of housing at lower price points than the median home price in the area.

In response to the affordable housing crisis in Hendersonville and across Western North Carolina, and indeed across many portions of our country, elected officials, planners and developers have been attempting to innovate and reform Zoning codes to allow for increased housing supply. In theory, increased housing supply will offset demand and lead to price stabilization or even reductions in housing costs. The proposed text amendments put forth by staff are intended to do just that. Staff considers these changes to be Phase I of the housing reforms that are needed. Furthermore, staff would qualify these provisions as the "low hanging fruit" in the sense that these revisions are not overly complex and represent moderate adjustments that have been needed for some time.

The following sections of the amendment are broken into components so that simpler changes can be on a different track than more complex changes should there be a need to spend more time refining the complex proposals.

**Phase I**

Dimensional Standards - A primary focus of these revisions is to adjust dimensional requirements for all of the city's residential districts and all of the commercial districts (except C-1). These adjustments reduce the minimum setbacks and lot widths, providing greater flexibility for the creation of new lots and for new construction. They also eliminate the need for additional lot size for two-family dwellings.

Corner Lots - Additional amendments include revisions to the setbacks applied to Corner Lots. The proposed language allows for the setback to scale up or scale down based on the zoning district as opposed to having a set number for all zoning districts.

Definitions - The proposal goes on to clarify and add definitions. Clarifications are made to the definitions for ADUs, Two-Family Residential Dwellings and Small-Scale Multi-Family to assist in the application of these uses. New definitions are proposed for Four-Family and Three-Family residential dwellings in order to define and encourage these missing middle housing types. These new uses are proposed to be added to PRD. A new definition is proposed for Double Frontage Lots as well. This is intended to help code users define one side of the lot as the front so that the other sides can be established for the side and rear for the application of setbacks. Lastly, provisions for exceptions to setbacks on the side and rear is proposed to be extended to front setbacks as well in order to incentive front porches and deep eaves which reflect traditional forms of residential architecture.

Permitted Uses - In addition to dimensional adjustments in the residential and commercial districts, the text amendment also addresses uses. The first use change is for Small-Scale Multi-Family to be added to the C-4 Neighborhood Commercial Zoning District. This will allow an uptick in density in areas that are neighborhood hubs and transition zones.

Specifying that only single-family and two-family residential uses are permitted I-1 Industrial Zoning District – As currently written, the list of permitted uses in I-1 simply states "residential dwellings" – leaving it open to interpretation. At this time staff believes that separating multi-family from industrial uses is advisable. However, to make way for possible adaptive reuse of former industrial buildings, multi-family has been added as an adaptive reuse under I-1 CZD.

**Phase 2**

Planned Residential Development Standards - PRD is proposed to be modified with a series of simplifications and adjustments that would allow for greater flexibility while incentivizing smaller, attainable units. The first change is the removal of Multi-Family Residential from the Planned Residential Development (PRD) – Despite how it may appear, this change is not to target a reduction in density in PRD but rather to streamline the options available for different types of residential developments in the City. With this change, PRD would become a tool for single-family and small-scale multi-family development while Urban Residential would become the City's primary multi-family Conditional Zoning District (while also allowing a mix of housing types). Like PRD, Urban Residential is not a geographically specific district (i.e. Greenville Highway Mixed Use Zoning District) and can be applied in various locations with the approval of a CZD. Other changes to PRD uses include the addition of Accessory Dwelling Units (ADUs), Tri-plexes, Quad-plexes and some neighborhood-scale commercial uses. These additions are intended to allow PRD to reflect the Multi-Generational Living character area description from the Gen H Comprehensive Plan.

With these proposed changes in place, the "Density Bonus" section is proposed to be removed as well. This leaves the base density at 10 units/acre and does not allow a bonus up to 18 units/acre. Keep in mind that units 1,200 Sq Ft or less are proposed to be counted as ½ unit.

PRD revisions also include adjusting the requirements for Max. Footprint and Open Space. With a shift away from multi-family and the elimination of the density bonus, the 60% Open Space requirement was set to become the principal regulation dictating land use within a PRD development. Staff is suggesting a more balanced approach which would increase the footprint allowance and reduce the open space allowance while reserving the additional space for vehicular uses areas. This allows the permitted uses (1-4 family units max), the density allotment (10 u/a max) and incentives for units with smaller footprints (>1200 SF = .5 unit) to be coupled with other standards, such as Tree Canopy preservation and landscape plantings, to drive the distribution of land use within a development. If the standard were to stay at 60% Open Space, then staff believes the proposed density would need to be increased.

To further simplify the PRD section, the setback standards were converted to a table form. The most significant change to setbacks was to eliminate the 30' setback from all perimeter property lines. This allows for greater flexibility – especially when used in

conjunction with the Minor Planned Residential Development.

The other significant changes to PRD include:

1) Ensuring that the language around vehicular circulation aligns with the standards in other portions of the zoning code and with the Gen H Comprehensive Plan – reflecting goals related to walkability, bikeability and interconnectivity.

2) Eliminating the Building Height Bonus since multi-family uses were removed,

3) Removing sections with duplicative standards for parking and buffer requirements since these standards are found in Chapters 6 and 15 respectively,

4) Adjusting the density standards for Minor PRDs. These adjustments were based on taking the minimum lot size for each zoning district (square feet) and converting it to a units/acre (ex. R-40 | 40,000 Sq Ft per unit = 1 unit/acre) and then add 1 to come up with the standard for each district (ex. R-40 | 1 unit/acre + 1 = 2 units/acre Minor PRD Density). Furthermore, the density allotment would be doubled for units that are 1,200 Sq Ft or less.

ADUs - The Supplementary Standards for Accessory Dwelling Units has been modified to allow the size of the structure to scale up or scale down depending on the size of the principal dwelling (with some minimum allowances guaranteed for properties with smaller scale principal structures).

Density for Small Units – Staff is proposing that a general standard be set that smaller sized units do not count the same as larger units when it comes to density limitations.

## LEGISLATIVE COMMITTEE RECOMMENDATION

The proposed amendment was reviewed by the Legislative Committee at their meeting on January 21st. The Legislative Committee provided feedback to Planning Staff which resulted in various clarifications. Some considerations of material modifications were discussed but in general the proposal was supported as presented.

## PROPOSED TEXT REVISIONS

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

## PROPOSALS TO INCREASE FLEXIBILITY

### R-40 |5-1-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 40,000 |
| Lot area per dwelling unit in square feet: | 40,000 |
| Minimum lot width at building line in feet: | ~~150~~ 125 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~40~~ 20, Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet. |
| | Side: ~~25~~ 10 |
| | Rear: ~~35~~ 25 |
| Accessory structures | Front: 40 |
| | Side: 10 |
| | Rear: 10 |
| Maximum height in feet: | 35 |

### R-20 | 5-2-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 20,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~20,000 for the first; 10,000 for the second unit for a two family dwelling.~~ |
| Minimum lot width at building line in feet: | ~~100~~ 80 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~35~~ 15. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet. |
| | Side: ~~15~~ 10 |
| | Rear: 20 |
| Accessory structures | Front: To side or rear of principal structure |
| | Side: ~~10~~ 5 |
| | Rear: ~~10~~ 5 |
| Maximum height in feet: | 35 |

## R-15 | 5-3-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 15,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~15,000 for the first; 7,500 for one additional dwelling unit in one building.~~ |
| Minimum lot width at building line in feet: | ~~85~~ 70 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~30~~ 15. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet |
| | Side: ~~10~~ 8 |
| | Rear: 15 |
| Accessory structures | Front: ~~30~~ To side or rear of principal structure |
| | Side: 5 |
| | Rear: 5 |
| Maximum height in feet: | 35 |

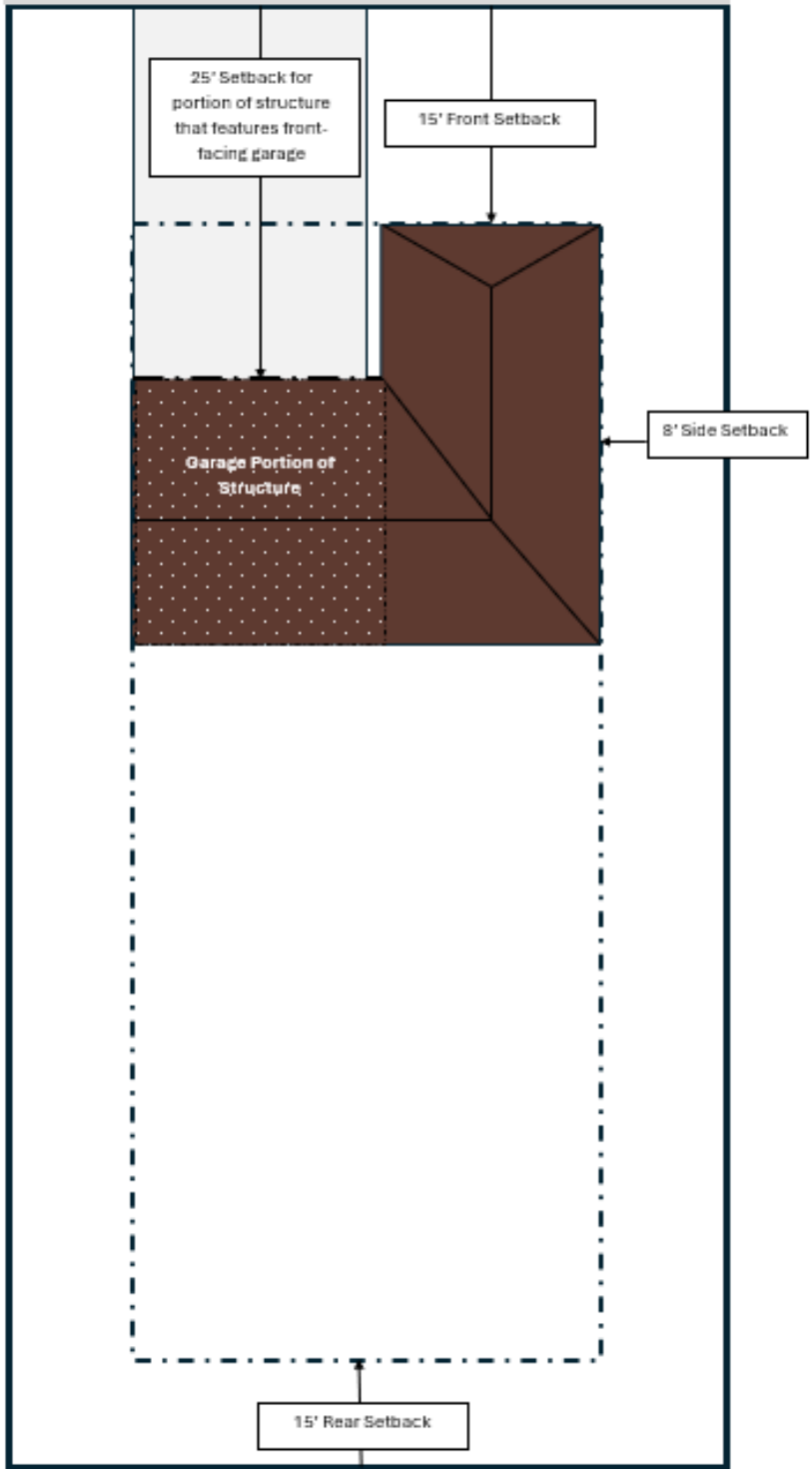
## R-10 | 5-4-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 10,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~10,000 for the first; 5,000 or one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | ~~75~~ 55 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~25~~ 10. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet. |
| | Side: ~~10~~ 5 |
| | Rear: ~~10~~ 15 |
| Accessory structures | Front: ~~25~~ Located to side or rear of principal structure |
| | Side: 5 |
| | Rear: 5 |
| Maximum height in feet: | 35 |

