CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, April 04, 2024 – 5:45 PM

AGENDA

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

4. CONSIDERATION OF AGENDA

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

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

March 7, 2024 Regular Meeting

March 14 & 15, 2024 Budget Retreat

March, 27, 2024 Second Monthly Meeting

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

C. Division of Water Infrastructure Funding Offer Resolution for the Lower Mud Creek Restoration Project – *Michael Huffman, Stormwater Division Manager*

D. Purchase of Water and Sewer Operations Inventory- *Chad Freeman*

E. Utility Extension Agreement for the Standard at Wilmont Subdivision – *Adela Gutierrez-Ramirez, Civil Engineer*

F. April 2024 Budget Amendments – *Adam Murr, Budget Manager*

G. Economic Development Incentive Budget Amendment – *Adam Murr, Budget Manager*

H. Approval to Declare and Sell Surplus- *Logan Hickey, Procurement and Contract Administrator*

I. Acceptance of Real Property and Approval of Agreements – *Angela S. Beeker, City Attorney*

6. PRESENTATIONS

A. True Ridge Latinx - Melisa Escobar, Executive Director

B. NCLTAP Roads Scholar Awards

C. ESB Sustainability Hero Award – *Environmental Sustainability Board*

D. Special Presentation from Congressman Chuck Edwards, *Tommy Laughter, District Representative*

7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – The Lofts at Chadwick (P24-04-CZD) – *Tyler Morrow– Planner II*

B. Rezoning: Conditional Zoning District – Kid City USA (P23-066-CZD) – *Lew Holloway– Community Development Director*

C. Zoning Text Amendment: Updates to Childcare Home and Child Care Center (P23-99-ZTA) – Matthew Manley, Strategic Projects Manager

D. Annexation: Enclave on W. Park Avenue (C24-11-ANX) – *Matthew Manley, AICP | Special Projects Manager*

8. UNFINISHED BUSINESS

A. Water and Sewer System Development Fees (SDFs) – *Adam Steurer, Utilities Director*

B. Zoning Text Amendment: Tree Canopy Preservation & Enhancement (P24-08-ZTA)

C. Clarification of City Council Priorities – *John Connet, City Manager*

9. NEW BUSINESS

A. Approval of Letter to Henderson County Legislative Delegation – *John Connet, City Manager*

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

A. Surplus Items - John Connet, City Manager

B. March 2024 Contingency and Adjustment Report – *John Connet, City Manager*

11. CITY COUNCIL COMMENTS

12. CLOSED SESSION

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

March 7, 2024

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree and Jeff Miller

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

Absent: City Attorney, Angela Beeker

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

In Person:

Brenda Raymer of Hendersonville, NC owns the Aquarium & Shark Lab by Team ECCO on Main Street in Hendersonville and just wanted to give an update on Charlotte the pregnant stingray and to thank the community for all of the support and to say that they have drawn people in for so many places such as Brazil, Austria, Poland, New Zealand, France, Spain, the Netherlands, United Emirates, Germany, Australia, Ireland, Canada, the UK, Columbia, Argentina, India and of course the U.S. We have gained 378,000 InstaGram followers, TikTok we have 600,000 followers and 2.3 million likes. On Facebook, we have 41,000 followers and 26,000 likes. It's been phenomenal and I hope its been good for the City. This is the first and only known parthenogenesis of a California Round Ray in captivity.

Micheal McDaniel, the new Regional Director of The Blood Connection and he wanted to thank the city for doing the blood drives. He also said the state of our blood supply is strong. Every 2 seconds, someone in the United States needs blood and 1 in 3 men and 1 in 2 women in the United States will develop cancer in their lifetime and if they are going to fight cancer, they will undoubtedly need blood to do it. He would like to pose a challenge to host a blood drive between police and fire, as that's always fun. We are also adding ten new buses to this region.

4. CONSIDERATION OF AGENDA

Council Member Debbie O'Neal-Roundtree moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

Council Member Lyndsey Simpson 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*

February 7, 2024 Regular Meeting
February 28, 2024 Second Monthly Meeting

B. Annexation: Certificate of Sufficiency-Enclave on W. Park Avenue (C24-11-ANX) – *Tyler Morrow, Planner II*

Resolution #R-24-12

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 Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. April 4th, 2024, 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 PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the "Enclave on West Park Avenue" as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24'31" East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57'32" West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06'56" West for 4.39 feet to a found iron pipe; (2) North 05°50'14" West for 95.40 feet to a found iron pipe; (3) North 06°11'33" West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08'45" East for 345.40 feet to the Point of Beginning.

Re: Petition for Satellite Annexation
Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC
File No. C24-11-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 7th day of March, 2024.

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

C. Budget Amendments Mid-Year FY24 – *Jenny Floyd, Budget and Management Analyst*

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: March 07, 2024 **FORM: 03072024-01**

BUDGET AMENDMENT

FUND 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING	INCREASE	DECREASE	REVISED BUDGET
410-0000-470100-19019	Transfer In (from 010)	415,529	-	-	415,529
410-0000-420050-19019	Grant Revenue (Stormwater)	70,000	-	-	70,000
410-0000-470010-19019	Bond Proceeds (2022 IFC)	13,691,943	-	104,337	13,587,606
410-1002-550102-19019	Capital Outlay - Services and Fees	-	-	-	-
410-1002-550103-19019	Capital Outlay - CIP	14,177,472	-	104,337	14,073,135
FUND 410	TOTAL REVENUES	14,177,472	-	-	14,073,135
(Fire Station #1)	TOTAL EXPENDITURES	14,177,472	-	-	14,073,135
410-0000-470010-19019	cli	652,204	-	-	652,204
410-1002-550103-19019	Capital Outlay - CIP	652,204	-	-	652,204
FUND 410	TOTAL REVENUES	652,204	-	-	652,204
(Temp. Fire Station)	TOTAL EXPENDITURES	652,204	-	-	652,204
410-0000-460090-21019	Contribution (Henderson County)	100,000	-	-	100,000
410-0000-460090-21019	Contribution (Other Agencies)	17,500	-	-	17,500
410-0000-470010-21019	Bond Proceeds (2022 IFC)	2,157,853	104,337	-	2,262,190
410-0000-470100-21019	Transfer In (From 010)	75,000	-	-	75,000
410-1002-550103-21019	Capital Outlay - CIP	2,350,353	104,337	-	2,454,690
FUND 410	TOTAL REVENUES	2,350,353	104,337	-	2,454,690
(Edwards Park)	TOTAL EXPENDITURES	2,350,353	104,337	-	2,454,690
410-0000-470010-19021	Bond Proceeds (2022 IFC)	1,500,000	-	-	1,500,000
410-1400-550103-19021	Capital Outlay - CIP	1,500,000	-	-	1,500,000
FUND 410	TOTAL REVENUES	1,500,000	-	-	1,500,000
(Replace HFD Ladder)	TOTAL EXPENDITURES	1,500,000	-	-	1,500,000
410-0000-470010-19020	Bond Proceeds (2022 IFC)	800,000	-	-	800,000
410-1400-550103-19020	Capital Outlay - CIP	800,000	-	-	800,000
FUND 410	TOTAL REVENUES	800,000	-	-	800,000
(Replace HFD Engine)	TOTAL EXPENDITURES	800,000	-	-	800,000

2022 Installment Financing Subtotal	18,802,000
Other Financing Sources Subtotal	713,029
Total Project Revenues (19019, 19020, 19021, and 21019)	**19,480,029**
Total Project Appropriation (19019, 19020, 19021, and 21019)	**19,480,029**

A budget amendment to move budget from the Fire Station portion of the 2022 Installment Financing to the Edwards Park portion to cover a general conditions correction by the Construction Manager at Risk.

The City Manager and City Clerk certify budget ordinance amendment 03072024-01 was approved by City Council on March 07, 2024.

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: March 07, 2024 **FORM: 03072024-02**

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470090	Fund Balance Appropriated	386,000	20,000	-	406,000
459-0000-598901	Transfer Out (to 460, #19014)	386,000	20,000	-	406,000
FUND 459	TOTAL REVENUES	386,000	20,000	-	406,000
	TOTAL EXPENDITURES	386,000	20,000	-	406,000
460-0000-470010-19014	Debt Proceeds ('23 Rev. Bond)	636,000	-	-	636,000
460-0000-470100-19014	Transfer In (from 459)	386,000	20,000		406,000
460-7055-550103-19014	Capital Outlay CIP	1,022,000	20,000	-	1,042,000
FUND 460	TOTAL REVENUES	1,022,000	20,000	-	1,042,000
	TOTAL EXPENDITURES	1,022,000	20,000	-	1,042,000

A budget amendment to increase the Church St. Sewer Project (#19014) for a total budget of $1,042,000 using a $20,000 transfer in from the Water & Sewer Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 03072024-02 was approved by City Council on March 07, 2024.

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: March 07, 2024 **FORM: 03072024-03**

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-7002-501001	Salaries- Regular	682,031	-	50,000	632,031
060-7050-501001	Salaries- Regular	438,437	-	13,000	425,437
060-7135-501001	Salaries- Regular	561,193	-	13,000	548,193
060-1523-501010	Salaries- Overtime	(73,000)	76,000	-	3,000
FUND 060	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	1,608,661	76,000	76,000	1,608,661

A budget amendment increasing overtime budget in the W&S Fund, reversing a prior amendment made in February 2024.

The City Manager and City Clerk certify budget ordinance amendment 03072024-03 was approved by City Council on March 07, 2024.

6. PRESENTATIONS

A. Proclamation-We Are Hope Week – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to Bella Geiser from Hendersonville High School and Kaityln Auten from West Hendersonvill High School.

Proclamation

Honoring the Observance of
"We Are Hope" Week in Henderson County Public Schools'
Middle & High Schools
March 11 – March 15, 2024

WHEREAS, Substance and alcohol abuse negatively affects many areas of the brain, the liver, the heart, and other body parts and can cause adverse behavior, psychological, and social consequences; and

WHEREAS, there were more than 63,600 drug overdose deaths in the United States in 2016, and the drug overdose death rate has more than tripled from 1999 to 2016; and

WHEREAS, substance and alcohol abuse continues to occur among children and youth in our society: in 2017, 12.1 percent of high school students in North Carolina smoked cigarettes, 44.1 percent used an electronic vape product, 26.5 percent drank alcohol, 36.5 percent used marijuana, 5.3 percent used cocaine, and 15 percent took prescription drugs without a doctor's prescription, according to the Centers for Disease Control and Prevention's 2017 Youth Risk Behavior Surveillance; and

WHEREAS, student leaders in Henderson County Public Schools' six high schools and four middle schools have joined with local Henderson County coalition HopeRx in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse; and

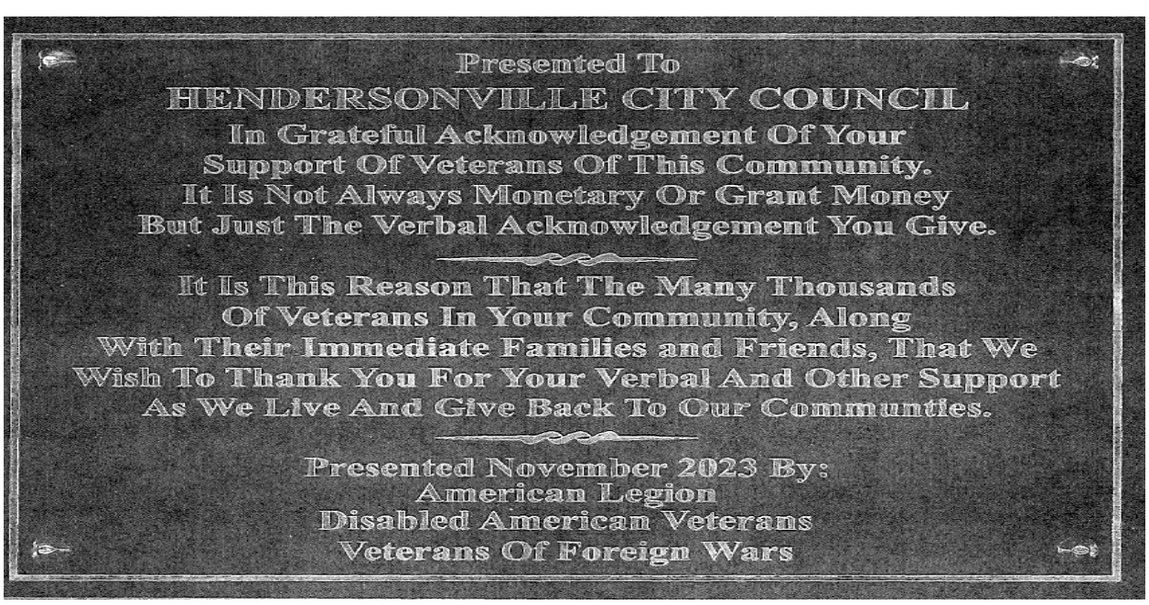
WHEREAS, students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, East Henderson High, Innovative High School, Henderson County Career Academy, Mountain Community School, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free;

NOW THEREFORE BE IT RESOLVED, by the City of Hendersonville City Council Members, that March 11th, 2024 - March 15th, 2024, be observed in Henderson County Public Schools' middle and high schools as "We Are Hope" substance abuse awareness week.

Proclaimed on the 7th day March, 2024.

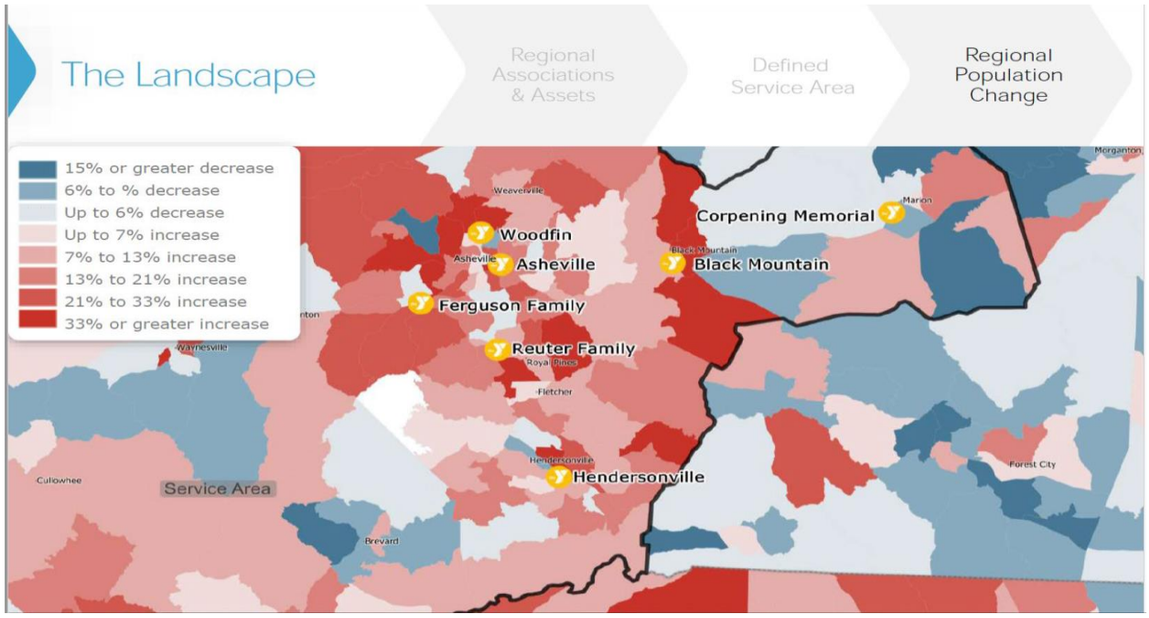
B. Presentation from Veteran Service Organizations – *Andrew Clark and Bob Scruggs*

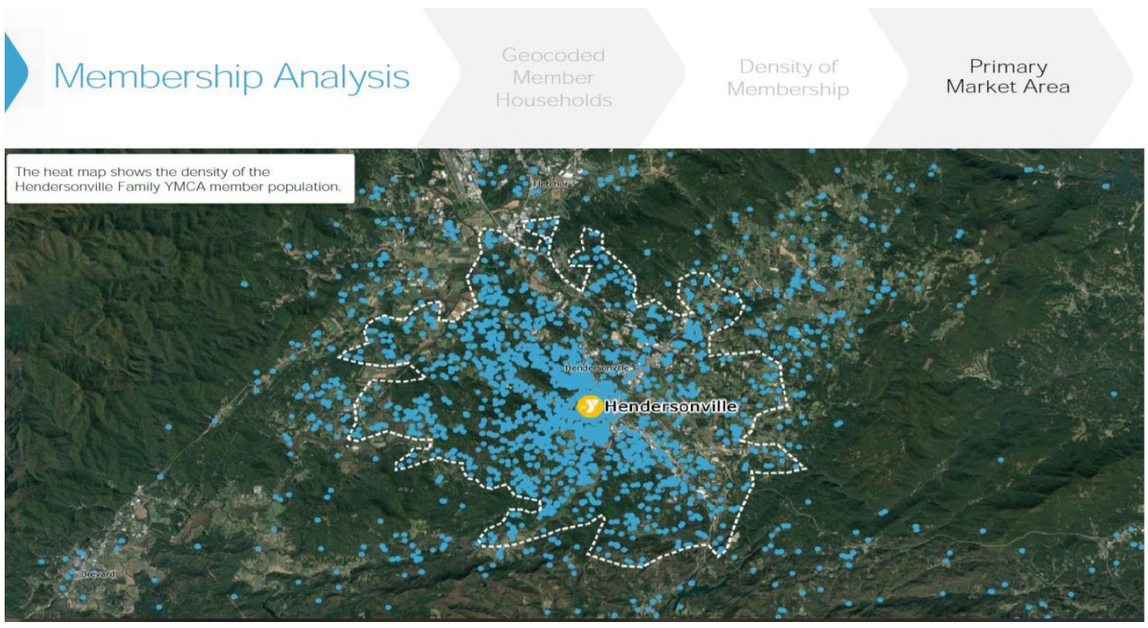
Mr. Andrew Clark and Mr. Bob Scruggs thanked the City Council for their support of Veterans in the community and presented them with a plaque.

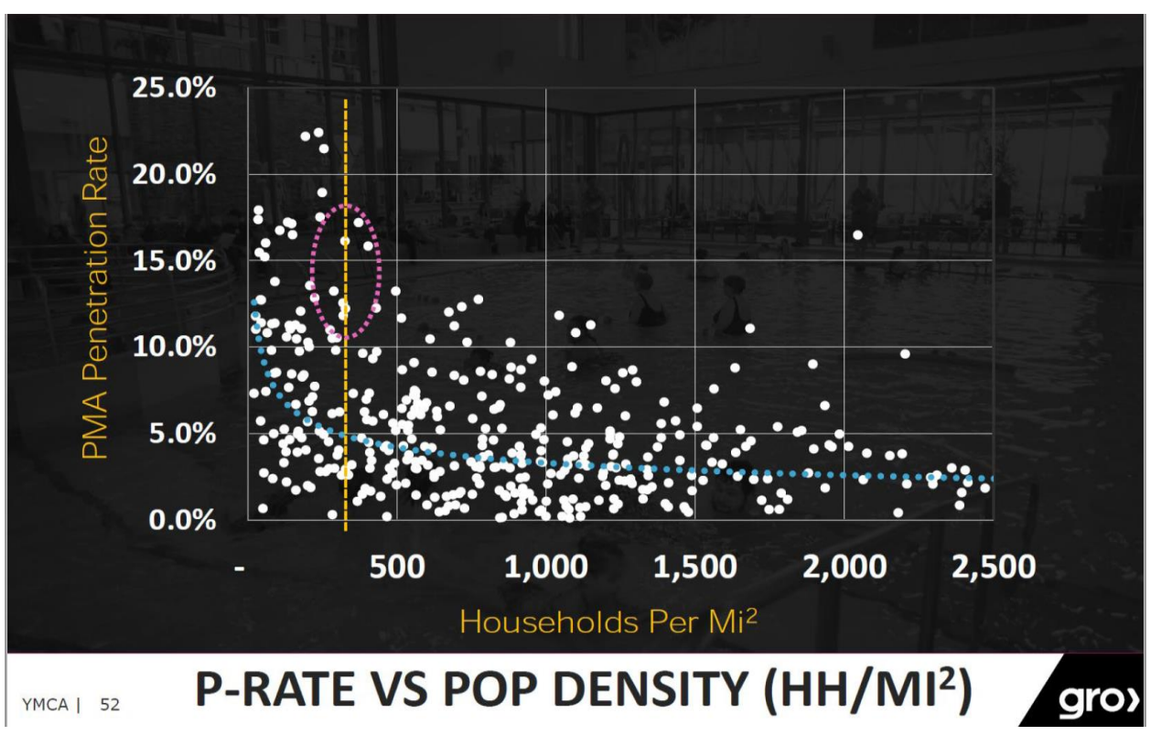


C. YMCA Special Appropriation Presentation – *Katrina McGuire, Hendersonville YMCA*

YMCA Executive Director Katrina McGuire presented the YMCA's Special Appropriation Request. The YMCA of WNC is in the process of developing plans to expand the Hendersonville YMCA. The Chief Operating Officer Tim Blenco presented the following PowerPoint presentation and requested the amount of $7,000 from the City of Hendersonville.


The Landscape
Regional Associations & Assets
Defined Service Area
Regional Population Change
15% or greater decrease
6% to % decrease
Up to 6% decrease
Up to 7% increase
7% to 13% increase
13% to 21% increase
21% to 33% increase
33% or greater increase
Woodfin
Asheville
Ferguson Family
Reuter Family
Hendersonville
Corpening Memorial
Black Mountain
Service Area


Membership Analysis
Geocoded Member Households
Density of Membership
Primary Market Area
The heat map shows the density of the Hendersonville Family YMCA member population.
Hendersonville


PMA Penetration Rate
25.0%
20.0%
15.0%
10.0%
5.0%
0.0%
-
500
1,000
1,500
2,000
2,500
Households Per Mi²
YMCA | 52
P-RATE VS POP DENSITY (HH/MI²)
gro

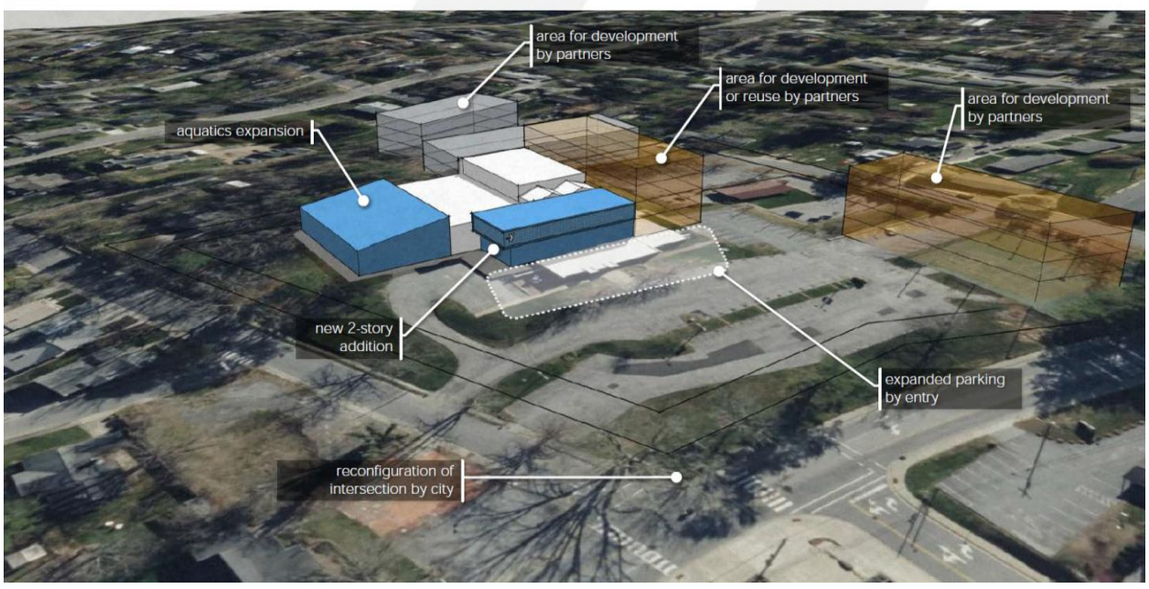
HENDERSONVILLE FAMILY YMCA

Asset Assessment

		Rating
Market & Performance	**OPPORTUNITY TO SERVE (SUSTAINABLY)** • *Sustainable PMA population w/ above average expected population growth; no YMCAs overlap* • PMA Data: est. 93 sq. miles containing 62K people and 27KHHs: annual growth rate 7.4% • Demographic: medial age 48.6; median income $56K; median home value $225K • 2023: 3100 total units (sustainable). Penetration: approx. 9.2% • Total revenue: $2.05M ($1.63M membership, $280K program) • Net position: ($17K) before depreciation; ARPU = $527	A-
Location	**STRATEGIC PLACEMENT FOR SERVICE** • *Above average proximity to PMA population concentration* • Above average contextual proximity to *commercial* development activity (established and/or new) • Above average contextual proximity to *residential* development activity (established and/or new) • Average proximity of national & boutique like-service providers compared w/ expected • Average contextual proximity (multiple adjacencies) to schools, parks, government services, health care • Above average contextual proximity to vehicular and transportation activity and infrastructure • Suitably located vis a vis surround land uses and zoning (compatible)	A
Site & Property	**CAPACITY AND VALUE OF ASSET/PROPERTY** • *Site configuration, visibility & accessibility suited for current use (in context) but must be maximized* • Ownership: YMCA • At 7.3 acres, in context parcel size is sized to accommodate significant additions and/or expansion • Current zoning (MIC Medical Institutional Cultural) allows YMCA limited additional density on-site • Asset is additive to balance sheet • Average contextual anticipated cost of site improvements	A-
Buildings & Venues	**ALIGNMENT OF OFFERING WITH MARKET** • *Accommodating to target HHs: deficient; transformation warranted* • Threshold ability to expand YMCA improvements, if desired: not accommodating • Alterability of existing structure: not accommodating • Primary venue quantity: inadequate • Facility age & class: dated, institutional recreational, outdated, new • Exterior & Interior presentation of offerings: modernity and finishes insufficient	C
Funding & Goodwill	**AVAILABILITY OF RESOURCES & STANDING AS BENEFICIARY** • Prospects for contributed capital (fundraising) in the community: above average • Standing with public/governmental bodies for receipt of grant funding: above average • Qualification for supplemental funding: NMTC (Qualified), QCT • Prospects for partnership: above average • Potential/latent value of real estate asset: above average • Capacity for responsible deployment of debt financing: not advised (net margin)	B+

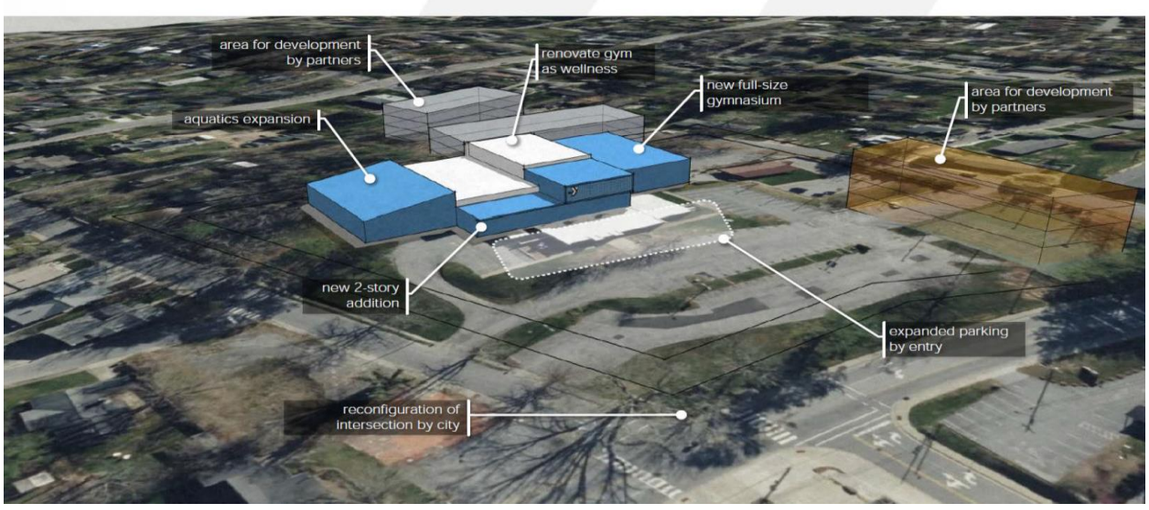
HENDERSONVILLE FAMILY YMCA

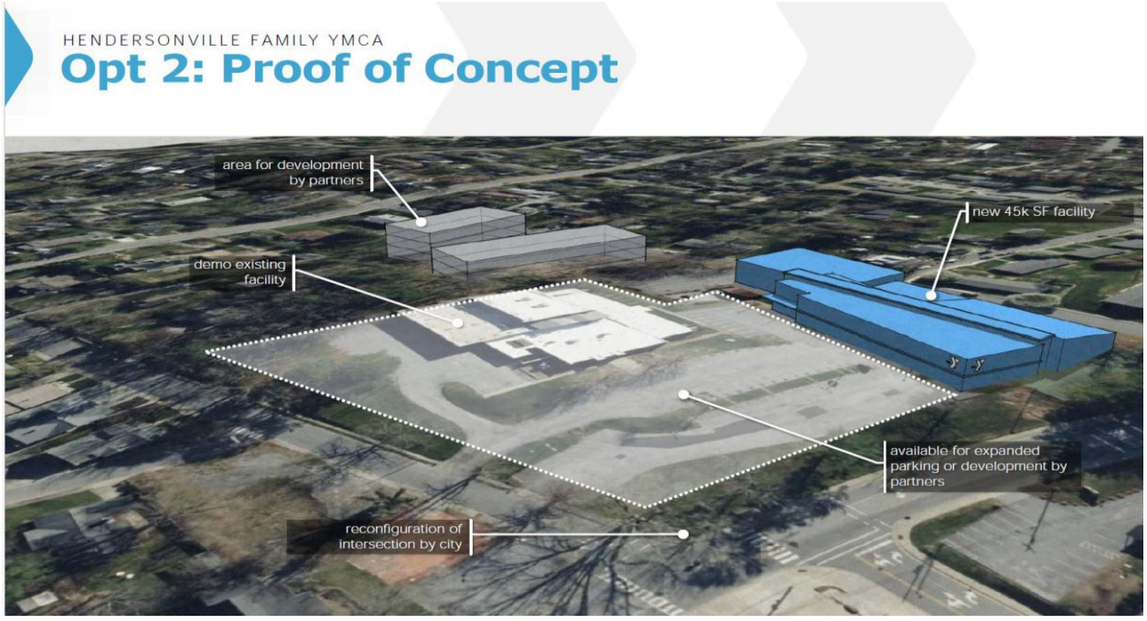
Opt 1a: Proof of Concept



HENDERSONVILLE FAMILY YMCA

Opt 1b: Proof of Concept





HENDERSONVILLE FAMILY YMCA

Capital Investment Summary

Jan 26, 2024	OPTION 1a: New Aquatics	OPTION 1b: New Aquatics & Gym	OPTION 2: New Facility On Site		REMARKS
DESCRIPTION	• 15K SF new constr. • 6K SF reno • 11K SF demo • TBD deferred maint. • $200k façade enhancement • 50 surface parking spaces • $500k site allowance	• 24k SF new constr. • 8K SF reno • 11K SF demo • TBD deferred maint. • 50 surface parking spaces • $500k site allowance	• 45K SF new constr. • 32k SF demo • New 45K SF Full Facility YMCA on existing site • 100 new parking spaces • $2.0M site allowance		
PROJ. BUDGET	$ 10.6M total	$ 14.4M total	$ 25.3M total		
Δ MEM UNITS	+ 1,025 units	+ 1,559 units	+ 2,093 units		Current P-rate: 9.2% Attain: 12% to 16%
Δ MEM REV	$543,000	$857,000	$1,203,000		Current ARPU: $527 Attain ARPU: $530-575
COST / NEW UNIT (GROSS)	$10,340/ unit	$9,236 / unit	$12,088 / unit		Gross costs; to be reduced by Supplemental Funding Sources (Public Grants, NMTC, Partner Contribution, Real Estate Asset Reallocation) as available
NOTES	• notable service disruption • maintains undersized gym	• notable service disruption • introduces full-size gym	• limited program disruption • longer life-cycle for investment		

D. Recognition of Deanna Van Wyk, Payroll & Benefits Officer for obtaining the International Public Management Association – *Jennifer Harrell, HR Director*

Human Resources Director Jennifer Harrell explained that Deanna Van Wyk recently passed the examination obtaining the International Public Management Association- Human Resources Certified Professional Certification (IPMA-HR- CP). IPMA-HR strives to encourage excellence in public sector human resources and promote continuous learning. To become IPMA-HR CP certified, one must demonstrate not only an understanding of contemporary theoretical knowledge, but also the ability to translate this knowledge into proper action in the workplace. She added that Deanna has been a great asset to the Human Resources department and the City.

E. 2024 City Academy – *LuAnn Welter, HR Coordinator*

Human Resources Coordinator LuAnn Welter said we held sixth session of the City of Hendersonville Academy (COHA). The goal of this program is to provide interested employees with a greater comprehension of City operations, services, programs, and monies to enhance their job performance and worth. We had twelve employees attend the six Monday night sessions on the following topics.

January 22 – State & Local government/ City organization – John Connet

January 29 – Departments – Multiple speakers
February 5 – Budget – Brian Pahle
February 12 - Human Resources Night - Angie Beeker, Jennifer Harrell, Deanna Van Wyk, LuAnn Welter
February 19 – Local Growth / Development – Brittany Brady & Tyler Morrow
February 26 – Leadership / Recap / participants choice (Brian Pahle & John Connet)

PARTICIPANTS

Ally Ceckowski	Finance/Customer Service
Savannah Tankersley	Finance/Customer Service
Lisa Brown	Finance/Customer Service
Brittany Watson	Finance/Customer Service
Terrye Jacobs	Community Development/Downtown
Lucas Stewart	Water/Sewer
Jody Martin	Public Works Facilities Maintenance
Ben Allamong	Engineering
Travis Penland	Engineering
Richard Shook	Engineering
Sylina Holbrook	Police
David Corey	Fire

F. Certificate of Completion of International Association of Chiefs of Police Trust Building Campaign Pledge – *Blair Myhand, Police Chief*

Police Chief Blair Myhand explained that the IACP Trust Building Campaign seeks to enhance trust between police agencies and the communities they serve by ensuring positive community-police partnerships that promote safe, effective interactions; create strategies to prevent and reduce crime; and improve the well-being and quality of life for all.

To join the campaign, police agencies must pledge to implement the outlined key policies and promising practices. These policies and practices represent six key focus areas that are essential to enhancing trust and collaboration between communities and police.

- Bias-Free Policing
- Use of Force
- Leadership and Culture
- Recruitment, Hiring, and Retention
- Victim Services
- Community Relations

Agencies and organizations demonstrating a serious commitment to implementing the key action items in all six areas will become publicly recognized members of the Trust Building Campaign. Chief Myhand presented the Certificate of Completion for his department.

International Association of Chiefs of Police
Shaping the Future of the Policing Profession
IACP
International Association of Chiefs of Police
CERTIFICATE OF COMPLETION
This Document Recognizes
Hendersonville Police Department
For Fulfilling the Goals of the
Trust Building Campaign Pledge
February 16, 2024
Date
Vincent Talucci, CAE
Executive Director/Chief Executive Officer

7. PUBLIC HEARINGS

A. Annexation: Public Hearing – 1019 Berkeley Rd – Fakhoury (C23-3-ANX) – *Matthew Manley AICP Strategic Projects Manager*

Matt Manley explained that the City of Hendersonville received a petition from Kevin & Alexandra Fakhoury for contiguous annexation of PIN 9569-48-5695 located at 1019 Berkeley Rd near the intersection of Asheville Hwy. The property to be annexed is approximately 1.28 acres. Please refer to the attached maps for additional information. On February 7, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Kevin & Alexandra Fakhoury and set March 7th, 2024, as the date for the public hearing.