## R-6 | 5-5-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 6,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~6,000 for the first; 4,000 for one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | ~~50~~ 45 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~20~~ 8. Any portion of a building envelope featuring a front-facing garage shall be setback a minimum of 25 feet. |
| | Side: ~~8~~ 5 |
| | Rear: 10 |
| Accessory structures | Front: ~~20~~ Located to side or rear of principal structure |
| | Side: 5 |
| | Rear: 5 |
| Maximum height in feet: | 35 |

*Illustration of Application of Setbacks in Base Residential Districts – Example R-15*



## C-2 | 5-7-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 8,000 (6,000 for residential use). |
| ~~Lot area per dwelling unit in square feet:~~ | ~~6,000 for the first dwelling unit; 4,000 square feet for one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | None except for structures containing dwelling units which shall have a minimum lot width at building line of 50 feet. |
| Minimum yard requirements in feet: | Front: 15 ~~except for structures containing dwelling units which shall have a minimum front yard of 20 feet.~~<br>Side: 5 (Side yards are not required, but when provided must be a minimum of five feet. Common wall construction is permitted in the C-2 Zoning District Classification. On all corner lots, a ten-foot side yard setback is required.)<br>Rear: None except for structures containing dwelling units which shall have a minimum setback of ten feet. Otherwise, rear yards are not required unless the C-2 Zoning District Classification abuts an established residential district. In this case, the rear yard setback requirement shall be a minimum of ten feet. |
| Maximum height in feet: | 48 |

## C-3 | 5-8-3. Dimensional requirements.

| | |
|---|---|
| **For lots containing only residential uses** | |
| Minimum lot area in square feet: | 6,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~6,000 for the first; 4,000 square feet for one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | 50 |
| Minimum yard requirements in feet: | Front: 20 |
| | Side: 8 |
| | Rear: 10 |
| Maximum height in feet: | 35 |
| **For lots containing other uses** | |
| Minimum lot area in square feet: | 10,000 |
| Lot area per dwelling unit in square feet: | N/A |
| Minimum lot width at building line in feet: | 80 |

| | |
|---|---|
| Minimum yard requirements in feet: | Front: 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.) |
| | Side: 15 |
| | Rear: 20 |
| Maximum height in feet: | 48 |

## C-4 |5-9-1. Permitted uses.

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

Accessory dwelling units subject to supplementary standards contained in section 16-4, below

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Residential dwellings, small-scale multi-family subject to supplementary standards contained in section 16-4, below

Planned residential developments (minor), subject to the requirements of article VII, below

### 5-9-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | ~~40,000~~ 8,000 |
| Lot area per dwelling unit in square feet: | N/A |
| Minimum lot width at building line in feet: | None |
| Minimum yard requirements in feet: | Front: ~~40 (Front yard requirements may be reduced to 15 feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)~~ 10 |
| | Side: 15 |
| | Rear: 20 |
| Maximum height in feet: | 35 |

## MIC | 5-10-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | ~~8,000~~ 6,000 |
| Minimum lot width at building line in feet: | ~~50~~ 45 |
| Minimum yard requirements in feet: | Front: ~~10~~ 8 |
| | Side: ~~20~~ 15 total for lot; may be allocated amongst all sides with a minimum of 5~~;~~ on any side |
| | Rear: ~~20~~ 10 |
| Accessory structure minimum setbacks | Front: Shall be located to the side or rear of principal structure |
| | Side and rear: 5 |
| Maximum height in feet: | 50 |

## I-1 | 5-12. Industrial Zoning District Classification

This zoning district classification is established for those areas of the city where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

### 5-12-1. Permitted uses.

5-12-1(a) Permitted uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in section 4-5(e)(2) of this ordinance, provided that they meet all requirements of this section and all other requirements established in this ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

~~Residential dwellings~~

~~Planned residential developments (minor), subject to the requirements of article VII, below~~

### 5-12-4. I-1 CZD Industrial Conditional Zoning District Classification.

The purpose, requirements and standards of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification upon rezoning to I-1CZD, regardless of the square footage or number of residential units for the use:

Adaptive Reuse for multi-family residential units subject to supplementary standards in Section 16-4-2

Day centers

Shelter facilities

Permitted uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-1, above

Special uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-2, above

## ARTICLE VI. – GENERAL PROVISIONS

### 6-1-7 Corner lots.

In any residential district, the side yard requirements for corner lots along the side street shall be increased ~~by ten feet~~.150% (1.5x) the required side yard setback for the zoning district in which the property is located. Accessory buildings shall observe all setback requirements. A property not at the intersection of two publicly-maintained rights-of-way shall not be considered a corner lot for the purposes of this section.

## ARTICLE VIII. EXCEPTIONS & MODIFICATIONS

### Sec. 8-1. ~~Minimum required front yard for dwellings.~~ Exceptions to minimum setback regulations

**8-1-1. – Exception to front yard setbacks.** The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within ~~100~~ 350 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, front yard on such lot may be less than the required front yard, but not less than the average of the front yards of the aforementioned existing buildings.

**8-1-~~1~~2 Exceptions to other setback regulations.** The following features shall not be subject to the required minimum setbacks:

Bridges

Doghouses

Driveways, walks and parking areas

Fences and walls not exceeding nine feet in height

Landscape features such as entrance piers, columns, gates, planters and gardens

Mobile food vendors

Playhouses, not exceeding 64 square feet in floor area

Required building entry ramps

Retaining walls

Stormwater management facilities such as head walls and culverts

The outermost five feet of any porches, steps, eaves, gutters and similar fixtures on the front of a structure

The outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures on the side and/or rear of a structure

## ARTICLE XII. - DEFINITION OF TERMS

**Accessory dwelling unit:** A separate and complete dwelling unit which is subordinate to and contained on the same lot as ~~the structure of a single-family dwelling or business.~~ a

principal structure.

**Dwelling, four-family:** A type of multi-family building arranged to be occupied by four families living independently of each other, the structure having four dwelling units. Commonly referred to as a quad-plex.

~~**Dwelling, s**~~**Small-scale multi-family**: A building or a group of detached buildings on a single lot with three to eight ~~or fewer~~ dwelling units designed and arranged to be occupied by multiple families living independently of each other.

**Dwelling, three-family:** A type of multi-family building arranged to be occupied by three families living independently of each other, the structure having three dwelling units. Commonly referred to as a tri-plex.

**Dwelling, two-family:** A building arranged to be occupied by two families living independently of each other, the structure having two dwelling units. Commonly referred to as a duplex.

**Yard, front:** An open, unoccupied space on the same lot with a principal building (excluding the outermost five feet of any porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side lines of the lot.

**Yard, rear:** An open, unoccupied space on the same lot with the principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the rear line of the lot and the rear line of the building to the side lines of the lot.

**Yard, side:** An open, unoccupied space on the same lot with a principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Lot, Double Frontage:** A lot with frontages on more than one non-intersecting street or a corner lot having frontage on more than two streets. The architectural front of a structure, the front orientation of a structure and/or the presence of primary access shall determine the front lot line for the purposes of applying dimensional requirements. Lots which cannot be accessed by one of the two adjoining streets, due to topography or street classification, shall not be considered double frontage lots. For the purposes of this definition, lots located on alleys shall not be considered double frontage lots.

## ARTICLE XVI. – SUPPLEMENTARY STANDARDS

### 16-4-31 Residential dwellings, small-scale multi-family.

a) For the purposes of these standards, small-scale multi-family shall include all developments not subject to the N.C. Residential Code for One- and Two-Family Dwellings including triplexes, quadplexes, and other small apartment buildings. ~~The~~ Any of the architectural design standards below may be implemented voluntarily for single-family attached (townhomes) and multiple detached units on a single parcel (detached multi-family) constructed subject to N.C. Residential Code for One- and Two-Family Dwellings.

# MORE SUBSTANTIVE PROPOSALS

## ARTICLE VI. – GENERAL PROVISIONS

### 6-1-2 - Height and density.

a) No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this ordinance for the district in which it is located except as may be approved as a condition to a conditional zoning district. Residential units under 1,200 square feet in gross floor area shall count as one-half unit (0.5 units) for the purposes of calculating density allotments in all zoning districts with density standards. Residential units under 1,200 square feet shall be counted as whole numbers for the purposes of applying other aspects of the zoning code such as determining level of review, applying minimum parking requirements, etc.

## ARTICLE XVI. – SUPPLEMENTARY STANDARDS

### 16-4-1 Accessory dwelling units.

a) Accessory dwelling units may only be situated on a lot on which a principal ~~residential dwelling unit~~ structure is also situated and shall be clearly incidental or accessory to such principal ~~residential~~ structure.

b) No more than one accessory dwelling unit may be situated on any lot.

c) Accessory dwelling units may not exceed ~~800~~ the square feet of heated floor area as outlined below:

1) all properties with principal structures 1,200 square feet or less are permitted to have an accessory dwelling unit up to a maximum of 100% of the size of the principal structure and

2) all properties with principal structures greater than 1,200 square feet are permitted an accessory dwelling up to a maximum of 1,200 square feet in heated floor area.

Examples. If a principal structure is 900 Sq Ft, the maximum heated floor area of the accessory dwelling unit is 900 Sq Ft. If a principal structure is 2,600 square feet, the maximum heated floor area of the accessory dwelling is 1,200 square feet.