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

There were no public comments.

The public hearing was closed at 6:28 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Kevin & Alexandra Fakhoury, identified as PIN 9569-48-5695, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-04

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A CONTIGUOUS ANNEXATION

IN RE: Petition for Contiguous Annexation
Parcel Number: 9569-48-5695
Fakhoury Annexation (File# C24-03-ANX)

WHEREAS, The City of Hendersonville has been petitioned by Kevin & Alexandra Fakhoury, pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 7th day of March 2024, after due notice by publication as provided by law on Sunday, February 18th and Sunday, February 25th; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

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

1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 7th day of March, 2024.

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

BEGINNING AT A SET IRON PIN ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE, SAID IRON PIN BEING THE NORTHEAST CORNER OF THAT CERTAIN 2.076 ACRE TRACT AS RECORDED IN PLAT SLIDE 12078, HENDERSON COUNTY REGISTRY; THENCE LEAVING THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE AND RUNNING WITH THE EAST LINE OF SAID 2.076 ACRE TRACT SOUTH 14°41'27" EAST FOR 338.92 FEET TO A FOUND IRON PIN ON THE LIMITS OF THE CITY OF HENDERSONVILLE, BEING THE SOUTHEAST CORNER OF SAID 2.076 ACRE TRACT; THENCE ALONG THE SOUTH LINE OF SAID 2.076 ACRE TRACT AND THE LIMITS OF

THE CITY OF HENDERSONVILLE RUNNING SOUTH 86°17'36" WEST FOR 222.87 FEET TO A POINT; THENCE LEAVING THE SOUTH LINE OF SAID 2.076 ACRE TRACT AND RUNNING WITH THE LIMITS OF THE CITY OF HENDERSONVILLE THE FOLLOWING TWO (2) COURSES TO WIT: (1) NORTH 03°52'32" EAST FOR 176.62 FEET TO A POINT; (2) NORTH 04°26'58" WEST FOR 126.40 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE; THENCE ALONG THE ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE RUNNING NORTH 73°24'37" EAST FOR 140.16 FEET TO THE POINT OF BEGINNING. CONTAINING 1.28 ACRES, MORE OR LESS.

2: Upon and after the seventh day of March 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A- 58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

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

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

B. Annexation: Public Hearing – Upward Road & Old Spartanburg Road (The Spinx Company, LLC, ([Formerly Jones]) (C23-97-ANX) – *Tyler Morrow, Planner II*

Tyler Morrow explained that the City of Hendersonville received a petition from The Spinx Company LLC for satellite annexation of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187,located on Upward Road and Old Spartanburg Road that is approximately 4.441 acres. On February 7th, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones and set March 7th, 2024, as the date for the public hearing. The Spinx Company LLC closed on the parcels on February 8th, 2024. The certificate of sufficiency petition also included a signed application by the Spinx Company LLC with the understanding that they along with the then property owners all agreed to the annexation request.

The Spinx Company LLC also removed one parcel from the original annexation request. They removed PIN 9577-89-8138 from the annexation petition. This parcel fronts on Bell Avenue and is a residentially zoned parcel by Henderson County. This property is no longer attached to this request and is to remain in Henderson County and under Henderson County zoning.

The public hearing was opened at 6:31 p.m.

Public comments:

Via Zoom: Lynne Williams concerned with how the City will maintain historic character along this corridor.

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

Council Member Lyndsey Simpson moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by The Spinx Company LLC, identified as PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-05

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A SATELLITE ANNEXATION

Re: Petition for Satellite Annexation
Petitioners: The Spinx Company, LLC (Greg Minton, EVP of Real Estate)

File No. C23-97-ANX

WHEREAS, The City of Hendersonville has been petitioned by the Spinx Company LLC. pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 7th day of March 2024, after due notice by publication as provided by law on February 18th 2024; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit;

1. All 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 2,043' 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 propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
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.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

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

1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the seventh day of March 2024.

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.441 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, S35-16-06W 99.99

FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

2: Upon and after the seventh day of March 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

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

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

C. Rezoning: Standard Rezoning – Upward Rd-Spinx (P24-07-RZO) – *Matthew Manley AICP Strategic Projects Manager*

Matthew Manley explained that the City of Hendersonville received an Annexation application from the Spinx Company, LLC (anticipated owners) for 5 parcels totaling 4.58 Acres located along Upward Road at the southeast corner of the intersection with Old Spartanburg Rd (across from Dairi-O). The applicant has not requested zoning, therefore the City is initiating zoning for these parcels from County CC, Community Commercial to CHMU, Commercial Highway Mixed. The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District. CHMU permits a range of intense 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, including "convenience stores with or without gasoline sales". CZD would be triggered by projects exceeding 50 units or exceeding a cumulative square footage of 50,000 Sq Ft. Planning Board voted unanimously in recommending approval of the zoning.

The public hearing was opened at 6:43 p.m.

Public comments

Greg Minton of Greer, SC who is with the Spinx Company, LLC first applauded City Council for all of the positive energy at their meeting. Secondly, asked that they consider approving the rezoning request.

Via Zoom: Lynne Williams spoke about being thoughtful about the Upward Rd corridor and preserve the character and open spaces of it.

The public hearing was closed at 6:48 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PINs: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416, from Henderson County CC, Community Commercial to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

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 Rd Planning Area***
2. ***The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area***
3. ***The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan***

A unanimous vote of the Council followed. Motion carried

Ordinance #O-24-06

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 NUMBERS 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; AND 9577-89-6416) 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: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416
Upward Rd - Spinx (File # P24-07-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on February 8th, 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 March 7th, 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 March 7th, 2024,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416 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 7th day of March, 2024.

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

D. Water and Sewer System Development Fees – *Adam Steurer, Utilities Director*

Hendersonville City Council directed Staff to further pursue information on water and sewer System Development Fees (SDFs). SDFs are a one-time fee paid by new development requiring water and/or sewer services to recover a portion or all of the cost of constructing water and/or sewer system capacity. The fees can also be assessed to existing development requiring increased system capacity. In general, SDFs are based upon the costs of current and/or future utility infrastructure including, but not limited to, water supply facilities, treatment facilities, effluent disposal facilities, and transmission mains. SDFs serve as the mechanism by which growth can "pay its own way" and minimize the extent to which existing customers must bear the cost of facilities that will be used to serve new customers. Currently, the City does not assess SDFs and therefore does not recover the cost of providing water and sewer capacity from new development connecting to the utility systems. Staff have worked with the qualified financial professional consulting firm, Stantec, to explore various SDF scenarios and impacts. Stantec has prepared a SDF Fee Analysis Report, which has been posted on the City's website for public comment. No public comments were received.

CITY OF HENDERSONVILLE

Water and Sewer
System Development Fees

System Development Fees (SDFs)

- Fees assessed to new development requiring new connection(s) or existing connections requiring additional capacity.
- SDFs recover costs necessary for system expansion and additional capacity - “Growth pays for Growth”
- Lack of SDFs places the full cost of infrastructure capacity on existing ratepayers
- SDFs should be viewed as a mechanism to ensure the equitable distribution of cost responsibilities between existing and future utility customers
- Legislated in G.S. 162A, Article 8 (SDF Act). Written analysis required.

Considerations

- Hendersonville charged SDFs until Fall 2016
- SDFs are very common in North Carolina
  - 81 NC utilities charged SDFs (2018/2019)
  - Hendersonville is the only utility in the top 25 largest in NC that does not currently charge SDFs
- Reduction in future rate increases for all customers realized assuming collection of SDFs
- SDFs provide revenue to cash-fund more projects instead of issuing debt

SDFs Fund Capital Projects

- French Broad River Intake: $23.5-million
- WTF 15-mgd Expansion: $2.1-million
- NC 191 Water Transmission Main: $12.7-million
- Mud Creek Interceptor: $8.8-million
- WWTF 6-mgd Expansion: $34-million
- ..and many, many more

Process and Engagement

Group	Action	Date
Staff	SDF written analysis begins	9/7/2022
Water & Sewer Advisory Committee	SDF 101 presentation	10/24/2022
City Council	SDF 101 presentation	10/26/2022
City Council	Initial results presentation	4/26/2023
Business Advisory Committee	Presentation	7/10/2023
Water & Sewer Advisory Committee	Presentation	7/24/2023
City Council	Presentation	8/23/2023
Business Advisory Committee	Final Presentation & board recommendations	10/9/2023
Water & Sewer Advisory Committee	Final Presentation & board recommendations	10/23/2023
City Council	Final Presentation & council recommendations	10/25/2023
Public	Written analysis available for public comment	11/1/2023 - 12/18/2023
Chamber of Commerce-Public Policy Committee	Presentation	12/14/2023
City Council	Public Hearing	3/7/2024

Residential Calculated SDFs

Dwelling Heated Sq Ft	Calculated Water SDF	Calculated Wastewater SDF	Combined SDF
<1000	$1,247	$2,048	$3,295
1,000 - 1,500	$1,332	$2,188	$3,519
1,501 - 2,000	$1,359	$2,233	$3,592
2,001 - 2,500	$1,443	$2,370	$3,813
2,501 - 3,000	$1,500	$2,465	$3,965
3,001 - 3,500	$1,613	$2,650	$4,263
3,501 - 4,000	$1,724	$2,833	$4,558
4,000+	$1,992	$3,273	$5,265
Multi-Family (per unit)	$894	$1,469	$2,364
Mobile Home Park (per unit)	$1,399	$2,299	$3,699

Non-Residential Calculated SDFs

Meter Size	Calculated Water SDF	Calculated Wastewater SDF	Combined SDF
3/4"	$2,494	$4,097	$6,591
1"	$4,156	$6,828	$10,984
1 ½"	$8,312	$13,657	$21,969
2"	$13,300	$21,850	$35,150
3"	$29,093	$47,798	$76,891
4"	$52,368	$86,036	$138,405
6"	$108,062	$177,535	$285,597
8"	$232,748	$382,383	$615,131
10"	$349,122	$573,575	$922,697

New Development Defined

G.S 162A-201 (6). New Development - Any of the following occurring after the date the written analysis process begins, no more than one year prior to the adoption of a system development fee, which increases the capacity necessary to serve that development:

1) subdivision of land;
2) construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units
3) any use or extension of land which increases the number of service units

Common New Development Examples

1. Single-Family Subdivision: Construction of each dwelling unit on a heated square footage basis.

2. Multi-Family Residential: Construction of each residential dwelling unit on a per dwelling unit basis.

3. Non-Residential: Construction of buildings, structures, uses of land per connection on a meter size basis.

Implementation

- Timing of collection is legislated in N.C.G.S. 162A, Article 8
  - Subdivision of Land – **Later** of the following:
    - 1) Time of application of building permit
    - 2) When service is committed
  - All other New Development – **Earlier** of the following:
    - 1) Time of application for connection of individual unit
    - 2) When service is committed

Implementation

- Commitment of Utility Service - Current
  - 1) Service already established and meter in place
    OR
  - 2) A complete service application submitted, payment of tap/meter fee, AND building permit issued.
- Commitment of Utility Service – After SDF Adoption
  - 1) Payment of SDF and issuance of Letter of Commitment

Implementation Options

Many projects across the service area are in various stages of the development process…

Implementation Options:

1. Adopt with an effective date of March 7, 2024.
2. Adopt with a delayed effective date to allow for new development projects nearing completion reasonable time to apply for utility service, pay meter/tap fee, AND apply for building permit(s).
3. Implement SDFs in phased increments over time.

The public hearing was opened at 7:14 p.m.

Public Comments:

Randy Hunter of Hendersonville, NC spoke on behalf of the Chamber of Commerce in opposition of System Development Fees.

Ken Gordon of Hendersonville, NC spoke in opposition to the System Development Fees.

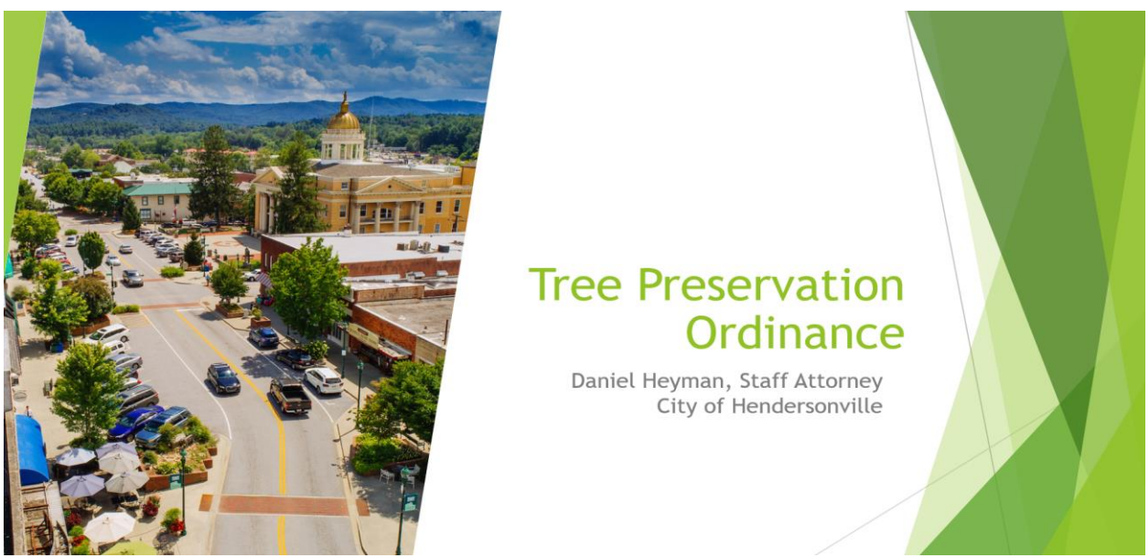
The public hearing was closed at 7:18 p.m.

Council Member Jeff Miller moved that City Council direct staff to take the next month to consider the concerns raised tonight and bring back options to Council at their April 4th meeting. A unanimous vote of the Council followed. Motion carried.

E. Zoning Text Amendment: Tree Canopy Preservation & Enhancement (P24-08-ZTA) – *Lew Holloway, Community Development Director*

The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late spring/early summer of 2023 to review the tree board request and develop the ordinance which is presented here. In May 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City's Zoning Ordinance. Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all "Open Space and Common Open Space" currently required by the code and c) the introduction of Street Tree requirements throughout the City's Zoning Districts.

Staff Attorney Daniel Heyman gave the following PowerPoint presentation to Council on behalf of the Tree Ordinance Revision Committee:



- Tree Ordinance Study Committee purpose: "to study and recommend ordinance provisions related to the preservation of the tree canopy within the City of Hendersonville."

- Members:
  - Glenn Lange (Tree Board)
  - Mary Davis (Tree Board)
  - Mark Steirwalt (Staff - PW)
  - Lyndsey Simpson (City Council)
  - Virginia Tegel (ESB)
  - Neil Brown (Planning Board)
  - Lew Holloway (Staff - Community Dev.)
  - Daniel Heyman (Staff - Legal)
  - Steve Dozier (formerly Business Advisory)
  - Susan Frady (At-large)
  - Caitlyn Gendusa (Staff - Sustainability)
  - Ken Gordon (Business Advisory)

Rough timeline:

Ordinance addresses:

- Preservation of existing trees
- Some expanded planting requirements (street trees, common open space)

Ordinance does not address:

- Other environmental issues (steep slopes, stream buffers)
- Overall developed canopy percentage/planting requirements

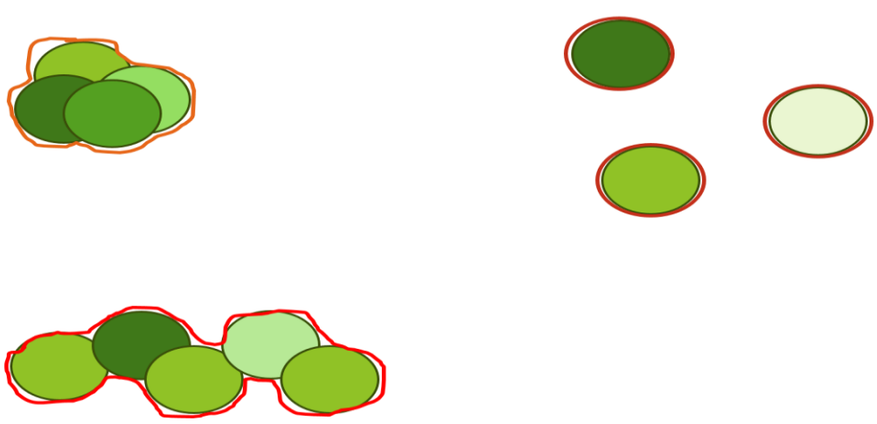
Benefits of preservation:

- Improved air quality
- Prevent stormwater runoff and erosion
- Control urban "heat-islands"
- Conserve energy (e.g. reduced AC use)
- Documented economic and health benefits

Some considerations:

- Tree canopy preservation
- Private property rights
- Affect on affordable housing
- Development constraints on small sites
- Development flexibility

Measuring Canopy



Tree Canopy Cover Assessment

- Measures the amount of the City covered by Tree Canopy (35%)
- City limits and ETJ only
- Looks at things like possible planting area, impervious area, and unsuitable planting area (biologically possible but inappropriate e.g. baseball field)
- Uses imagery from the USDA's National Agriculture Imagery Program (NAIP) - "leaf on" conditions.

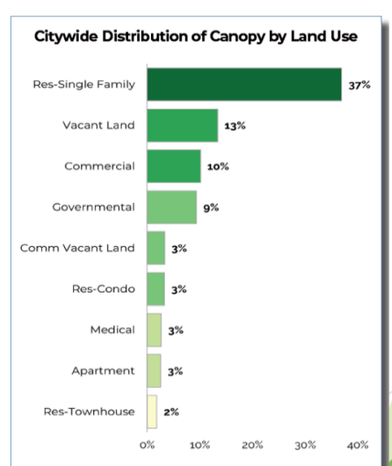


Figure 15. Distribution of citywide tree canopy by land use.

Tree Canopy Cover Assessment

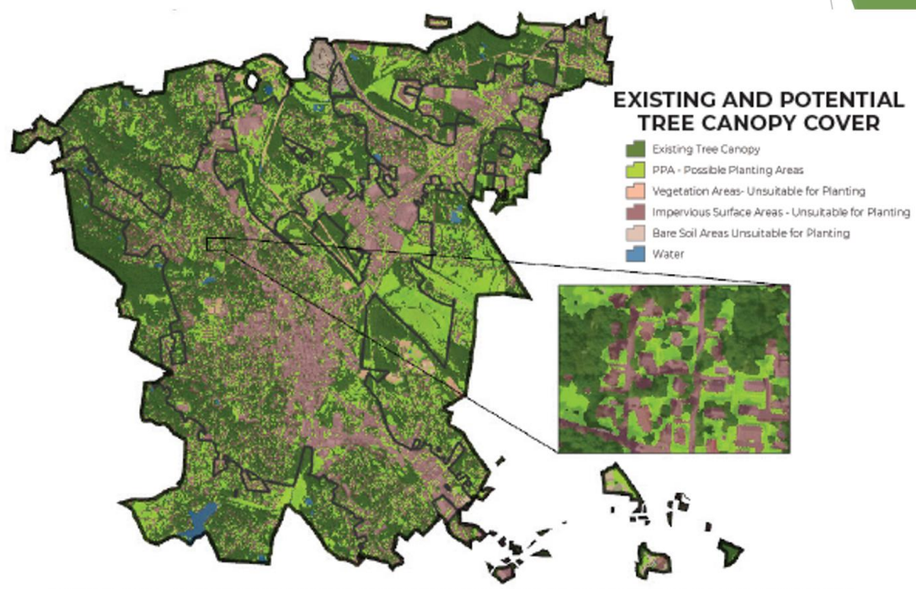
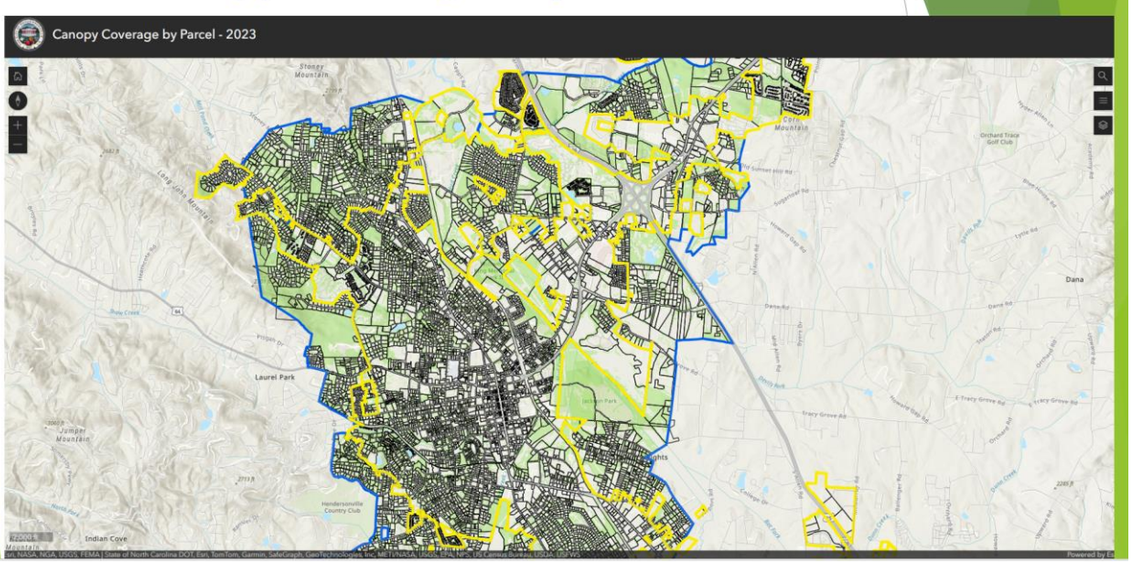
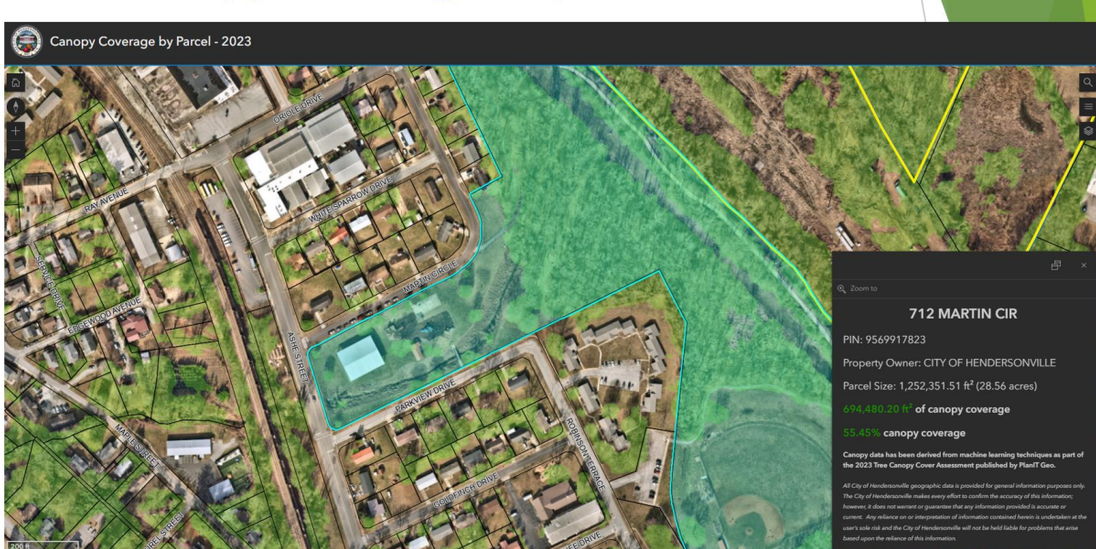


Figure 9. Distribution of existing and potential tree canopy cover throughout the combined study area.

Tree Canopy Coverage Map



Tree Canopy Coverage Map



Existing landscaping requirements (not an exhaustive list):

- Submit a tree survey showing all trees 12” diameter +
- Parking lot landscaping
- Buffer based on proposed and adjacent uses
- Credits toward landscaping requirements for preserving existing trees (incentive only, no requirement)
- Street trees in some areas (entry corridor, certain zoning districts)
- Open space landscaping in mixed-use districts
- No requirement to preserve existing trees

Proposed changes (according to the current draft):

- Tree preservation standards established
- Eliminate Tree Board review of conditional rezonings
- No tree survey required, only a plan showing the tree line
- Reduce the credits for preservation of existing trees
- No credit for invasive species
- Trees used to meet landscaping new landscaping requirements must be 75 percent native species (not the preservation requirement)
- Multi-family residential to buffer lower density residential with an 8-foot type A buffer
- Common open space landscaping (1 tree/5 shrubs per 1,200 sq. ft.)
- Open space landscaping (1 tree/5 shrubs per 4,000 sq. ft.)
- Street trees along all streets (unless exempt from landscaping ordinance)

Proposed Tree Canopy Preservation Requirement:

- Does not apply to development sites with ≤ 30,000 sq. ft. existing tree canopy (staff recommendation)
- Existing canopy = canopy according to the most recent Tree Canopy Cover Assessment conducted by the City of Hendersonville
  - If no canopy data - developer submits a plan showing the drip-line of existing canopy
  - If developer disagrees - developer may submit a sealed plan showing existing canopy as of the date of the Cover Assessment
- Tier One - MUST preserve 20 percent of existing canopy. No fee-in-lieu (unless granted a variance)
- Tier Two - Preserve additional canopy according to the following schedule (or request a fee-in-lieu):

Select One:	Existing Canopy Preserved (in addition to Tier One):	New Canopy Installation Required:	Total Tier Two Canopy Required:
Option 1	10%	0%	10%
Option 2	5%	7%	12%
Option 3	0%	15%	15%

Proposed Tree Canopy Preservation Requirement (continued):

- Trees preserved eligible for credits toward other landscaping requirements as long as they meet criteria (e.g. VUA landscaping must be w/in 20 ft. of VUA)
- Fee-in-lieu for Tier Two Canopy
- Delay of development approval for three years if all or substantially all trees are removed in violation (and other remedies)
- Example below assuming: 5-acre site with 2 acres, or 87,120 sq. ft. of existing tree canopy:

Example of Tree Canopy Preservation Requirement				
Select One:	**Tier One Existing Canopy Preservation Requirement**	**Tier Two Tree Existing Canopy Preserved (in addition to Tier One):**	**New Canopy Installation Required:**	**Total Tree Canopy Requirement:**
Option 1	17,424 sq. ft. (20%)	8,712 sq. ft. (10%)	0 sq. ft. (0%)	26,136 sq. ft. (30%)
Option 2	17,424 sq. ft. (20%)	4,356 (5%)	6,098 (7%)	27,878 sq. ft. (32%)
Option 3	17,424 sq. ft. (20%)	0 sq. ft. (0%)	13,068 sq. ft. (15%)	30,492 sq. ft. (35%)

Ex: Henderson County EMS

2015 Aerial - source: Henderson County GoMaps

Ex: Henderson County EMS

Ex: Henderson County EMS

- Developer would add:
  - Existing tree canopy to remain acreage or sq. ft.
  - Total existing tree canopy (including to be removed) and acreage or sq. ft.
  - New canopy installation

2017 Henderson County EMS Landscaping Plan

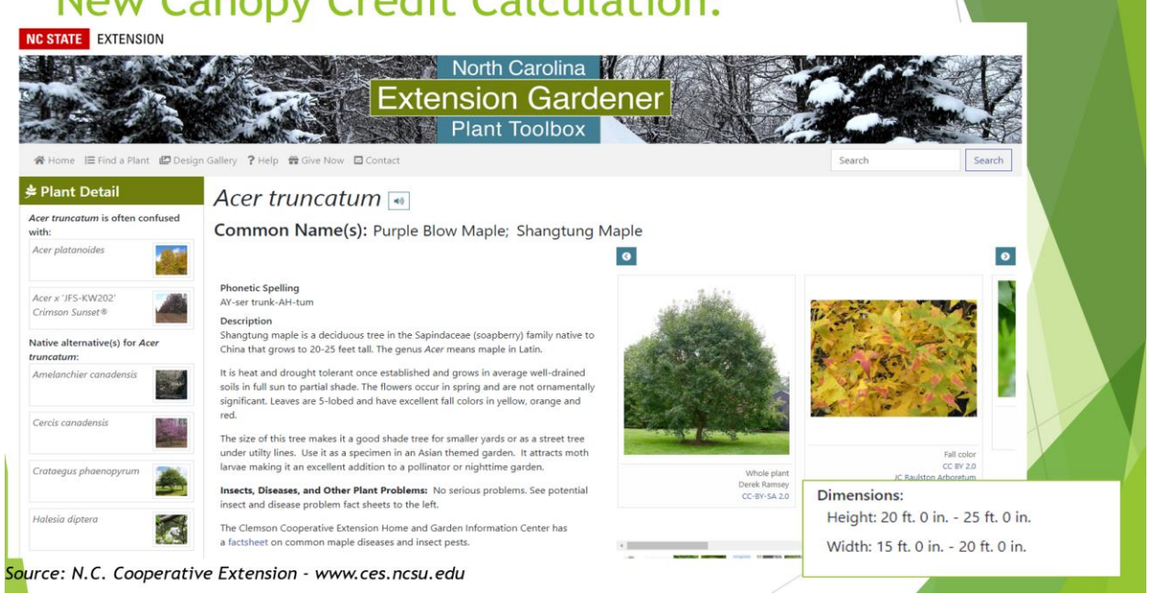
New Canopy Credit Calculation:

MEDIUM MATURING TREES 25' - 50' TALL

Common Name	Botanical/Scientific Name
Norwegian Sunset Maple[x]	*Acer truncatum x A. platanoides* 'Keithsform'
Upright European Hornbeam [x]	*Carpinus betulus* 'Fastigiata'
American Hornbeam	*Carpinus caroliniana*
American Yellowwood	*Cladrastis kentukea*
Franklinia	*Franklinia alatamaha*
Carolina Silverbell	*Halesia carolina*
Savannah Holly	*Ilex x attenuata* 'Savannah'
American Holly [k]	*Ilex opaca*
Eastern Red Cedar [k]	*Juniperus virginiana*
Goldenrain Tree[x]	*Koelreuteria paniculata*
Galaxy Saucer Magnolia[x]	*Magnolia liliiflora 'Nigra' x Magnolia sprengeri 'Diva'*
Saucer Magnolia[x]	*Magnolia x soulangeana*
Sweetbay Magnolia	*Magnolia virginiana*
Black Gum [k]	*Nyssa sylvatica*
Sourwood [k]	*Oxydendrum arboreum*
Norway Spruce[x]	*Picea abies*
Japanese Black Pine [x]	*Pinus thunbergii*
Chinese Pistache[x]	*Pistacia chinensis*
Okame Cherry[x]	*Prunus okame*
Japanese Stewartia[x]	*Stewartia pseudocamellia*
Nigra American Arborvitae[x]	*Thuja occidentalis* 'Nigra'
Littleleaf Linden[x]	*Tilia cordata*
Greenspire Little Leaf Linden[x]	*Tilia cordata* 'Greenspire'

Source: Recommended Species List

New Canopy Credit Calculation:



Source: N.C. Cooperative Extension - www.ces.ncsu.edu

New Canopy Credit Calculation:

Ex: Medium Maturing Trees

	A	B
1	Common Name	Average Canopy
2	Norwegian Sunset Maplex	177
3	Upright European Hornbeam x	481
4	American Hornbeam	297
5	American Yellowwood	709
6	Franklinia	43.5
7	Carolina Silverbell	531
8	Savannah Holly	78
9	American Holly k	88.5
10	Eastern Red Cedar k	132.75
11	Goldenrain Treex	962
12	Galaxy Saucer Magnoliax	123
13	Saucer Magnoliax	235.5
14	Sweetbay Magnolia	397
15	Black Gum k	445.5
16	Sourwood k	61.5
17	Norway Sprucex	594
18	Japanese Black Pine x	150.75
19	Chinese Pistachex	368.25
20	Okame Cherryx	368.25
21	Japanese Stewartiax	107
22	Nigra American Arborvitaex	61.5
23	Littleleaf Lindenx	709
24	Greenspire Little Leaf Lindenx	1063.5
25	Trident Maplex	368.25
26	Red Buckeye k	132.75
27	American Smoke Tree	245.5
28	Dwarf Loblolly Pine	61.5

New Tree Canopy Installation	
Size of Tree*:	Tree Canopy
Large Maturing	872 sq. ft.
Medium Maturing	350 sq. ft.
Small Maturing	144 sq. ft.

*As designated in the Recommended Species list

Fee-in-Lieu:

- Based on the cost to for the City to plant new canopy to replace the existing canopy removed.
- Weighted average of the following:

New Tree Canopy Installation			
Size of Tree:	Tree Canopy	Trees per Acre	Weight
Large Maturing	872 sq. ft.	49.943	0.105
Medium Maturing	350 sq. ft.	124.305	0.261
Small Maturing	144 sq. ft.	301.507	0.634

- Assigned weight based on the number of trees to reach a certain amount of canopy.
- Weighted average is 228.84 sq. ft.
- City's average cost to plant and establish a tree is ~$350.
- With an average replacement canopy of 228.84 sq. ft. per tree planted:
  - 350 / 228.84 = **$1.53 per sq. ft. of tree canopy**.

Fee-in-Lieu example:

- For a development with 2 acres, or 87,120 sq. ft. of existing canopy:
  - Tier Two Canopy Preservation Requirement, Option 1 = 8,712 sq. ft.
  - 8,712 * $1.53 = $13,329.36 fee-in-lieu of the entire Tier Two requirement.
  - Tier Two Canopy Preservation Requirement, Option 2 = 4,356 sq. ft.
  - 4,356 * $1.53 = $6,664.68 fee-in-lieu of preservation requirement
  - (Developer installs 7 percent new canopy)

Business Advisory Committee Review and Recommendations:

Exemption Standard

- Recommend that the standard for compliance be development sites that exceed 2 acres in size AND exceed 30,000 sq. ft. of existing tree canopy.

Tree Board Plan Review

- Eliminate Tree Board review of conditional rezonings

Credits for Preservation

- Increase the credits for preservation of existing vegetation [see next slide]

Business Advisory Committee Review and Recommendations:

b) **Credits and other incentives to preserve vegetation.** Preserved trees may be credited at the following rate:

~~2—6 inch caliper tree = 1 tree~~

~~7~~2—12 inch ~~caliper~~ DBH (diameter at breast height) tree = ~~2~~1 tree~~s~~

13—18 inch ~~caliper~~ DBH tree = ~~3~~2 trees

19—24 inch ~~caliper~~ DBH tree = ~~4~~3 trees

25+ inch ~~caliper~~ DBH tree = ~~5~~4 trees~~.~~

Lew Holloway then presented the following PowerPoint presentation on behalf of the Planning Board:

TREE CANOPY PRESERVATION & ENHANCEMENT

(P24-08-ZTA)

Zoning Text Amendment

City of Hendersonville City Council

March 7th, 2024

Community Development | Planning Division

Lew Holloway | Community Development Director

Project Background

- **Applicant:** City of Hendersonville
- **Zoning Districts Impacted**: Applies to Various Zoning Districts dependent on type and scale of development.
- **Proposed Changes:**
  - Establishes Tree Canopy Preservation standards for new residential and commercial development.
  - Establishes new planting requirements for Common Open Space and Open Space.
  - Establishes Street Tree requirements applicable to new development and certain redevelopment projects.
  - Establishes requirements for planting Native Species.
  - Makes changes to vehicular use area planting requirements, increasing total plantings required while also enhancing flexibility around planting locations.
  - Makes various changes to submittal requirements and administrative duties to accommodate the enforcement of the new ordinance requirements.

Planning Staff Review & Recommendations

Recommended Planting List

1) We suggest that this list be titled "Approved Planting List." This just clarifies language around this being a requirement of the zoning code, rather than a recommendation. [Definition Clarification]
2) We would request that the Tree Board establish a way of annually obtaining feedback on the list from site engineers and landscape architects or other professionals who may be developing planting plans within the community. [Administrative Clarification]

Tree Board Review

1) Conditional Zoning District (CZD) review currently includes a Tree Board review of planting plans associated with site plans going through the Conditional Zoning District approval process. As discussed in the Tree Ordinance Review Committee meetings, we recommend that with the adoption of these new canopy preservation and enhancement standards that the Tree Board review process be removed from the CZD process as the new ordinance establishes standards sought by the Tree Board in this process. [Administrative Clarification]

Planning Staff Review & Recommendations

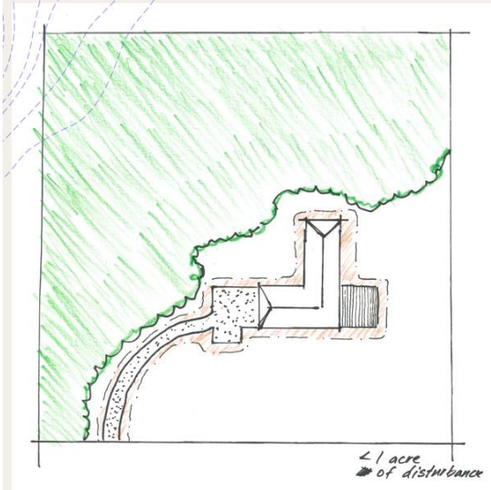
Exemption Standard Alignment

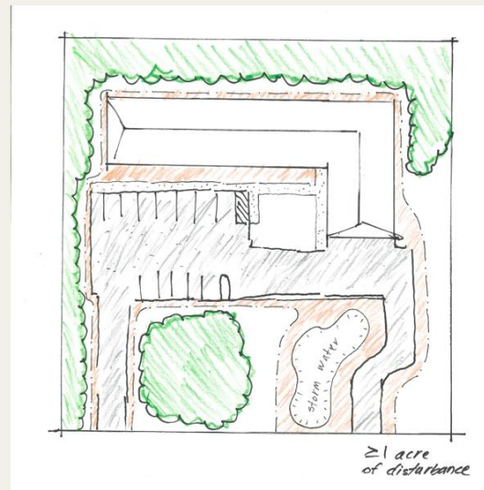
1) The Tree Canopy Preservation standard as proposed establishes an exemption for lots that are 2 acres or less in size. Staff would suggest al [Definition Clarification]
2) We would request that this exemption be aligned with the exemption standards for stormwater and erosion and sediment control standards. We propose that the exception standard would read as follows:

Tree Canopy Preservation. All developments required to comply with this Article pursuant to Sec. 15-2 herein, with the exception of development tracts whose area of disturbance is ~~no greater than two acres~~ less than an acre or whose total tree canopy does not exceed 30,000 square feet, shall preserve existing trees in compliance with this Section.

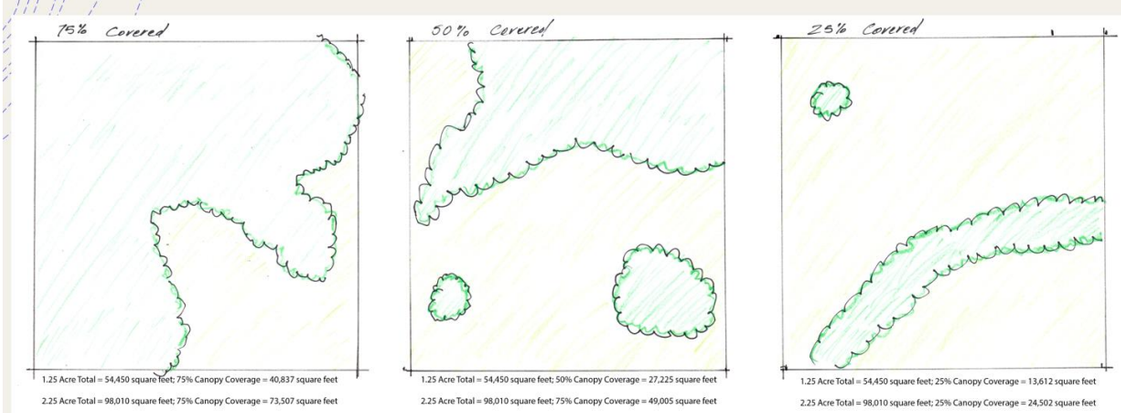
3) This recommendation is to simplify the review process while also limiting the potential design challenges and administrative burden to sites with limited canopy coverage that the preservation standard might otherwise create. [Policy Recommendation]

Area of Disturbance Illustration





Canopy Coverage Illustration



Canopy Coverage Exemption Scenarios

	75% Canopy	50% Canopy	25% Canopy
2.25 Acre Site & greater then or equal to 1 acre of disturbance	73,507 square feet; 30% saved = 22,052 sq ft (exempted by - none)	49,005 square feet; 30% saved = 14,701 sq ft (exempted by - none)	24,502 square feet; 30% saved = 7,350 sq ft (exempted by - +)
2.25 Acre Site & less then 1 acre of disturbance	73,507 square feet; 30% saved = 22,052 sq ft (exempted by - *)	49,005 square feet; 30% saved = 14,701 sq ft (exempted by- *)	24,502 square feet; 30% saved = 7,350 sq ft (exempted by - *, +)
1.25 Acre Site & greater then or equal to 1 acre of disturbance	40,837 square feet; 30% saved = 12,251 sq ft (exempted by - #)	27,225 square feet; 30% saved = 8,167 sq ft (exempted by - #, +)	13,612 square feet; 30% saved = 4,083 sq ft (exempted by - #, +)
1.25 Acre Site & less then 1 acre of disturbance	40,837 square feet; 30% saved = 12,251 sq ft (exempted by - #)	27,225 square feet; 30% saved = 8,167 sq ft (exempted by - #, *, +)	13,612 square feet; 30% saved = 4,083 sq ft (exempted by - #, *, +)

Exemptions Defined
(+) - Exemption is tied to relief granted to site with 30,000 square feet of canopy or less.
(*) - Exemption is tied to relief granted to a site with less than an acre of disturbance.
(#) - Exemption is tied to relief granted to a site that is less than 2 acres overall.

Legislative Committee

+ January 16th, 2024
+ 3 Members in attendance (+) 1 Staff Member
+ Meeting takeaways
  + Committee was broadly supportive and asked a series of questions regarding clarification of terminology, impacts of violating the ordinance, street trees etc.
  + Many of the issues raised were addressed through the on-going revision process with the Tree Ordinance Committee and were discussed by the Planning Board at their February public hearing for the ordinance.

1) COMPREHENSIVE PLAN CONSISTENCY		
	Land Use & Development	The Land Use and Development element analyzes existing development patterns and recommends land uses and development standards for future growth and redevelopment in all areas of the City and Extra-Territorial Jurisdiction (ETJ). This element also recommends areas for future expansion of the ETJ. The framework for land use policies and decision making in this element reflects the vision statements, principles and strategies of all elements of the 2030 Comprehensive Plan.
	Population & Housing	The Population & Housing element of the 2030 Comprehensive Plan identifies and analyzes existing and forecasted housing needs in Hendersonville. This chapter of the plan is concerned with identifying standards and programs for the elimination of substandard dwelling conditions, the improvement of housing quality, variety and affordability, and with the provision of adequate sites for housing.
	Natural & Environmental Resources	The Natural and Environmental Resources element of the 2030 Comprehensive Plan creates a framework for the preservation of sensitive natural areas, working lands and ecological systems in concert with future development. Preserving these features will help to sustain air and water resources and contribute to the health and quality of life of Hendersonville residents. Additionally, the concepts presented in the chapter are intended to facilitate the preservation of the natural character that defines Hendersonville's identity.

1) COMPREHENSIVE PLAN CONSISTENCY		
	Cultural & Historic Resources	The Cultural and Historic Resources element of the 2030 Comprehensive Plan provides an inventory of Hendersonville's existing cultural and historic resources and opportunities and recommends strategies to preserve and supplement these resources. Historic districts and landmarks connect residents to Hendersonville's past and contribute to the community's uniqueness. Maintaining and building upon these resources as the community grows will help to create an enduring identity and sense of place in Hendersonville.
	Community Facilities	The Community Facilities element of the 2030 Comprehensive Plan provides and analysis of Hendersonville's existing public facilities and services such as schools, parks and public safety, and identifies community needs in each area. This element provides a vision to efficiently use public facilities, meet long term public safety needs and provide residents with ample park and recreation amenities and opportunities.
	Water Resources	The Water Resources element of the 2030 Comprehensive Plan provides policies to maintain and improve the quality of water, stormwater and wastewater facilities in a sustainable, efficient manner as the community grows.
	Transportation & Circulation	The Transportation and Circulation element of the 2030 Comprehensive Plan classifies and analyzes performance of existing roadways, bicycle routes and other modes of transportation, while providing direction for future improvements in all modes of travel. Analysis and recommendations reflect coordination the Land Use and Development element of the 2030 Comprehensive Plan, ensuring that transportation and land use decisions are not made in isolation.

GENERAL AMENDMENT STANDARDS

2) Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -**
	The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.
3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	There has been increased pressure to develop Greenfield sites throughout the city. Previously unimpacted by large scale development these site within the City and ETJ contribute to the character of the surrounding neighborhoods. The large scale clearing and grading often associated with new development has generated considerable concerns regarding conservation and preservation of natural resources and quality of life for residents within the City.

4) Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
	The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.
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 does not have a large 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 -**
	The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.

Planning Board

+ February 8th, 2024
+ 7 Members in attendance (+) 3 Staff Members
+ Meeting takeaways
+ Overall there was a desire amongst the Planning Board to support the adoption of a new Tree Ordinance.
+ The Board supported the two staff recommendations for the renaming of the "Recommended Planting List" to "Approved Planting List" and to align the exemption standard for canopy preservation with Stormwater and Erosion and Sediment Control Plans at less then an acre of disturbance or 30,000 square feet or less total on-site canopy.
+ The motion to recommend City Council adopt the new ordinance carried unanimously.

PB Recommended Consistency Statement

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan

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

PB Recommended Rationale for Approval

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 text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.
2. The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.
3. The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.

The public hearing was opened at 8:10 p.m.

Public Comments:

Ginny Faust of Hendersonville, NC spoke in favor of the revisions to the tree ordinance and said I worked as the City Planner for Hendersonville from 1985 until 1991. I would like to make the following comments in support of the revisions to the Zoning Ordinance for tree canopy preservation as proposed by the Tree Board. I would also like to provide a little background regarding how the first regulations in the Zoning Ordinance for tree protection and landscaping came about. These regulations also established the Tree Board. Around 1988 or 1989, all the parcels fronting on Four Seasons Boulevard had not yet been developed. An announcement was made that a Taco Bell restaurant was planned for one of the remaining lots, but a giant oak tree on the property that had been a community focal point for probably 200 years would have to be cut down to make room for the building. Many people were upset about this loss. Discussions started about possibly revising the Zoning Ordinance to consider requirements for tree protection and landscaping when commercial properties were developed. I spoke with Mayor Don Michalove about forming a committee composed of people who were in favor of these regulations, and those who had strong concerns about this approach. We started out with a group of 10 or so people with different opinions, but the first couple of meetings with this committee were not very productive and people quickly became frustrated with the process. Instead, we came up with the idea that a smaller subcommittee made up of four people – two business

owners who had strong beliefs in property rights, and two people who were committed environmentalists – would meet and hopefully work out the issues. These four people were Dan Waddell, Marilyn Gordon, David Malpass, and Steven Black. The subcommittee met regularly for months to explore options; I no longer remember how long it was. The four members came to the conclusion that they would only work on the consensus principle – that everyone had to agree on a proposal for it to move forward. Over time, the give and take of opinions and ideas led to the members having a better understanding of everyone's underlying reasons for their particular beliefs. In addition, trust among the members also developed. Eventually, this led to compromises that had previously been unacceptable, if not unthinkable. When the subcommittee developed the final wording, everyone in the community believed that because those who agreed with "their" position had said it was acceptable, no one objected to the ordinance language and the amendments were passed. To this day, when I think back on my career as a planner, this process and the trust that unfolded in our group remains one of my happiest and most satisfying memories. The members of the Tree Board have worked very hard through the years to find a balance between development and the protection of our environment. Now that development is taking place at a much faster pace, their work is even more important. I would ask that the Council support their revisions to the existing language. It is important that our tree canopy remains viable, native trees and landscaping are encouraged, and the underlying web of birds, insects and plants that this canopy supports continues so the City we all love can thrive in the future. Thank you.

Glenn Lange of Hendersonville, NC, a member of the Tree Board, spoke in favor of the revisions to the tree ordinance, however, he the tree ordinance committee has some concerns:

- The Fee in Lieu provision that substantially undervalues mature trees that a developer can remove in the preservation requirement.
- The size of developments that are proposed to be exempted from this ordinance.
- The proposed elimination of the Tree Board from the Community Development Review process for proposed projects.

Mary Davis of Hendersonville, NC, a member of the Tree Board, spoke in favor of the revisions to the tree ordinance with two exceptions:

- Giving possible exemptions to lots between 1 and 2 acres. A lot of the land in the city that can be developed or redeveloped, are 1 to 2 acres.
- I would like to see the City work on a fee in lieu schedule that takes into consideration, the environmental value of our mature trees.

Nancy Diaz of Hendersonville, NC, Mountain True Southern Regional Director, spoke in support of the ordinance revisions. We support the Tree Board's position to not include the fee in lieu provision suggested by City staff. It would be wise for the valuation of trees removed be determined by an urban arborist and that will vary by project. For matters requiring subject matter expertise, we recommend that City Council work with City staff to determine a valuation process that balances an accurate accounting of the loss of mature trees with the need to build new affordable housing. We also support the Tree Board remain a part of the review process for new developments.

Randy Hunter of Hendersonville, NC spoke on behalf of the Chamber of Commerce in opposition of the tree canopy ordinance. While we acknowledge the environmental goals, we recommend exemptions on acres two or less to ensure a balanced approach considering the diverse scales and we suggest removing the tree board from the approval process and leave the decision making to the Planning Board and City Council. We encourage trade-offs between landscaping regulations and tree canopy requirements. We also express concern about affordable housing and urge thoughtful consideration of potential economic implications.

Ken Gordon of Hendersonville, NC has served on the Tree Board and thinks the 2 acre exemption that the Business Advisory Committee suggested is reasonable to allow those sites to be developed properly.

Susan Frady of Hendersonville, NC representing the Henderson County Partners for Economic Progress and we are in favor of the tree ordinance presented with the recommended changes of the Business Advisory Committee.

Via Zoom:

Lynne Williams spoke mostly in favor of the tree ordinance and to keep the tree survey and the Tree Board, however, had a long list of suggestions moving forward.

Ken Fitch of Hendersonville, NC spoke in support of the tree ordinance and asks that you keep the Tree Board.

Digital Comments:

Annie Bussinger said we are living in a difficult time. The sound of a chainsaw is happening more and more and putting us on a path of no return. Trees play a key role in the health of the planet and the air we all breath. Not in my lifetime but, one day the almighty dollar will NOT have top billing. Let's open our eyes to the extreme importance and benefits of our beautiful majestic trees.

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

Council Member Jennifer Hensley moved that City Council direct staff to take the next month to consider the concerns raised tonight and bring back options to Council at their April 4th meeting. A unanimous vote of the Council followed. Motion carried.

9. NEW BUSINESS

A. Resolution Approving Interlocal Agreement to Merge the Hendersonville and Laurel Park ABC Systems – *Chuck McGrady and Jeff Nance, Hendersonville ABC Board*

City Manager John Connet explained that Hendersonville and Laurel Park ABC Boards have been working on a merger agreement for over twelve months. The two ABC boards have tentatively reached agreement on the attached document. City staff recommend the that the City Council approve the proposed resolution authorizing the Mayor and City Attorney to execute the merger agreement.

Council Member Jeff Miller moved that the City Council approve the Resolution by the City of Hendersonville City Council Approving an Interlocal Agreement with the Town of Laurel Park for the Merger of the ABC Systems as presented. A unanimous vote of the Council followed. Motion carried

Resolution #R-24-11

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APRPOVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF LAUREL PARK FOR THE MERGER OF THE ABC SYSTEMS

THAT WHEREAS, the City Council for the City of Hendersonville is the appointing authority for the Hendersonville ABC Board, duly established by election, pursuant to the authority of chapter 954 of the 1955 North Carolina Session Laws; and

WHEREAS, the Town Council for the Town of Laurel Park is the appointing authority for the Laurel Park ABC Board, duly established by election, pursuant to the authority of chapter 163 of the 1981 North Carolina Session Laws; and

WHEREAS, the City of Hendersonville Board of Alcoholic Beverage Control currently operates an ABC system consisting of three stores and a warehouse, plus inventory and equipment, said stores being located at 205 Church Street, Hendersonville, NC (“Church Street Store”), 275 Thompson Street, Hendersonville, NC (“Thompson Street Store”), and 32 McMurray Road, Hendersonville, NC (“McMurray Road Store”), the warehouse being located at the Church Street store (“Hendersonville Warehouse”), the Hendersonville System being collectively hereinafter referred to as the “Hendersonville System”; and

WHEREAS, the Town of Laurel Park Alcoholic Beverage Control Board currently operates an ABC system consisting of one store plus inventory and equipment, said store being located at 1709 Brevard Highway,

Laurel Park, NC ("Laurel Park Store"), the Laurel Park System being collectively hereinafter referred to as the "Laurel Park System"; and

WHEREAS, the stores operated by the Hendersonville ABC System and the Laurel Park ABC System are operated in the same general area, and are in close proximity to one another;

WHEREAS, the Hendersonville City Council and the Laurel Park Town Council wish to merge the ABC systems, currently operated independently by the City of Hendersonville Board of Alcoholic Beverage Control and the Town of Laurel Park Alcoholic Beverage Control Board pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1; and

WHEREAS, a draft of the "Interlocal Agreement to Provide for the Merger of ABC Systems" has been presented to City Council for approval to effectuate the merger of the ABC Systems;

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

1. Pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1, the Interlocal Agreement to Provide for the Merger of ABC Systems (the "Agreement") is approved as presented.
2. The Mayor is authorized to execute the Agreement with such changes as she deems appropriate in consultation with the City Attorney, provided that any changes to the Agreement regarding the calculation or distribution of profits from the merged system (paragraph 12), or the location of ABC stores (paragraph 13) shall require ratification of City Council.

3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the Mayor.

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

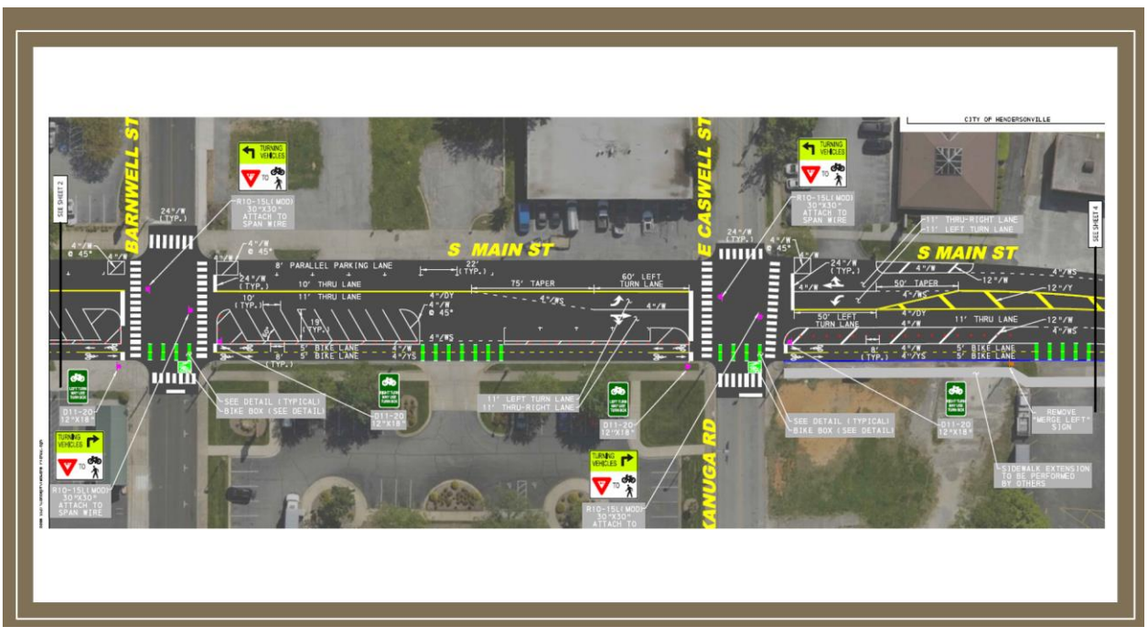
B. S. Main Street Improvements – *Brent Detwiler, PE, Public Services Director*

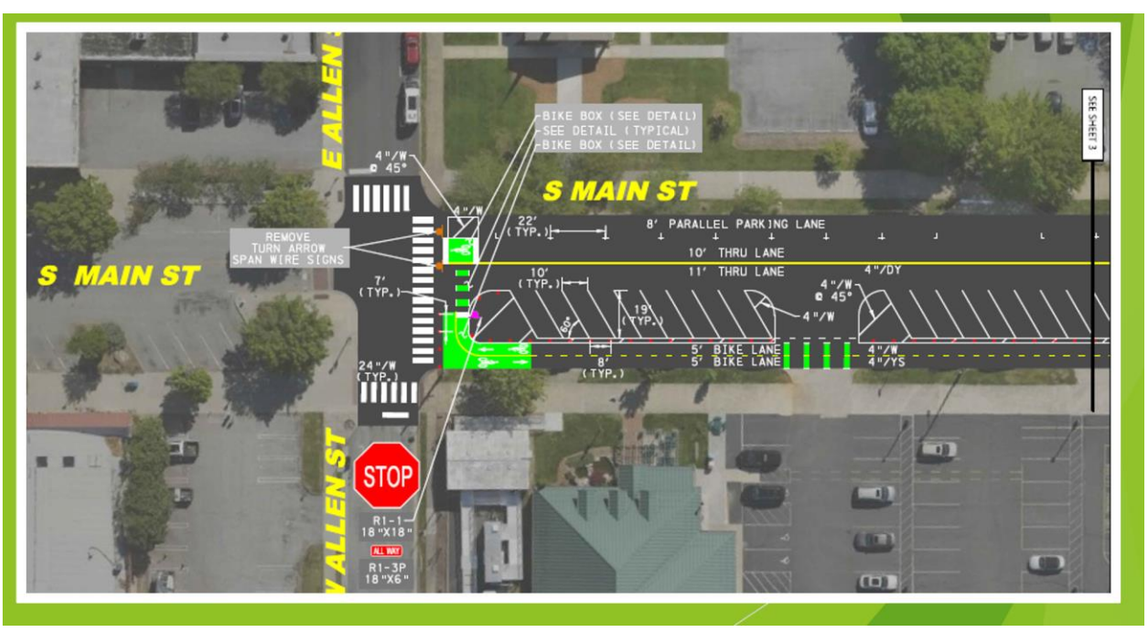
Brent Detwiler explained that City staff has been working with Traffic Planning and Design, Inc. (TPD) to complete a bicycle and pedestrian improvement project along S. Main Street. The project will be completed in conjunction with paving improvements to provide a safer experience for Ecusta Trail users to access downtown and the Henderson County Visitor Center. Attached is a draft plan by TPD which is currently being reviewed by staff from multiple departments ahead of the final construction plan. We are providing this draft plan for Council's feedback and welcome any questions you may have. Total paving and striping is estimated to cost approximately $600,000. Paving work is currently being advertised for bidding. Striping work will be informally bid in coming weeks. Brent showed a PowerPoint presentation showing what's to come.

Jennifer Hensley asked if there will be audible signals and Brent said we can look into it and see what the cost would be.

Lyndsey Simpson mentioned bike racks up and down Main Street and Brent said they are definitely working on that as well.

S MAIN ST
S KING ST
11' THRU LANE
5' BIKE LANE
R3-2
24"X24"
REMOVE R/R CROSSING SIGN
RESTRICTED LEFT TURNS
SEE DETAIL (TYPICAL)
SIDEWALK EXTENSION TO BE PERFORMED BY OTHERS
TO ECUSTA TRA
LEGEND
4" WIDTH/SOLID WHITE LINE (4"/W)
4" WIDTH/SOLID YELLOW LINE (4"/Y)
4" WIDTH/DOUBLE YELLOW LINE (4"/DY)
4" WIDTH/WHITE SKIP LINE (4"/WS) 2' LINE - 6' GAP
4" WIDTH/YELLOW SKIP LINE (4"/YS) 2' LINE - 6' GAP
12" WIDTH/SOLID WHITE LINE (12"/W)
PROPOSED CURB
TUBULAR MARKER WHITE
PROPOSED SIGN
EXISTING SIGN TO BE REMOVED
GREEN HOT THERMOPLASTIC PAVEMENT MARKING IN ACCORDANCE WITH MUTCD INTERIM APPROVAL IA-4.
PROPOSED SIDEWALK/CONCRETE


CITY OF HENDERSONVILLE
BARNWELL ST
S MAIN ST
E CASWELL ST
KANUGA RD
8' PARALLEL PARKING LANE
10' THRU LANE
11' THRU LANE
75' TAPER
60' LEFT TURN LANE
50' TAPER
50' LEFT TURN LANE
11' LEFT TURN LANE
11' THRU-RIGHT LANE
5' BIKE LANE
SEE DETAIL (TYPICAL)
BIKE BOX (SEE DETAIL)
REMOVE MERGE LEFT SIGN
SIDEWALK EXTENSION TO BE PERFORMED BY OTHERS
R10-15L(MOD) 30"X30" ATTACH TO SPAN WIRE
D11-20 12"X18"


E ALLEN
S MAIN ST
BIKE BOX (SEE DETAIL)
SEE DETAIL (TYPICAL)
BIKE BOX (SEE DETAIL)
REMOVE TURN ARROW SPAN WIRE SIGNS
8' PARALLEL PARKING LANE
10' THRU LANE
11' THRU LANE
5' BIKE LANE
STOP
R1-1 18"X18"
R1-3P 18"X6"
ALL WAY
SEE SHEET 3

10. CITY MANAGER REPORT

A. February Surpluse Item Report – John Connet, City Manager

APPROVED
By John Connet at 1:39 pm, Feb 08, 2024

MEMO

TO: John Connet, City Manager

FROM: Jennifer Case, Public Works

DATE: 02/08/2024

RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city, and we are requesting that these items be declared surplus with the intent to sell them by internet auction:

1. 15-17 2009 Chevrolet Tahoe Approximate Value: $5000
2. 15-09 2008 Jeep Grand Cherokee Laredo AV: $5000
3. 14-06 2001 Ford F150 AV: $1800
4. 26-05 2004 Sterling L7500 Heavy Duty Truck AV$14000
5. 20-01 2002 Chevrolet C6500 Heavy Duty Truck AV: $8000
6. 14-42 2009 Jeep Grand Cherokee AV: $3500
7. 14-52 2014 Ford Explorer AV: $10000
8. 14-48 2014 Ford Explorer AV: $10000
9. 15-22 2013 Chevrolet Tahoe AV: $8000

B. February 2024 Contingency and Adjustment Report – John Connet, City Manager

In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.
NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a "budget adjustment". City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4). This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2023 - 2024 (FY24)
BUDGET AMENDMENTS

Completed | Corrected
Proposed | Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-1400-554001	CO- Equipment Other Than	39,000	-	7,867	31,133	Tablets	yes	adjustment	1/31/2024
010-1400-534000	Non-Capital Equipment	97,500	7,867	-	105,367	Tablets	yes	adjustment	1/31/2024
068-7855-524020	R&M Equipment	9,100	-	3,700	5,400	Street Sweeper Part	yes	adjustment	1/31/2024
068-7855-524030	R&M Trucks	53,850	3,700	-	57,550	Street Sweeper Part	yes	adjustment	1/31/2024
068-7855-521110	Protective Clothing	5,000	-	1,360	3,640	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-521030	Medical	1,500	-	1,360	140	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-531100	Fuel	70,000	-	2,653	67,347	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-532250	Outreach Program	2,000	-	1,293	707	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-524030	R&M Trucks	57,550	6,666	-	64,216	Street Sweeper Part	yes	adjustment	2/1/2024
010-1002-519200	Contracted Services	133,000	-	27,000	106,000	PD Zoom Upgrade	yes	adjustment	2/9/2024
010-1300-519200	Contracted Services	34,650	3,800	-	38,450	PD Zoom Upgrade	yes	adjustment	2/9/2024
010-1300-534000	Non-Capital	74,000	23,200	-	97,200	PD Zoom Upgrade	yes	adjustment	2/9/2024
010-0000-534999	Contingency	48,963		4,000	44,963	Insurance Claims	yes	adjustment	2/9/2024
010-1002-531700	Liability & Property Insur. And Bonds	25,912	2,000	-	27,912	Insurance Claims	yes	adjustment	2/9/2024
010-1300-519200	Contracted Services	34,650	2,000	-	36,650	Insurance Claims	yes	adjustment	2/9/2024
010-1525-553000	Capital Outlay- Land Improvemnts	57,700		5,556	52,144	Mark- Disc Golf Mulcher	yes	adjustment	2/14/2024
010-1525-531600	Lease/Rental Equipment	-	5,556	-	5,556	Mark- Disc Golf Mulcher	yes	adjustment	2/14/2024
010-1400-519104	Prof Servies- Engineering	22,000		8,000	14,000	FD Equipment	yes	adjustment	2/23/2024
010-1400-524020	R&M Equipment	32,300	8,000	-	40,300	FD Equipment	yes	adjustment	2/23/2024

11. CITY COUNCIL COMMENTS - None

12. ADJOURN

There being no further business, the meeting was adjourned at 9:07 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk

City of Hendersonville
City Council Retreat Summary

fountainworks

Welcome & Orientation

The City of Hendersonville held Day 2 of its 2024 City Council retreat on Friday, March 15 at the Hendersonville Board of Realtors. The retreat was professionally facilitated by Warren Miller and Drew Finley of Fountainworks, a consulting firm focused on supporting public sector organizations. The retreat revolved around the theme of growth and the phrase "from seed to tree." John Connet, City Manager, kicked off the day by explaining this theme and sharing some interesting facts from the City Council meeting minutes books. Councilmembers then reflected on a "seed" that was planted in the community in the past that they are proud to see has now grown into a "tree." Each Councilmember's response is included below:

Councilmember Jeff Miller – Main Street renovation and Laura E. Corn Mini Golf Course at Edwards Park.

Mayor Barbara Volk – Skate park at Patton Park.

Councilmember Dr. Jennifer Hensley – A long history of good decisions that has led to numerous amenities and a high quality of life in the community.

Mayor Pro Tempore Lyndsey Simpson – The construction and expansion of the Oklawaha Greenway trail.

Councilmember Debbie O' Neal Roundtree – 7th Avenue upgrades and ongoing branding and visioning.

Connet added that the foundation and architecture of City Hall in 1928 represents the embodiment of good government in the City. All Councilmembers agreed that the City boasts a long history of good decisions that have benefited today's residents, visitors, and businesses.

Celebration of 2023 Accomplishments

City Council and staff then celebrated key accomplishments from 2023. Staff conducted a similar exercise at their retreat earlier in the year, so this segment focused on hearing from City Council members on what they are most proud of and why. Below are the themes that emerged from the conversation:

Strong Infrastructure Investment – Councilmembers mentioned a variety of ongoing and completed projects that represent strong investment in the City's critical infrastructure. These investments benefit not only City residents but also more than 85,000 people in Henderson County who are served by the City's utility system.

- *French Broad River Raw Water Intake* – State Revolving Fund loan to keep up with growth and mitigate drought effects.
- *Solids Management Grant ($14.75 million)* – State appropriation for treatment facility solids management improvements.
- *2 Reported SSOs* – Only two sanitary sewer overflows were reported in 2023.

- *100-Year Water System Anniversary* – Strong investments in the City's public drinking water system have allowed the system to sustainably grow for over a century.
- *Robust public education campaigns* – Public education and outreach has grown in recent years with initiatives such as Drinking Water Week, Fix a Leak Week, and Cease the Grease.

Strong Support for City Employees – City Council has advocated for and adopted several policies that provide excellent compensation, benefits, and professional development opportunities for City employees:

- Paid family leave
- 401(k) match
- Excellent medical benefits

Two Councilmembers noted that the City's paid family leave policy sets the City apart from its employment competitors, and one Councilmember even recounted a story of a City employee who cried tears of joy after learning of the passage of the paid family leave policy. City Council agreed that attracting top talent is important, and competition in the job market is high. This strong support for City employees allows the City to keep up and remain competitive. City employees are the "boots on the ground" who serve and keep the community running.

Strategic Housing Plan – Two Councilmembers specifically highlighted the major progress the City has made with advancing affordable housing in the community.

- The City is in the early stages of developing a strategic housing plan that will build on those efforts.
- One Councilmember observed that in many ways, "everything circles around housing."

Laura E. Corn Mini Golf Course at Edwards Park – City Council agreed that this putt-putt golf course is an outstanding entertainment amenity that appeals to families and community members of all ages.

Grants and Special Appropriations – The City has won a wide variety of grants to fund projects across several departments. These grants have allowed the City to maintain a high quality of life without increasing cost of living for residents.

Ecusta Trail – The City's support for the development of the Ecusta Trail, which is a proposed rail trail that will run from Hendersonville to Brevard once complete, is a significant economic development opportunity that will also promote community health and wellness, outdoor activities, and active lifestyles.

- The 7th Avenue Streetscape project dovetails nicely with this effort and will include a connection to the Ecusta Trail.

Reduced Crime – The City's Police Chief, Blair Myhand, has led efforts that have reduced crime in the City.

- The Police Department's monthly newsletter keeps the community informed.
- Professionalization and modernization of the Police Department.

ISO Class 1 Rating – The City's Fire Department achieved a Class 1 rating from the Insurance Services Office. This rating is a badge of honor that is only achieved by a select percentage of fire departments across the country.

City staff also highlighted several other accomplishments worth celebrating including demonstrating resilience in surviving the recent cyberattack, hiring a Sustainability Manager, and building the Downtown parking deck.

Collectively, all of these accomplishments showcase the City Council's outstanding leadership and the City's high-quality staff.

Campfire: What Fuels Us As Leaders

City Council and staff then discussed what fuels them as leaders by reflecting on rewarding and challenging experiences in their careers. They considered the following questions:

1. How did the challenging experiences push you as a leader?
2. How were you tested as a leader during these challenging experiences?
3. Which positive aspects of your leadership style shined through during your rewarding experiences?
4. What did you learn about yourself as a result of these experiences?

Council and staff first reflected on these questions individually, then with a partner, and finally with the whole group. Below are the key takeaways from these conversations:

- There is a **positive ripple effect from rewarding experiences.** For example, paid family leave benefited not only City staff but also their families.
- **Skepticism and negativity push us –** A good example is the mini golf course. City Council endured criticism for prioritizing this project, but Council did not waver from their vision and delivered a high-quality amenity that the community loves.
- **Showing up and being accessible is important** – Sometimes the most important role an elected official can fill is showing up and listening to the concerns of community members. Being accessible and listening to the views of others is important for building trust.
- **Regular introspection is important** – Introspection is a highly valued quality in a leader and allows us to consistently reevaluate our performance.
- **Time management is a challenge** – Councilmembers are generally "spread thin" and cannot always attend or participate in everything they would like. Acknowledging and working to manage that tension is important.
- **Keeping the long game in mind** is important but challenging to communicate to the community**.** Councilmembers sometimes struggle to demonstrate the value of investing in long-term projects since the benefits of those projects are not yet visible, but will be in the future.
- **Cooperation, collaboration, and respect** from all Councilmembers has allowed the Council to perform at a high level and develop a strong working relationship with City management.

City Council then reflected on what they see as the most important traits that leaders should embody in their work. Below are the traits that Councilmembers listed:

- **Active listening** – Connecting with people and truly understanding them and their perspective goes a long way. Your idea is not the only idea.
- **Empathy** – Placing oneself in someone else's shoes is a valuable skill and can help balance emotions.
- **Thick skin –** The ability to endure criticism and not let negative feedback derail leadership efforts is critical.
- **Avoid preconceived notions** – Keeping an open mind and not prematurely judging people or situations is very important.