***The following proposals are not in the ordinance for adoption at this time. They are receiving additional consideration from staff and will be brought back to City Council. However, staff did want to take the opportunity to introduce these proposed changes to Planned Developments.***

### Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

This zoning district classification is designed to accommodate planned residential developments with a rezoning to a Planned Residential Development Conditional Zoning District in accordance with article VII herein. Such rezoning to a Planned Residential Conditional Zoning District is required as a prerequisite to any use or development in the PRD Zoning District Classification, and no use shall be permitted except pursuant to such permit. The rezoning shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the rezoning for a planned residential district, city council may impose such additional reasonable and appropriate safeguards upon such approval as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

### 5-14-1. Application.

The reclassification of property to PRD Planned Residential Development Conditional Zoning District shall constitute an amendment of the official zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Such amendment shall be initiated by means of an application for rezoning to a PRD Planned Residential Development Conditional Zoning District. No permit shall be issued for any development within a PRD Planned Residential Development Conditional Zoning District except in accordance with an approved rezoning.

## 5-14-2. Permissible uses subject to rezoning to a Planned Residential Development Conditional Zoning District.

A building or land shall be used only for those purposes specified in the rezoning for the project which may include one or more of the following:

Accessory structures

Accessory dwelling units subject to supplementary standards contained in section 16-4, below

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Adult care homes

Camps

Child care centers subject to supplementary standards contained in section 16-4, below

Child care homes

Congregate care facilities, subject to supplementary standards contained in section 16-4, below

Customary accessory uses

~~Golf courses~~

~~Golf driving ranges and par three golf courses~~

Home occupations

Neighborhood-oriented Personal services consistent with the purposes of this classification, such as barber and beauty shops, medical and dental labs and clinics, opticians and optical services and prosthetics & orthopedics

Neighborhood-oriented Retail stores consistent with the purposes of this classification, such as gift shops, florist shops and pharmacies

Nursing homes, subject to supplementary standards contained in section 16-4, below

Offices located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which they are to be located

Parks

~~Planned residential developments (major)~~

Progressive care facilities, subject to supplementary standards contained in section 16-4, below

Public utility facilities, subject to supplementary standards contained in section 16-4, below

Religious institutions

~~Residential dwellings, multi-family~~

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Neighborhood-oriented Restaurants, consistent with the purposes of this classification (no drive-thrus)

Rest homes, subject to supplementary standards contained in section 16-4, below

Schools, primary, elementary and secondary

Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

Telecommunications towers, subject to supplementary standards contained in section 16-4, below

## 5-14-3. Site requirements.

Planned residential development conditional zoning districts shall have the following site and density requirements:

a) ~~The total land area of the district shall be at least three acres; and~~ Sites shall be located in one of the following Future Land Use designations as illustrated in the City's most recently adopted Comprehensive Plan: Rural Residential, Family Neighborhood Living, Multi-Generational Living.

~~b)~~ ~~Access to the planned residential development shall be by means of a boulevard or thoroughfare (major or minor) designated as such in the comprehensive transportation plan. Alternatively, access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the planned residential development will not result in a significant increase in traffic on any such street.~~ Density authorized for a Planned residential development conditional zoning district shall not exceed the following based on the Future Land Use designation of the site:

i. Rural Residential = 2 units per acre

ii. Family Neighborhood Living = 6 units per acre

iii. Multi-Generational Living = 10 units per acre

## ~~5-14-4. Density.~~

~~The density for a planned residential development shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development. Unless a planned residential development qualifies for a density bonus as provided in subsection 5-14-6, below, the density authorized for the district shall not exceed ten units per acre~~.

## ~~5-14-5. Density bonus.~~

~~A density bonus over and above the maximum density specified in subsection 5-14-4, above, may be approved by city council only upon determining that the proposed planned residential development complies with the general considerations listed in subsection 5-14-5 provisions and standards of this Article as well as the following additional considerations:~~

~~a) The property on which the development is proposed to be situated shall be located in close proximity to within 350 feet of a boulevard or thoroughfare designated as such in the comprehensive transportation plan;~~

~~b) Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the comprehensive transportation plan;~~

~~c) The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service grade of such roadway;~~

~~d) The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;~~

~~e) The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by subsection 6-16-2, below, or one percent of the land area of the development for each dwelling unit per acre proposed.~~

~~Any density authorized by city council pursuant to this section shall not exceed 18 dwelling units per acre~~.

## 5-14-~~6~~4. Development standards.

Unless noted otherwise, the following development standards shall apply to all planned residential developments, whether major or minor. In addition, planned residential developments shall meet all applicable standards contained in article VI, below

**5-14-~~6~~4.1. Open space and footprint requirements.** Planned residential developments shall have a maximum footprint of ~~20~~ 40 percent of the site and shall have, as a minimum, ~~60~~ 40 percent of the site as open space. In addition, planned residential developments shall meet the common open space requirements of section 6-16.

**5-14-~~6~~4.2. Dimensional Standards ~~Setbacks~~.** ~~All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.~~

~~The planning board or c~~ City council~~, as the case may be, shall~~ may require reservations of rights-of-way, as well as increased setbacks, for roads identified in the comprehensive transportation plan, including existing roads to be widened as well as corridors of new roads.

~~All dwellings and their accessory structures shall be located at least ten feet from the edge of the paving for any street or drive and at least five feet from the edge of the paving for any area devoted principally to parking. Carports shall be situated at least ten feet from the edge of the paving for any street or drive and may be physically connected to the principal structure which they serve. In addition, dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street. The approved setback lines shall be shown on the plan of development and on any recorded subdivision plat.~~

~~In addition to the foregoing setback requirements, minimum spacing between buildings shall be provided as per the NC State Building Code Volume V-Fire Prevention.~~

| | |
|---|---|
| Minimum lot area in square feet: | 0 |
| Minimum lot width at building line in feet: | None |
| Minimum yard requirements for Principal Structures in feet measured from edge of paving: | Front: 40, reduced to 10 when parking is situated to the side or rear of the lot and screened from view from public right of way, provided, however, that any portion of a building envelope featuring a front-facing garage shall be setback a minimum of 25 feet from the right-of-way. |
| | Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way |
| | Rear: 20 |
| Maximum height in feet: | 35 |
| Minimum yard requirements for Accessory Structure in feet: | Front: Located to side or rear of principal structure |
| | Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way |
| | Rear: 0 |

**5-14-~~6~~4.3 Subdivision of planned residential developments.** Planned residential development projects may be subdivided provided that arrangements for such subdivision are made at the time of the planned residential development application.

Zero lot lines may be permitted on one or more lot lines of each lot ~~in accordance with these standards:~~

~~a) Any wall constructed on the lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least six feet.~~

~~b) A five-foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.~~

**5-14-~~6~~4.4. Circulation and access.** Internal streets, drives and parking areas shall provide safe and convenient access to dwelling units and recreation facilities, and for service and emergency vehicles. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Planned Residential Development Conditional Zoning development shall be established where possible. 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.

~~Streets shall not be designed to encourage outside traffic to traverse the planned residential development on local streets.~~

~~Sidewalks shall be required along streets adjacent to the planned residential development. Sidewalks shall form a logical, safe, and convenient system for pedestrian access to all dwelling units and appropriate project facilities and shall be required along such streets, drives and parking areas within the planned residential development as is necessary to accomplish this. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.~~

~~Streets intended to serve more than 32 dwelling units as well as those intended to be dedicated as public streets shall meet the design and construction standards of the NCDOT. All other streets and drives need not comply with NCDOT's pavement width and road right-of-way standards, but they shall comply with its pavement structure requirements. All dead-end streets and drives shall terminate in a cul-de-sac or other adequate means of reversing vehicular direction. It shall be the~~

~~responsibility of the developer to submit to the director of public works core samples taken by a licensed testing firm demonstrating that completed streets or drives meet such pavement structure requirements.~~

~~Internal streets with minimum setbacks measuring less than 35 feet from center line shall be private streets and are not acceptable for dedication to, or maintenance by, the city. Developments containing such private internal streets with setbacks measuring less than 35 feet from center line shall have the following disclaimer in large type placed in a prominent position on the following applicable documents for the development including the site plan, the plat, the restrictive covenants, the condominium documents, and any contracts used in the sale of properties.~~

~~"Some or all of the streets and/or drives in this development do not meet minimum right-of-way requirements for the City of Hendersonville. You are notified that these are proposed as private streets and that the City of Hendersonville will not accept them for maintenance."~~

~~**5-14-6.5 Building height.** A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the city council. Upon application, the council may grant a height limitation exemption upon finding that:~~

~~a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.~~

~~b) Such building is adequately designed and served from the standpoint of safety, and the city fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.~~

~~c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.~~

~~**5-14-6.6 Buffering, screening and landscaping.** The applicant shall propose and plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development. Parking and service areas and dumpsters shall be screened from view by adjacent single-family residences. Existing vegetation shall be preserved whenever possible. In addition, the developer shall provide an appropriate landscaping plan within the project.~~

~~**5-14-6.7 Off-street parking.** Off-street parking requirements for planned residential developments shall be as follows:~~

~~A minimum of one space per residential unit containing one or two bedrooms. A minimum of one and one half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.~~

**5-14-~~6~~4.~~8~~5. Maintenance of common facilities.** The developer, project owner, or a properly established homeowners association shall provide for the continuing maintenance of common open space, recreational facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project.

## 5-14-~~7~~5. Minor planned residential developments.

An applicant may elect to have a development processed as a minor planned residential development so long as the proposed development, including all phases, is greater than 2 dwelling units but does not exceed 50 dwelling units. Minor planned residential developments may consist of any residential uses permitted under Sec. 5-14-2, regardless of the underlying zoning district. ~~and so long as no accessory~~ No commercial development may be part of a minor planned residential development. ~~is requested for the project.~~ A minor planned residential development may be located in one or more of the following zoning district classifications: R-40, R-20, R-15, R-10, R-6, MIC, RCT, C-2, C-3, I-1.

**5-14-~~7~~5.1 Density.**

The maximum number of dwelling units which may be constructed in a minor planned residential development shall be 50 or a number computed on the basis of the following table, whichever is less.

| Use District | Dwelling Units Per Acre |
|---|---|
| R-40 | ~~1.0~~ 2.0 |
| R-20 | ~~2.5~~ 3.0 |
| R-15 | ~~3.75~~ 4.0 |
| R-10 | 5.5 |
| R-6 | 8.5 |
| MIC | ~~5.5~~ 8.5 |
| RCT | ~~5.5~~ 8.5 |
| C-4 | 8.5 |
| C-2 | ~~8.5~~ 10.0 |
| C-3 | ~~8.5~~ 10.0 |
| ~~I-1~~ | ~~8.5~~ |

**5-14-~~7~~5.2 Development standards for minor planned residential developments.** Except as otherwise noted herein, minor planned residential developments shall be governed by the development standards for planned residential developments contained in subsection 5-14-6, above.