Priorities for 2024

Next, City Council and staff discussed priorities for 2024. The purpose of this segment was to gain clarity on the goal areas that City staff should prioritize in the coming year.

Prior to the retreat, City staff sorted the goals within each goal area into four categories: seed, seedling, sapling, and tree. The definitions for each of these four categories are included on page 9 of this summary. City staff plan to regularly update and monitor progress on these goals through the strategic plan report.

City Council conducted a prioritization exercise where they reviewed and ranked their highest priority goal areas for the upcoming year. They also added two new goal areas and made clarifications and adjustments to existing goals and goal areas. Councilmembers each received dot stickers with the following assigned point values:

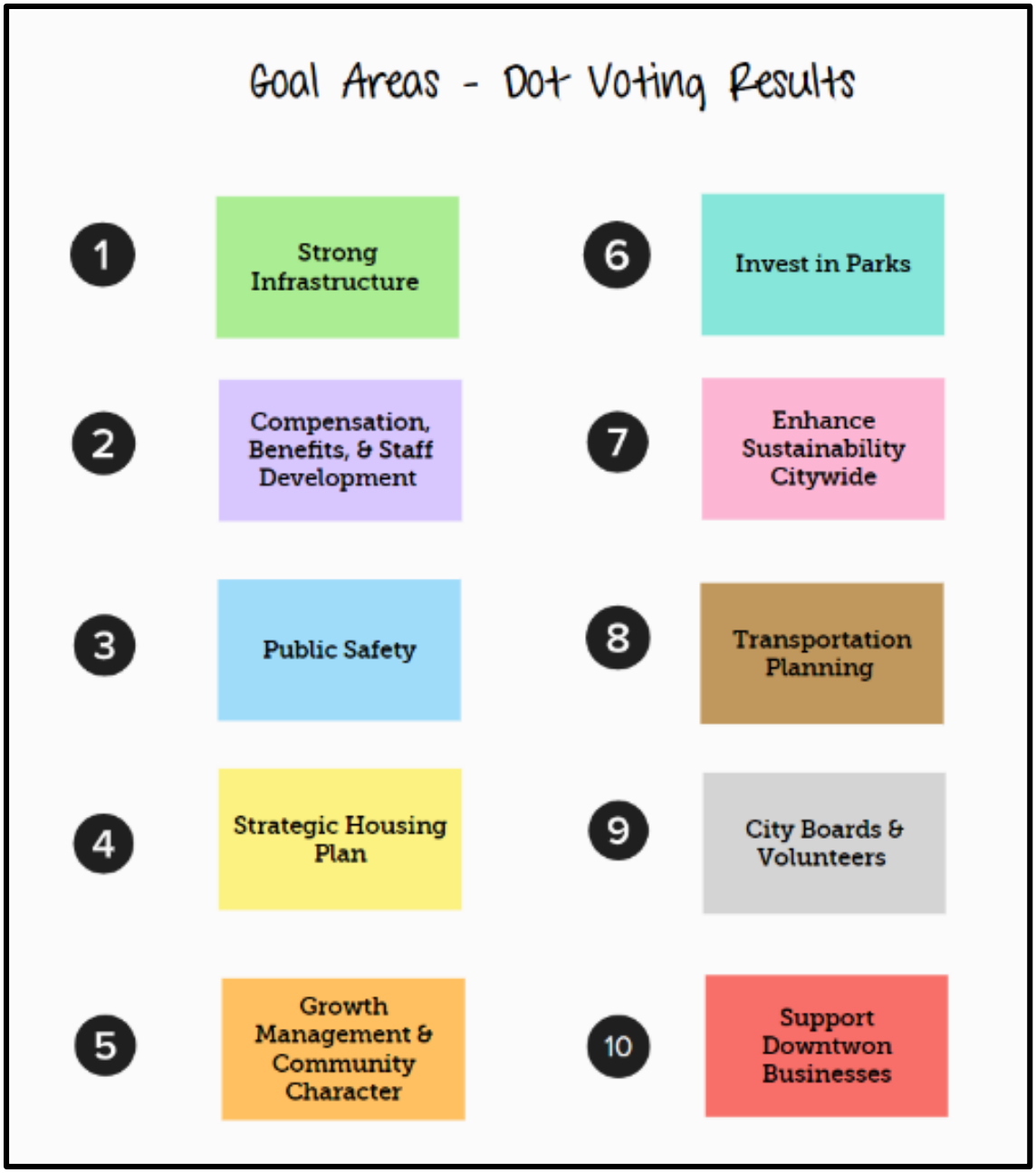
- 1 Red Dot (5 points)
- 2 Green Dots (3 points each)

- 3 Blue Dots (1 point each)

Results: Councilmembers chose from the goal areas listed below. Several clarifications and goal area title changes were made to better reflect the content of the goal areas:

- **Strong Infrastructure** – 21 total points received
- **Compensation, Benefits, and Staff Development** – 14 total points received
- **Public Safety** – 13 total points received
- **Strategic Housing Plan** – 8 total points received
- **Growth Management & Community Character** – 8 total points received
- **Invest in City Parks** – 3 total points received
- **Enhance Sustainability Citywide** – 2 total points received
- **Transportation Planning** – 1 total point received
- **City Boards & Volunteers** – 0 total points received
- **Support Downtown Businesses** – 0 total points received
- **Leverage ¼ Cent Sales Tax**
    - Exempted from dot voting exercise since this goal area is a legislative issue that is not directly within City Council's control.

The list below ranks the goal areas in accordance with the results of the dot voting exercise:



Below are the individual voting results for each Councilmember:

Councilmember Jeff Miller

- 1 Red Dot = Public Safety
- 2 Green Dots = Strong Infrastructure and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Strategic Housing Plan, Strategic Housing Plan, and Compensation, Benefits, & Staff Development

Mayor Barbara Volk

- 1 Red Dot = Public Safety
- 2 Green Dots = Strong Infrastructure and Compensation, Benefits, and Staff Development
- 3 Blue Dots = Growth Management & Community Character, Strategic Housing Plan, and Invest in Parks

Councilmember Dr. Jennifer Hensley

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Public Safety and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Transportation Planning, Strategic Housing Plan, and Growth Management & Community Character

Mayor Pro Tempore Lyndsey Simpson

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Growth Management & Community Character and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Invest in Parks, Enhance Sustainability Citywide, and Strategic Housing Plan

Councilmember Debbie O' Neal Roundtree

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Strategic Housing Plan and Growth Management & Community Character
- 3 Blue Dots = Invest in Parks, Enhance Sustainability Citywide, and Compensation, Benefits, & Staff Development

These prioritization results will provide strategic direction and guide City staff as they allocate time, energy, and resources to all of these goal areas and goals.

During this segment, City Council and staff also agreed on several clarifications related to goal area title changes and goal title changes. Below on page 9 is an updated version of the strategic plan report that reflects these changes.

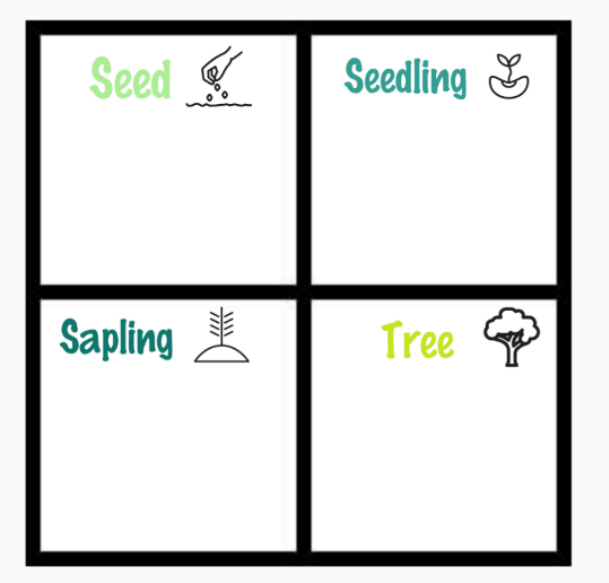
FY24 Status Update Categories

Seed = Goal is still being evaluated for next steps. Funding or staffing resources may not be available to advance this goal at this time.

Seedling = Goal has made some progress. However, there are still larger steps that need to be taken. Funding availability or staffing resources may be slowing this goal down.

Sapling = Goal is well on its way to being achieved. Funding and staffing resources are available to bring this goal to life. Final steps are being evaluated or executed to achieve the goal.

Tree = Goal has been achieved and is ready to be celebrated.



Invest in City Parks

Goal	Status	Notes
24.1.a Issue a Parks Bond	Seedling	Currently awaiting completion of the Parks and Greenways Master Plan. Next steps include prioritizing and formalizing a list of projects to include in a general obligation bond issuance including funding strategies.
24.1.b Plant Trees in Flood Plain	Seedling	City Staff have completed a tree canopy study which will help guide strategies around improving canopy within the City. The City owns and will acquire several parcels in floodplain areas that could potentially be used for canopy improvements.
24.1.c $0.01 of Occupancy Tax	Seed	Staff have not engaged external stakeholders in the allocation of the remaining 1% occupancy tax available to the TDA.
24.1.d Take Care of Existing Parks	Seedling	The draft master plan identifies existing park maintenance and improvement as a high priority and ranks many of the existing parks in below average condition. The City has allocated CIP funding to existing parks including budget for Patton Park and Sullivan Park. Sullivan Park stream restoration project will be completed in 2024.
24.1.e Splash Pad Ribbon Cutting	Seedling	The City is working with Kiwanis to fundraise for a new splash pad at Patton Park. A location has been identified and staff are working through logistics to build and operate the facility next to Patton Pool. The City does not have adequate funding at this time to build the facility.
24.1.f Signage for Parks	Seedling	New signage has been included in the Laura E. Corn mini-golf course. This signage followed the branding of the wayfinding signs throughout the City. New Main St. signage is being installed following the same brand. There is a need to establish a branding manual for park signage moving forward.
24.1.g Improve and Expand Parks	Sapling	The City recently opened the reimagined Edwards Park and Laura E. Corn mini-golf. The Clear Creek Greenway will be completed in the next 18 months. In addition, there is a property along the Clear Creek Greenway and one along Bat Fork Creek near Jackson Park that will be acquired for open space/passive recreation. Additionally, the Lower Mud

		Creek Flood Mitigation project will provide further passive recreation including installation of a portion of the Above the Mud greenway. Once the Above the Mud Feasibility Study is completed in FY24, funding will continue to be pursued for the full construction of the greenway (connecting the Ecusta to the Oklawaha). An 18-hole disc golf course will be completed in 2024 at the northern end of the Oklawaha Greenway.
24.1.h Park on S. Main St.	Seed	Provided City Council with conceptual plan options for a S. Main St. park which will help improve direction on how to proceed with transportation projects occurring in that area. Currently, funding has not been identified to move forward with a S. Main St. park.
24.1.i More Bike Racks	Sapling	New City projects include bike racks as part of the design and construction. Some new areas that include bike racks are City Ops, Fire Station #1, Edwards Park, and S. Main St. More detail needs to be developed on future bike rack locations through allocations in the City's budget process and further collaboration with area non-profits.
24.1.j Striping S. Main St. for Bikes	Sapling	Staff are bidding the project for completion in 2024. This will improve access to and from the Ecusta Trail via Main Street, provide additional parking spaces, and add bike corrals.

Strategic Housing Plan

Goal	Status	Notes
24.2.a Complete Strategic Housing Plan Including Stakeholder Input	Seedling	Strategic Housing Plan has not begun however funding is in place. Heard input around this goal throughout comp. plan outreach.
24.2.b Incentives for Developers	Seed	Strategic Housing Plan has not begun however funding is in place.
24.2.c More Affordable Housing	Seedling	The Strategic Housing Plan and Housing Committee will help further define this goal.
24.2.d Workforce Housing	Seedling	The Strategic Housing Plan and Housing Committee will help further define this goal.
24.2.e Resolution for Housing Authority Powers	Sapling	Legal is drafting the resolution which is expected to be adopted by June 30th, 2024.
24.2.f Housing at all Price Points	Seedling	City Council entitled 681 Units in 2023. The Strategic Housing Plan and Housing Committee will help further define this goal.

Growth Management and Community Character

Goal	Status	Notes
24.3.a Right Density	Seedling	The comp. plan will identify areas suitable for density. Need further definition through a development ordinance.
24.3.b Support Density for Affordability	Seedling	Further definition of 24.3.a will help identify strategies for density bonuses associated with affordability and market rates. The strategic housing plan will have influence and strategies for this goal.
24.3.c Right Height	Seedling	The Downtown Master Plan will lay the foundation for right height guidelines.
24.3.d Develop Style Guidelines/Overlays	Seedling	The Downtown Master Plan will lay the foundation for style guidelines.
24.3.e Pursue Form Based Code	Seedling	The Downtown Master Plan will lay the foundation for form-based code guidelines.
24.3.f More By-Right Development	Seedling	The comp. plan will define what we desire in certain areas of the City. Need further definition through a development ordinance.
24.3.g Look for Other Commercial Centers	Seedling	The comp. plan has identified underutilized properties as well as scoring commercial suitability of parcels. Staff is also looking at areas for public investment (parks, infrastructure, etc....) that will help encourage commercial development.

24.3.h		Complete Comprehensive Plan. The County just adopted their comprehensive plan this week. The goal should be to bring the County and the City's plans together over time.
24.3.i		Start Unified Development Ordinance

Transportation Planning

Goal	Status	Notes
24.4.a Issue a Transportation Bond	Seed	This goal is in its infancy as many plans need to be completed prior to moving forward. An intermediate step may be to leverage a G.O. Bond for existing NCDOT projects that require City funding.
24.4.b Street Cut/Repairs Efficiency	Seedling	Timing between pavement cuts and repair of cuts has improved in the last year due to more efficient use of Cityworks. Staff are continuing to evaluate efficiencies for this program and are tracking more data in Cityworks to provide insights on how to further improve.
24.4.c Traffic Calming Policy	Seed	Staff are exploring the option to produce this study with in-house engineering staff. S Main St project includes road diet and bike lanes thereby incorporating traffic calming.
24.4.d Improve Pavement Condition Score	Seedling	Pavement condition score will be updated this year. This will guide future funding use. 7th Avenue Streetscape project will be completed. The 4th/Ashe Water & Sewer Improvement Project will include the repaving of several streets thereby improving pavement condition scores. As part of an initiative to more closely coordinate infrastructure CIP projects, staff will work to efficiently complete underground improvements ahead of resurfacing. Staff are proposing an increase in the motor vehicle fee to put additional resources behind street resurfacings.

24.4.e Traffic Impact for New Development	Seed	Staff have an on-call agreement with Kimley-Horn for City led traffic impact analysis.
24.4.f Better Connectivity/Flow	Seed	The French Broad River MPO received a Safe Streets for All grant from USDOT to develop a Safety Action Plan for the five-county area (Buncombe, Haywood, Henderson, Madison, and Transylvania counties.) Developing this plan will provide a path toward a safer transportation network and enable our region to apply for implementation funds through USDOT. City staff have been involved in the selection of a consultant to complete this study and local stakeholders will be involved throughout its completion. The Action Plan should be completed by late 2024 and projects will be identified that could then be applied for funding. S Main Street project will be completed to connect pedestrians/bicyclists from the Ecusta to downtown. Above the Mud Feasibility Study will be completed to help boost funding applications to connect the Ecusta to the Oklawaha. There is a Saluda Grade Feasibility Study to be completed this year that will do the same for that project. Both projects would form a transformational greenway/transportation network. City Council needs to let the French Broad River MPO and Division Engineer know that multimodal transportation is a priority. There is an important economic development piece of pedestrian and bike infrastructure.
24.4.g Narrow King Street	Sapling	Design and traffic modeling data has been prepared by Kimley-Horn and City is awaiting confirmation from NCDOT that the City can construct the narrowing and

		sidewalk project from 2nd to 4th Avenues once funds are available in the City budget.
24.4.h Address Motor Vehicle Accidents	Seedling	City Police have enhanced their traffic unit in recent years, but funding constraints have made it unlikely to expand staffing in the coming year. Motor vehicle accidents were down 3% in 2023. There have been three pedestrian fatalities in the last 30 days, all on US Highway 64. This is outrageously outside the norm.

Leverage a ¼ Cent Sales Tax

Goal	Status	Notes
24.5.a Educate and Lobby	Seed	Council has advocated with our local state legislators for this potential revenue source. Staff continue to provide data around the impacts of this revenue source.

Compensation, Benefits, & Staff Development

Goal	Status	Notes
24.6.(1).a Keep Employees Moving Up Grades	Sapling	Career ladders are almost completed for all departments across the City.
24.6.(1).b	Seedling	City cost of living adjustments are beginning to fall behind the living wage growth and will continue to lag without additional revenues. Incremental increases in the City's merit pay has stalled in FY25.

Increase COLA to Keep Up with Market		

City Boards & Volunteers

Goal	Status	Notes
24.6.(2).a Value/Celebrate Boards	Sapling	Appreciation event to become an annual occurrence.
24.6.(2).b Educate Boards	Seedling	A training was conducted this year and recorded for future board use. Additional trainings are needed to be formalized across all boards.
24.6.(2).c Clarify Ordinances and Simplify Roles	Seedling	Updates to the Comprehensive Plan and Zoning Ordinance will aim to reduce the number of Conditional Rezonings required to be heard by the Planning Board and others. The updated tree ordinance has helped clarify the Tree Board's role. City Council priorities should be City board priorities. Council sets strategic vision for City with input from Boards.

Enhance Sustainability Citywide

Goal	Status	Notes
24.6.(3).a Explore Merging Boards	Tree	Staff explored this opportunity but does not feel it is feasible at this time.
24.6.(3).b Incorporate Sustainability in Comp. Plan	Tree	There was a clear focus on sustainability during comp. plan input and drafting.

24.6.(3).c Finalize Sustainability Plan	Sapling	The Sustainability Plan and development of City building/facility efficiency standards are underway.
24.6.(3).d Update and Strengthen Tree Ordinances	Tree	City Council will consider the new tree ordinance in April 2023.

Goal	Status	Notes
24.9.a Support NeighborWoods Program	Tree	Continued support and funding for this program are strong. Future years are expected to bolster additional plantings through a new fee in lieu of tree plantings in the tree ordinance.
24.9.b Increase Tree Budget	Tree	Continued support and funding for this program are strong. Future years are expected to bolster additional plantings through a new fee in lieu of tree plantings in the tree ordinance.

Support Downtown Businesses

Goal	Status	Notes
24.10.a Establish Legal Authority	Tree	The City now works through the Friends of Downtown to provide façade and pivot grants to downtown businesses and property owners.
24.10.b Allocate More Funds to Program	Sapling	The City, through the Friends of Downtown, is currently allocating $30,000 a year to this program. It would be ideal to create a target performance indicator to identify when this goal has been completely met.

24.10.c HIIP Program	Sapling	The City in partnership with Mountain Bizworks has started a small business loan and incubator program called the Downtown Opportunity Fund. The shared office spaces are scheduled to open this year. The fund has $400k of seed funding available.

Public Safety

a. **Enhance Downtown Safety Program**
    - Civilian traffic investigators – apprenticeship program
    - Hire part time while they go to college through the CJ Fellows program
    - Then appoint them as officers
b. **Explore Social Worker Co-responder Models and Crisis Response**
    - Intern social worker to build program at no cost to the City (through Western Carolina University)
    - Councilmember Simpson said this goal should move to the top
    - Councilmember Jennifer Hensley noted that it is important for police to be present when people are blatantly breaking the law
    - Crisis Intervention Training (CIT)
        - Designed as a diversion program.
        - Has not been a focus in the police department in the past.
        - McDonald's homicide highlighted the need for this training (Jacklyn Reed).
        - Might mean that officers spend an hour on a call instead of 15 minutes.
        - Social worker co-responders provide the right tool for the job. Using just police officers for crisis intervention is like using a Phillips head screwdriver when we need a socket wrench.
        - Review of body-worn camera footage from a recent shooting demonstrated that officers need to work on managing crime scenes and dealing with victims and victims' families. Officers face an extreme emotional response in crisis situations. They can be viewed as uncaring if they try to do their law enforcement job instead of dealing with the pain that is happening.
        - People are unpredictable in crisis and things can change fast. We need to keep people safe.
c. **Maintain ISO 1 Rating**
d. **Explore QRV Option for Medical Response**
e. **Expand Code Enforcement Capacity**
    - Burned property is an issue.
    - Work through complex code enforcement projects.

- Planners have less capacity to do code enforcement.
- City has not taken a proactive approach to the commercial building code.
- As rents go up and retail changes, there is an opportunity to be proactive with code enforcement and avoid blight.
- There are renters who are living in substandard homes countywide.
- Property owners need to maintain properties. If they do not, there should be legal consequences.
- Letting buildings fall apart affects everyone.

f. Strengthen Commercial Maintenance Code

g. Vacant Property Registration

h. Expand Installation of Cameras throughout Public Areas, Especially in Downtown

- Be careful about how we increase police presence in Downtown
- Make sure we be careful with interactions with the homeless population

i. Continued Flooding Response Process Improvements

Strong Utility Infrastructure

a. Continue Projects to Further Reduce Sanitary Sewer Overflows (SSOs).
b. Dedicate Funding Plan for Treatment, Distribution, and Collection Master Plans for Water and Sewer.
c. Dedicate Funding for Projects Resulting from the Stormwater Master Plan.
d. Expand Water Treatment Plant to 15 MGD.
e. Funding for Projects from Stormwater Master Plan.

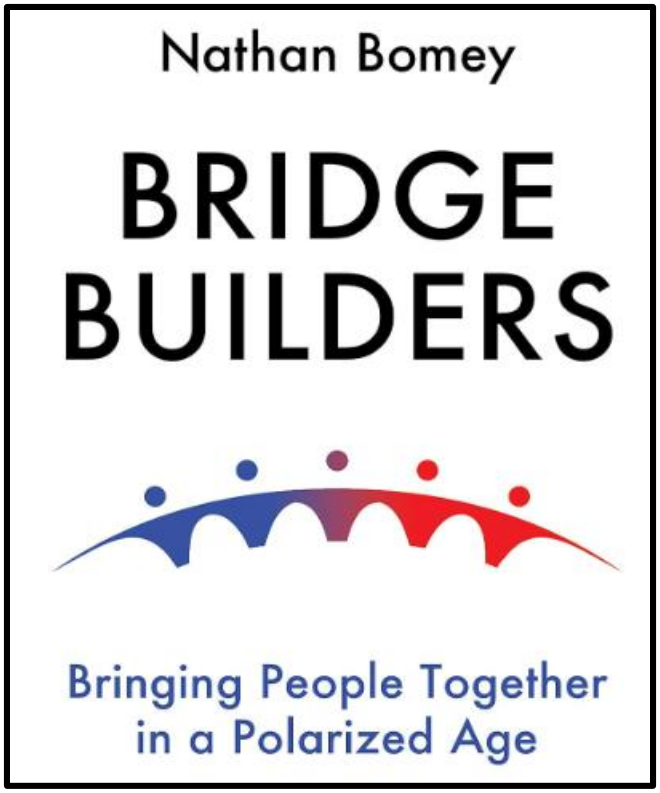
Seeing What We Are Celebrating: Drone Video

At lunchtime, City Council and staff watched a drone video that displayed progress on important City projects. This video provided an opportunity for City staff to inform Council of the work that went into bringing these projects to fruition.

Preparing Ourselves as Leaders for the Year Ahead

To conclude the day, City Council and staff prepared themselves for the upcoming year, which they anticipate will be disruptive and stressful in many ways. The conversation revolved around two key themes: remaining resilient and building bridges. City leadership will soon convene a book club where they will read and reflect on Nathan Bomey's *Bridge Builders: Bringing People Together in a Polarized Age*. During this segment, City Council and staff discussed strategies for remaining resilient and building bridges:

- **Provide deadlines and timeframes** – For example, an email requesting that someone review important information can appear urgent if a deadline is not attached to it.
- **Provide more notice for events** – Organizing events requires a lot of planning and coordination. Communicate early and often about event details.
- **Correct misinformation** – Whether during public comment at a City Council meeting or on social media, combat misinformation with accurate information.
- **Be conveners –** Connect and bring together passionate community leaders to solve complex problems such as childcare.
- **Do what is right, even when it is tough** – Support each other and make ethical, smart decisions (even if those decisions may be unpopular to some).
- **Be persistent** – Keep bringing important issues to the table. Saying no does not mean an idea is not valid. Continue to highlight important issues that need to be addressed.
- **Do not bear the burden of attempting to solve everything** – The City deals with many wicked issues that do not have easy answers or solutions. With most (if not all) of these issues, the City will play an important role in developing solutions. However, in many cases, City Council and staff are simply one piece of the solution.



Next Steps & Adjourn

- City staff will make updates to the strategic plan and report back to Council.

John Connet thanked City Council and staff for their participation and the retreat adjourned. Let the seeds be planted and grow!

Appendix

Parking Lot

City leaders placed the topic of parking in the parking lot. Parking will be discussed at an upcoming City Council meeting.

MINUTES

March 27, 2024

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

Present: Mayor Barbara Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: and Jeff Miller

Via Zoom: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree,City Clerk Jill Murray,

Staff Present: Assistant City Manager Brian Pahle, City Attorney Angela Beeker, Communications Manager Allison Justus, Budget Manager Adam Murr, Public Services Director Brent Detwiler, Community Development Director Lew Holloway, Utilities Director Adam Steurer, 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 Lyndsey Simpson moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

3. CONSENT AGENDA

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

A. Special Event: Oklawaha Brewing 9th Anniversary Party – *Jamie Carpenter, Downtown Manager*

B. Special Event: Black Bear Party & Street Market – *Jamie Carpenter, Downtown Manager*

C. Special Event: Grateful Hendo Block Party – *Jamie Carpenter, Downtown Manager*

D. Special Event: Hendo JazzFest – *Jamie Carpenter, Downtown Manager*

4. PRESENTATIONS

A. Presentation of Proposed Sustainability Plan – *Caitlyn Gendusa, Public Works Superintendent for sustainability*

Caitlyn Gendusa gave a brief PowerPoint presentation of the draft sustainability plan which will be on the April 4, 2024 City Council agenda for approval.

PLAN OVERVIEW

- Primarily focused on municipal, city operational level
- Includes 5 focus areas each with an overall goal and corresponding actions
- Includes overall greenhouse gas reduction target over 10 year timespan
- Implementation includes necessary staffing, timeframe, cost, ROI, GHG reduction potential, & co-benefits
- Intent for Plan is to be a living document & updated every 5 years or as needed.

PLAN CREATION - INTERNAL INPUT

CITY STAFF

Public Services
- Brent Detwiler

Public Works
- Tom Wooten
- Caitlyn Gendusa
- Andy Brogden
- Mark Stierwalt
- Brandon Mundy

Water & Sewer
- Adam Steurer
- Ricky Levi
- Chad Freeman
- Kasey Lyons
- Garrett Demoss
- Elizabeth Erwin

CITY BOARDS

Environmental Sustainability Board

Tree Board

Diversity, Equity, & Inclusion Board

PLAN CREATION PUBLIC INPUT

- 2 workshops
- 4 events
- Survey open from January-March

Primary purpose of public input to gain insight on how Plan actions should be ranked & what potential programs or resources are missing that could help our community adopt more sustainable practices.

Key Takeaways from Community Input

Most Important Focus Area:

#1 Land Management
#2 Water
#3 Energy & Transportation
#4 Waste Management

82% Believe the City should take steps to reduce our municipal greenhouse gas emissions.

81% Would be interested in a yearly sustainability impact report from the City

WHAT DOES "SUSTAINABILITY" MEAN?

The meaning can vary across different fields and disciplines with three constant principals: economic viability, environmental protection, and social equity.

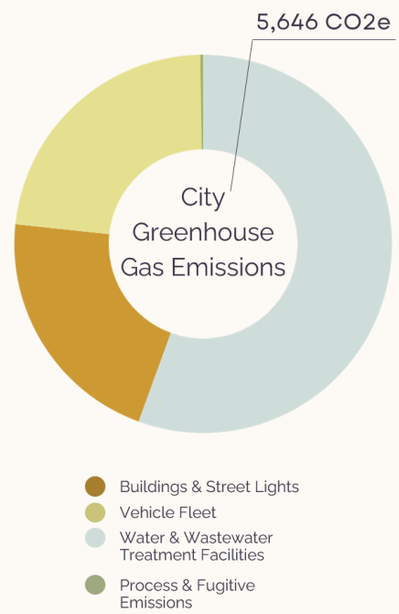
For the City of Hendersonville, we must have smart growth that is both economically sound while respecting our environment for the collective community.

WHAT ARE "GREENHOUSE GASES?"

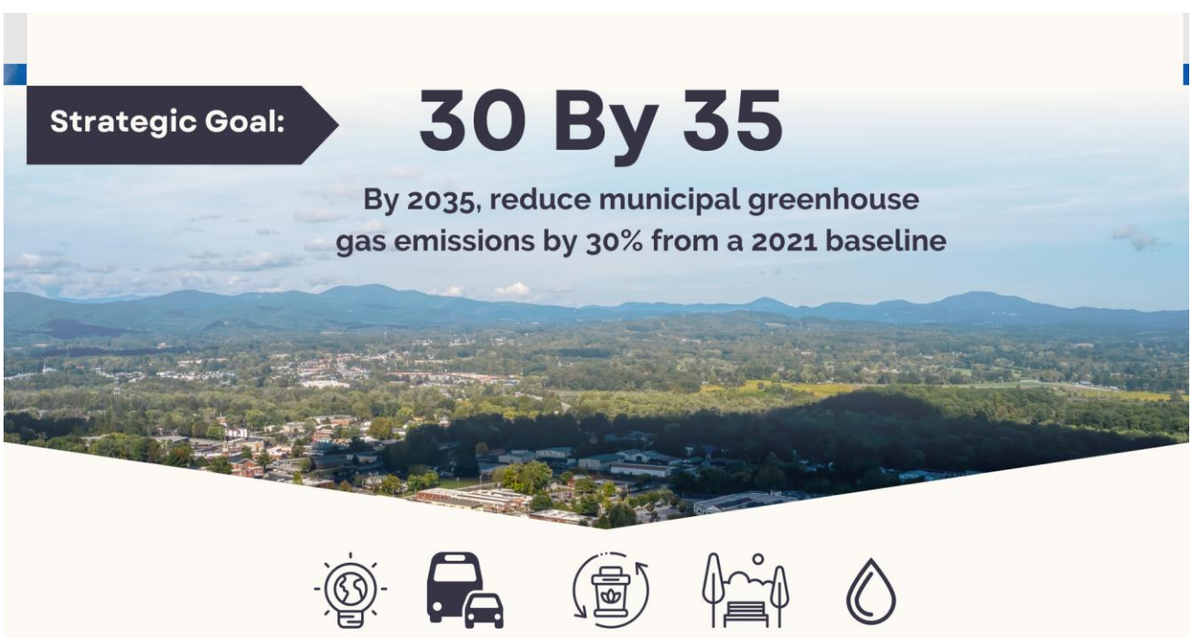
GHGs are gases in the earth's atmosphere that trap heat. GHGs include carbon dioxide, methane, nitrous oxide, and fluorinated gases.

GREENHOUSE GAS ASSESSMENT

- Completed through ICLEI (Local Governments for Sustainability) USA's ClearPath tool
- Based on a 2021 baseline
- Measures in metric tons of CO2e
- Only includes emissions for City owned & operated services (ex. solid waste not included)



Note: Process & fugitive emissions represent the amount of methane that is leaking out of pipes during distribution of natural gas.



OVERIEW OF GOALS

Energy
Reduce energy demand from municipal buildings & increase amount of renewable energy utilized

Transportation
Transition to electric and low emission vehicles and fuel while ensuring there is a robust and safe walkable and bikeable city.

Waste Management
Reduce the amount of solid waste send to the landfill through recycling, composting, and other waste reduction efforts

Land Management
Increase and enhance Hendersonville's green spaces while improving tree canopy cover, protecting biodiversity, promoting outdoor recreation, and improving the overall health and character of our City.

Water
Ensure safe and reliable drinking water supply for all citizens while preserving and protect natural aquatic resources.

OVERIEW OF ACTIONS

Energy

- Receive 30% of electricity from renewable energy sources
- Achieve 10% Energy Savings from Efficiency Upgrades
- Establish sustainable building policy

Transportation

- Increase amount of Level 2 EV charging stations both publicly & for municipal operations
- Reduce City fleet fuel usage by 40%
- Implement alternative transportation plans

OVERIEW OF ACTIONS

Waste Management

- Decrease City-wide Solid Waste by 15%
- Establish City compost initiatives
- Reduce biosolids landfill waste by 67%

Land Management

- Increase tree canopy on City property to 50% & Maintain and expand Citywide tree canopy
- Build on existing efforts to reduce pesticide & herbicide use
- Enhance & restore City-owned natural areas and parks

Water

- Increase education and outreach on water conservation & water quality
- Protect and enhance the water quality of the City's streams and wetlands

IMPLEMENTATION

Priorities

- Actions which members of the public voted as most important
- For optimal GHG reduction, prioritize actions for the WWTP, pumps, and other associated infrastructure followed by the Police Department and Water & Sewer Department for low/zero emission vehicle upgrades

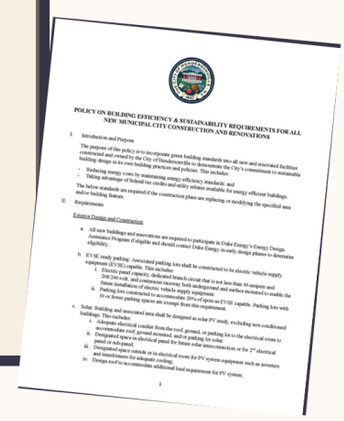
Ranking Criteria

- Involved departments and boards
- Timeframe
- Cost
- ROI
- GHG reduction potential
- Co-benefits

IMPLEMENTATION PROJECTS

Energy - Building Efficiency & Sustainability Policy

- Purpose: incorporate green building standards into all new and renovated facilities constructed and owned by the City of Hendersonville
- Benefits:
  - Reduction in energy costs and takes advantage of energy rebates and credits
  - Furthers City Council resolution R-21-53 core values and beliefs related to sustainability
- Collaborative effort with review amongst City staff, Environmental Sustainability Board, and architects



POLICY ON BUILDING EFFICIENCY & SUSTAINABILITY REQUIREMENTS FOR ALL NEW MUNICIPAL CITY CONSTRUCTION AND RENOVATIONS

I. Introduction and Purpose

The purpose of this policy is to incorporate green building standards into all new and renovated facilities constructed and owned by the City of Hendersonville to demonstrate the City's commitment to sustainable building design in its core building practices and policies. This includes:

- Reducing energy costs by maintaining energy efficiency standards; and
- Taking advantage of federal tax credits and utility rebates available for energy efficient buildings.

The below standards are required if the construction plans are replacing or modifying the specified area and/or building feature.

II. Requirements

Exterior Design and Construction

a. All new buildings and renovations are required to participate in Duke Energy's Energy Design Assistance Program if eligible and should contact Duke Energy to study design plans to determine eligibility.

b. EV/SE ready parking: Associated parking lots shall be constructed to be electric vehicle supply equipment (EVSE) capable. This includes:

i. Electric panel capacity, dedicated branch circuit that is not less than 40 ampere and 208/240 volt, and continuous raceway both underground and surface mounted to enable the future installation of electric vehicle supply equipment.

ii. Parking lots constructed to accommodate 20% of spots as EVSE capable. Parking lots with 10 or fewer parking spaces are exempt from this requirement.

c. Solar: Building and associated area shall be designed or solar PV ready, excluding non-conditioned buildings. This includes:

i. Adequate electrical conduit from the roof, ground, or parking lot to the electrical room to accommodate roof, ground mounted, and/or parking lot solar.

ii. Designated space in electrical panel for future solar interconnection or for 2nd electrical panel or sub-panel.

iii. Designated space outside or in electrical room for PV system equipment such as inverters and transformers for adequate cooling.