Unlike major planned residential developments, there is no ~~minimum~~ site requirement for a minor planned residential development to be located in a specific Future Land Use designation~~, nor is there a requirement that access be by means of a designated thoroughfare.~~

**5-14-~~7~~5.3 Procedures for reviewing.** Unlike other planned developments which undergo rezoning to a conditional zoning district, minor planned residential developments undergo site plan review pursuant to section 7-3.

## PCD | 5-15-2. - Permissible uses.

~~Residential dwellings, Multi-Family~~

~~**5-15-4.6. Density.** The density for a residential development planned as part of a PCD Planned Commercial Development Conditional Zoning district shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including, without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. A planned commercial development may qualify for a density bonus in the manner specified in subsection 5-14-5, above. Otherwise, the density authorized for the district shall not exceed ten units per acre.~~

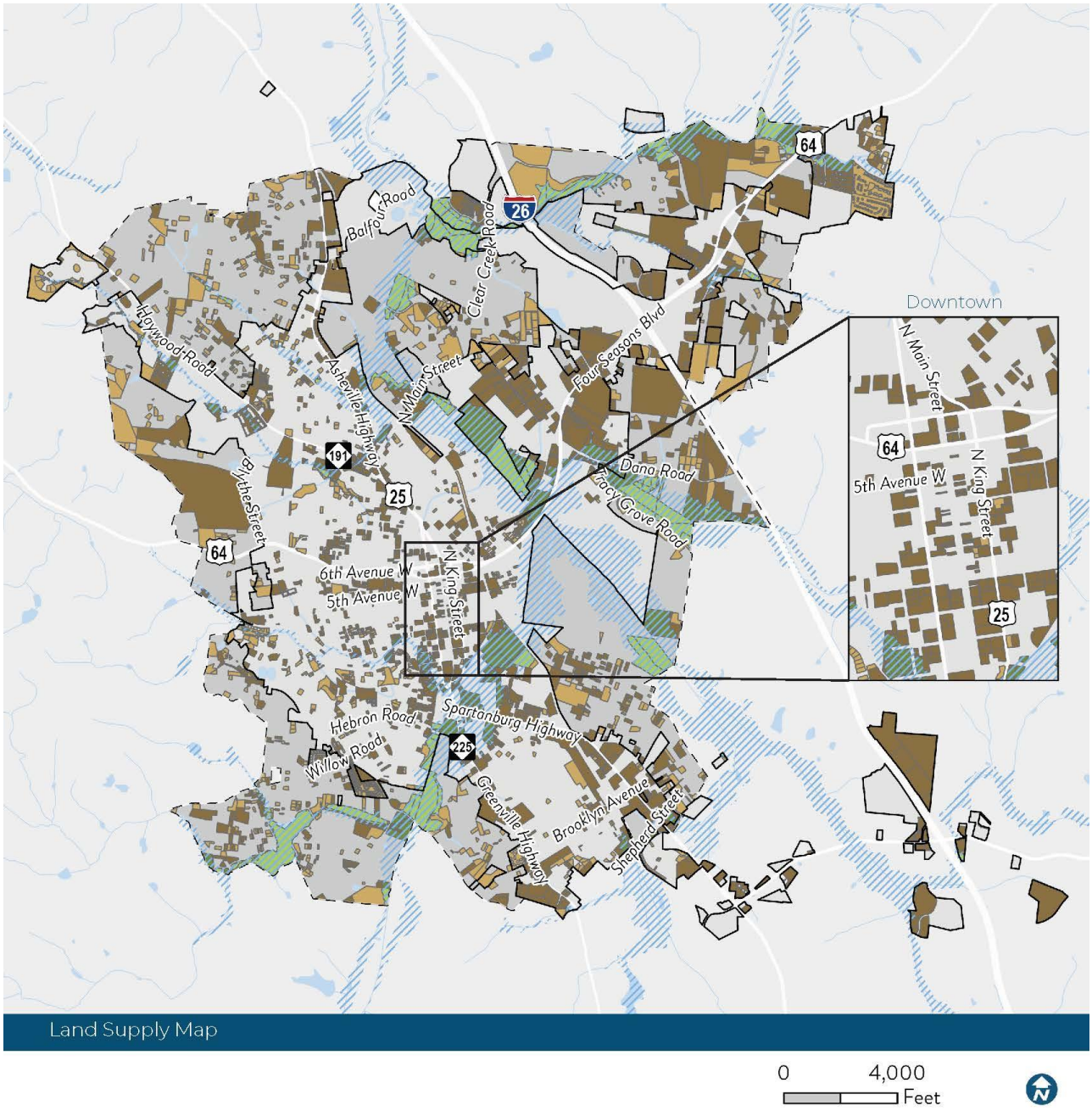
## PID | 5-21-2 - Permissible uses.

~~Residential dwellings, multi-family~~

**Sec. 4-5. Classification of uses.**

| USE | R-40 | R-20 | R-15 | R-10 | R-6 | PRDCZD | MIC | C-4 | PCDCZD | I-1 | PIDCZD | URCZD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Accessory dwelling units | SS | SS | SS | SS | SS | SS | SS | SS | - | SS | - | - |
| Adaptive reuse | L | L | L | L | L | - | - | - | - | L | - | - |
| Golf courses | - | - | - | - | - | ~~P~~ | - | - | P | P | - | - |
| Golf driving ranges, par 3 golf | SU | - | - | - | - | ~~P~~ | - | - | P | P | - | - |
| Planned residential development (minor) | SS | SS | SS | SS | SS | - | SS | - | - | SS | - | - |
| ~~Planned residential development (major)~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~P~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ |
| Residential dwellings, single-family | P | P | P | P | P | P | P | P | P | P | P | L |
| Residential dwellings, multi-family | - | - | - | - | - | ~~P~~ | - | ~~P~~ | ~~P~~ | - | ~~P~~ | P |
| Residential dwellings, two-family | - | P | P | P | P | P | P | P | P | P | P | - |
| Residential dwellings, three-family | - | - | - | - | - | P | - | P | - | P | - | - |
| Residential dwellings, four-family | - | - | - | - | - | P | - | P | - | P | - | - |
| Residential dwellings, small-scale multi-family | - | - | - | - | - | - | P | P | - | - | - | - |
| Personal services | - | - | - | - | - | L | SS | P | P | P | - | L |
| Retail stores | - | - | - | - | - | L | SS | SS | P | P | - | L |
| Restaurants | - | - | - | - | - | L | SU | SU | P | P | - | L |

## GEN H COMPREHENSIVE PLAN -LAND SUPPLY MAP



GEN H COMPREHENSIVE PLAN -CHARACTER AREA PERCENTAGES

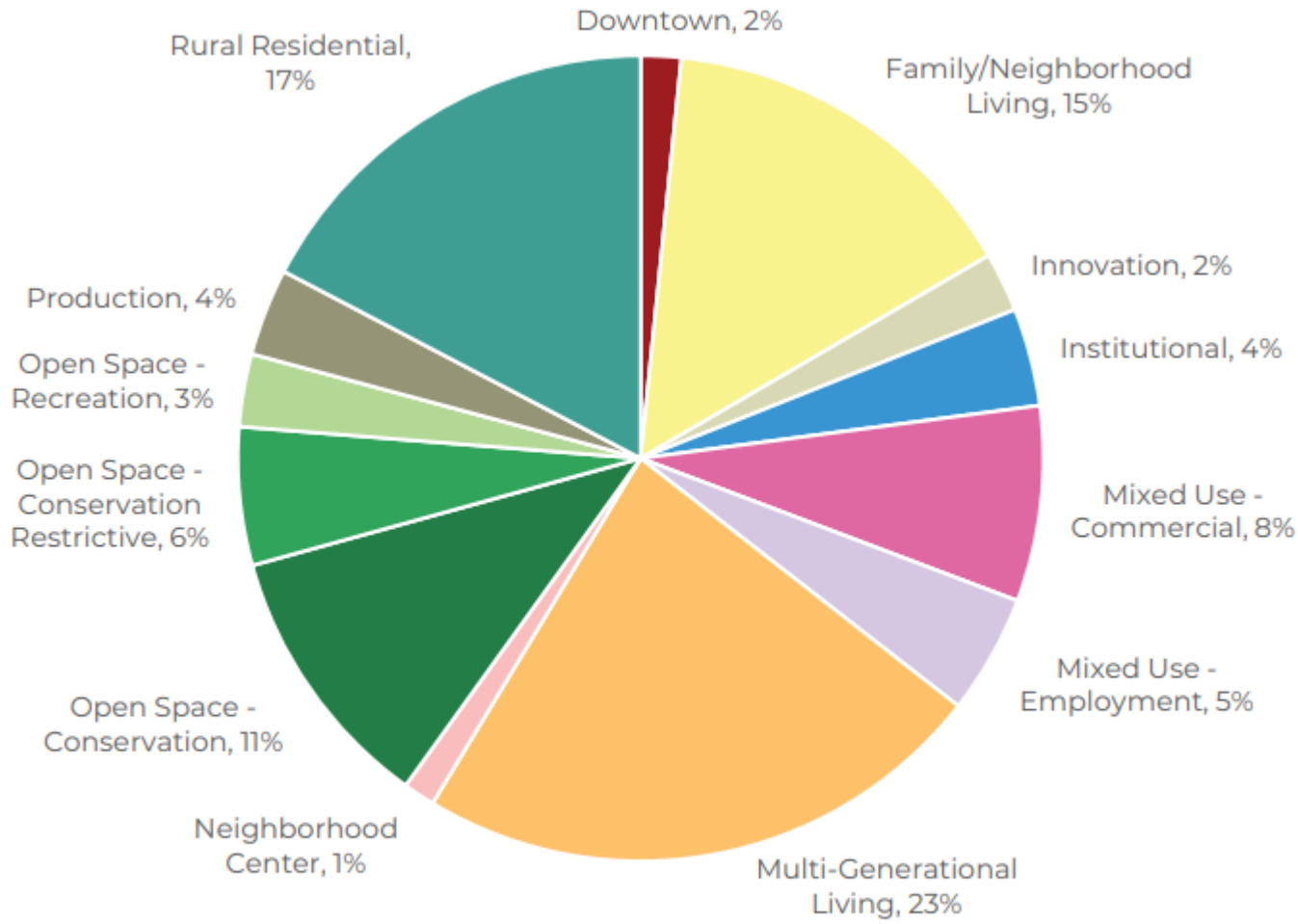



Figure 4.13.1 - Character Area percentages (rounded to whole percent) for study area. ROW is not included acreage percentages.

| GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY | |
|---|---|
| 1) COMPREHENSIVE PLAN CONSISTENCY | **LAND SUPPLY, SUITABILITY & INTENSITY**<br>**Supply:** The Land Supply Map shows an abundance of "Underdeveloped" land in the City's zoning jurisdiction.<br>**Suitability:** Land Suitability Maps show that a majority of the land supply is 'most suitable' for Residential development.<br>**Intensity:** The proposal aligns with the development pattern of Option 2 in Figure 4.9 – Alternative Growth Map<br>**FUTURE LAND USE & CONSERVATION MAP**<br>**Character Area Designations:** Rural Residential, Family Neighborhood Living, Multi-Generational Living<br>**Character Area Descriptions:** Somewhat Consistent<br>**Zoning Crosswalk:** N/A<br>**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***<br>*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.*<br>**EXISTING CONDITIONS**<br>According to the UNC School of Government Development Finance Initiative study performed for the City of Hendersonville Strategic Housing Committee, they found that "to meet current and future housing demand, Henderson County needs an estimated 10,000 new housing units within the next five years. At least 2,000 of these units are needed in Hendersonville for low-to-moderate income households."<br>In addition to the efforts of the Strategic Housing Committee, better utilization of land has been an ongoing goal for the City according to the last two 20-year Comprehensive Plans. The objective behind this effort is to reduce growth pressures from development sprawling into forest and farmland and to create more walkable/bikeable compact communities which reduce automobile traffic and improve quality of life. However, efforts to support infill development have been limited by existing zoning district standards. In addition to minimum lot sizes, minimum lot widths and setbacks also contribute to restricting better utilization of land and/or creation of new lots on underutilized properties.<br>Additionally, an undersupply of smaller sized 'starter homes' has also been an issue. Current zoning standards requiring larger lots and high development cost (roads, sidewalks, utilities, etc.) combine with market forces to incentivize the construction of larger-scaled units. For density-based regulations, there is no difference between a 3,000 Sq Ft unit and a 1,000 Sq Ft unit. Both count as 1 unit in the |

| | |
|---|---|
| | allotted units per acre. To incentivize more attainable units and combat the lack of nuance in the density standards, this amendment aims to acknowledge the differences between small units and large units and treat them accordingly. |
| | **GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV)<br>**Vibrant Neighborhoods**: Consistent<br>**Abundant Housing Choices**: Consistent<br>**Healthy and Accessible Natural Environment**: Somewhat Consistent<br>**Authentic Community Character**: Consistent<br>**Safe Streets and Trails**: Consistent<br>**Reliable & Accessible Utility Services**: Consistent<br>**Satisfying Work Opportunities**: Consistent<br>**Welcoming & Inclusive Community**: Consistent<br>**Accessible & Available Community Uses and Services**: N/A<br>**Resilient Community**: Consistent |
| | **GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES** (Chapter IV)<br>**Mix of Uses:** Consistent<br>**Compact Development:** Consistent<br>**Sense of Place:** Consistent<br>**Conserved & Integrated Open Spaces:** Inconsistent<br>**Desirable & Affordable Housing**: Consistent<br>**Connectivity**: Consistent<br>**Efficient & Accessible Infrastructure:** Consistent |
| 3) **Changed Conditions** | **Whether and the extent to which there are changed conditions, trends or facts that require an amendment -** |
| | The primary changed condition relates to the persistent lack of housing availability in Hendersonville and throughout the region. In particular, starter homes and "attainable housing" supply are lacking and needed to accommodate the city's workforce and next generation of city residents. |
| 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 increased density of market-rate attainable housing. This would allow for property owners to become "micro developers" and better utilize their property. The potential change to development patterns also lends itself to creating more walkable neighborhoods 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** |

| | |
|---|---|
| | The proposed text amendment would allow for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance. |
| 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. However, there is the potential for some loss of trees where new units are placed on existing undeveloped land. However, due to reduced setbacks, there will be flexibility in where structures are located – lending itself to more options in placement to avoid mature canopy trees. |

## Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be consistent with the Gen H Comprehensive Plan Character Area Descriptions – in particular the Multi-Generational Living Character Area which accounts for the greatest percentage of land area in the city.
2. Compatibility - The proposed text amendment is not incompatible with the existing development pattern in the city. The reduced scale of the dwellings permitted by the proposed allowance ensures that existing homes will not be out-scaled.
3. Changed Conditions - The text amendment is a response to the need for additional "attainable housing" in the city.
4. Public Interest – Increased housing stock and expanded utilization of existing land provides benefits to those in need of housing and property owners who can see a greater return on investment with their property.
5. Public Facilities - Allows for greater utilization of existing infrastructure
6. Effect on Natural Environment – Potential for some mature tree loss on existing lots, but flexibility in siting new structures would allow for canopy preservation while also increasing housing stock.

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]*

- *The proposed amendment creates an opportunity to address the need for additional, dispersed, "attainable" infill housing.*
- *The proposed amendment allows for property owners to better utilize their property and earn additional revenue*
- *The proposed amendment will incentive the construction of smaller, more affordable dwellings ("starter homes").*

*DRAFT [Rational for Denial]*

- *The proposed amendment is incompatible with existing residential districts*
- *The proposed amendment will create traffic congestion*
- *The proposed amendment will result in substantial loss of privacy*

| Zoning Reforms for Housing \| 2025-01-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)** | **RR/FNL / MGL** | |
| Character Area Description (Pg. 122-131) | Consistent | |
| Zoning Crosswalk (Pg. 132-133, Figure 4.18) | Consistent | |
| **Focus Area Map (Pg. 134-159)** | Consistent | |

| Zoning Reforms for Housing \| 2025-01-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. | | Inconsistent |
| Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers. | 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 | |
| **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. | N/A | |
| 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. | N/A | |
| 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 | |

| | | |
|---|---|---|
| **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** | | |
| Adaptation to a changing world (e.g., economic, technological, social, environmental, etc.) is a priority of City leaders. | Consistent | |
| A fiscally sound government ensures the City's ability to function efficiently and remain competitive, particularly in the face of unexpected challenges. | Consistent | |
| **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. | | Inconsistent |
| 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 CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS, ARTICLE VI. GENERAL PROVISIONS AND ARTICLE XII. DEFINITION OF TERMS**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on March 13, 2025; 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 May 1, 2025, 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**, due to a lack of affordable and attainable housing in the City, City Council has formed a Strategic Housing Committee to evaluate the need for revisions to the City's Zoning Ordinance to improve opportunities for increased housing stock, and

**WHEREAS**, the proposed revisions to the City's Zoning Ordinance are intended to improve regulatory conditions under which the housing stock may be increased, and

**WHEREAS,** City Council has conducted a public hearing as required by the North Carolina General Statutes on May 1, 2025,

**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, Article VI. General Provisions and Article XII. Definition of Terms

**R-40 |5-1-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | 40,000 |
| Lot area per dwelling unit in square feet: | 40,000 |
| Minimum lot width at building line in feet: | ~~150~~ 125 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~40~~ 20, Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet. |
| | Side: ~~25~~ 10 |
| | Rear: ~~35~~ 25 |
| Accessory structures | Front: 40 |
| | Side: 10 |

| | |
|---|---|
| | Rear: 10 |
| Maximum height in feet: | 35 |

**R-20 | 5-2-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | 20,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~20,000 for the first; 10,000 for the second unit for a two family dwelling.~~ |
| Minimum lot width at building line in feet: | ~~100~~ 80 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~35~~ 15. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet. |
| | Side: ~~15~~ 10 |
| | Rear: 20 |
| Accessory structures | Front: To side or rear of principal structure |
| | Side: ~~10~~ 5 |
| | Rear: ~~10~~ 5 |
| Maximum height in feet: | 35 |

**R-15 | 5-3-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | 15,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~15,000 for the first; 7,500 for one additional dwelling unit in one building.~~ |
| Minimum lot width at building line in feet: | ~~85~~ 70 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~30~~ 15. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet |
| | Side: ~~10~~ 8 |
| | Rear: 15 |
| Accessory structures | Front: ~~30~~ To side or rear of principal structure |
| | Side: 5 |
| | Rear: 5 |
| Maximum height in feet: | 35 |

**R-10 | 5-4-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | 10,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~10,000 for the first; 5,000 or one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | ~~75~~ 55 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~25~~ 10. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet. |
| | Side: ~~10~~ 5 |
| | Rear: ~~10~~ 15 |
| Accessory structures | Front: ~~25~~ Located to side or rear of principal structure |
| | Side: 5 |
| | Rear: 5 |
| Maximum height in feet: | 35 |

**R-6 | 5-5-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | 6,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~6,000 for the first; 4,000 for one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | ~~50~~ 45 |
| Minimum yard requirements in feet: | |
| Principal structure | Front: ~~20~~ 8. Any portion of a building envelope featuring a front-facing garage shall be setback a minimum of 25 feet. |
| | Side: ~~8~~ 5 |
| | Rear: 10 |
| Accessory structures | Front: ~~20~~ Located to side or rear of principal structure |
| | Side: 5 |
| | Rear: 5 |
| Maximum height in feet: | 35 |

## C-2 | 5-7-3. Dimensional requirements.

| | |
|---|---|
| Minimum lot area in square feet: | 8,000 (6,000 for residential use). |
| ~~Lot area per dwelling unit in square feet:~~ | ~~6,000 for the first dwelling unit; 4,000 square feet for one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | None except for structures containing dwelling units which shall have a minimum lot width at building line of 50 feet. |
| Minimum yard requirements in feet: | Front: 15 ~~except for structures containing dwelling units which shall have a minimum front yard of 20 feet.~~<br>Side: 5 (Side yards are not required, but when provided must be a minimum of five feet. Common wall construction is permitted in the C-2 Zoning District Classification. On all corner lots, a ten-foot side yard setback is required.)<br>Rear: None except for structures containing dwelling units which shall have a minimum setback of ten feet. Otherwise, rear yards are not required unless the C-2 Zoning District Classification abuts an established residential district. In this case, the rear yard setback requirement shall be a minimum of ten feet. |
| Maximum height in feet: | 48 |