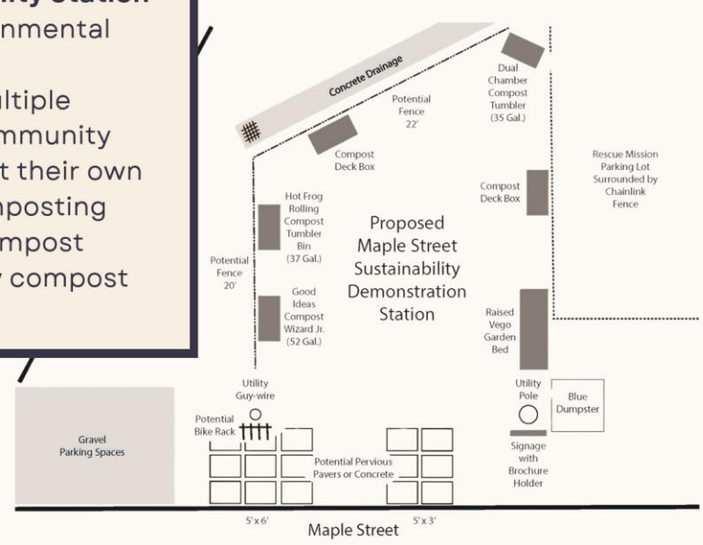
iv. Design roof to accommodate additional load requirement for PV system.

1

Waste Reduction - Sustainability Station

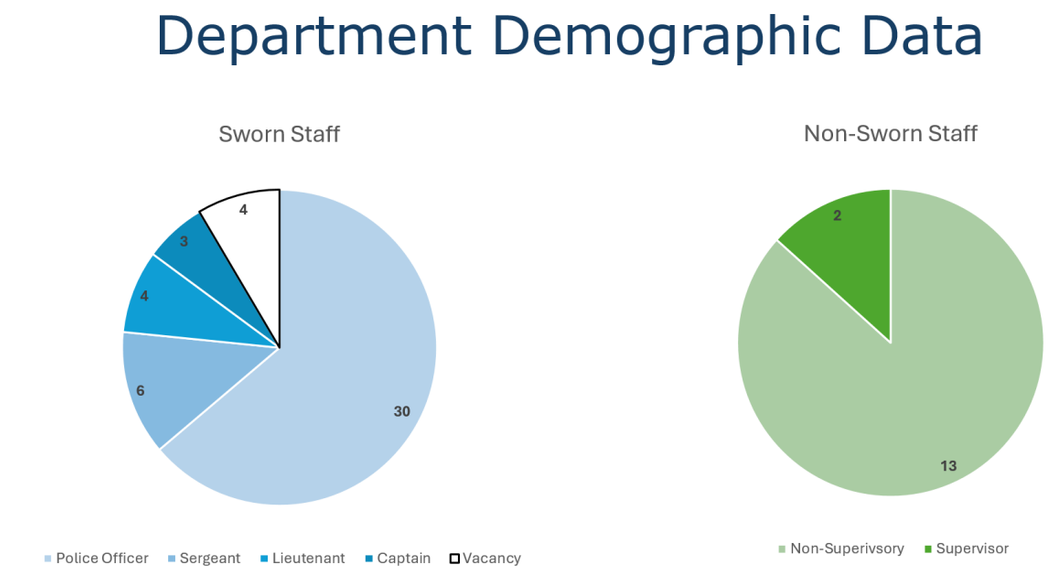
- Spearheaded by the Environmental Sustainability Board
- Purpose: Demonstrates multiple sustainability practices community members can implement at their own homes with a focus on composting
- Will offer the City's first compost program with a community compost drop off location

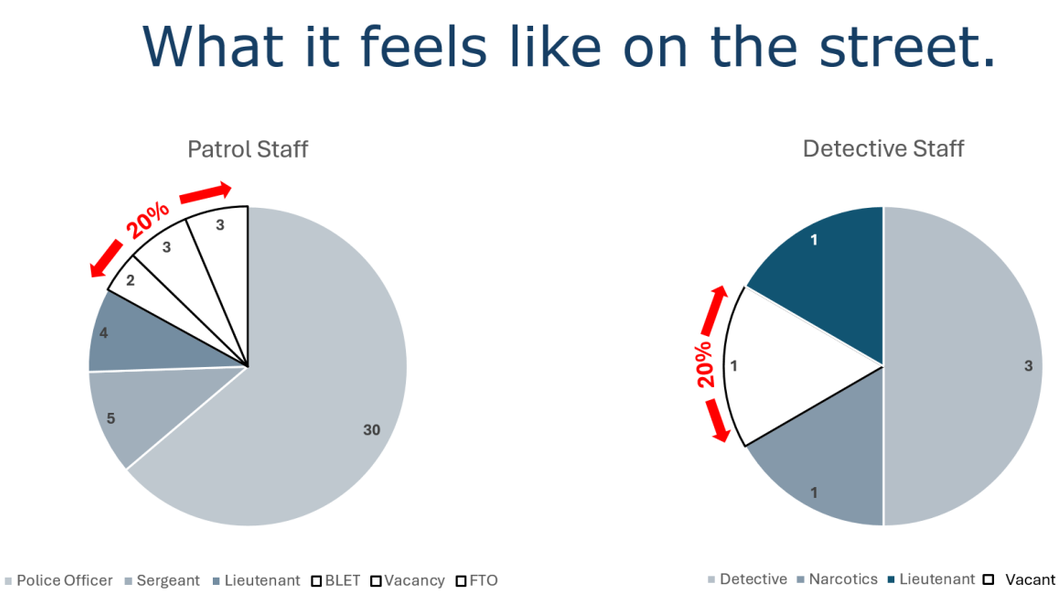
81% of survey respondants voted they are interested in City compost programs



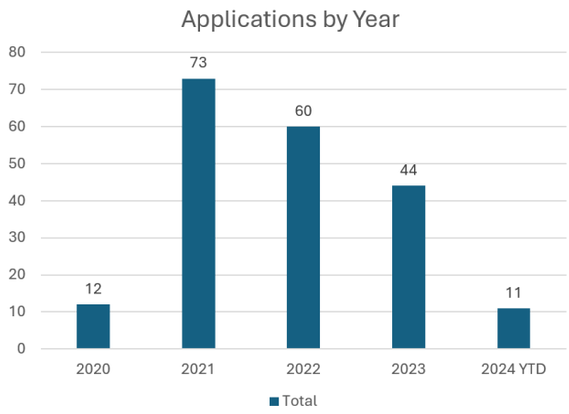
B. Police Retention and Recruitment Update – *Blair Myhand, Chief of Police*

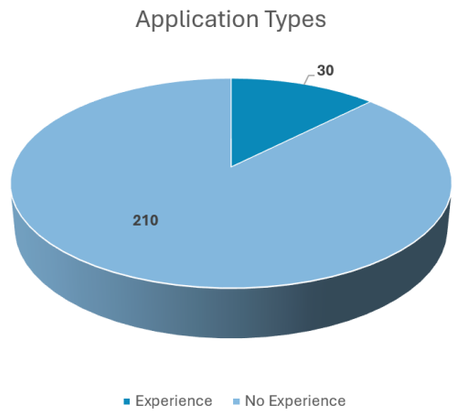
Chief Myhand gave a brief PowerPoint presentation to provide an update of his efforts to retain and recruit law enforcement officers.



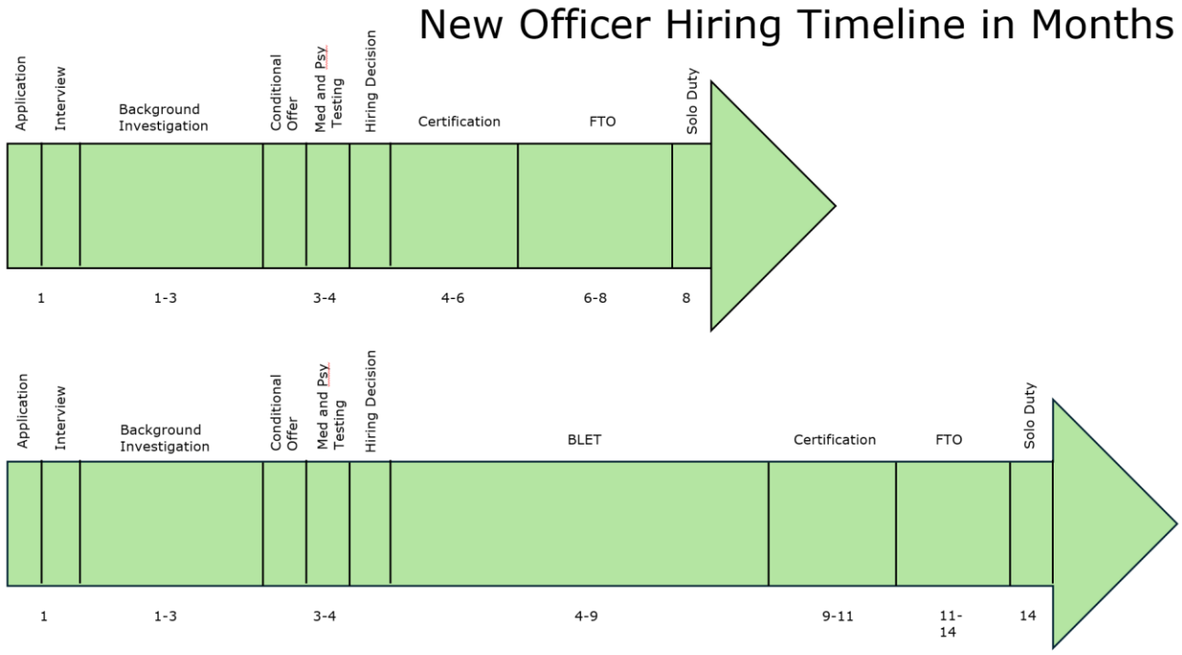


Police Officer Applications Received by Year

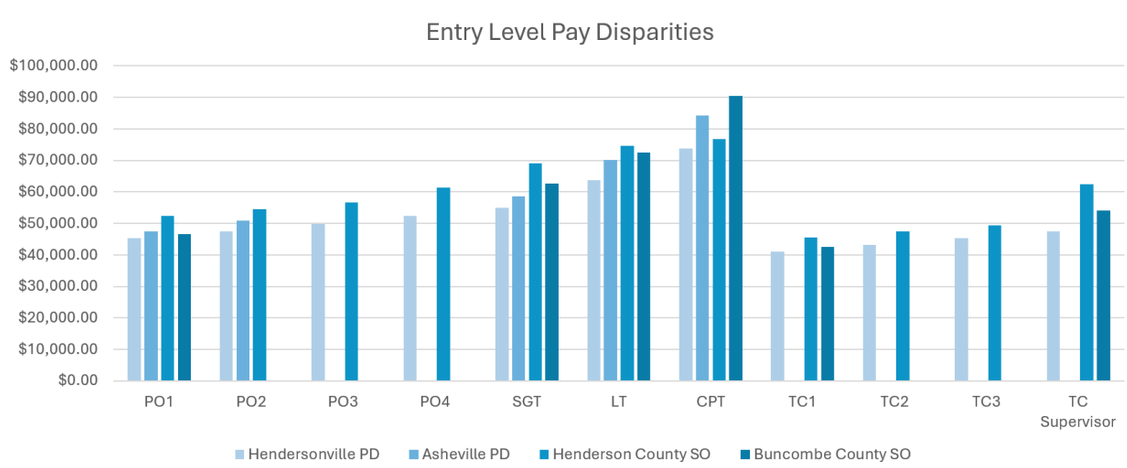




New Officer Hiring Timeline in Months



Pay Comparison Benchmarking

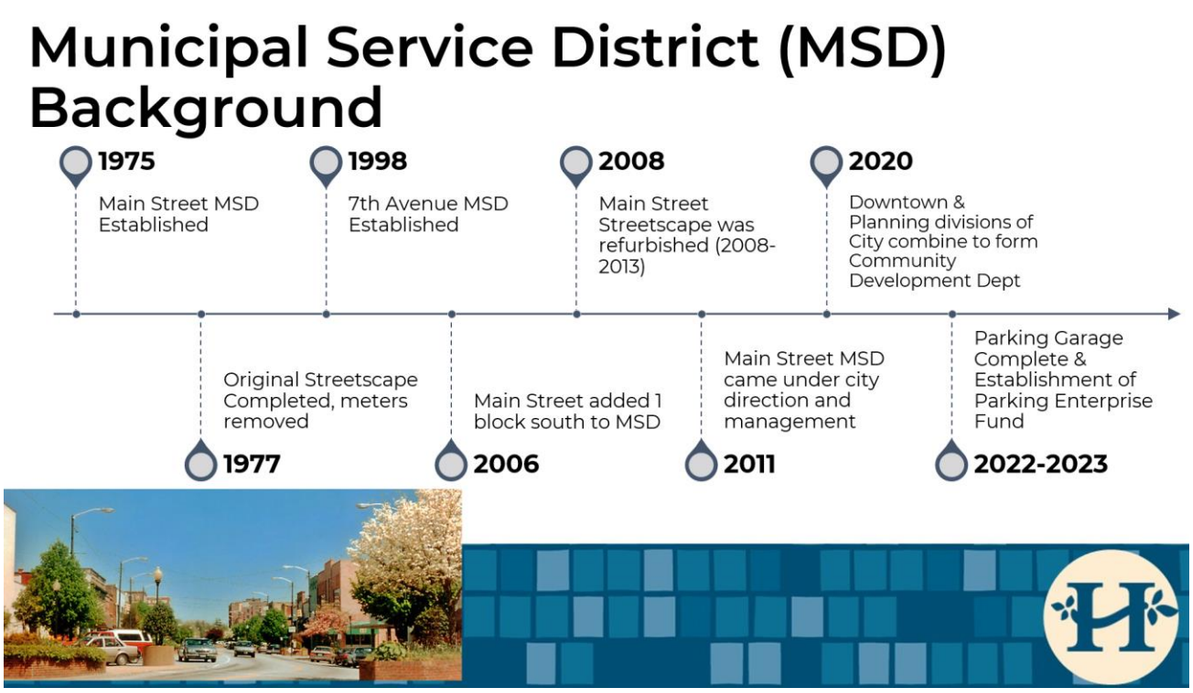


Today's Recruitment/Retention Landscape

- Recruitment was our highest priority in 2022.
- Retention is our highest priority today.
- Most Police Officer applicants have zero experience. The ones who do, typically have potential "background issues" we must work through.
- We will continue to uphold stringent hiring standards and only hire the best.
- Losing good employees is a significant impact on our ability to ensure public safety.
- Retaining our good employees is paramount.

C. Downtown Parking Update – Bryan Pahle, Assistant City Manager

Assistant City Manager Brian Pahle provided an update on the parking program.



Long Term Decision-making

2000 City engages w/ Walker Parking Consultants to investigate the feasibility of a parking deck on 3 sites around Downtown Hendersonville.

2006 City engages w/ Walker Parking Consultants to consider a parking deck on the Dogwood parking lot.

2013 Workshops and survey to garner feedback about downtown parking issues and opportunities. Over 300 participate in survey.

2015 Contract w/ Dixon Resources Unlimited to conduct a Comprehensive Parking Study of downtown.

2018 RFP for a hotel, event space and parking deck development project on city-owned Dogwood Parking Lot.

2019 Developer determines that building the deck as a private entity in addition to the hotel is not feasible.

Winter 2019/2020 - Walker is contracted to provide design development, financial modeling and renderings for a conceptual Parking Deck on the optioned site.

2020 The City purchases properties for the parking garage site and begins demolition.

2021 – Demolition Begins

2023 – Garage Opens & Metered Parking on Main Street

Prioritizing Available Parking and Preparing for the Future

- Supporting a Growing Central Business District
- Promoting Residential Rehabilitation and Redevelopment of Historic Buildings
- Providing for Commercial, Convention, and Event Growth
- Agile and Adaptable for Changing Landscapes (curb management)

Downtown Advisory Board Feedback & Input

- Initial Input
  - Pricing – On-Street as a premium vs lots/garage
  - 1st 30-Minute Grace Period (on street)
  - Permit Rates – Garage premium
  - Employee Parking – Lower Rate Lot
- July Input
  - 15-Minute Increments
  - Lowered Citation Rates to $25

Sustainability

- $37.6k per space
- FY24 First Full Year
- 3 Parking Staff
- Due to GF ≈ $500k

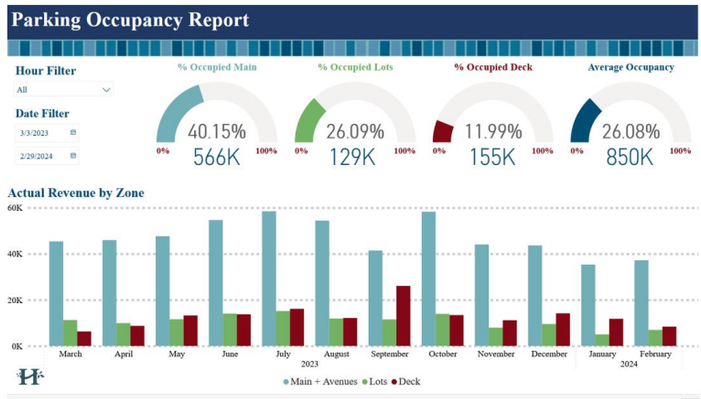
City of Hendersonville, NC
Parking Deck Project - Analysis
1/4/2023

REVENUES	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Daily Parking										
Daily Parking Sub-total	130,000	468,070	841,200	841,200	841,200	874,500	874,500	874,500	874,500	874,500
Leases										
Leased Parking Subtotal	47,520	70,340	190,200	218,500	228,700	239,000	260,500	280,700	290,800	324,300
Citations/Penalties										
Citations/Penalties Subtotal	7,300	9,400	9,400	11,400	16,000	13,600	13,100	13,000	12,900	12,400
Other Financing Sources										
Other Financing Sources Subtotal	13,797,985	-	-	-	-	-	-	-	-	-
TOTAL REVENUE	13,982,805	547,810	1,040,800	1,071,100	1,085,900	1,127,100	1,148,100	1,168,200	1,178,200	1,211,200

EXPENDITURES	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Personnel										
Personnel Subtotal	-	-	96,704	97,396	98,096	98,802	99,515	100,236	100,963	101,698
Operating										
Operating Subtotal	-	669,250	137,000	139,300	161,700	164,300	166,800	169,200	172,000	174,600
Amount to be Financed										
Land/ROW/Easements	2,000,000	-	-	-	-	-	-	-	-	-
Professional/Contracted Services	1,276,014	-	-	-	-	-	-	-	-	-
Construction Costs	9,676,246	-	-	-	-	-	-	-	-	-
Amount to be Financed Subtotal	12,797,985	-	-	-	-	-	-	-	-	-
Debt Service										
Principal (20 Years at 2.00%)	-	370,000	385,000	405,000	425,000	450,000	470,000	495,000	520,000	545,000
Interest (20 Years at 2.00%)	248,647	430,350	411,850	392,600	372,350	351,100	328,600	305,100	280,350	254,350
Debt Service Subtotal	248,647	800,350	796,850	797,600	797,350	801,100	798,600	800,100	800,350	799,350
TOTAL EXPENDITURES	13,046,632	1,469,600	1,050,554	1,054,296	1,057,146	1,064,202	1,064,915	1,069,536	1,073,313	1,075,648
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	936,173	(921,790)	(9,754)	16,804	28,754	62,898	83,185	98,664	104,887	135,552
FUND BALANCE BEGINNING OF YEAR	-	936,173	14,383	4,629	21,432	50,187	113,085	196,269	294,934	399,820
FUND BALANCE END OF YEAR	936,173	14,383	4,629	21,432	50,187	113,085	196,269	294,934	399,820	535,372

Parking Occupancy

- Methodology
- Dixon Study
- Lot Historical



Parking Occupancy

- Methodology
  - Stall Count > Billable Hours > Annual Revenue > Hourly Revenue by Stall
  - Conservative: Not Accounting for Unpaid Parking, First [time period] Free, Special Events, Permit Parkers, etc…
  - Some Complexities (i.e., moving avg. for lots and deck, deck is pay at exit, etc…)
  - Not True Observed Occupancy (not TBOPS)

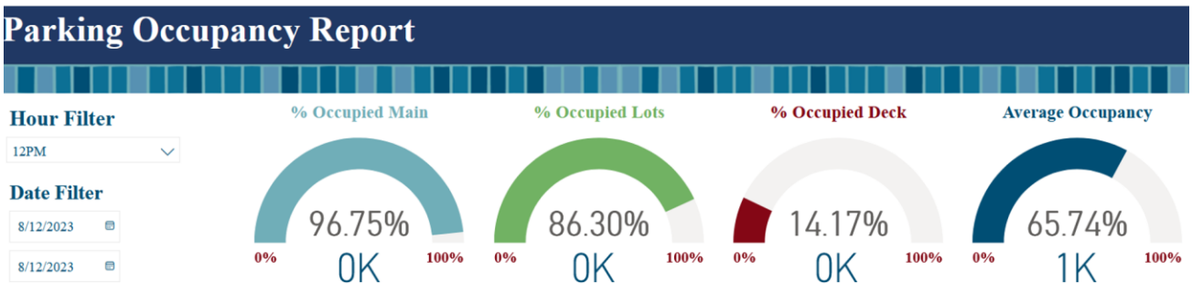
Parking Occupancy

- Methodology
  - Main + Avenues = $388 per Hour
    - (52 Sundays > 12 Holidays > 10 Hours of Enforcement > 3,010 Billable Hours per Stall per Year > $2 Rate per Hour > Annual Revenue per Stall $2,010 > 235 Stalls > $1.4m Annual Revenue > by Month $117k > by Day $3.8k > by Hour $388)
    - Occupancy = Revenue / (Rev. per Hour * # of Hours * # of Days)
  - Lots = $136 per Hour
  - Deck = $148 per Hour

Weighted Avg. Used for Lots and Deck

Parking Occupancy

- Methodology
  - Ex. Main Street on Aug. 12th, from 11:00am – 12:00pm
    - **Occupancy = $375 in Rev. / ($388 Potential Rev. * 1 Hour * 1 Day)**
    - **Occupancy = 96.75%**



Parking Occupancy

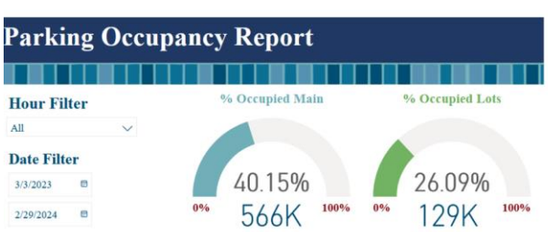
- Dixon Study circa 2015

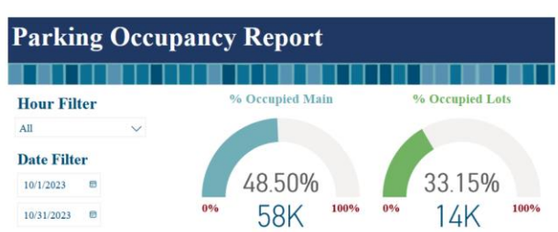
Inventory			Average Occupancy October Visit				Average Occupancy September Visit			
Street	Orientation	# of Spaces	Morning	Afternoon	Evening	Total	Morning	Afternoon	Evening	Total
Main Street N	100 E	11	7%	100%	98%	60%	14%	127%	106%	58%
	100 W	9	22%	96%	89%	61%	61%	100%	107%	74%
	200 E	11	9%	97%	91%	58%	36%	109%	97%	61%
	200 W	11	32%	100%	100%	69%	41%	118%	106%	67%
	300 E	11	80%	100%	91%	82%	55%	91%	97%	67%
	300 W	9	75%	100%	100%	83%	78%	111%	100%	76%
	400 E	11	25%	97%	95%	64%	23%	91%	88%	52%
	400 W	11	18%	94%	86%	58%	14%	91%	94%	52%
	500 E	11	50%	88%	82%	66%	27%	45%	73%	45%
	500 W	10	38%	90%	78%	61%	25%	70%	80%	48%
	600 E	6	13%	56%	42%	32%	0%	0%	0%	0%
	600 W	3	0%	67%	33%	28%	0%	0%	0%	0%
Main Street S	100 E	4	38%	92%	88%	65%	63%	0%	50%	46%
	100 W	10	20%	100%	93%	63%	60%	90%	63%	52%

Parking Occupancy

- Lot Historical

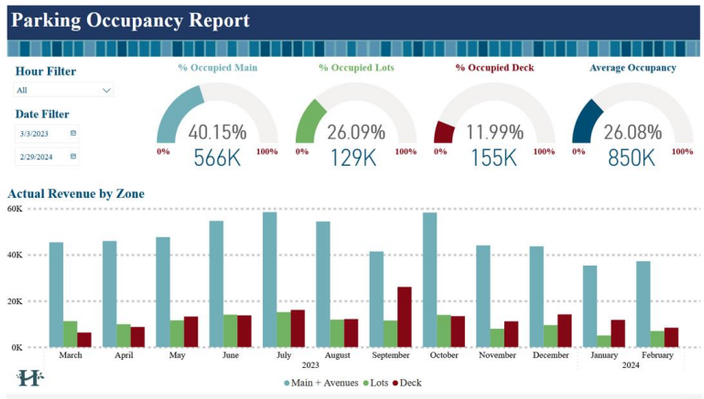
Hist. Occupancy (lots)	28%	22%	25%	36%	28%	20%	15%	15%	22%	28%	28%	28%	25%
Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	



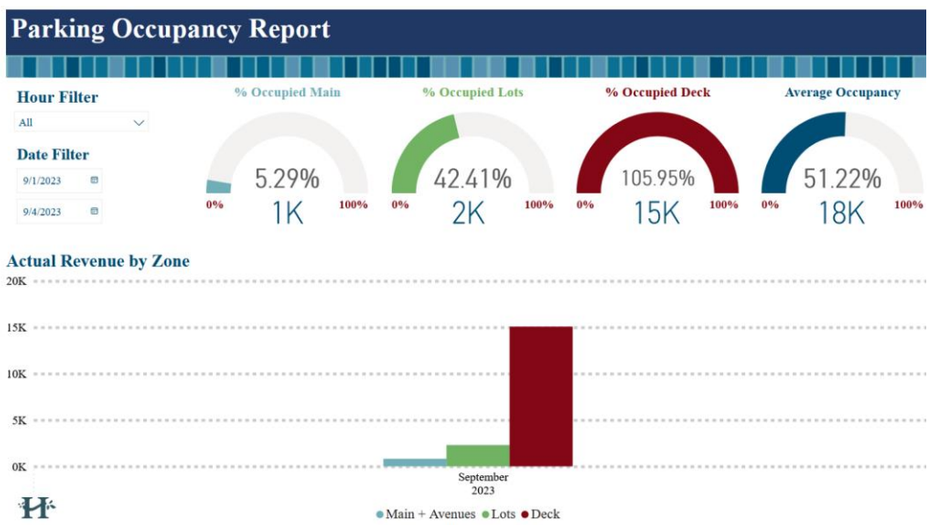


Parking Occupancy

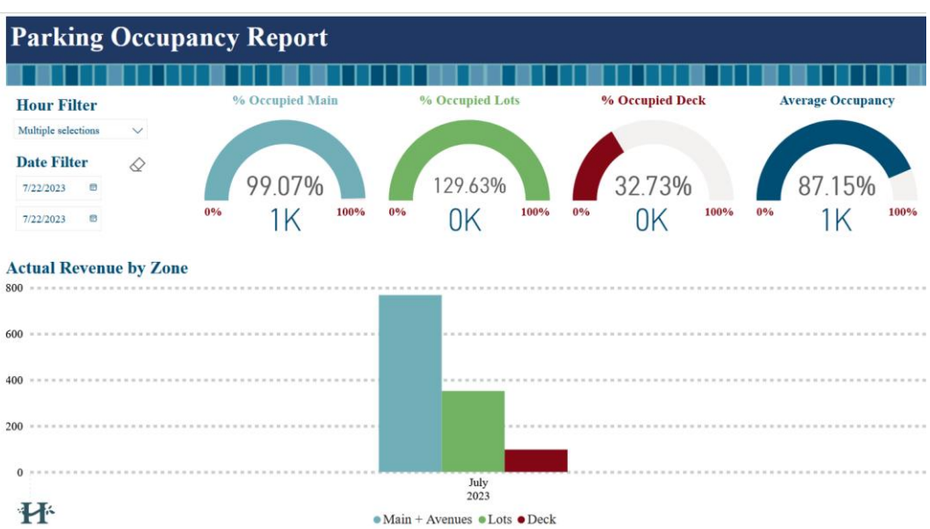
- Reporting



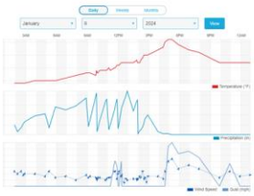
Apple Festival

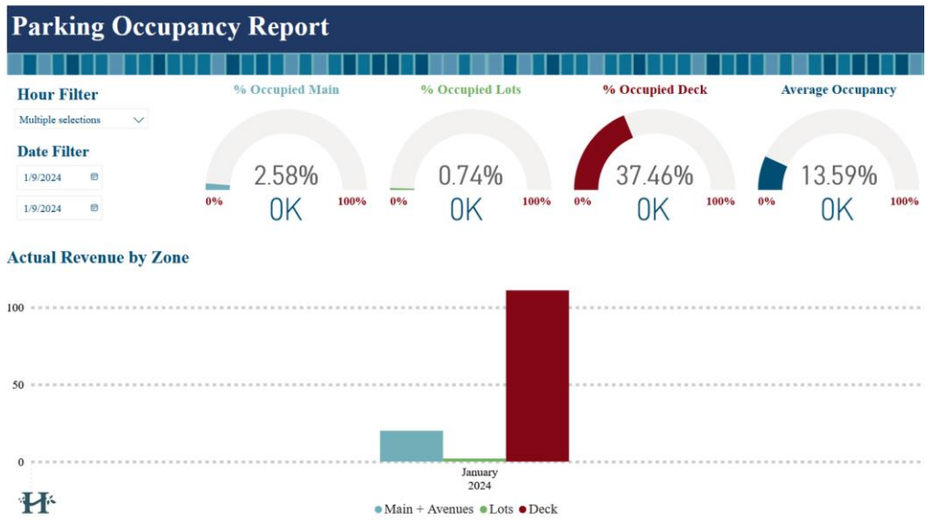


Saturday Lunch in July

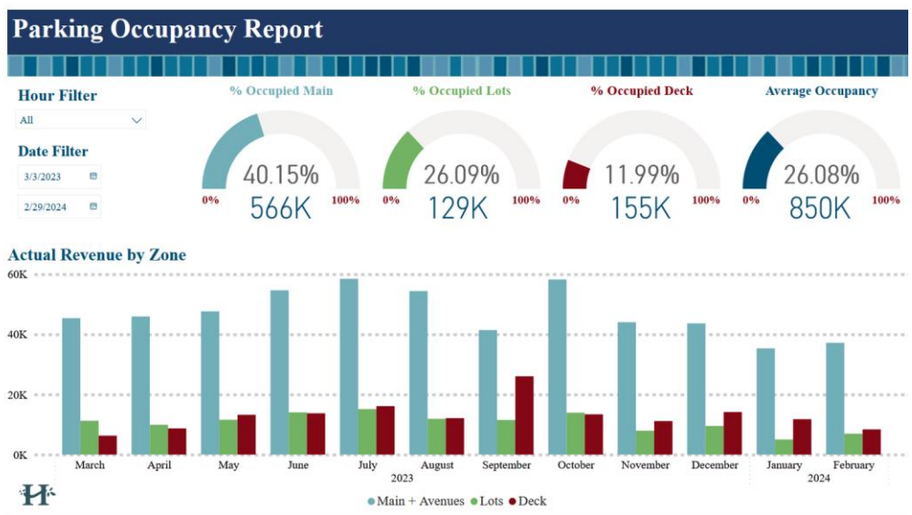


Rainy Tuesday Lunch in January





1-Year



Parking Occupancy

- Activation of Private Lots
- Revenue/Occupancy Actuals $9k Over Estimate
- More Parking Resources were Available to Support Downtown Activities

Parking Permits

- Managed Inventory vs. Real Inventory
- Permit Sales
  - Deck = 73 of 100 Permits Sold
  - Interior = 87 of 100 Permits Sold
  - Exterior = 233 of 250 Permits Sold

Total = 393 Permits Sold

Inventory Mgmt

Prior

- **Total MI = 300**
- **Total RI = 300**

100%

Current

- **Total MI = 776**
- **Total RI = 546**

142%

***Excludes Main Street**

Prior Inventory Lots (no deck)

	Meters	Permits	Handicap	Other	Total
Apple Lot	0	36	2	8	46
Maple Lot	27	10	2	0	39
Spruce Lot	0	16	0	0	16
Azalea Lot	44	0	5	26	75
Dogwood Lot	59	108	4	0	171
Total	**130**	**170**	**13**	**34**	**347**

Current Inventory Lots & Deck

	Meters	Permits	Handicap	Other	Total
Apple Lot	0	36	2	8	46
Maple Lot	27	10	2	0	39
Spruce Lot	14	11	0	0	25
Azalea Lot	46	36	5	24	111
Dogwood Lot	0	250	4	0	254
Sub-Total	*87*	*343*	*13*	*32*	*475*
Parking Deck	246	100	7	0	353
Total	**333**	**443**	**20**	**32**	**828**

Communications

- Downtown business newsletter
- Flyers, Ads, Press Releases
- Downtown Advisory Board Meetings
- ParkMobile Coupon Codes
- Summer Updates - Adapting

Messaging & Info

- Ease of Use – ParkMobile + Garage
- Locations of FREE Parking
- 1st violation = WARNING
- Free Coupons Sent for Winter 24
  - 782 (~$2.7k) Used as of February

Areas for Improvement

- Permit Structures for Large Buyers
- Uptime for Kiosks
- Payment Option Clarity vs. Flexibility
- Volunteer Parking Assistance Ambassadors

Other Discussions

- Slow Season Discounts
- First Hour Grace vs. Free
- Rate Changes
- Economic Factors (occupancy tax; sales tax; placer.ai data)

Prioritizing Available Parking and Preparing for the Future

- Supporting a Growing Central Business District
- Promoting Residential Rehabilitation and Redevelopment of Historic Buildings
- Providing for Commercial and Convention Growth
- Agile and Adaptable for Changing Landscapes (curb management)

D. Review of Council/Staff Retreat Priorities – John Connet, City Manager

CITY OF HENDERSONVILLE

Council/Staff Retreat Report

"Planting the seeds for the future"

Strategic Planning and Transparency

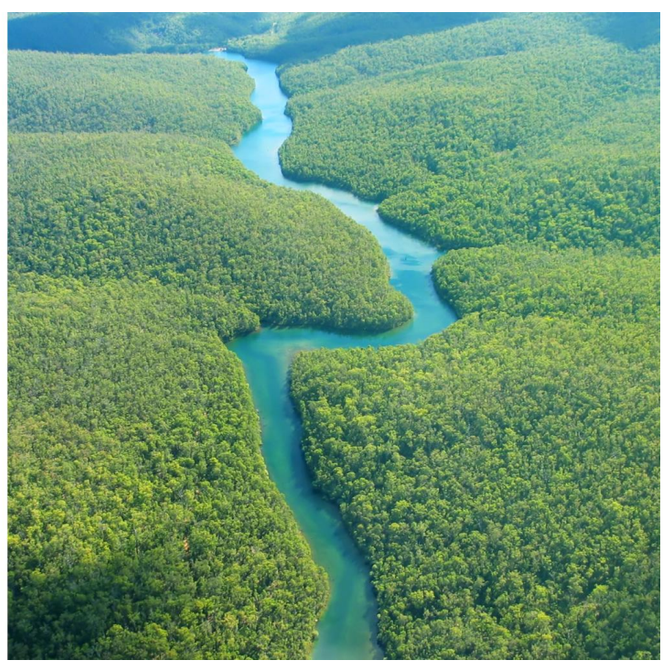
- **Seed** = Goal is still being evaluated for next steps. Funding or staffing resources may not be available to advance this goal at this time.
- **Seedling** = Goal has made some progress. However, there are still larger steps that need to be taken. Funding availability or staffing resources may be slowing this goal down.
- **Sapling** = Goal is well on its way to being achieved. Funding and staffing resources are available to bring this goal to life. Final steps are being evaluated or executed to achieve the goal.
- **Tree** = Goal has been achieved and is ready to be celebrated