## C-3 | 5-8-3. Dimensional requirements.

| | |
|---|---|
| **For lots containing only residential uses** | |
| Minimum lot area in square feet: | 6,000 |
| ~~Lot area per dwelling unit in square feet:~~ | ~~6,000 for the first; 4,000 square feet for one additional dwelling unit in any one building.~~ |
| Minimum lot width at building line in feet: | 50 |
| Minimum yard requirements in feet: | Front: 20 |
| | Side: 8 |
| | Rear: 10 |
| Maximum height in feet: | 35 |
| **For lots containing other uses** | |
| Minimum lot area in square feet: | 10,000 |
| Lot area per dwelling unit in square feet: | N/A |
| Minimum lot width at building line in feet: | 80 |
| Minimum yard requirements in feet: | Front: 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary |

| | |
|---|---|
| | structure or use conforms to the established setback requirements.) |
| | Side: 15 |
| | Rear: 20 |
| Maximum height in feet: | 48 |

**C-4 |5-9-1. Permitted uses.**

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

Accessory dwelling units subject to supplementary standards contained in section 16-4, below

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Residential dwellings, small-scale multi-family subject to supplementary standards contained in section 16-4, below

Planned residential developments (minor), subject to the requirements of article VII, below

**5-9-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | ~~40,000~~ 8,000 |
| Lot area per dwelling unit in square feet: | N/A |
| Minimum lot width at building line in feet: | None |
| Minimum yard requirements in feet: | Front: ~~40 (Front yard requirements may be reduced to 15 feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)~~ 10 |
| | Side: 15 |
| | Rear: 20 |
| Maximum height in feet: | 35 |

**MIC | 5-10-3. Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | ~~8,000~~ 6,000 |
| Minimum lot width at building line in feet: | ~~50~~ 45 |
| Minimum yard requirements in feet: | Front: ~~10~~ 8 |

| | |
|---|---|
| | Side: ~~20~~ 15 total for lot; may be allocated amongst all sides with a minimum of 5~~;~~ on any side |
| | Rear: ~~20~~ 10 |
| Accessory structure minimum setbacks | Front: Shall be located to the side or rear of principal structure |
| | Side and rear: 5 |
| Maximum height in feet: | 50 |

## I-1 | 5-12. Industrial Zoning District Classification

This zoning district classification is established for those areas of the city where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

### 5-12-1. Permitted uses.

5-12-1(a) Permitted uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in section 4-5(e)(2) of this ordinance, provided that they meet all requirements of this section and all other requirements established in this ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

~~Residential dwellings~~

~~Planned residential developments (minor), subject to the requirements of article VII, below~~

### 5-12-4. I-1 CZD Industrial Conditional Zoning District Classification.

The purpose, requirements and standards of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification upon rezoning to I-1CZD, regardless of the square footage or number of residential units for the use:

Adaptive Reuse for multi-family residential units subject to supplementary standards in Section 16-4-2

Day centers

Shelter facilities

Permitted uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-1, above

Special uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-2, above

## ARTICLE VI. – GENERAL PROVISIONS

### 6-1-2 - Height and density.

No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this ordinance for the district in which it is located. Residential units under 1,200 square feet in gross floor area shall count as one-half unit (0.5 units) for the purposes of calculating density allotments in all zoning districts which regulate density. Unit counts will remain as whole numbers for the purposes of applying other aspects of the zoning code such as determining level of review, applying minimum parking requirements, etc.

### 6-1-7 Corner lots.

In any residential district, the side yard requirements for corner lots along the side street shall be increased ~~by ten feet~~.150% (1.5x) the required side yard setback for the zoning district in which the property is located. Accessory buildings shall observe all setback requirements. A property not at the intersection of two publicly-maintained rights-of-way shall not be considered a corner lot for the purposes of this section.

## ARTICLE VIII. EXCEPTIONS & MODIFICATIONS

**Sec. 8-1. ~~Minimum required front yard for dwellings.~~ Exceptions to minimum setback regulations**

**8-1-1. – Exception to front yard setbacks.** The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within ~~100~~ 350 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, front yard on such lot may be less than the required front yard, but not less than the average of the front yards of the aforementioned existing buildings.

**8-1-~~1~~2 Exceptions to other setback regulations.**

The following features shall not be subject to the required minimum setbacks:

Bridges

Doghouses

Driveways, walks and parking areas

Fences and walls not exceeding nine feet in height

Landscape features such as entrance piers, columns, gates, planters and gardens

Mobile food vendors

Playhouses, not exceeding 64 square feet in floor area

Required building entry ramps

Retaining walls

Stormwater management facilities such as head walls and culverts

The outermost five feet of any porches, steps, eaves, gutters and similar fixtures on the front of a structure

The outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures on the side and/or rear of a structure

## ARTICLE XII. - DEFINITION OF TERMS

**Accessory dwelling unit:** A separate and complete dwelling unit which is subordinate to and contained on the same lot as ~~the structure of a single-family dwelling or business.~~ a principal structure.

**Dwelling, four-family:** A type of multi-family building arranged to be occupied by four families living independently of each other, the structure having four dwelling units. Commonly referred to as a quad-plex.

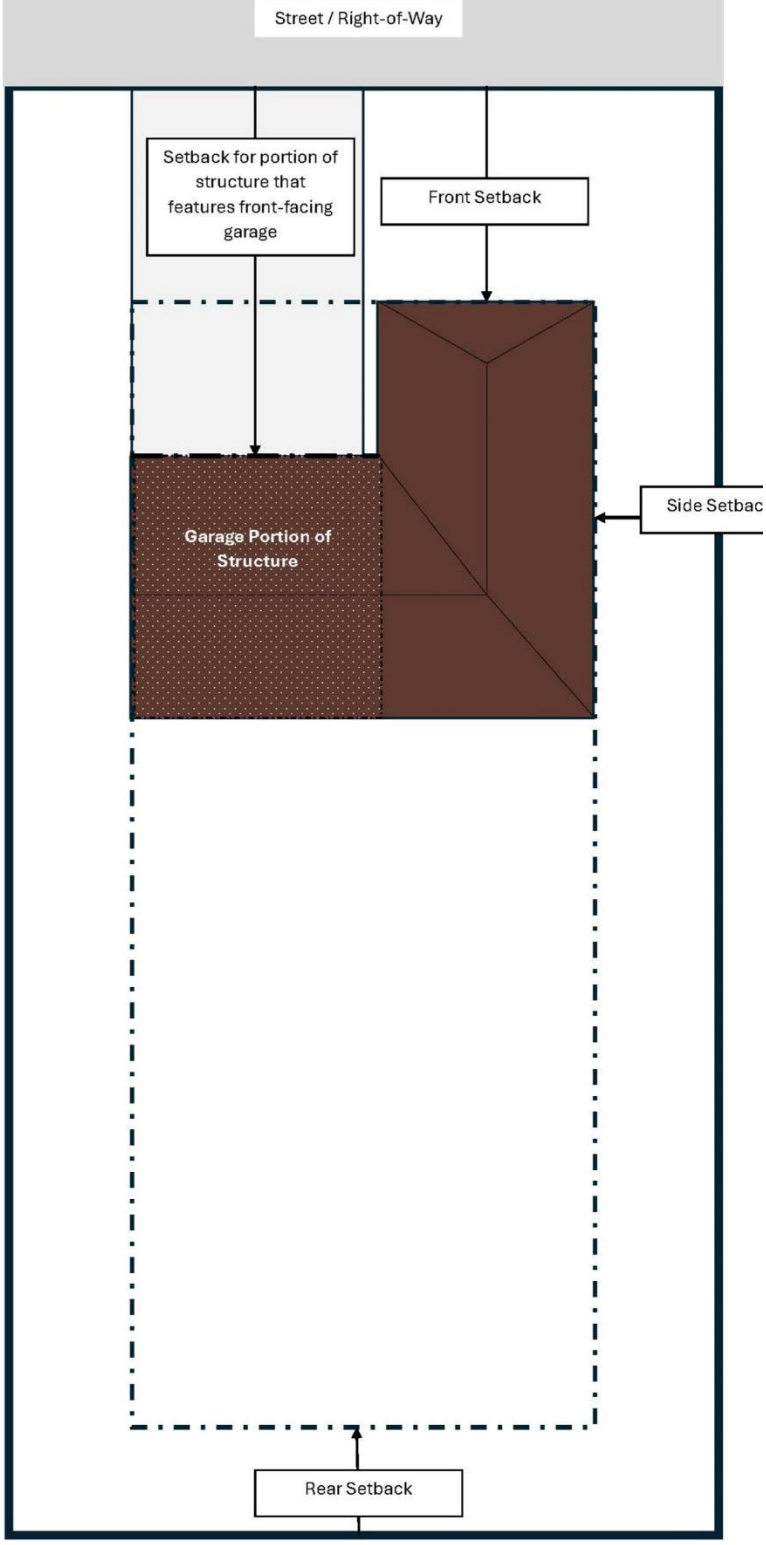
~~**Dwelling, s**~~**Small-scale multi-family**: A building or a group of detached buildings on a single lot with three to eight ~~or fewer~~ dwelling units designed and arranged to be occupied by multiple families living independently of each other.

**Dwelling, three-family:** A type of multi-family building arranged to be occupied by three families living independently of each other, the structure having three dwelling units. Commonly referred to as a tri-plex.

**Dwelling, two-family:** A building arranged to be occupied by two families living independently of each other, the structure having two dwelling units. Commonly referred to as a duplex.

**Setback:** An open, unobstructed area that is required by this zoning ordinance to be provided from the furthermost projection of a structure to the property line of the lot on which the building is located. See illustration.

*Illustration of Application of Setbacks in Base Residential Districts*



**Yard, front:** An open, unoccupied space on the same lot with a principal building (excluding the outermost five feet of any porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side lines of the lot.

**Yard, rear:** An open, unoccupied space on the same lot with the principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the rear line of the lot and the rear line of the building to the side lines of the lot.

**Yard, side:** An open, unoccupied space on the same lot with a principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Lot, Double Frontage:** A lot with frontages on more than one non-intersecting street or a corner lot having frontage on more than two streets. The architectural front of a structure, the front orientation of a structure and/or the presence of primary access shall determine the front lot line for the purposes of applying dimensional requirements. Lots which cannot be accessed by one of the two adjoining streets, due to topography or street classification, shall not be considered double frontage lots. For the purposes of this definition, lots located on alleys shall not be considered double frontage lots.