Goal Areas - Dot Voting Results

1. Strong Infrastructure
2. Compensation, Benefits, & Staff Development
3. Public Safety
4. Strategic Housing Plan
5. Growth Management & Community Character
6. Invest in Parks
7. Enhance Sustainability Citywide
8. Transportation Planning
9. City Boards & Volunteers
10. Support Downtwon Businesses

Budget Implementation – Strong Infrastructure

- 2023 Accomplishments
  - French Broad River Raw Water Intake
  - Solids Management Grant
  - Only 2 SSOs
- 2024 Budget Goals
  - 7th Avenue Streetscape
  - Stormwater Improvements
  - Water and Sewer Projects
  - City Hall Exterior Restorations / Customer Service Renovations



Budget Implementation – Compensation, Benefits, & Staff Development

- 2023 Accomplishments
  - Paid Family Leave
  - 401(k) match
  - Excellent medical benefits
- 2024 Budget Goals
  - 4% COLA
  - Fund Retirement Contribution Increase
  - Fund medical insurance premium 4% increase
  - New performance management system/career ladders

Budget Implementation – Public Safety

- 2023 Accomplishments
  - ISO 1 Rating
  - Professionalism and Modernization of Police Department "CALEA"
  - Fire Station 1
- 2024 Budget Goals
  - Employee Retention and Recruitment
  - Maintain ISO 1
  - Improve homeless/mental health response

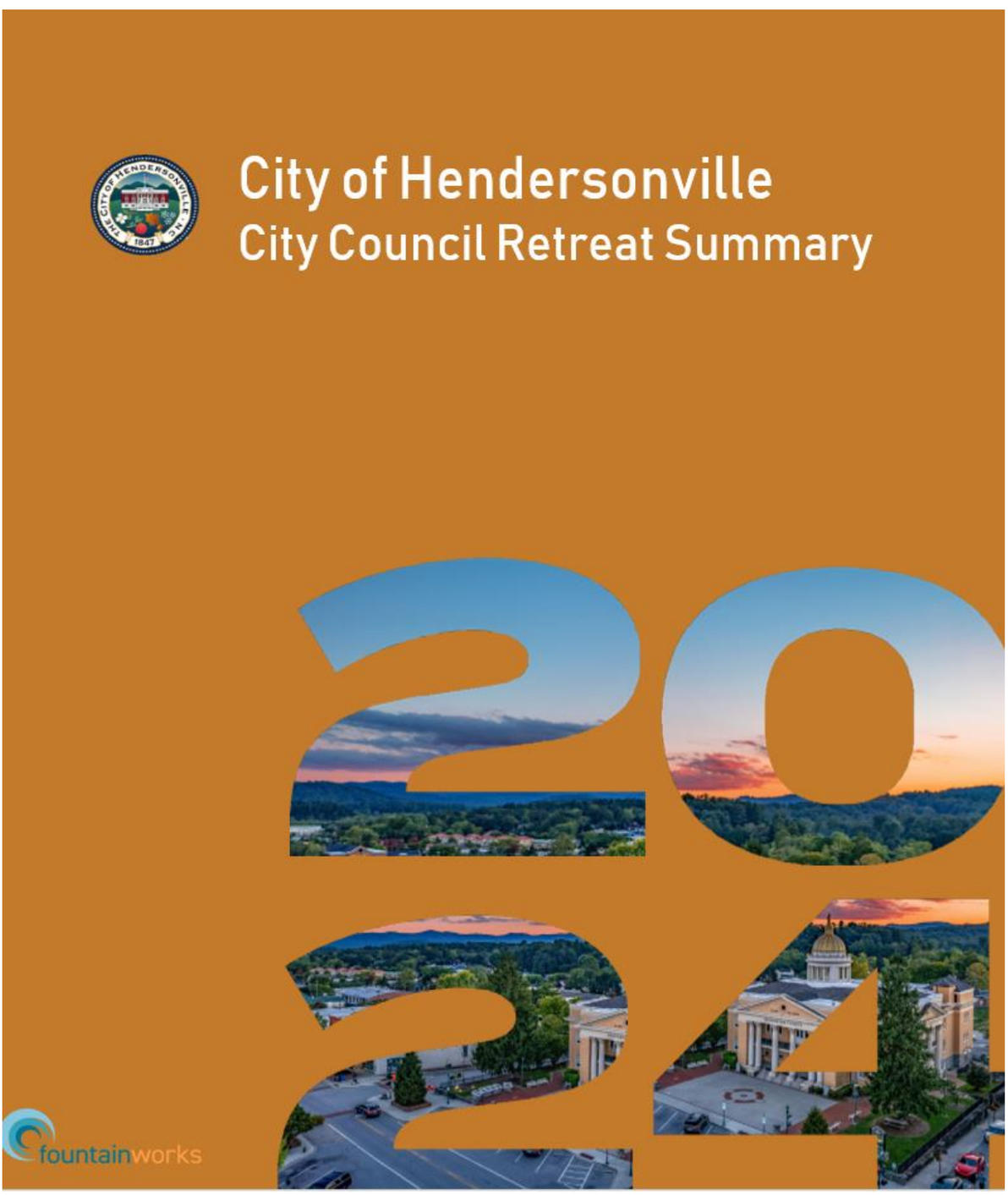
Budget Implementation – Strategic Housing Plan

- 2023 Accomplishments
  - Strategic Housing Grant
  - Strategic Housing Committee
- 2024 Budget Goals
  - Strategic Housing Plan
  - Apple Ridge Partnership
  - Code Enforcement
  - Commercial Building Maintenance

Budget Implementation – Growth Management & Community Character

- 2023 Accomplishments
  - Comprehensive Plan
  - Laura E. Corn Mini Golf
  - Parks and Recreation Master Plan
  - Downtown Master Plan
- 2024 Budget
  - 7th Avenue Streetscape
  - Above the Mud Greenway
  - Strategic Housing Plan
  - Initial Land Use Changes / Regulations

The following is the post-budget report from Fountain Works which was included in Council's packet.



Welcome & Orientation

The City of Hendersonville held Day 2 of its 2024 City Council retreat on Friday, March 15 at the Hendersonville Board of Realtors. The retreat was professionally facilitated by Warren Miller and Drew Finley of Fountainworks, a consulting firm focused on supporting public sector organizations. The retreat revolved around the theme of growth and the phrase "from seed to tree." John Connet, City Manager, kicked off the day by explaining this theme and sharing some interesting facts from the City Council meeting minutes books. Councilmembers then reflected on a "seed" that was planted in the community in the past that they are proud to see has now grown into a "tree." Each Councilmember's response is included below:

Councilmember Jeff Miller – Main Street renovation and Laura E. Corn Mini Golf Course at Edwards Park.

Mayor Barbara Volk – Skate park at Patton Park.

Councilmember Dr. Jennifer Hensley – A long history of good decisions that has led to numerous amenities and a high quality of life in the community.

Mayor Pro Tempore Lyndsey Simpson – The construction and expansion of the Oklawaha Greenway trail.

Councilmember Debbie O' Neal Roundtree – 7th Avenue upgrades and ongoing branding and visioning.

Connet added that the foundation and architecture of City Hall in 1928 represents the embodiment of good government in the City. All Councilmembers agreed that the City boasts a long history of good decisions that have benefited today's residents, visitors, and businesses.

Celebration of 2023 Accomplishments

City Council and staff then celebrated key accomplishments from 2023. Staff conducted a similar exercise at their retreat earlier in the year, so this segment focused on hearing from City Council members on what they are most proud of and why. Below are the themes that emerged from the conversation:

Strong Infrastructure Investment – Councilmembers mentioned a variety of ongoing and completed projects that represent strong investment in the City's critical infrastructure. These investments benefit not only City residents but also more than 85,000 people in Henderson County who are served by the City's utility system.

- *French Broad River Raw Water Intake* – State Revolving Fund loan to keep up with growth and mitigate drought effects.
- *Solids Management Grant ($14.75 million)* – State appropriation for treatment facility solids management improvements.
- *2 Reported SSOs* – Only two sanitary sewer overflows were reported in 2023.
- *100-Year Water System Anniversary* – Strong investments in the City's public drinking water system have allowed the system to sustainably grow for over a century.

- *Robust public education campaigns* – Public education and outreach has grown in recent years with initiatives such as Drinking Water Week, Fix a Leak Week, and Cease the Grease.

Strong Support for City Employees – City Council has advocated for and adopted several policies that provide excellent compensation, benefits, and professional development opportunities for City employees:

- Paid family leave
- 401(k) match
- Excellent medical benefits

Two Councilmembers noted that the City's paid family leave policy sets the City apart from its employment competitors, and one Councilmember even recounted a story of a City employee who cried tears of joy after learning of the passage of the paid family leave policy. City Council agreed that attracting top talent is important, and competition in the job market is high. This strong support for City employees allows the City to keep up and remain competitive. City employees are the "boots on the ground" who serve and keep the community running.

Strategic Housing Plan – Two Councilmembers specifically highlighted the major progress the City has made with advancing affordable housing in the community.

- The City is in the early stages of developing a strategic housing plan that will build on those efforts.
- One Councilmember observed that in many ways, "everything circles around housing."

Laura E. Corn Mini Golf Course at Edwards Park – City Council agreed that this putt-putt golf course is an outstanding entertainment amenity that appeals to families and community members of all ages.

Grants and Special Appropriations – The City has won a wide variety of grants to fund projects across several departments. These grants have allowed the City to maintain a high quality of life without increasing cost of living for residents.

Ecusta Trail – The City's support for the development of the Ecusta Trail, which is a proposed rail trail that will run from Hendersonville to Brevard once complete, is a significant economic development opportunity that will also promote community health and wellness, outdoor activities, and active lifestyles.

- The 7th Avenue Streetscape project dovetails nicely with this effort and will include a connection to the Ecusta Trail.

Reduced Crime – The City's Police Chief, Blair Myhand, has led efforts that have reduced crime in the City.

- The Police Department's monthly newsletter keeps the community informed.
- Professionalization and modernization of the Police Department.

ISO Class 1 Rating – The City's Fire Department achieved a Class 1 rating from the Insurance Services Office. This rating is a badge of honor that is only achieved by a select percentage of fire departments across the country.

City staff also highlighted several other accomplishments worth celebrating including demonstrating resilience in surviving the recent cyberattack, hiring a Sustainability Manager, and building the Downtown parking deck.

Collectively, all of these accomplishments showcase the City Council's outstanding leadership and the City's high-quality staff.

Campfire: What Fuels Us As Leaders

City Council and staff then discussed what fuels them as leaders by reflecting on rewarding and challenging experiences in their careers. They considered the following questions:

1. How did the challenging experiences push you as a leader?
2. How were you tested as a leader during these challenging experiences?
3. Which positive aspects of your leadership style shined through during your rewarding experiences?
4. What did you learn about yourself as a result of these experiences?

Council and staff first reflected on these questions individually, then with a partner, and finally with the whole group. Below are the key takeaways from these conversations:

- There is a **positive ripple effect from rewarding experiences.** For example, paid family leave benefited not only City staff but also their families.
- **Skepticism and negativity push us –** A good example is the mini golf course. City Council endured criticism for prioritizing this project, but Council did not waver from their vision and delivered a high-quality amenity that the community loves.

- **Showing up and being accessible is important** – Sometimes the most important role an elected official can fill is showing up and listening to the concerns of community members. Being accessible and listening to the views of others is important for building trust.
- **Regular introspection is important** – Introspection is a highly valued quality in a leader and allows us to consistently reevaluate our performance.
- **Time management is a challenge** – Councilmembers are generally "spread thin" and cannot always attend or participate in everything they would like. Acknowledging and working to manage that tension is important.
- **Keeping the long game in mind** is important but challenging to communicate to the community. Councilmembers sometimes struggle to demonstrate the value of investing in long-term projects since the benefits of those projects are not yet visible, but will be in the future.
- **Cooperation, collaboration, and respect** from all Councilmembers has allowed the Council to perform at a high level and develop a strong working relationship with City management.

City Council then reflected on what they see as the most important traits that leaders should embody in their work. Below are the traits that Councilmembers listed:

- **Active listening** – Connecting with people and truly understanding them and their perspective goes a long way. Your idea is not the only idea.
- **Empathy** – Placing oneself in someone else's shoes is a valuable skill and can help balance emotions.
- **Thick skin** – The ability to endure criticism and not let negative feedback derail leadership efforts is critical.
- **Avoid preconceived notions** – Keeping an open mind and not prematurely judging people or situations is very important.

Priorities for 2024

Next, City Council and staff discussed priorities for 2024. The purpose of this segment was to gain clarity on the goal areas that City staff should prioritize in the coming year.

Prior to the retreat, City staff sorted the goals within each goal area into four categories: seed, seedling, sapling, and tree. The definitions for each of these four categories are included on page 9 of this summary. City staff plan to regularly update and monitor progress on these goals through the strategic plan report.

City Council conducted a prioritization exercise where they reviewed and ranked their highest priority goal areas for the upcoming year. They also added two new goal areas and made clarifications and adjustments to existing goals and goal areas. Councilmembers each received dot stickers with the following assigned point values:

- 1 Red Dot (5 points)
- 2 Green Dots (3 points each)
- 3 Blue Dots (1 point each)

Results: Councilmembers chose from the goal areas listed below. Several clarifications and goal area title changes were made to better reflect the content of the goal areas:

- **Strong Infrastructure** – 21 total points received
- **Compensation, Benefits, and Staff Development** – 14 total points received
- **Public Safety** – 13 total points received
- **Strategic Housing Plan** – 8 total points received
- **Growth Management & Community Character** – 8 total points received
- **Invest in City Parks** – 3 total points received
- **Enhance Sustainability Citywide** – 2 total points received
- **Transportation Planning** – 1 total point received
- **City Boards & Volunteers** – 0 total points received
- **Support Downtown Businesses** – 0 total points received
- **Leverage ¼ Cent Sales Tax**
    - Exempted from dot voting exercise since this goal area is a legislative issue that is not directly within City Council's control.

The list below ranks the goal areas in accordance with the results of the dot voting exercise:

Below are the individual voting results for each Councilmember:

Councilmember Jeff Miller

- 1 Red Dot = Public Safety
- 2 Green Dots = Strong Infrastructure and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Strategic Housing Plan, Strategic Housing Plan, and Compensation, Benefits, & Staff Development

Mayor Barbara Volk

- 1 Red Dot = Public Safety
- 2 Green Dots = Strong Infrastructure and Compensation, Benefits, and Staff Development
- 3 Blue Dots = Growth Management & Community Character, Strategic Housing Plan, and Invest in Parks

Councilmember Dr. Jennifer Hensley

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Public Safety and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Transportation Planning, Strategic Housing Plan, and Growth Management & Community Character

Mayor Pro Tempore Lyndsey Simpson

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Growth Management & Community Character and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Invest in Parks, Enhance Sustainability Citywide, and Strategic Housing Plan

Councilmember Debbie O' Neal Roundtree

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Strategic Housing Plan and Growth Management & Community Character
- 3 Blue Dots = Invest in Parks, Enhance Sustainability Citywide, and Compensation, Benefits, & Staff Development

These prioritization results will provide strategic direction and guide City staff as they allocate time, energy, and resources to all of these goal areas and goals.

During this segment, City Council and staff also agreed on several clarifications related to goal area title changes and goal title changes. Below on page 9 is an updated version of the strategic plan report that reflects these changes.

FY24 Status Update Categories

Seed = Goal is still being evaluated for next steps. Funding or staffing resources may not be available to advance this goal at this time.

Seedling = Goal has made some progress. However, there are still larger steps that need to be taken. Funding availability or staffing resources may be slowing this goal down.

Sapling = Goal is well on its way to being achieved. Funding and staffing resources are available to bring this goal to life. Final steps are being evaluated or executed to achieve the goal.

Tree = Goal has been achieved and is ready to be celebrated.

Invest in City Parks

Goal	Status	Notes
24.1.a Issue a Parks Bond	Seedling	Currently awaiting completion of the Parks and Greenways Master Plan. Next steps include prioritizing and formalizing a list of projects to include in a general obligation bond issuance including funding strategies.
24.1.b Plant Trees in Flood Plain	Seedling	City Staff have completed a tree canopy study which will help guide strategies around improving canopy within the City. The City owns and will acquire several parcels in floodplain areas that could potentially be used for canopy improvements.
24.1.c $0.01 of Occupancy Tax	Seed	Staff have not engaged external stakeholders in the allocation of the remaining 1% occupancy tax available to the TDA.
24.1.d Take Care of Existing Parks	Seedling	The draft master plan identifies existing park maintenance and improvement as a high priority and ranks many of the existing parks in below average condition. The City has allocated CIP funding to existing parks including budget for Patton Park and Sullivan Park. Sullivan Park stream restoration project will be completed in 2024.
24.1.e Splash Pad Ribbon Cutting	Seedling	The City is working with Kiwanis to fundraise for a new splash pad at Patton Park. A location has been identified and staff are working through logistics to build and operate the facility next to Patton Pool. The City does not have adequate funding at this time to build the facility.
24.1.f Signage for Parks	Seedling	New signage has been included in the Laura E. Corn mini-golf course. This signage followed the branding of the wayfinding signs throughout the City. New Main St. signage is being installed following the same brand. There is a need to establish a branding manual for park signage moving forward.
24.1.g Improve and Expand Parks	Sapling	The City recently opened the reimagined Edwards Park and Laura E. Corn mini-golf. The Clear Creek Greenway will be completed in the next 18 months. In addition, there is a property along the Clear Creek Greenway and one along Bat Fork Creek near Jackson Park that will be acquired for open space/passive recreation. Additionally, the Lower Mud Creek Flood Mitigation project will provide further passive recreation including installation of a portion of the Above the Mud greenway. Once the Above the Mud Feasibility Study is completed in FY24, funding will continue to be pursued for the full construction of the greenway (connecting the Ecusta to the Oklawaha). An 18-hole disc golf course will be completed in 2024 at the northern end of the Oklawaha Greenway.
24.1.h Park on S. Main St.	Seed	Provided City Council with conceptual plan options for a S. Main St. park which will help improve direction on how to proceed with transportation projects occurring in that area. Currently, funding has not been identified to move forward with a S. Main St. park.
24.1.i More Bike Racks	Sapling	New City projects include bike racks as part of the design and construction. Some new areas that include bike racks are City Ops, Fire Station #1, Edwards Park, and S. Main St. More detail needs to be developed on future bike rack locations through allocations in the City's budget process and further collaboration with area non-profits.
24.1.j Striping S. Main St. for Bikes	Sapling	Staff are bidding the project for completion in 2024. This will improve access to and from the Ecusta Trail via Main Street, provide additional parking spaces, and add bike corrals.

Strategic Housing Plan

Goal	Status	Notes
24.2.a Complete Strategic Housing Plan Including Stakeholder Input	Seedling	Strategic Housing Plan has not begun however funding is in place. Heard input around this goal throughout comp. plan outreach.
24.2.b Incentives for Developers	Seed	Strategic Housing Plan has not begun however funding is in place.
24.2.c More Affordable Housing	Seedling	The Strategic Housing Plan and Housing Committee will help further define this goal.
24.2.d Workforce Housing	Seedling	The Strategic Housing Plan and Housing Committee will help further define this goal.
24.2.e Resolution for Housing Authority Powers	Sapling	Legal is drafting the resolution which is expected to be adopted by June 30th, 2024.
24.2.f Housing at all Price Points	Seedling	City Council entitled 681 Units in 2023. The Strategic Housing Plan and Housing Committee will help further define this goal.

Growth Management and Community Character

Goal	Status	Notes
24.3.a Right Density	Seedling	The comp. plan will identify areas suitable for density. Need further definition through a development ordinance.
24.3.b Support Density for Affordability	Seedling	Further definition of 24.3.a will help identify strategies for density bonuses associated with affordability and market rates. The strategic housing plan will have influence and strategies for this goal.
24.3.c Right Height	Seedling	The Downtown Master Plan will lay the foundation for right height guidelines.
24.3.d Develop Style Guidelines/Overlays	Seedling	The Downtown Master Plan will lay the foundation for style guidelines.
24.3.e Pursue Form Based Code	Seedling	The Downtown Master Plan will lay the foundation for form-based code guidelines.
24.3.f More By-Right Development	Seedling	The comp. plan will define what we desire in certain areas of the City. Need further definition through a development ordinance.
24.3.g Look for Other Commercial Centers	Seedling	The comp. plan has identified underutilized properties as well as scoring commercial suitability of parcels. Staff is also looking at areas for public investment (parks, infrastructure, etc....) that will help encourage commercial development.
24.3.h		Complete Comprehensive Plan. The County just adopted their comprehensive plan this week. The goal should be to bring the County and the City's plans together over time.
24.3.i		Start Unified Development Ordinance

Transportation Planning

Goal	Status	Notes
24.4.a Issue a Transportation Bond	Seed	This goal is in its infancy as many plans need to be completed prior to moving forward. An intermediate step may be to leverage a G.O. Bond for existing NCDOT projects that require City funding.
24.4.b Street Cut/Repairs Efficiency	Seedling	Timing between pavement cuts and repair of cuts has improved in the last year due to more efficient use of Cityworks. Staff are continuing to evaluate efficiencies for this program and are tracking more data in Cityworks to provide insights on how to further improve.
24.4.c Traffic Calming Policy	Seed	Staff are exploring the option to produce this study with in-house engineering staff. S Main St project includes road diet and bike lanes thereby incorporating traffic calming.
24.4.d Improve Pavement Condition Score	Seedling	Pavement condition score will be updated this year. This will guide future funding use. 7th Avenue Streetscape project will be completed. The 4th/Ashe Water & Sewer Improvement Project will include the repaving of several streets thereby improving pavement condition scores. As part of an initiative to more closely coordinate infrastructure CIP projects, staff will work to efficiently complete underground improvements ahead of resurfacing. Staff are proposing an increase in the motor vehicle fee to put additional resources behind street resurfacings.
24.4.e Traffic Impact for New Development	Seed	Staff have an on-call agreement with Kimley-Horn for City led traffic impact analysis.

24.4.f Better Connectivity/Flow	Seed	The French Broad River MPO received a Safe Streets for All grant from USDOT to develop a Safety Action Plan for the five-county area (Buncombe, Haywood, Henderson, Madison, and Transylvania counties.) Developing this plan will provide a path toward a safer transportation network and enable our region to apply for implementation funds through USDOT. City staff have been involved in the selection of a consultant to complete this study and local stakeholders will be involved throughout its completion. The Action Plan should be completed by late 2024 and projects will be identified that could then be applied for funding. S Main Street project will be completed to connect pedestrians/bicyclists from the Ecusta to downtown. Above the Mud Feasibility Study will be completed to help boost funding applications to connect the Ecusta to the Oklawaha. There is a Saluda Grade Feasibility Study to be completed this year that will do the same for that project. Both projects would form a transformational greenway/transportation network. City Council needs to let the French Broad River MPO and Division Engineer know that multimodal transportation is a priority. There is an important economic development piece of pedestrian and bike infrastructure.
24.4.g Narrow King Street	Sapling	Design and traffic modeling data has been prepared by Kimley-Horn and City is awaiting confirmation from NCDOT that the City can construct the narrowing and sidewalk project from 2nd to 4th Avenues once funds are available in the City budget.
24.4.h Address Motor Vehicle Accidents	Seedling	City Police have enhanced their traffic unit in recent years, but funding constraints have made it unlikely to expand staffing in the coming year. Motor vehicle accidents were down 3% in 2023. There have been three pedestrian fatalities in the last 30 days, all on US Highway 64. This is outrageously outside the norm.

Leverage a ½ Cent Sales Tax

Goal	Status	Notes
24.5.a Educate and Lobby	Seed	Council has advocated with our local state legislators for this potential revenue source. Staff continue to provide data around the impacts of this revenue source.

Compensation, Benefits, & Staff Development

Goal	Status	Notes
24.6.(1).a Keep Employees Moving Up Grades	Sapling	Career ladders are almost completed for all departments across the City.
24.6.(1).b Increase COLA to Keep Up with Market	Seedling	City cost of living adjustments are beginning to fall behind the living wage growth and will continue to lag without additional revenues. Incremental increases in the City's merit pay has stalled in FY25.

City Boards & Volunteers

Goal	Status	Notes
24.6.(2).a Value/Celebrate Boards	Sapling	Appreciation event to become an annual occurrence.
24.6.(2).b Educate Boards	Seedling	A training was conducted this year and recorded for future board use. Additional trainings are needed to be formalized across all boards.
24.6.(2).c Clarify Ordinances and Simplify Roles	Seedling	Updates to the Comprehensive Plan and Zoning Ordinance will aim to reduce the number of Conditional Rezonings required to be heard by the Planning Board and others. The updated tree ordinance has helped clarify the Tree Board's role. City Council priorities should be City board priorities. Council sets strategic vision for City with input from Boards.

Enhance Sustainability Citywide

Goal	Status	Notes
24.6.(3).a Explore Merging Boards	Tree	Staff explored this opportunity but does not feel it is feasible at this time.
24.6.(3).b Incorporate Sustainability in Comp. Plan	Tree	There was a clear focus on sustainability during comp. plan input and drafting.
24.6.(3).c Finalize Sustainability Plan	Sapling	The Sustainability Plan and development of City building/facility efficiency standards are underway.
24.6.(3).d Update and Strengthen Tree Ordinances	Tree	City Council will consider the new tree ordinance in April 2023.

Goal	Status	Notes
24.9.a Support NeighborWoods Program	Tree	Continued support and funding for this program are strong. Future years are expected to bolster additional plantings through a new fee in lieu of tree plantings in the tree ordinance.
24.9.b Increase Tree Budget	Tree	Continued support and funding for this program are strong. Future years are expected to bolster additional plantings through a new fee in lieu of tree plantings in the tree ordinance.

Support Downtown Businesses

Goal	Status	Notes
24.10.a Establish Legal Authority	Tree	The City now works through the Friends of Downtown to provide façade and pivot grants to downtown businesses and property owners.
24.10.b Allocate More Funds to Program	Sapling	The City, through the Friends of Downtown, is currently allocating $30,000 a year to this program. It would be ideal to create a target performance indicator to identify when this goal has been completely met.
24.10.c HIIP Program	Sapling	The City in partnership with Mountain Bizworks has started a small business loan and incubator program called the Downtown Opportunity Fund. The shared office spaces are scheduled to open this year. The fund has $400k of seed funding available.

Public Safety

a. **Enhance Downtown Safety Program**
   - Civilian traffic investigators – apprenticeship program
   - Hire part time while they go to college through the CJ Fellows program
   - Then appoint them as officers

b. **Explore Social Worker Co-responder Models and Crisis Response**
   - Intern social worker to build program at no cost to the City (through Western Carolina University)
   - Councilmember Simpson said this goal should move to the top
   - Councilmember Jennifer Hensley noted that it is important for police to be present when people are blatantly breaking the law
   - Crisis Intervention Training (CIT)
     - Designed as a diversion program.
     - Has not been a focus in the police department in the past.
     - McDonald's homicide highlighted the need for this training (Jacklyn Reed).
     - Might mean that officers spend an hour on a call instead of 15 minutes.
     - Social worker co-responders provide the right tool for the job. Using just police officers for crisis intervention is like using a Phillips head screwdriver when we need a socket wrench.
     - Review of body-worn camera footage from a recent shooting demonstrated that officers need to work on managing crime scenes and dealing with victims and victims' families. Officers face an extreme emotional response in crisis situations. They can be viewed as uncaring if they try to do their law enforcement job instead of dealing with the pain that is happening.
     - People are unpredictable in crisis and things can change fast. We need to keep people safe.

c. **Maintain ISO 1 Rating**

d. **Explore QRV Option for Medical Response**

e. **Expand Code Enforcement Capacity**
   - Burned property is an issue.
   - Work through complex code enforcement projects.
   - Planners have less capacity to do code enforcement.
   - City has not taken a proactive approach to the commercial building code.
   - As rents go up and retail changes, there is an opportunity to be proactive with code enforcement and avoid blight.

- There are renters who are living in substandard homes countywide.
- Property owners need to maintain properties. If they do not, there should be legal consequences.
- Letting buildings fall apart affects everyone.

f. **Strengthen Commercial Maintenance Code**
g. **Vacant Property Registration**
h. **Expand Installation of Cameras throughout Public Areas, Especially in Downtown**
   - Be careful about how we increase police presence in Downtown
   - Make sure we be careful with interactions with the homeless population
i. **Continued Flooding Response Process Improvements**

Strong Utility Infrastructure

a. Continue Projects to Further Reduce Sanitary Sewer Overflows (SSOs).
b. Dedicate Funding Plan for Treatment, Distribution, and Collection Master Plans for Water and Sewer.
c. Dedicate Funding for Projects Resulting from the Stormwater Master Plan.
d. Expand Water Treatment Plant to 15 MGD.
e. Funding for Projects from Stormwater Master Plan.

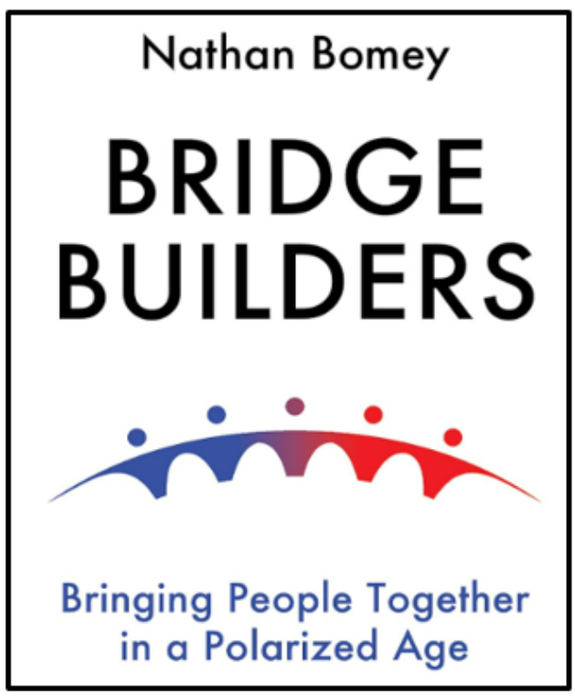
Seeing What We Are Celebrating: Drone Video

At lunchtime, City Council and staff watched a drone video that displayed progress on important City projects. This video provided an opportunity for City staff to inform Council of the work that went into bringing these projects to fruition.

Preparing Ourselves as Leaders for the Year Ahead

To conclude the day, City Council and staff prepared themselves for the upcoming year, which they anticipate will be disruptive and stressful in many ways. The conversation revolved around two key themes: remaining resilient and building bridges. City leadership will soon convene a book club where they will read and reflect on Nathan Bomey's *Bridge Builders: Bringing People Together in a Polarized Age*. During this segment, City Council and staff discussed strategies for remaining resilient and building bridges:

- **Provide deadlines and timeframes** – For example, an email requesting that someone review important information can appear urgent if a deadline is not attached to it.
- **Provide more notice for events** – Organizing events requires a lot of planning and coordination. Communicate early and often about event details.
- **Correct misinformation** – Whether during public comment at a City Council meeting or on social media, combat misinformation with accurate information.
- **Be conveners –** Connect and bring together passionate community leaders to solve complex problems such as childcare.
- **Do what is right, even when it is tough** – Support each other and make ethical, smart decisions (even if those decisions may be unpopular to some).
- **Be persistent** – Keep bringing important issues to the table. Saying no does not mean an idea is not valid. Continue to highlight important issues that need to be addressed.
- **Do not bear the burden of attempting to solve everything** – The City deals with many wicked issues that do not have easy answers or solutions. With most (if not all) of these issues, the City will play an important role in developing solutions. However, in many cases, City Council and staff are simply one piece of the solution.



Next Steps & Adjourn

- City staff will make updates to the strategic plan and report back to Council.

John Connet thanked City Council and staff for their participation and the retreat adjourned. Let the seeds be planted and grow!

Appendix

Parking Lot

City leaders placed the topic of parking in the parking lot. Parking will be discussed at an upcoming City Council meeting.

3. <u>ADJOURN</u>

There being no further business, the meeting was adjourned at 5:26 p.m. upon unanimous assent of the Council.

_____
Barbara Volk, Mayor

ATTEST:

_____
Jill Murray, City Clerk

PTS Pending Release/Refund Report. Monday, February 19, 2024*

ISTRICT	OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	DISTRICT CODE	LEVY TYPE	BILLED	PAID	RELEASE
ONVILLE	HARTLEY, DONN L	0003111602-2023-2023-0000	DONN L HARTLEY PROVIDED BILL OF SALE FOR AIRCRAFT BEING SOLD AUGUST 3, 2022. HE DID NOT OWN THE AIRCRAFT IN THE YEAR OF 2023-2024.	($89,760)	8912	JURSC10	TAX	$439.82	$0.00	$439.82
							LATE LIST FEE	$43.98	$0.00	$43.98
							TOTAL:			$483.80
									ABSTRACT TOTAL:	$483.80
		OWNER TOTAL:		**$0**						**$483.80**
	DISTRICT TOTAL:			**($89,760)**						**$483.80**

*Adjustments submitted for approval on or before

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Amanda Lofton **MEETING DATE:** 03/27/2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Finance

TITLE OF ITEM, Presenter Name, Title: Henderson County Tax Adjustments -*Amanda Lofton, Deputy Tax Collector*

SUGGESTED MOTION(S): I move that City Council resolve to direct and authorize the tax releases submitted by Henderson County Tax Collector as presented and relieve the Henderson County Tax Collector and the Deputy Tax Collectors of the charges owed.

SUMMARY:

The Deputy Tax Collector, Amanda Lofton, would like to submit for your approval the tax bill adjustments occurring between February 1, 2024 and February 29, 2024. These adjustments include all Discoveries, Releases, Refunds, and Forgiven Interest. These adjustments were provided by Henderson County Tax Department. Documentation is available in the Tax Office.

BUDGET IMPACT: $ 0.00

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

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:

Summary Total of Tax Adjustments

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Michael Huffman

MEETING DATE: 03/27/24

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering - Stormwater

TITLE OF ITEM: Division of Water Infrastructure Funding Offer Resolution for the Lower Mud Creek Restoration Project – *Michael Huffman, Stormwater Division Manager*

SUGGESTED MOTION(S):

I move the City Council adopt a *Resolution by the City of Hendersonville City Council Accepting A Grant From The Division Of Water Infrastructure For The Purpose Of Implementing The Lower Mud Creek Floodplain Restoration* as presented.

SUMMARY:

Attached for City Council's consideration is a Resolution accepting a grant from The Division Of Water Infrastructure for the purpose of implementing the Lower Mud Creek Floodplain Restoration Project. The City was previously awarded $1,891,236 in grant funds, and this agreement is required to govern the use and distribution of funds for the project.

BUDGET IMPACT: $1,891,236 (already incorporated into a grant project ordinance)

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

1. Resolution

Resolution #__ ____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM THE DIVISION OF WATER INFRASTRUCTURE FOR THE PURPOSE OF IMPLEMENTING THE LOWER MUD CREEK FLOODPLAIN RESTORATION

WHEREAS, the City of Hendersonville, NC has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of $1,891,236 to perform work detailed in the submitted application, and

WHEREAS, the City of Hendersonville, NC intends to perform said project in accordance with the agreed scope of work,

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

1. That City of Hendersonville, NC does hereby accept the American Rescue Plan Grant offer of $1,891,236.
2. That the City of Hendersonville, NC 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 John Connet, City Manager, 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 _____ 2024.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Chad Freeman, Darren Allman **MEETING DATE:** 4/4/2024

AGENDA SECTION: Consent Agenda **DEPARTMENT:** W&S Operations

TITLE OF ITEM: Purchase of Water and Sewer Operations Inventory- *Chad Freeman*

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the ratification of Inventory purchasing for the City's Water and Sewer Operations for the current fiscal year.*

SUMMARY:

The City of Hendersonville Operations Department utilizes the following wide variety of inventory to ensure that the City continues to function effectively as inventory items become necessary.