## ARTICLE XVI. – SUPPLEMENTARY STANDARDS

### 16-4-1 Accessory dwelling units.

a) Accessory dwelling units may only be situated on a lot on which a principal ~~residential dwelling unit~~ structure is also situated and shall be clearly incidental or accessory to such principal ~~residential~~ structure.

b) No more than one accessory dwelling unit may be situated on any lot.

c) Accessory dwelling units may not exceed ~~800~~ the square feet of heated floor area as outlined below:

1) all properties with principal structures 1,200 square feet or less are permitted to have an accessory dwelling unit up to a maximum of 100% of the size of the principal structure and

2) all properties with principal structures greater than 1,200 square feet are permitted an accessory dwelling up to a maximum of 1,200 square feet in heated floor area.

Examples. If a principal structure is 900 Sq Ft, the maximum heated floor area of the accessory dwelling unit is 900 Sq Ft. If a principal structure is 2,600 square feet, the maximum heated floor area of the accessory dwelling is 1,200 square feet.

### 16-4-31 Residential dwellings, small-scale multi-family.

a) For the purposes of these standards, small-scale multi-family shall include all developments not subject to the N.C. Residential Code for One- and Two-Family Dwellings including triplexes, quadplexes, and other small apartment buildings. ~~The~~ Any of the architectural design standards below may be implemented voluntarily for single-family attached (townhomes) and multiple detached units on a single

parcel (detached multi-family) constructed subject to N.C. Residential Code for One- and Two-Family Dwellings.

**Sec. 4-5. Classification of uses.**

| USE | R-40 | R-20 | R-15 | R-10 | R-6 | PRDCZD | MIC | C-4 | PCDCZD | I-1 | PIDCZD | URCZD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Accessory dwelling units | SS | SS | SS | SS | SS | SS | SS | SS | - | SS | - | - |
| Adaptive reuse | L | L | L | L | L | - | - | - | - | L | - | - |
| Golf courses | - | - | - | - | - | ~~P~~ | - | - | P | P | - | - |
| Golf driving ranges, par 3 golf | SU | - | - | - | - | ~~P~~ | - | - | P | P | - | - |
| Planned residential development (minor) | SS | SS | SS | SS | SS | - | SS | _ | - | ~~SS~~ | - | - |
| Planned residential development (major) | - | - | - | - | - | P | - | - | - | - | - | - |
| Residential dwellings, single-family | P | P | P | P | P | P | P | P | P | ~~P~~ | P | L |
| Residential dwellings, multi-family | - | - | - | - | - | ~~P~~ | - | ~~P~~ | ~~P~~ | - | ~~P~~ | P |
| Residential dwellings, two-family | - | P | P | P | P | P | P | P | P | - | P | - |
| Residential dwellings, three-family | - | - | - | - | - | P | - | P | - | - | - | - |
| Residential dwellings, four-family | - | - | - | - | - | P | - | P | - | - | - | - |
| Residential dwellings, small-scale multi-family | - | - | - | - | - | - | P | P | - | - | - | - |
| Personal services | - | - | - | - | - | L | SS | P | P | P | - | L |
| Retail stores | - | - | - | - | - | L | SS | SS | P | P | - | L |
| Restaurants | - | - | - | - | - | L | SU | SU | P | P | - | L |

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May, 2025.

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:** Sam Hayes

**MEETING DATE:** May 1st, 2025

**AGENDA SECTION:** New Business

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Annexation: Analysis and Advisement–Upward Road (Quattlebaum Properties F, LLC) (25-22-ANX) – *Sam Hayes, Planner II*

**SUGGESTED MOTION(S):**

| **For Directing Staff to Move Forward with The Annexation Review Process:** | **For Directing Staff to Not Move Forward with The Annexation Review Process:** |
|---|---|
| I move Council direct staff to move forward in reviewing the annexation petition submitted by Quattlebaum Properties F, LLC (Robert Quattlebaum) and Sheetz Inc (Wes Hall).<br><br>**[DISCUSS & VOTE]** | I move Council direct staff to **not** move forward in reviewing the annexation petition submitted by Quattlebaum Properties F, LLC (Robert Quattlebaum) and Sheetz Inc (Wes Hall). The subject property will remain under Henderson County's zoning jurisdiction.<br><br>I further move that City sewer service<br><br>1. Can be extended to the subject property.<br><br>**OR**<br><br>2. Cannot be extended to the subject property.<br><br>**[DISCUSS & VOTE]** |

**SUMMARY:** *File # 25-22-ANX*

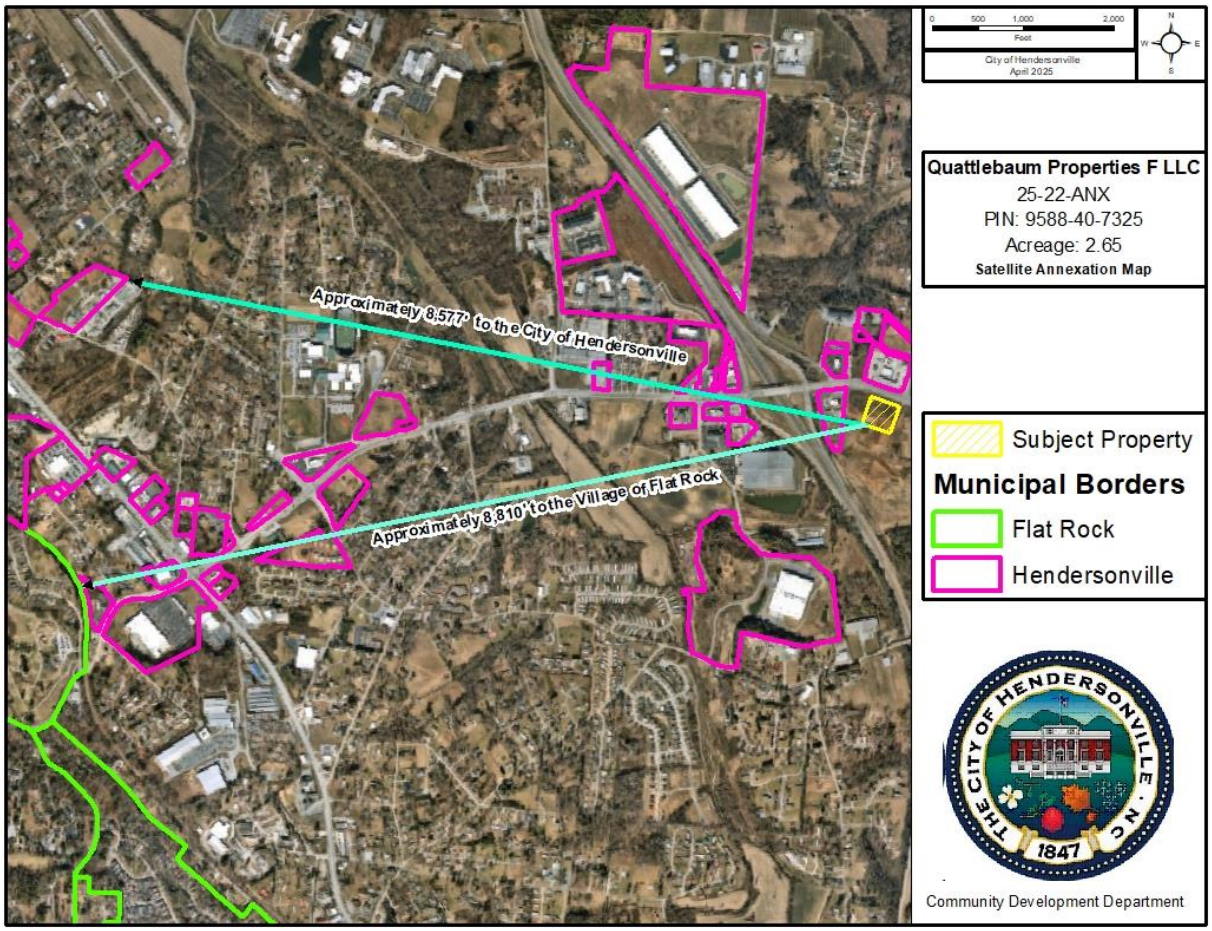
*The City of Hendersonville has received a* petition from Robert Quattlebaum and Sheetz Inc for *a satellite annexation of PIN 9588-40-7325 located on Upward Road that is approximately 2.65 acres. Please refer to the attached maps for additional information.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | • 25-22-ANX |
| **PETITIONER NAME:** | • Quattlebaum Properties F, LLC (Robert Quattlebaum)<br>• Sheetz Inc (Wes Hall) |
| **ATTACHMENTS:** | 1. Annexation Analysis<br>2. Annexation Application |

# Upward Road (Quattlebaum Properties F, LLC) (Sheetz) - Annexation Analysis

## Proposed Development Concept:

1. Gas Station
2. PIN: 9588-40-7325
3. 2.65 acres



# City and County Comprehensive Plan Analysis




Example of a “community center” development presented in the Henderson County 2045 Comprehensive Plan.



Example of “mixed use commercial” development presented in the City of Hendersonville Gen H Comprehensive Plan

Henderson County 2045 Comprehensive Plan Future Land Use Designation: **Community Center.**

The City of Hendersonville’s Gen H Plan Future Land Use Designation: **Mixed Use Commercial.**

- ✓ a. The Henderson County 2045 Comprehensive Plan encourages non-residential commercial services or mixed-use development.
- ✓ b. The City of Hendersonville’s Gen H Comprehensive Plan encourages a mix of retail, restaurant, service, office, and civic uses, as well as residential housing types.
- ✓ c. The Henderson County 2045 Comprehensive Plan specifies that these areas are typically found at intersections of State roads or near areas of residential development that can be served by commercial uses.
- ✓ d. The City of Hendersonville’s Gen H Comprehensive Plan locates Mixed Use Commercial at certain intersections of major thoroughfares and along major corridors that could benefit from a mix of commercial and residential uses.
- ✓ e. The Henderson County 2045 Comprehensive Plan denotes that Community Center areas should include medium to large-scale retail, services,

restaurants, some offices, businesses, light industry, and institutional uses. Housing can include single-family homes, townhomes, and apartments.

✓ f. The City's comprehensive plan denotes that the mixed-use commercial district should be the most intense district outside of the Downtown character area.

✓ g. The Henderson County 2045 Comprehensive Plan states community center areas are typically served by water and potentially sewer.

✓ h. The City of Hendersonville's Gen H Comprehensive Plan states "These areas are centers of activity with a mix of retail, restaurant, service, office, and civic uses, as well as various residential housing types. The mix can be horizontal or vertical, with changes in use between floors of the same building. Buildings of two or more stores are common, and streets feature short block lengths and pedestrian facilities. Open spaces include plazas, formal greens, pocket parks. This activity center is intended to be the City's most intense district outside of the Downtown character area."