- AMI products
- Meters,
- Transmitters
- Sensus Items
- Brass fittings
- Clamps
- Ductile pipe
- Hydrants
- Gate valves
- Other inventory as needed

For many years, the City has utilized various Group Purchasing Organization contracts to purchase this inventory as is permitted by GS 143-129(e)(3) and under various previous council approvals. Over the previous three fiscal years (FY21, FY22, FY23), between Repair/Maintenance and Capital accounts, the City has purchased an average of $854,211.00 of inventory yearly. Moving forward, we would like to combine all inventory purchases under the same category of approval and to ratify Fiscal Year 2023/2024 under a single approval for all applicable contracts and vendors. We will continue to utilize Group Purchasing Organization contracts as per GS 143-129(e)(3). Specifically, we will utilize Omnia Partners contracts. Below are the three contracts and corresponding vendors. The approval is for the total amount towards these contracts and can be utilized as needed under each contract.

Contract Number	Vendor Name
Graybar Electric	Contract # EV2370
Ferguson Waterworks	Contract # 02-104
Fortiline Waterworks	Contract # 02-76

BUDGET IMPACT: $1,000,000.00

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

ATTACHMENTS:
Resolution

Resolution #_____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE RATIFICATION OF INVENTORY PURCHSING FOR THE CITYE'S WATER AND SEWER OPERATIONS FOR THE CURRENT FISCAL YEAR

WHEREAS, the City of Hendersonville Operations Department utilizes the following wide variety of inventory to ensure that the City continues to function effectively as inventory items become necessary (AMI products, Meters, Transmitters, Sensus Items, Brass fittings, Clamps, Ductile pipe, Hydrants, Gate valves, Other inventory as needed); and,

WHEREAS, for many years, the City has utilized various Group Purchasing Organization contracts to purchase this inventory as is permitted by GS 143-129(e)(3) and under various previous council approvals; and,

WHEREAS, over the previous three fiscal years (FY21, FY22, FY23), between Repair/Maintenance and Capital accounts, the City has purchased an average of $854,211.00 of inventory yearly; and,

WHEREAS, moving forward, we would like to combine all inventory purchases under the same category of approval and to ratify Fiscal Year 2023/2024 under a single approval for all applicable contracts and vendors; and,

WHEREAS, Specifically, we will utilize Omnia Partners contracts. Below are the three contracts and corresponding vendors. The approval is for the total amount towards these contracts and can be utilized as needed under each contract (Graybar Electric – Contract # EV2370, Ferguson Waterworks – Contracts # 02-104, Fortiline Waterworks – Contract # 02-76); and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City's Water and Sewer Operations Department is authorized to continue purchasing inventory items up to $1,000,000.00, annually, including but not limited to FY 2023-24, under the contracts listed in this resolution to the vendors listed.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of April 4, 2024.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Brendan Shanahan, City Engineer **MEETING DATE:** April 4, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Engineering

TITLE OF ITEM: Utility Extension Agreement for the Standard at Wilmont Subdivision – *Adela Gutierrez-Ramirez, Civil Engineer*

SUGGESTED MOTION(S): I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Creekstone Holdings Hendersonville, LLC., and The Standard at Wilmont Owner, LLC for the Standard at Wilmont Subdivision as presented and recommended by staff.

SUMMARY:
The Standard at Wilmont Subdivision located off Wilmont Drive in Hendersonville proposes to extend the City's water and sewer systems to serve said expansion. The attached Utility Extension Agreement (UEA) outlines the water utility line extension process and assigns responsibilities to the Developer and City. We welcome any questions that you may have.

BUDGET IMPACT: $0

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

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

PROJECT NUMBER: 21135 **PETITION NUMBER:** N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Utility Extension Agreement – Standard at Wilmont Subdivision

Map showing Standard at Wilmont Subdivision parcel

Resolution # __-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH CREEKSTONE HOLDINGS HENDERSONVILLE, LLC., AND THE STANDARD AT WILMONT OWNER, LLC FOR THE STANDARD AT WILMONT

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

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

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

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

WHEREAS, Creekstone Holdings Hendersonville, LLC, and The Standard at Wilmont Owner, LLC, the "Developer" and "Owner", have entered into a Utility Extension Agreement with the City to provide water and sewer services to The Standard at Wilmont.

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of April 2024.

_____

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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1001009821

This document presented and filed:
02/01/2024 01:13:57 PM
WILLIAM LEE KING, Henderson COUNTY, NC

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

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this 25 day of January, 2024, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situate in Henderson County, herein referred to as the "City", and **CREEKSTONE HOLDINGS HENDERSONVILLE, LLC**, a Delaware limited liability company, and **THE STANDARD AT WILMONT OWNER, LLC**, a Delaware limited liability company, both herein collectively referred to as "Developer,"

WITNESSETH:

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

> Consisting of +/- 22.011 acres, and being all of that real property described in that deed recorded in Deed Book 4115 at page 687, Henderson County registry, also being identified as "Parcel 1" on that Plat recorded in Plat Book 2023 at page 15247, Henderson County registry, and having a PIN of 9579204770, hereinafter referred to as the "Property"; and

WHEREAS, the Developer has submitted an application for the development of a project known as The Standard at Wilmont Phase I (project number 21135); and

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

> Being and consisting of: 1) Water Service Extension consisting of +/- 800 lineal feet of 8" ductile iron pipe connecting to an existing 8" ductile water main on Tracy Grove Road, together with all valves, meters, and other appurtenances; and 2) and a Sanitary Service Extension consisting of +/- 2,181 lineal feet of 8" PVC gravity pipe and +/- 1,354 lineal feet of 8" ductile iron gravity pipe connecting to an existing gravity sanitary manhole adjacent to Bat Fork, bearing City manhole ID 5310, and being more particularly shown

and described on those construction plans and specifications, stamped and dated September 26, 2023, prepared by Brooks Engineering Associates, PA a Civil Engineering firm, said plans being incorporated herein by reference. 1) and 2) collectively are collectively hereinafter referred to as the "New Infrastructure". It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be required to meet the standards of the City of Hendersonville. As used herein, "New Infrastructure" shall be deemed to include any and all of any such modifications and amendments.; and

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

WHEREAS, the Property is located within the City's municipal boundaries; and

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

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

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

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

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

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

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

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

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

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

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

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

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

9. In accordance with the City's Policy and Procedures for the Extension of Water and Sewer Utilities and the Code of Ordinances of the City of Hendersonville, water and sewer shall be extended to the farthest reach of the Property along the entire street frontage.

10. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least

seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.

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

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

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

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

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

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

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

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

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

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

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

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

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

defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized representative to attend, a warranty inspection with the City prior to the expiration of said warranty period. For purposes of this paragraph 23, final acceptance shall be the date the Letter of Acceptance is issued by the City as described in paragraph 25 hereinbelow.

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

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

26. Developer shall require the Engineer to submit the Required Documents for any future phase of the project beyond Phase I. It is understood by the Developer that for any future phase of the project all of the same terms, conditions, and obligations contained herein apply as they do to Phase I.

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

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

29. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents,

with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.

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

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

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

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

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

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

[*Signatures appear on the following pages.*]

CREEKSTONE HOLDINGS HENDERSONVILLE, LLC,
a Delware Limited Liability Company

BY: _____ **(SEAL)**
(signature)

Printed name: E. Michael Washburn

Title: member

THE STANDARD AT WILMONT OWNER, LLC,
a Delware Limited Liability Company

BY: _____ **(SEAL)**
(signature)

Printed name: E. Michael Washburn

Title: member

STATE OF North Carolina **COUNTY OF** Henderson

I, Daniel Heyman a Notary Public of the State and County aforesaid, certify that E. Michael Washburn personally appeared before me this day and acknowledged that they are Member/manager of CREEKSTONE HOLDINGS HENDERSONVILLE, LLC, a Delaware limited liability company, and executed the foregoing instrument on behalf of CREEKSTONE HOLDINGS HENDERSONVILLE, LLC for the purpose stated therein and in the capacity indicated.

WITNESS my hand and official seal, this 25 day of January, 2022. 24

My commission expires 09.06.2027

Notary Public Signature (OFFICIAL SEAL)

DANIEL HEYMAN NOTARY PUBLIC TRANSYLVANIA COUNTY, NC

STATE OF North Carolina **COUNTY OF** Henderson

I, Daniel Heyman a Notary Public of the State and County aforesaid, certify that E. Michael Washburn personally appeared before me this day and acknowledged that they are member/manager of THE STANDARD AT WILMONT OWNER, LLC, a Delaware limited liability company, and executed the foregoing instrument on behalf of THE STANDARD AT WILMONT OWNER, LLC for the purpose stated therein and in the capacity indicated.

WITNESS my hand and official seal, this 25 day of January, 2022 24

My commission expires 09. 06. 2027

Notary Public Signature (OFFICIAL SEAL)

DANIEL HEYMAN NOTARY PUBLIC TRANSYLVANIA COUNTY, NC

THE CITY OF HENDERSONVILLE

BY: _____ **(SEAL)**
John Connet, City Manager

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STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

WITNESS my hand and official seal, this 25 day of January, 2024

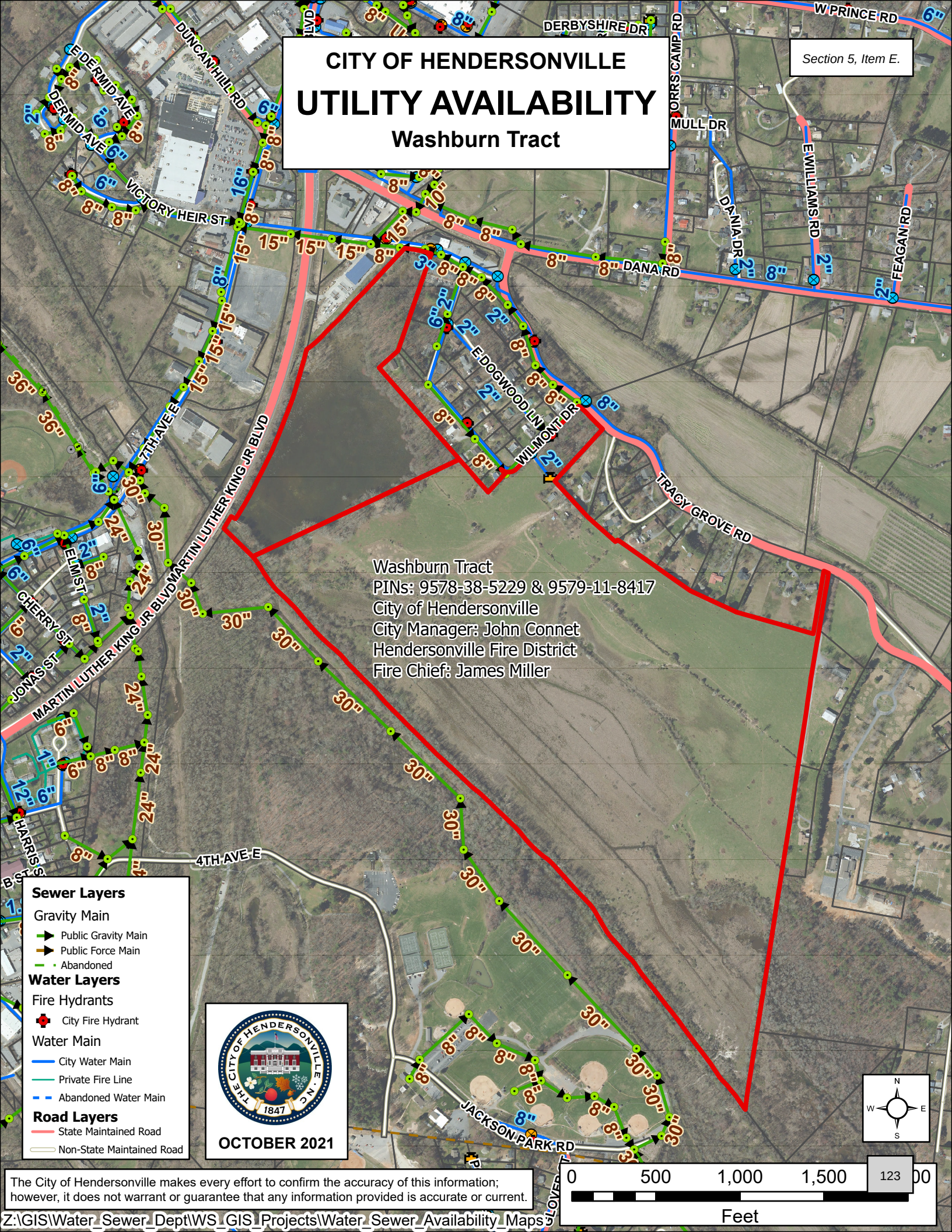
My commission expires 09.06.2027

_____
Notary Public Signature

(OFFICIAL SEAL)

DANIEL HEYMAN
NOTARY
PUBLIC
TRANSYLVANIA COUNTY, NC

CITY OF HENDERSONVILLE
UTILITY AVAILABILITY
Washburn Tract



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

Z:\GIS\Water_Sewer_Dept\WS_GIS_Projects\Water_Sewer_Availability_Maps

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 04/04/2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: April 2024 Budget Amendments – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):
I move City Council adopt budget amendment 04042024-01 and 04042024-02, as presented.

SUMMARY:

- **04042024-01**: An amendment transferring budgeted expenditures for the water distribution master plan from fund 460 to the water and sewer operating fund (060), and utilizing available contingency for the completion of the project in fiscal year 2023-2024.
- **04042024-02:** A budget amendment to increase the Church St. Sewer Project (#19014) for a total budget of $1,067,000 using a $25,000 transfer in from the Water & Sewer Capital Reserve Fund (459).

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:
FY24 Amendments 04042024-01 and 04042024-02.

TO MAYOR & COUNCIL
APPROVAL: April 04, 2024

FISCAL YEAR 2024
FORM: 04042024-01

BUDGET AMENDMENT

FUND 060 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470100-22012	Transfer In (from 459)	200,200	-	-	200,200
460-7055-519200-22012	Contracted Services	200,200	-	94,407	105,793
460-0000-598901-22012	Transfer Out (to 060)	-	94,407	-	94,407
FUND 460	TOTAL REVENUES	200,200	-	-	200,200
	TOTAL EXPENDITURES	200,200	94,407	94,407	200,200
060-0000-470100	Transfer In (from 460)	-	94,407	-	94,407
060-0000-534999	Contingency	85,225	-	12,000	73,225
060-7055-519200	Contracted Services	120,000	106,407	-	226,407
FUND 060	TOTAL REVENUES	200,200	12,000	-	212,200
	TOTAL EXPENDITURES	200,200	12,000	12,000	212,200

An amendment transferring budgeted expenditures for the water distribution master plan from fund 460 to the water and sewer operating fund (060), and utilizing available contingency for the completion of the project in fiscal year 2023-2024.

The City Manager and City Clerk certify budget ordinance amendment 04042024-01 was approved by City Council on April 04, 2024.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: April 04, 2024

FISCAL YEAR 2024
FORM: 04042024-02

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470090	Fund Balance Appropriated	406,000	25,000	-	431,000
459-0000-598901	Transfer Out (to 460, #19014)	406,000	25,000	-	431,000
FUND 459	TOTAL REVENUES	406,000	25,000	-	431,000
	TOTAL EXPENDITURES	406,000	25,000	-	431,000
460-0000-470010-19014	Debt Proceeds ('23 Rev. Bond)	636,000	-	-	636,000
460-0000-470100-19014	Transfer In (from 459)	406,000	25,000	-	431,000
460-7055-550103-19014	Capital Outlay CIP	1,042,000	25,000	-	1,067,000
FUND 460	TOTAL REVENUES	1,042,000	25,000	-	1,067,000
	TOTAL EXPENDITURES	1,042,000	25,000	-	1,067,000

A budget amendment to increase the Church St. Sewer Project (#19014) for a total budget of $1,067,000 using a $25,000 transfer in from the Water & Sewer Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 04042024-02 was approved by City Council on April 04, 2024.

City Manager — Date

City Clerk — Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 04/04/2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Economic Development Incentive Budget Amendment – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):
I move City Council adopt budget amendment 04042024-03 as presented.

SUMMARY:
- **04042024-03**: A budget amendment appropriating fund balance for an economic development incentive payment due to a recently completed industrial development.

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:
FY24 Amendment 04042024-03.

TO MAYOR & COUNCIL
APPROVAL: April 04, 2024

FISCAL YEAR 2024
FORM: 004042024-03

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	3,370,640	175,905	-	3,546,545
010-1002-532105	Incentive Program	-	175,905	-	175,905
FUND 010	TOTAL REVENUES	-	175,905	-	3,546,545
	TOTAL EXPENDITURES	-	175,905	-	175,905

A budget amendment appropriating fund balance for an economic development incentive payment due to a recently completed industrial development.

The City Manager and City Clerk certify budget ordinance amendment 004042024-03 was approved by City Council on April 04, 2024.

City Manager

Date

City Clerk

Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Logan Hickey **MEETING DATE:** 4/4/2024

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Finance

TITLE OF ITEM: Approval to Declare and Sell Surplus- *Logan Hickey*

SUGGESTED MOTION(S):

I move City Council to adopt the *Resolution by the City of Hendersonville City Council to declare the following items as inventory and to authorize them to be sold via internet auction.*

SUMMARY:

The City of Hendersonville Public Works Department has determined that the following items are no longer in use by the city. Representing Public Works, the Finance Department is requesting that these items be declared surplus with the intent to sell them by internet auction. This is being submitted for Council approval per N.C.G.S. § 265 as the value of the assets are greater than $29,999.99. Per the attached Resolution # 11-1051 from October 2011 and per 160A-270(C), internet auction is legally appropriate provided Council approves this Resolution.

1. Four office desks from engineering dept. Approximate Value: $50 each
2. Asset # 14-08: 2003 Dodge Durango AV: $4000
3. Asset # 44-02: 1997 New Holland B95 Backhoe AV: $10,000
4. Asset # 59-24: 1999 MPH IND. Trailer/Speed Radar AV: $600
5. Asset # 59-16: 1991 Brewer Trailer AV: $350
6. Asset # 40-17: 1992 John Deere F935 Mower AV: $300
7. Asset # 16-08: 2000 Ford F250 ¾ Ton Pickup Truck AV: $3500
8. Asset # 14-80: 2018 Ford F150 Crew Cab 4x4 Pickup AV: $8000
9. Asset # 16-21: 2006 Chevrolet 2500 Service Body Truck AV: $2500
10. Asset # 14-01: 2002 Ford F150 ½ Ton 4x4 Pickup AV: $2000
11. Asset # 22-02: 2005 Freightliner Knuckle boom Truck AV: $40,000

ATTACHMENTS:
Resolution # 11-1051
Resolution for this Surplus 4/4/2024

Resolution #_____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO DECLARE THE FOLLOWING ITEMS AS INVENTORY AND TO AUTHORIZE THEM TO BE SOLD VIA INTERNET AUCTION

WHEREAS, The City of Hendersonville Public Works Department has determined that the following items are no longer in use by the city. Representing Public Works, the Finance Department is requesting that these items be declared surplus with the intent to sell them by internet auction; and,

WHEREAS, This is being submitted for Council approval per N.C.G.S. § 265 as the value of the assets are greater than $29,999.99; and,

WHEREAS, Per the attached Resolution # 11-1051 from October 2011 and per 160A-270(C), internet auction is legally appropriate provided Council approves this Resolution; and,

WHEREAS, The items and their estimated fair market values include the following:

1. Four office desks from engineering dept. Approximate Value: $50 each
2. Asset # 14-08: 2003 Dodge Durango AV: $4000
3. Asset # 44-02: 1997 New Holland B95 Backhoe AV: $10,000
4. Asset # 59-24: 1999 MPH IND. Trailer/Speed Radar AV: $600
5. Asset # 59-16: 1991 Brewer Trailer AV: $350
6. Asset # 40-17: 1992 John Deere F935 Mower AV: $300
7. Asset # 16-08: 2000 Ford F250 ¾ Ton Pickup Truck AV: $3500
8. Asset # 14-80: 2018 Ford F150 Crew Cab 4x4 Pickup AV: $8000
9. Asset # 16-21: 2006 Chevrolet 2500 Service Body Truck AV: $2500
10. Asset # 14-01: 2002 Ford F150 ½ Ton 4x4 Pickup AV: $2000
11. Asset # 22-02: 2005 Freightliner Knuckle boom Truck AV: $40,000

; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City's Public Works Department is authorized to declare the preceding items as surplus and to proceed with selling these items via internet auction.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of April 4, 2024.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker, City Attorney **MEETING DATE:** April 4, 2024

AGENDA SECTION: CONSENT **DEPARTMENT:** Legal Department

TITLE OF ITEM: Acceptance of Real Property and Approval of Agreements – *Angela S. Beeker, City Attorney*

SUGGESTED MOTION(S):

I move City Council to adopt the **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT REAL PROPERTY AND APPROVE AGREEMENTS**, as presented.

SUMMARY:

Attached for City Council's consideration is the proposed **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT REAL PROPERTY AND APPROVE AGREEMENTS.**

This Resolution approves the acceptance of approximately 27.291 acre tract shown as Subject Parcel 1 on Plat Slide 15475 of the Hendersonville Registry. This parcel was formerly owned by Group Ventures, and is part of the property that was approved by conditional zoning O-23-21 (P22-54-CZD) for the development of multifamily development known as the "Highlands" (fka Lakewood). In addition the Resolution approves a development agreement in which the City will permit encroachment into the City's streambank maintenance easement that runs along Allen Branch on the rezoned property in exchange for the payment of $50,000 to the City, and allowing the City to use the $50,000 to plant the 140 trees required to be planted on Subject Parcel 1 pursuant to the conditional rezoning. This will permit the City to plant and integrate the 140 trees into the planned greenway that will traverse Subject Parcel 1.

City Council is requested to adopt this Resolution as presented.

ATTACHMENTS:

Draft Resolution
Development Agreement
Streambank Encroachment Agreement
Plat Slide 11458
Plat Slide 15475

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT REAL PROPERTY AND APPROVE AGREEMENTS

WHEREAS, the City Council approved a conditional zoning (O-23-21, P22-54-CZD) of that property now owned by Lakewood Hendersonville, LLC, (formerly owned by Group Ventures, Inc.) the property being shown as Subject Parcels 1-3 on that plat recorded in Plat Book 2024 at Page 15475 of the Hendersonville Registry, zoning it from I-1 Industrial to UR-CZD, Urban Residential Conditional Zoning District; and;

WHEREAS, as a condition of O-23-21, the property owner is required to donate Subject Parcel 1 shown on that plat recorded in Plat Book 2024 at Page 15475 to either the City of Hendersonville or a nonprofit corporation; and

WHEREAS, Lakewood has agreed to donate said Subject Parcel 1 to the City pursuant to the terms of a Development Agreement, attached hereto as Exhibit 1 (the "Development Agreement"); and

WHEREAS, the Development Agreement provides that in addition to the donation of Subject Parcel 1, Lakewood will pay to the City the sum of $50,000 in exchange for the City's allowing Lakewood to encroach into a streambank maintenance easement running along Allen Branch as shown on that plat recorded in Plat Book 2018 at page 11458 of the Henderson County Registry, the streambank encroachment to be granted pursuant to the Streambank Encroachment Agreement, attached hereto as Exhibit 2 (the "Streambank Encroachment Agreement"); and

WHEREAS, the City is planning a greenway on Subject Parcel 1, and the Development Agreement provides that the City will use the $50,000 to plant 140 trees on Subject Parcel 1 in locations that in the City's discretion will best benefit the greenway;

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

1. The Development Agreement and the Streambank Encroachment Agreement are hereby approved as presented.

2. The City's acceptance of title to Subject Parcel 1 is approved.

3. The City Manager is authorized to sign the Development Agreement and the Streambank Encroachment Agreement with such changes as he may deem appropriate, after consultation with the City Attorney.

4. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Development Agreement and the Streambank Encroachment Agreement as signed by the City Manager.

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 Beeker, City Attorney

Exhibit 1

Prepared by and return to: Brian Gulden, Van Winkle Law Firm, PO Box 7376, Asheville, NC 28802-7376

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made and entered into this the 20 day of March, 2024 by and between the undersigned, Lakewood Hendersonville, LLC ("Owner") and the City of Hendersonville ("City").

W I T N E S S E T H:

WHEREAS, Owner is the owner of that property known as described in Deed Book 4044, Page 374, Henderson County Registry (the "Property"); and

WHEREAS, the parties have agreed to certain terms with respect to development of the Property.

NOW THEREFORE, the Owner and the City, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby agree as follows:

1. **Streambank Easement Encroachment Agreement.** City shall execute and record contemporaneous with the deeds described below the Streambank Easement Encroachment Agreement attached hereto as Exhibit A (the "Streambank Easement Encroachment Agreement"). The purpose of this Streambank Encroachment Easement Agreement is to permit Owner to make certain improvements within that a streambank easement held by the City pursuant to that document recorded in Deed Book 3268 at Page 121, with the location of the streambank easement being shown on that plat recorded in Plat Book 2018 at Page (slide) 11458, both of the Henderson County Registry, said streambank easement hereinafter being referred to as "Streambank Easement."

2. **Transfer to City.** Owner shall convey to the City that certain parcel of land described as Subject Parcel 1 consisting of 27.291 acres as shown on Plat Slide 15475, Henderson County Registry on the deed form attached hereto as Exhibit B (the "Deed"). Said Deed will reserve an easement to Owner, as further described in the Streambank Easement Encroachment Agreement, to build and use a footbridge over the stream in the area described therein and City hereby agrees to pave a path to said footbridge once the greenway is installed on the City's property if the footbridge is installed by Owner prior to the completion of the construction of the greenway on the Property. If, however, the footbridge is installed after the completion of the construction of the greenway on the Property, then Owner shall also have a temporary construction easement to construct and install a paved path in a reasonable location to the greenway from the footbridge. Upon completion of all permitted work within the Streambank Easement, the Streambank Easement shall be restored using the means and methods, and to the condition described in and shown on (1) those construction plans entitled Multi-Area Streambank Restoration Project, SFR Project No. CS370444-10, dated 10.04.2018, bearing job number 004-20252, consisting of 7 pages (said construction plans being attached hereto and incorporated herein by reference); (2) those construction specifications prepared by Wildlands Engineering consisting of 44 pages (said construction specifications being attached hereto and incorporated herein by reference), and (3) the

as-built plans prepared by Kee Mapping & Surveying, entitled "AN AS-BUILT SURVEY FOR: WILDLANDS ENGINEERING, INC., ALLEN BRANCH A LAKEWOOD ROAD SITE (SITE Q2C-19 AC)(SRF PROJECT # CS370444-10) HENDERSON COUNTY, NORTH CAROLINA," bearing a survey date of 6/9/22 and a job # 2006-040-AB (said as built surveying being attached hereto and incorporated herein by reference.

3. **Payment in lieu of tree planting**. In lieu of certain tree plantings on the property to be conveyed to the City as described in paragraph 2 above, Owner shall, contemporaneously with the recording of the Deed and Streambank Easement Encroachment Agreement pay to the City the sum of $50,000.00 to be used by the City to fulfill Owner's obligation to plant 140 trees on the Subject Parcel 1, imposed by the City through that conditional zoning approved as ordinance O-23-21.

4. **Runs with the Land.** This agreement shall run with and be appurtenant to the land and shall be binding upon the heirs, successors and assigns of each party.

5. **Miscellaneous.** This Agreement constitutes the entire agreement between the parties with respect to the subject matter herein. The parties acknowledge that they have not relied on any representation, communication, or statement, written or oral, not set forth in this Agreement and that this Agreement supersedes and/or modifies any and all prior agreements, correspondence, or other communications between them. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. The parties agree that jurisdiction and venue shall lie exclusively in State courts in Henderson County, North Carolina. The parties shall be responsible for their own attorney's fees and costs. This Agreement may be executed in multiple counterparts, all of which taken together shall collectively constitute one agreement binding the parties. This Agreement may not be amended, changed, modified, or altered except by written agreement signed by the parties. This Agreement shall be binding upon the parties and their respective heirs, administrators, representatives, executors, successors, attorneys, agents, and assigns, and shall inure to the benefit of each of the parties and their respective heirs, administrators, representatives, executors, successors, attorneys, agents, and assigns. Each provision of this Agreement is intended to be severable. If any provision or any part of any provision of this Agreement shall for any reason be held invalid, unenforceable, or contrary to public policy or law, then the remainder of this Agreement shall not be affected thereby.

IN **WITNESS WHEREOF**, the undersigned have caused this instrument to be signed on the day and year above written.

OWNER:

Lakewood Hendersonville, LLC

By:_____(SEAL)
Travis Fowler, member/manager

STATE OF NC
COUNTY OF Transylvania

I, Catherine J Sexton, a Notary Public for said County and State, do hereby certify that Travis Fowler, as member-manager of Lakewood Hendersonville, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official stamp or seal, this 20 day of March 2024.

Catherine J Sexton (SEAL)
Notary Public

My Commission Expires: 12-17-27

[place notary seal]

CATHERINE J SEXTON
STATE OF NORTH CAROLINA
NOTARY PUBLIC
COMMISSION #201755500100
EXPIRES DECEMBER 17, 2027

EXHIBIT A
[attach Stream Buffer Encroachment Agreement]

EXHIBIT B

[insert the Deed]

Exhibit 2

Prepared by and return to:
Van Winkle Law Firm (Brian Gulden), P.O. Box 7376, Asheville, NC 28801

STATE OF NORTH CAROLINA)

STREAMBANK EASEMENT ENCROACHMENT AGREEMENT

COUNTY OF HENDERSON)

This Streambank Easement Encroachment Agreement made this 21st day of March, 2024, by **City of Hendersonville, a body politic and corporation** (hereinafter "Grantor") and **Lakewood Hendersonville, LLC** (hereinafter "Grantee").

STATEMENT OF FACTS

WHEREAS, Grantee is the owner of that real property identified as "Subject Parcel 2" and "Subject Parcel 3" on that plat recorded in Plat Slide 15475 at Book 2024, Page 15475 of the Henderson County Registry, (collectively hereinafter "Grantee's Property"); and

WHEREAS, Grantor is the beneficiary of a Streambank Maintenance Easement on Grantee's Property by virtue of that North Carolina Deed of Easement recorded in Book 3268, Page 121, Henderson County Registry, the location of the Streambank Maintenance Easement being shown on that plat recorded in Plat Book 2018 at page 11458 of the Henderson Count Registry (collectively the "Streambank Maintenance Easement"); and

WHEREAS, the Streambank Maintenance Easement prohibits the owner of Grantee's Property from installing any structures or any new impervious surfaces upon, and also prohibits any filling or excavation within, the Streambank Maintenance Easement, ("Stream Buffer Restrictions").

WHEREAS, Grantee has requested and Grantor has agreed to allow Grantee to encroach into the Streambank Maintenance Easement for the purpose of installing, constructing, operating, maintaining, repairing or replacing support footers and support wall, a vehicular bridge and access roadway, along with the installation of water supply lines, sanitary sewer

and pedestrian only footbridge (the "Encroachment") in the areas as shown on Plat Slide 15475, Henderson County Registry as "Easement Reserved for Future Connection to Greenway- 1,978 sf" , "Portion of Stream Bank Maintenance Easement Temporarily Impacted – 4,628 sf" and "Portion of Stream Bank Maintenance Easement to be Impacted – 16,607 sf"(collectively hereinafter the "Encroachment Area").

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantee and Grantor have agreed that the Encroachment is allowed under the terms and conditions set forth herein.

1. Grantor does hereby grant and convey to Grantee, its heirs, successors and assigns as owners of the Grantee's Property, a non-exclusive, perpetual easement to encroach into Encroachment Area for the purpose of the Encroachment, and for no other purpose, notwithstanding the Stream Buffer Restrictions. Prior to beginning any work within the Encroachment Area, Grantee shall be required to file with Grantor, plans and specifications detailing the work proposed within the Encroachment Area, for Grantee's approval, which shall not be unreasonably withheld provided the proposed work is a permitted Encroachment, and provided the plans and specifications also demonstrate that the Streambank Maintenance Easement will be restored in compliance with the requirements of paragraph 5, below.

2. Grantee shall not erect any other improvements, nor fill nor excavate, nor conduct any other activities within the Encroachment Area except as specifically stated herein and shall use the Encroachment Area only to the extent expressly provided by this Agreement..

3. With respect to the portion of the Encroachment Area labeled as "Easement Reserved for Future Connection to Greenway- 1,978 sf" and shown on Plat Slide 15475 ("Footbridge Easement Area"), it is understood and agreed that the purpose of the Footbridge Easement Area is for the installation, maintenance, repair, and use of a footbridge for the benefit of all of Grantee's Property to provide access from Grantee's Property to a greenway that the Grantor intends to construct on Grantor's property, identified as "Subject Parcel 1" on that plat recorded in Plat Slide 15475 of the Henderson County Registry, (hereinafter "Grantor's Property"). Grantor hereby agrees to pave a path to said Footbridge Easement Area as part of the greenway construction project if the footbridge is constructed by Grantee prior to the completion of the greenway on Grantor's Property. If the construction of the greenway is completed on Grantor's Property prior to the installation of the footbridge, then Grantee shall be permitted to pave a pathway on Grantor's Property connecting the footbridge constructed within the Footbridge Easement Area to the greenway constructed by the Grantor, provided Grantee complies with the requirements of paragraph 1, above, and paragraph 5, below. It is understood that Grantee's construction of a greenway on Grantor's Property is for the purpose of providing a greenway, accessible by the general public, during the operating hours for the greenway, as determined in the sole and absolute discretion of Grantor, and at no other time. Therefore, nothing herein shall be deemed to permit access to Grantor's Property by

Grantee, or any person residing on Grantee's Property, when Grantor's Property is not open for access by the general public.

4. Grantee shall be solely responsible for maintenance, repair or replacement of the Encroachment on the Encroachment Area.

5. Grantee shall be solely responsible for restoring the Encroachment Area impacted by the installation, construction, maintenance or repair of the Encroachment to its pre-Encroachment condition. For the avoidance of doubt, upon the completion of any work within the Streambank Maintenance Easement by or on behalf of Grantee, Grantee shall restore the Streambank Maintenance Easement using the means and methods, and to the condition described in and shown on the following, all of which are on file with the Grantor: (1) those construction plans entitled Multi-Area Streambank Restoration Project, SFR Project No. CS370444-10, dated 10.04.2018, bearing job number 004-20252, consisting of 7 pages, a reduced copy of which is attached hereto as Exhibit A (said construction plans being expressly incorporated herein by reference); (2) those construction specifications prepared by Wildlands Engineering consisting of 44 pages, attached hereto as Exhibit B (said construction specifications being expressly incorporated herein by reference), and (3) the as-built plans prepared by Kee Mapping & Surveying, entitled "AN AS-BUILT SURVEY FOR: WILDLANDS ENGINEERING, INC., ALLEN BRANCH A LAKEWOOD ROAD SITE (SITE Q2C-19 AC)(SRF PROJECT # CS370444-10) HENDERSON COUNTY, NORTH CAROLINA," bearing a survey date of 6/9/22 and a job # 2006-040-AB, consisting of 11 pages, a reduced copy of which are attached hereto as Exhibit C (said as built survey being expressly incorporated herein by reference).

6. Grantee shall indemnify and hold harmless the Grantor, Grantor's elected officials, employees, agents, successor and assigns, from any and all claims whatsoever, resulting in any manner, from any work performed by or on behalf of Grantee within the Streambank Maintenance Easement. In the event Grantee fails to restore the Streambank Maintenance Easement in compliance with the requirements contained in paragraph 5, Grantor shall have the right, but not the obligation, to restore the Streambank Maintenance Easement as required by paragraph 5, and Grantee shall reimburse all of Grantor's costs and expenses whatsoever associated with Grantor's restoration. Grantee herewith grants an easement to Grantor across Grantee's Property for the purpose of exercising all of Grantor's rights under this paragraph 6.