# Zoning Analysis

Henderson County Regional Commercial (RC)

1. Allowable Uses: Retail sales and services, public and private administrations, offices and other uses done primarily for sale or profit on the local, community, and regional level.
2. Residential density 16 units per acre.
3. Conditional rezoning when 10 or more multifamily dwellings are proposed.

City of Hendersonville Commercial Highway Mixed Use (CHMU)

1. The applicant did not request a zoning district, however, staff recommends zoning to **Commercial Highway Mixed Use.** CHMU allows for many uses, including "convenience stores with or without gasoline sales," as well as a variety of other commercial businesses. Additionally, CHMU allows residential single, two, and multi-family.
2. CHMU caps the number of residential units per acre depending on the required open space. The greater the provided open space, the more units per acre are allowed. The max density for CHMU is 12 units per acre with 60% open space.
3. The other properties in the vicinity annexed into the city are Highway Business C-3 and CHMU.
    a. The adjacent uses include a gas station/convenience store, fast food restaurants, ABC Store, and two hotels.

# Staff Notes

1) The project appears to be in general alignment with both the City of Hendersonville's Gen H Comprehensive Plan and Henderson County's 2045 Comprehensive Plan vision for the area.

2) The proposed use aligns with the both the City and County future land use designations for the area.

3) The proposed use would be allowed by right in the County.

4) The proposed use would be allowed by right in the City.

# Annexation Options

1) Annexation into the City of Hendersonville with sewer provided:
    a. Project proceeds as presented under CHMU zoning district.
2) No annexation required but city sewer provided:
    a. Project proceeds as presented and is allowed by right development through Henderson County Regional Commercial zoning.
3) No annexation with no city sewer provided:
    a. Project proceeds as presented and is allowed a by right development through Henderson County Regional Commercial zoning.

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

# Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. 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. A copy of the deed indicating ownership of the property.
- ☑ 3. An Annexation Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- ☑ 4. A typed boundary description of the property.

## A. Property Information

**PIN(s):** 9588407325

**Address(es) / Location of Property:** TBD Upward Road, Flat Rock, NC 28731

**Does this property adjoin the present City Limits?** X **Yes** ___ **No**

**Is the property within the ETJ?** ___ **Yes** X **No**

**Reason for Annexation:**

To connect to the City's utilities for proposed commercial development.

Office Use:
**Date Received:** _____ **By:** _____ **Fee Received? Y/N**

**B. Property Owner Contact Information**

Robert H. Quattlebaum — 3/28/25

* Printed Applicant Name — Date

Quattlebaum Properties F, LLC

Printed Company Name (if applicable)

☐ Corporation ■ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Manager

Property Owner Title (if applicable)

PO Box 5007

Address of Property Owner

Hendersonville, NC 28793

City, State, and Zip Code

(828) 693-6062

Telephone

quattlebaumco@bellsouth.net

Email

# LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Quattlebaum Properties F, LLC

SECRETARY OF STATE ID NUMBER: 0710307 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
E - Filed Annual Report
0710307
CA202501702755
1/17/2025 03:30
☐ Changes

**SECTION A: REGISTERED AGENT'S INFORMATION**

**1.** NAME OF REGISTERED AGENT: QUATTLEBAUM, ROBERT H

**2.** SIGNATURE OF THE NEW REGISTERED AGENT:

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

**3.** REGISTERED AGENT OFFICE STREET ADDRESS **& COUNTY**

636 Boxcar Street
Hendersonville, NC 28792-2590 Henderson County

**4.** REGISTERED AGENT OFFICE MAILING ADDRESS

PO Box 5007
Hendersonville, NC 28793

**SECTION B: PRINCIPAL OFFICE INFORMATION**

**1. DESCRIPTION OF NATURE OF BUSINESS:** Commerical Rental Real Estate

**2. PRINCIPAL OFFICE PHONE NUMBER:** (828) 693-6062

**3. PRINCIPAL OFFICE EMAIL:** Privacy Redaction

**4.** PRINCIPAL OFFICE STREET ADDRESS

636 Boxcar St
Hendersonville, NC 28792-2590

**5.** PRINCIPAL OFFICE MAILING ADDRESS

P.O. Box 5007
Hendersonville, NC 28793-5007

**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: | Maxine Y Quattlebaum | Robert H Quattlebaum | |
|---|---|---|---|
| TITLE: | Manager | Manager | |
| ADDRESS: | P O Box 5007 | PO Box 5007 | |
| | Hendersonville, NC 28793 | Hendersonville, NC 28793-5007 | |

**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.

Maxine Y Quattlebaum
SIGNATURE

1/17/2025
DATE

Form must be signed by a Company Official listed under Section C of This form.

Maxine Y Quattlebaum
Print or Type Name of Company Official

Manager
Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

**C. Additional Property Owner Contact Information**

Wes Hall — 3/28/25

* Printed Applicant Name — Date

Sheetz, Inc.

Printed Company Name (if applicable)

■ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Entitlement Manager

Property Owner Title (if applicable)

243 Sheetz Way

Address of Property Owner

Claysburg, PA 16625

City, State, and Zip Code

919-896-2019

Telephone

wwhall@sheetz.com

Email

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet, City Manager **MEETING DATE:** 5/1/2025

**AGENDA SECTION:** NEW BUSINESS **DEPARTMENT:** Administration

**TITLE OF ITEM:** Rescheduling of July 3, 2025 City Council Meeting – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that we move the July 3, 2025 City Council meeting to _____.

**SUMMARY:**

The July City Council meeting is scheduled for Thursday, July 3, 2025. There has been a request made to move the meeting to Wednesday, July 2, 2025. Staff requests permission from City Council to move the meeting.

**BUDGET IMPACT:** $ NA

**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:** 05/01/2025

**AGENDA SECTION:** BOARDS/COMMITTEES **DEPARTMENT:** Administration

**TITLE OF ITEM:** Consideration of Vacancy Appointment to the Tourism Development Authority

**SUGGESTED MOTION(S):**

I move that the City Council appoint Michael Burnette to the City vacancy spot on the Tourism Development Authority (TDA).

**SUMMARY:**

There is a City vacancy on the Tourism Development Authority (TDA). Michael Burnette has applied and his application will be emailed under separate cover.

**BUDGET IMPACT:** $ TBD

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

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

Via Email

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Jennifer Floyd **MEETING DATE:** 05/01/2025

**AGENDA SECTION:** City Manager Report **DEPARTMENT:** Administration

**TITLE OF ITEM:** April 2025 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 |
|---|---|---|---|---|---|---|---|---|---|
| 010-1010-531210 | Permits, Licenses, Fees | 191,976 | - | 10,000 | 181,976 | Zoom Phones | yes | Adjustment | 3/26/2025 |
| 010-1010-534000 | Non-Capital Equipment | 73,801 | 10,000 | - | 83,801 | Zoom Phones | yes | Adjustment | 3/26/2025 |
| 010-1002-519200 | Contracted Services | 35,827 | - | 3,075 | 32,752 | Transfer out correction for 068 | yes | Adjustment | 4/4/2025 |
| 010-0000-598901 | Transfer Out (to 068) | 1,702,176 | 3,075 | - | 1,705,251 | Transfer out correction for 068 | yes | Adjustment | 4/4/2025 |
| 060-7032-550003 | Capital Outlay | 232,000 | - | 27,440 | 204,560 | FogRods | yes | Adjustment | 4/8/2025 |
| 060-7032-534000 | Non-Capital | 8,000 | 27,440 | - | 35,440 | FogRods | yes | Adjustment | 4/8/2025 |
| 060-0000-534999 | Contingency | 64,856 | - | 5,000 | 59,856 | Worker's Comp | yes | Adjustment | 4/9/2025 |
| 060-7032-502091 | Worker's Comp | 1,157 | 5,000 | - | 6,157 | Worker's Comp | yes | Adjustment | 4/9/2025 |
| 060-7002-519104 | Prof Services- Engineering | 20,000 | - | 400 | 19,600 | Adam S Request | yes | Adjustment | 4/10/2025 |
| 060-1014-519104 | Prof Services- Engineering | 53,000 | 400 | - | 53,400 | Adam S Request | yes | Adjustment | 4/10/2025 |
| 010-1400-521001 | Supplies and Materials | 45,500 | - | 18 | 45,482 | Worker's Comp | yes | Adjustment | 4/11/2025 |
| 010-1400-502091 | Worker's Comp | 2,214 | 18 | - | 2,232 | Worker's Comp | yes | Adjustment | 4/11/2025 |
| 060-0000-534999 | Contingency | 59,856 | - | 241 | 59,615 | Worker's Comp | yes | Adjustment | 4/11/2025 |
| 060-7155-501091 | Worker's Comp | - | 241 | - | 241 | Worker's Comp | yes | Adjustment | 4/11/2025 |
| 010-1300-554001 | Capital Outlay Equipment Other Than | 25,000 | - | 16,307 | 8,693 | Server Replacement | yes | Adjustment | 4/16/2025 |
| 010-1300-531210 | Permits, Licenses, Fees | 132,390 | 16,307 | - | 148,697 | Server Replacement | yes | Adjustment | 4/16/2025 |
| 010-1525-531600 | Capital Outlay Equipment Other Than | 10,000 | - | 5,000 | 5,000 | Kevin Supplies and Materials | yes | Adjustment | 4/16/2025 |
| 010-1525-521001 | Supplies and Materials | 42,000 | 5,000 | - | 47,000 | Kevin Supplies and Materials | yes | Adjustment | 4/16/2025 |
| 010-1010-531210 | Permits, Licenses, Fees | 179,759 | - | 10,000 | 169,759 | Zoom Phone | yes | Adjustment | 4/22/2025 |
| 010-1010-519200 | Contracted Services | 466,531 | 10,000 | - | 476,531 | Zoom Phone | yes | Adjustment | 4/22/2025 |
| 060-7135-524020 | R&M Equipment | 175,800 | - | 33,000 | 142,800 | Septage Project | yes | Adjustment | 4/24/2025 |
| 060-7135-553000 | Capital Outlay Land Improvements | - | 33,000 | - | 33,000 | Septage Project | yes | Adjustment | 4/24/2025 |

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet **MEETING DATE:** 05/01/2025

**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) (4) and (5) 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 served by the public body, to discuss matters relating to the location or expansion of industries and businesses in the area, 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 and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

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**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 retrained by the public body in order to preserve the attorney-client privilege between the attorney and to establish, or not considered a public record within the meaning of Chapter 132 of the General Statutes served by the public body, to discuss matters relating to the location or expansion of industries and businesses in the area or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

**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**