7. This agreement shall be appurtenant to and run with the land, including both Grantee's Property and Grantor's Property, and shall be binding upon all successors in interest to either party.

[*Signature Pages Follow*]

SIGNATURE PAGE TO ENCROACHMENT AGREEMENT

Signed and sealed as of the date first written above.

Lakewood Hendersonville, LLC

By:_____(SEAL)
Travis Fowler, member/manager

STATE OF NC
COUNTY OF Transylvania

I, a Notary Public of the County and State aforesaid, do hereby certify that Travis Fowler as member/manager of Lakewood Hendersonville, LLC did personally appear before me this day and acknowledged the due execution of the foregoing instrument in the capacity indicated above.

Witness my hand and official seal this the 20 day of March, 2023. 2024

CATHERINE J SEXTON
STATE OF NORTH CAROLINA
NOTARY PUBLIC
COMMISSION #201735500160
EXPIRES DECEMBER 11, 2027

(NOTARY SEAL)

Catherine J Sexton
Notary Public
My Commission Expires:

SIGNATURE PAGE TO ENCROACHMENT AGREEMENT

Signed and sealed as of the date first written above.

CITY OF HENDERSONVILLE

By:_____(SEAL)
Print Name:
Print Title:

STATE OF _____
COUNTY OF _____

I, a Notary Public of the County and State aforesaid, do hereby certify that _____ did personally appear before me this day and acknowledged the due execution of the foregoing instrument in the capacity indicated above.

Witness my hand and official seal this the ___ day of _____, 2023.

_____
Notary Public
My Commission Expires:

(NOTARY SEAL)

Slide 11458

CERTIFICATE OF SURVEY AND ACCURACY

I, HAMPTON JAMES LARK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION(S) RECORDED IN DB: 857, PG: 631, DB: 1051, PG: 453, THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION AS REFERENCED; THAT THE RATIO OF PRECISION AS CALCULATED DOES NOT EXCEED 1:10,000, THAT THE GPS PORTION OF THIS PROJECT WAS TO PERFORM A GRID TIE TO THE NC STATE PLANE COORDINATE SYSTEM AND INFORMATION USED IS SHOWN & NOTED HEREON; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS PLAT IS OF ONE OF THE FOLLOWING: GS 47-30 F(11) D; THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

GPS METADATA
CLASS OF SURVEY: HORIZONTAL: A VERTICAL: C
FIELD PROCEDURE: OPUS
DATES: 5/16/17
DATUM: NAD83(2011) NAVD 88
EPOCH: 2010
GEOID: 12B
AVERAGE COMBINED FACTOR: 0.999778675
POSITIONAL ACCURACY: HORIZONTAL: 0.04
UNITS: USFT
CORS USED: HAYW, NCSW, NCSP, P779

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 3RD DAY OF OCTOBER, 2018, A.D.

NORTH CAROLINA PROFESSIONAL SEAL L-2865 LAND SURVEYOR HAMPTON JAMES LARK

THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND SEALED.

Hampton James Lark
HAMPTON JAMES LARK, PLS L-2865

HENDERSON COUNTY, NORTH CAROLINA

THIS SURVEY IS EXEMPT FROM THE PROVISIONS OF THE CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE.

PLANNING OFFICIAL DATE

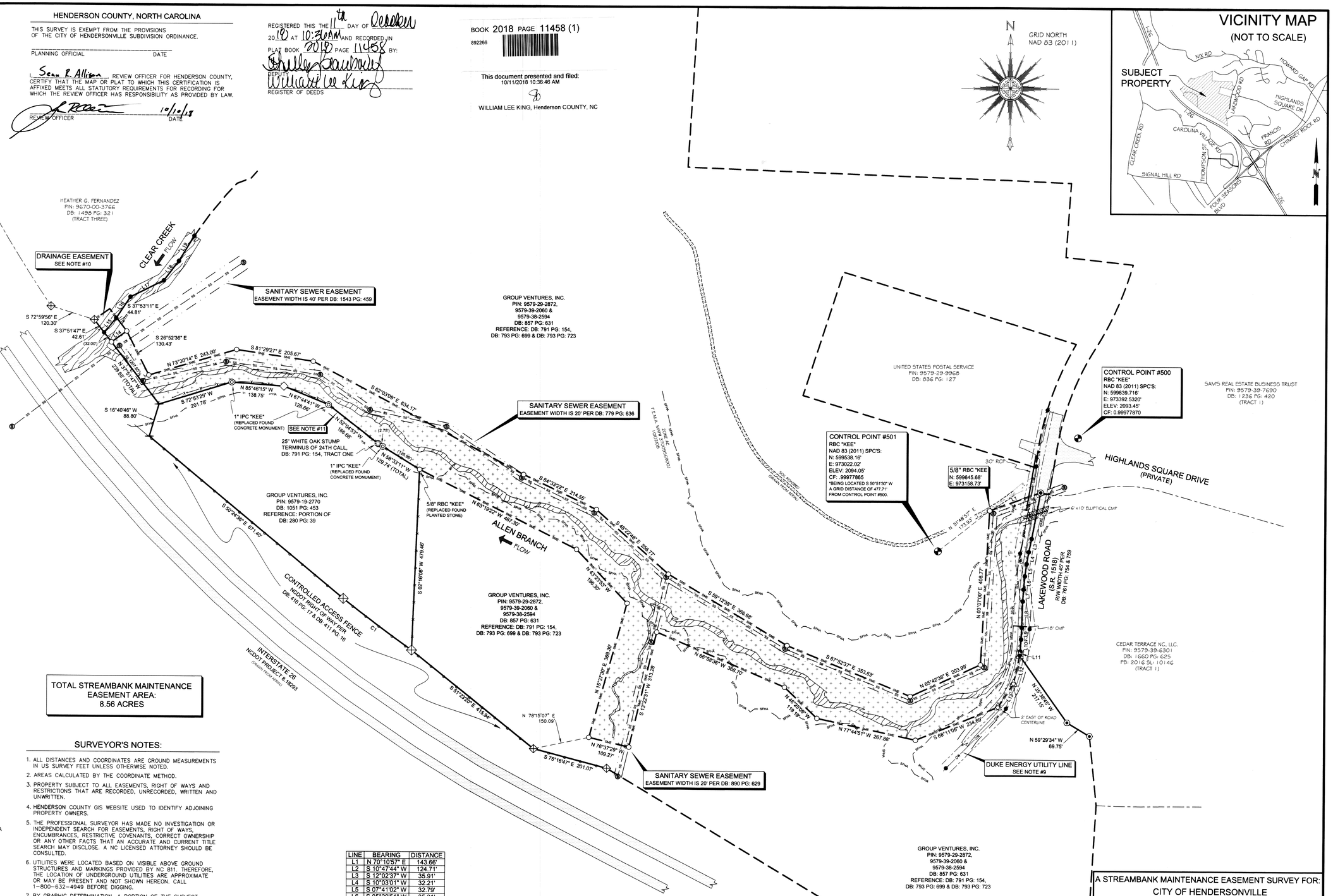
I, Sean R. Allison, REVIEW OFFICER FOR HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER 10/10/18 DATE

REGISTERED THIS THE 11th DAY OF October, 2018 AT 10:36AM AND RECORDED IN PLAT BOOK 2018 PAGE 11458 BY:
DEPUTY
WILLIAM LEE KING
REGISTER OF DEEDS

BOOK 2018 PAGE 11458 (1)
892266

This document presented and filed:
10/11/2018 10:36:46 AM
WILLIAM LEE KING, Henderson COUNTY, NC



LEGEND:

- SET 5/8" RBR IN CONCRETE W/ "CONTROL POINT" CAP
- UNMARKED POINT
- RAILROAD SPIKE FOUND
- 5/8" RBR W/ "HOLMES" CAP FOUND
- SET 5/8" RBR W/ "KEE" CAP
- SET 1" IRON PIPE W/ "KEE" CAP
- TREE STUMP (AS NOTED)
- MAG NAIL FOUND
- MAG NAIL SET
- CONCRETE MONUMENT FOUND
- NCDOT R/W MONUMENT
- SEWER MANHOLE
- GUY ANCHOR
- UTILITY POLE
- NOT TO SCALE
- SME — STREAMBANK MAINTENANCE EASEMENT LINE
- BOUNDARY LINE
- BOUNDARY LINE NOT SURVEYED
- SEWER EASEMENT
- UTILITY EASEMENT
- NCDOT RIGHT OF WAY (R/W)
- DE — DRAINAGE EASEMENT
- TIE LINE ONLY
- ADJOINING DEED LINES
- X — FENCE REMNANTS
- NCDOT CONTROLLED ACCESS FENCE
- OW — OVERHEAD WIRE
- SFHA — SPECIAL FLOOD HAZARD AREA
- STREAMBANK MAINTENANCE EASEMENT AREA
- ASPHALT
- STREAM
- SOIL
- GRAVEL

DB:	DEED BOOK
PG:	PAGE
PB:	PLAT BOOK
SL:	SLIDE
RBC	REBAR W/ CAP
RBR	REBAR
IP	IRON PIPE
IPC	IRON PIPE W/ CAP
R/W	RIGHT OF WAY
NAD	NORTH AMERICAN DATUM
SPC	STATE PLANE COORDINATES
CF	COMBINED FACTOR
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE

TOTAL STREAMBANK MAINTENANCE EASEMENT AREA: 8.56 ACRES

SURVEYOR'S NOTES:

1. ALL DISTANCES AND COORDINATES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
2. AREAS CALCULATED BY THE COORDINATE METHOD.
3. PROPERTY SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS THAT ARE RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN.
4. HENDERSON COUNTY GIS WEBSITE USED TO IDENTIFY ADJOINING PROPERTY OWNERS.
5. THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, RIGHT OF WAYS, ENCUMBRANCES, RESTRICTIVE COVENANTS, CORRECT OWNERSHIP OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. A NC LICENSED ATTORNEY SHOULD BE CONSULTED.
6. UTILITIES WERE LOCATED BASED ON VISIBLE ABOVE GROUND STRUCTURES AND MARKINGS PROVIDED BY NC 811. THEREFORE, THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE OR MAY BE PRESENT AND NOT SHOWN HEREON. CALL 1-800-632-4949 BEFORE DIGGING.
7. BY GRAPHIC DETERMINATION, A PORTION OF THE SUBJECT PROPERTY APPEARS TO LIE WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS DETERMINED BY THE F.E.M.A. MAP#'S 3700967000J DATED 10/02/2008.
8. PROPERTY IS ZONED: (PRD) PLANNED RESIDENTIAL DEVELOPMENT & I-1 INDUSTRIAL. REFER TO HENDERSON COUNTY, NC LAND DEVELOPMENT CODE OF ORDINANCES.
9. THE RIGHT OF WAY WIDTH REQUIRED FOR OVERHEAD DISTRIBUTION POWER LINES OF ANY VOLTAGE IS NORMALLY A 30-FOOT CORRIDOR (15 FEET ON EACH SIDE) PER DUKE ENERGY.
10. FOR DRAINAGE EASEMENT SEE DB: 416 PG: 17 AND NCDOT PLANS FOR PROJECT 8.18293 (INTERSTATE 26).
11. THE LOCATION OF THE COMMON BOUNDARY OF DB: 1051 PG: 453 AND DB: 857 PG: 631 WAS DETERMINED FROM EXISTING MONUMENTATION AND PHYSICAL EVIDENCE FOUND.
12. THE SURVEYOR HAS FOUND NO RECORDED ACCESS EASEMENTS TO THE PROPERTY DESCRIBED IN DB: 1051 PG: 453 AND HAS MADE NO DETERMINATION AS TO THE MOST SUITABLE LOCATION FOR ACCESS TO SAID PROPERTY.

LINE	BEARING	DISTANCE
L1	N 70°10'57" E	143.66'
L2	S 10°47'44" W	124.71'
L3	S 12°02'37" W	35.91'
L4	S 10°03'01" W	32.21'
L5	S 07°41'02" W	32.79'
L6	S 05°29'51" W	35.31'
L7	S 03°31'01" W	31.58'
L8	S 02°00'28" W	69.69'
L9	S 02°34'03" W	31.19'
L10	S 03°48'54" W	31.75'
L11	S 06°43'16" W	11.47'
L12	S 12°15'01" W	76.16'
L13	S 33°15'34" W	75.10'
L14	N 54°19'22" E	50.03'
L15	N 39°50'21" E	51.15'
L16	N 33°35'33" E	66.58'
L17	N 63°33'30" E	98.72'
L18	N 37°19'20" E	65.34'
L19	N 31°26'13" E	77.99'

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	3634.72'	S 53°11'46" E	226.78'	226.82'

0' 120' 240' 360'
ONE INCH = ONE HUNDRED & TWENTY FEET

A STREAMBANK MAINTENANCE EASEMENT SURVEY FOR:
CITY OF HENDERSONVILLE

PARCEL IDENTIFICATION #'S: 9579-29-2872, 9579-19-2770

CURRENT OWNERS LISTED AS:
GROUP VENTURES, INC.
SITE ADDRESS: LAKEWOOD ROAD, HENDERSONVILLE, NC 28792

DEED BOOK: 857 PAGE: 631 & DB: 1051 PG: 453
CITY OF HENDERSONVILLE, HENDERSON COUNTY, NORTH CAROLINA

SURVEY BY: MK,JR,JB,KP DRAWN BY: NH CHECKED BY: HJL
SURVEY DATE: 5/16/17-08/27/18 JOB #180557-SME

REVISION: DATE:
SHEET SIZE: 24"X36" SHEET #: 1 OF 1 SCALE: 1"=120'

Kee MAPPING & SURVEYING
P.O. Box 2566
Asheville, NC 28802
(828) 575-9021
www.keemap.com
License # C-3039

DocuSign Envelope ID: 378ECDAB-545A-4ED7-8A57-0F797DE1F3C9

SLIDE 15475

BOUNDARY CHART

LINE	BEARING	DISTANCE
L1	N 33°13'29" E	75.09'
L2	N 12°15'38" E	76.14'
L3	S 59°32'02" E	69.71'
L4	S 04°44'22" W	35.17'
L5	S 00°36'39" W	32.07'
L6	S 02°10'36" E	12.69'
L7	N 51°53'55" W	109.99'
L8	N 38°54'55" E	28.46'
L9	N 50°54'31" W	41.60'
L10	S 38°26'52" W	29.18'
L11	N 16°29'07" E	88.37'
L12	N 37°48'06" W	32.00'
L13	N 34°36'07" E	101.80'
L14	S 89°51'50" E	135.37'
L15	N 74°39'41" E	142.13'
L16	S 17°29'50" W	67.77'
L17	N 72°47'49" E	201.83'
L18	S 85°46'22" E	138.82'
L19	S 67°44'23" E	128.67'
L20	S 52°04'25" E	166.64'
L21	S 58°29'38" E	2.75'
L22	S 58°29'38" E	126.99'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	3954.72'	494.32'	N 57°53'26" W	494.00'
C2	3634.72'	226.93'	N 53°17'53" W	226.89'

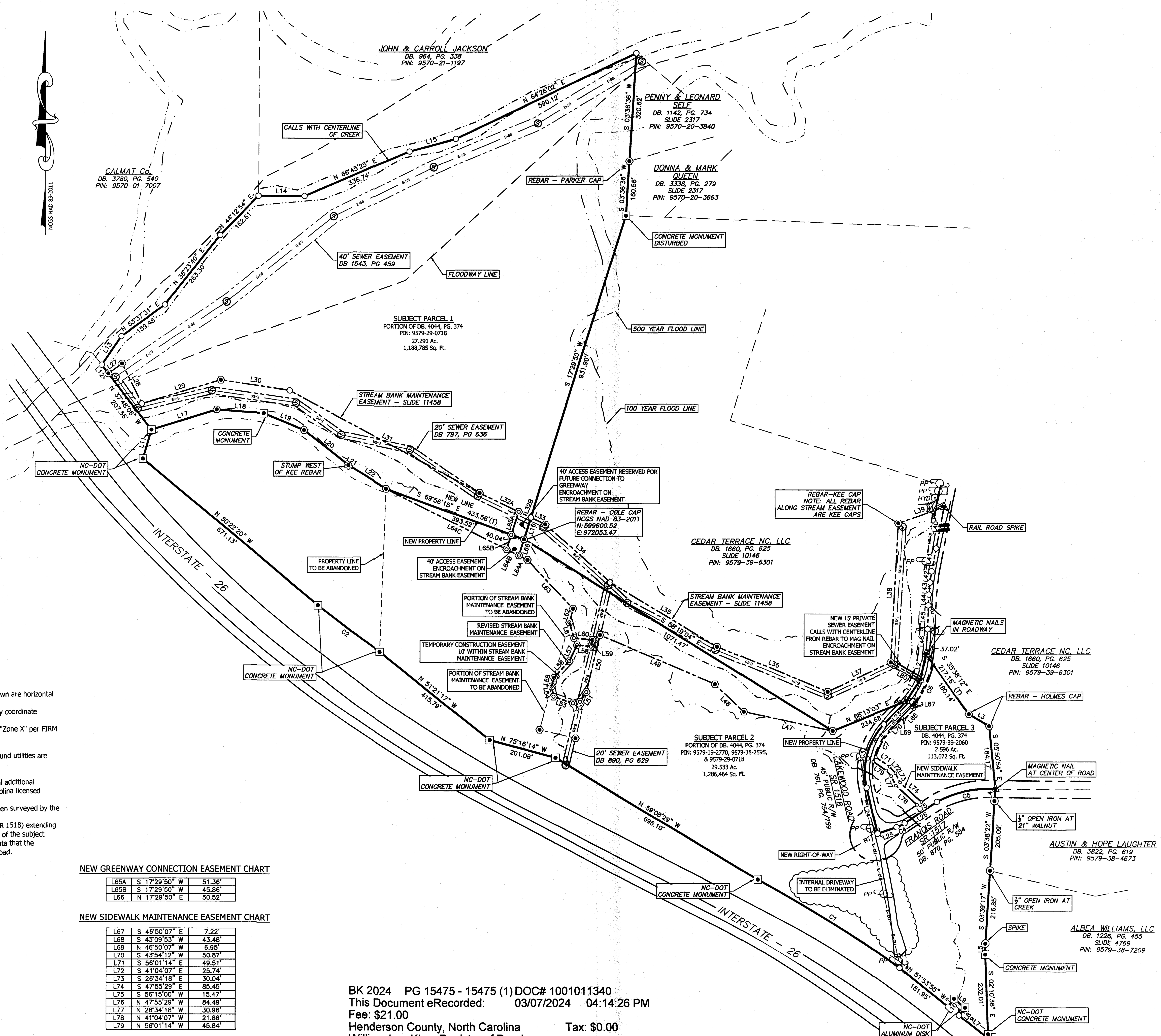
NEW BOUNDARY CHART

LINE	BEARING	DISTANCE
L23	S 43°54'12" W	96.27'
L24	S 13°06'46" E	139.96'
L25	N 71°25'02" E	59.22'
L26	N 56°15'00" E	114.95'

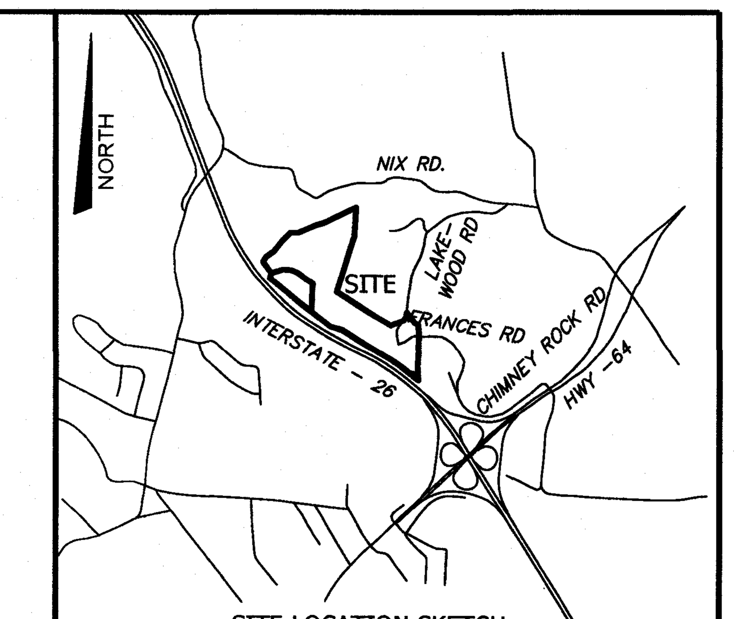
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C3	200.00'	199.02'	S 15°23'43" W	190.91'
C4	100.00'	26.47'	N 63°50'01" E	26.39'
C5	321.56'	179.32'	N 77°45'24" E	177.00'

NEW STREAMBANK MAINTENANCE EASEMENT CHART

L27	N 54°22'51" E	49.90'
L28	S 26°51'23" E	130.14'
L29	N 73°31'27" E	243.00'
L30	S 81°29'52" E	205.67'
L31	S 62°03'34" E	634.03'
L32A	S 64°33'17" E	127.19'
L32B	S 64°33'17" E	40.39'
L33	S 64°33'17" E	46.96'
L34	S 48°22'57" E	256.59'
L35	S 59°12'47" E	366.68'
L36	S 67°52'49" E	353.59'
L37	N 65°43'41" E	203.93'
L38	N 03°07'09" E	408.72'
L39	N 70°11'20" E	143.59'
L40	S 10°46'48" W	124.70'
L41	S 11°08'02" W	68.07'
L42	S 07°41'02" W	32.79'
L43	S 05°25'32" W	35.40'
L44	S 03°30'28" W	31.58'
L45	S 01°59'55" W	69.69'
L46	S 03°43'24" W	74.22'
L47	N 77°46'10" W	267.59'
L48	N 46°27'26" W	119.39'
L49	N 66°59'12" W	368.68'
L50	S 13°21'14" W	172.46'
L51	S 33°42'47" W	34.06'
L52	S 76°29'53" W	21.13'
L53	N 70°46'29" W	60.91'
L54	N 11°00'49" W	30.66'
L55	N 15°35'03" E	25.92'
L56	N 42°50'17" E	66.64'
L57	N 25°33'25" E	51.95'
L58	S 84°19'09" E	41.06'
L59	N 13°16'29" E	20.18'
L60	N 84°19'09" W	54.66'
L61	N 16°38'14" W	47.46'
L62	N 15°35'03" E	41.60'
L63	N 43°26'24" W	196.09'
L64A	N 63°19'54" W	28.51'
L64B	N 63°19'54" W	40.52'
L64C	N 63°19'54" W	398.21'



BK 2024 PG 15475 - 15475 (1) DOC# 1001011340
This Document eRecorded: 03/07/2024 04:14:26 PM
Fee: $21.00
Henderson County, North Carolina Tax: $0.00
William Lee King, Register of Deeds



SITE LOCATION SKETCH
NOT TO SCALE

GLOBAL POSITIONING SYSTEM CERTIFICATION (NC VRS-RTK)

I, Troy A. Shriver, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

1. Class of Survey: Class A Survey
2. Positional Accuracy (95% Confidence): 0.03' Horizontal 0.06' Vertical
3. Type of GPS Field Procedure: NC VRS-RTK Network Solutions Using Carlson BRx7 System
4. Date of Observations: 5-10-22 thru 9-7-22
5. Datum/Epoch: NAD83/Epoch 2011

I, Troy A. Shriver, Professional Land Surveyor certify to one or more of the following as indicated (G.S. 47-30(f)(11):

C. Any one of the following:
  1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

I, Troy A. Shriver, certify that this plat was drawn by me from an actual survey made under my supervision (deed description recorded in Deed Book 857, Page 631 and Deed Book 1051, Page 453); that the boundaries not surveyed are clearly indicated as drawn from information found in Book N/A, Page N/A; that the ratio of precision as calculated is 1:10000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this date of 3/7/2024 | 4:05 PM EST.

Signature DocuSigned by: [signature] 08799C032*834FA...
Professional Land Surveyor
Certificate Number L-5063

PLAT NOTES:

1. The bearings on this plat are NC Grid (NAD 83) bearings, and distances shown are horizontal ground distances unless otherwise noted.
2. Total area of parcels: 59.420 Acres or 2,588,321 square feet (determined by coordinate computation method).
3. By graphic determination, the Subject Parcels are located in "Zone AE" and "Zone X" per FIRM map number 3700957900J and 3700967000J dated October 2, 2008.
4. Henderson County GIS was used to determine adjoiner owner information.
5. Underground utilities were not marked at the time of the survey. Above ground utilities are located based on visible, above ground structures.
6. Property subject to all easements, rights-of-way and restrictions of record.
7. This plat was prepared without the benefit of a title report which may reveal additional conveyances, easements, rights-of-way or building restrictions. A North Carolina licensed attorney-at-law should be consulted.
8. Alignment of I-26 asphalt as scaled from aerial photography and has not been surveyed by the surveyor.
9. Plat Slide 15458 erroneously showed the right-of-way of Lakewood Road (SR 1518) extending south from the intersection of Frances Road (SR 1517) to the boundary line of the subject parcel with the I-26 corridor. It was determined by instpection of NCDTO data that the right-of-way of Lakewood Road terminates at the intersection of Frances Road.

LEGEND

————	PROPERTY LINE
— — —	ADJOINER'S PROPERTY LINE
—— – – ——	RIGHT-OF-WAY
—— - - ——	EASEMENT
▭	PAVEMENT
—— E-SS ——	SANITARY SEWER LINE
—·—··—	CENTERLINE OF CREEK
⊡	MONUMENT FOUND
	REBAR FOUND
	REBAR SET
	IRON PIPE FOUND
	NAIL FOUND
○	CALCULATED POINT
	CORNER TREE FOUND
Ⓢ	SEWER MANHOLE
	FLOODWAY
	100 YEAR FLOODPLAIN
	500 YEAR FLOODPLAIN

SCALE 1"=150'

0' 50' 100' 150'

PROJECT#: 568222

NEW GREENWAY CONNECTION EASEMENT CHART

L65A	S 17°29'50" W	51.36'
L65B	S 17°29'50" W	45.86'
L66	N 17°29'50" E	50.52'

NEW SIDEWALK MAINTENANCE EASEMENT CHART

L67	S 46°50'07" E	7.22'
L68	S 43°09'53" W	43.48'
L69	N 46°50'07" W	6.95'
L70	S 43°54'12" W	50.87'
L71	S 56°01'14" E	49.51'
L72	S 41°04'07" E	25.74'
L73	S 26°34'18" E	30.04'
L74	S 47°55'29" E	85.45'
L75	S 56°15'00" W	15.47'
L76	N 47°55'29" W	84.49'
L77	N 26°34'18" W	30.96'
L78	N 41°04'07" W	21.86'
L79	N 56°01'14" W	45.84'

C6	299.00'	141.92'	140.59'	S 26°02'24" W
C7	173.50'	88.91'	87.94'	S 29°13'22" W

NEW 15' PRIVATE SEWER EASEMENT CHART

L80	S 60°23'17" E	100.96'

Submitted electronically by "CDG Engineers & Associates, Inc."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

THE PURPOSED OF THIS PLAT IS TO CORRECT SLIDE 15458 - SEE PLAT NOTE #9

Corrective Plat For:
LAKEWOOD HENDERSONVILLE, LLC
(Owner of Record)

Deed Book 4044, Page 374
Plat Slides: 10146, 11458, & 12675
Tax PIN: 9579-29-0718, 9579-19-2770, 9579-38-2595, & 9579-39-2060
Hendersonville Township Henderson County, NC
March 6, 2024 Scale: 1" = 150'

Rev No.	Description	Date
1	Initial submittal for review	3-6-24

CDG ENGINEERS & ASSOCIATES, INC.
15 ARLINGTON STREET
ASHEVILLE, N.C. 28801
Phone: (828) 232-4700
Website: www.cdge.com

DRAWN BY: TAS CHECKED BY: PES

True Ridge

Comunidad-Cultura-Conección

COMMUNITY-CULTURE-CONNECTION

Our Founders

Edward McCammon

Lori Garcia-McCammon

We are located at First United Methodist Church(FUMC)

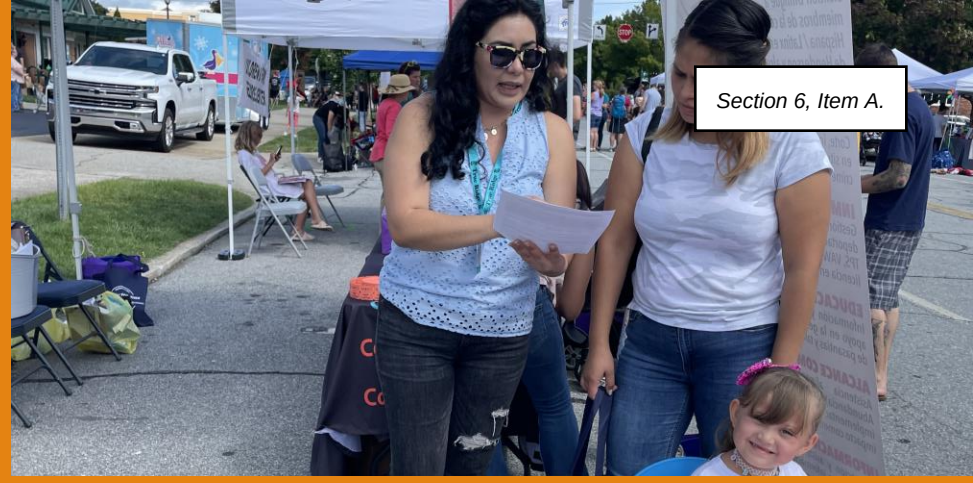
Our Mission

We advocate on behalf of the Latino community and on behalf of other groups by providing a safe, kind, and supportive space towards self-sufficiency, resilience, healing and well-being. We educate and encourage those who remain silent in the face of injustice to speak up and be heard by providing culturally appropriate services.

Areas of Service

Advocacy:

- Protective orders
- Documentation
- Court accompaniment
- Interpretation and translations
- Case management for cases of domestic violence
- Abuse and other crimes



USDA: Farm and Food worker relieve Program (FFWR)

This is a program from the U.S. Department of Agriculture through which we can provide a one time $600 relief payments to eligible farm and food workers who incurred expenses preparing for, preventing exposure to, and responding to the COVID-19 pandemic. Agricultural and meatpacking workers, as well as select grocery workers, may receive one relief payment.

Education:

La Promesa Program:

- Information and referrals to education resources
- RDS, and FAFSA applications and appeals
- Financial aid guidance
- College applications and Scholarships
- Support during the first year of college
- 165 students are part of this program.

dogwood health trust

Health:

- Referrals to health services and transportation
- Implement strategies to increase access to vaccines
- Outreach and education efforts
- Coordinating local efforts for events in trusted and accessible locations
- Help our community to schedule vaccine appointments
- Provide onsite interpretation

Immigration:

- Family Immigration Program started January of 2023
- Funded this year by private donors, Fernandez Pave the Way Foundation and Duke Energy
- Staff 1 immigration attorney, bilingual paralegal and 1 bilingual intake coordinator
- Serve clients who don't qualify for Pisgah Legal but can't afford a private immigration attorney
- Walk-in consultations on Wednesday for $35 and low bono legal fees

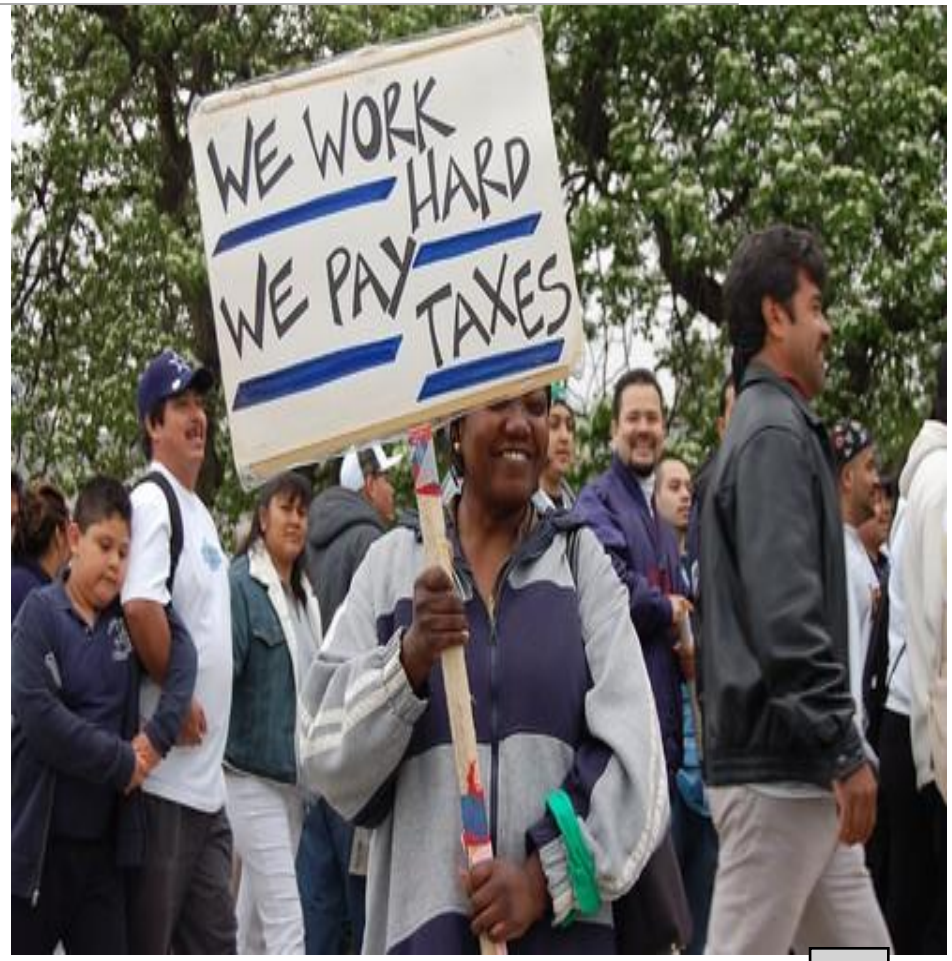
Immigration Myths

Myth 1: It is easy to immigrate here, they should apply for a green card or citizenship.

Fact: It not easy. It's very difficult to immigrate legally to the United States. Immigration law is second only to the income tax code in legal complexity.

Myth 2: Undocumented people don't pay taxes.

Fact: Undocumented people pay $11.64 billion in state and local taxes a year (break down $6.9 billion in sales and excise taxes, $3.6 billion in property taxes, and just under $1.1 billion in personal income taxes.) Source The Institute on Taxation & Economic Policy



Resources

TV: Immigration Nation on Netflix documentary limited series

Books: *Refugee* by Alan Gratz, *In the Country we Love* by Diane Guerrero, *The Undocumented Americans* by Karla Cornvejo Villavicencio, *Solito* by Javier Zamora

Websites:

Immigrant Legal Resource Center, https://www.ilrc.org/

Catholic Legal Immigration Network, https://cliniclegal.org/

National Immigration Law Center, https://www.nilc.org/

Challenges

- **Sustainability:** How do we advance our mission with limited funding, Nonstable budgeting.
- **Reporting**: there is so much pressure to show results and social impact
- **Increase** in the need of **services** (economic hardships)
- **Employees**: Our people drive the mission. How do we offer living wages and retain our talent?
- **Burnout** is real, we were may hats.

TRUE RIDGE
Community • Culture • Connection
Comunidad • Cultura • Conexión
Somos
una organización sin fines de lucro que proporciona servicios y atención bilingüe a miembros de la comunidad Hispana / Latinx en el Condado de Henderson y alrededores.
ABOGACIA
Trámites, documentación, acompañamiento a la Corte, interpretación, gestión y seguimiento de casos en situaciones de violencia doméstica, abuso y otros crímenes.
INMIGRACIÓN
Gestión de casos de familias afectadas por deportación, consultas generales a bajo costo (DACA, TPS, VAWA, U-Visa) con abogado de inmigración con licencia en Carolina del Norte.
EDUCACIÓN
Información y referencia a recursos de educación, apoyo en la gestión de becas educativas, programa de pasantías y talleres de formación por demanda.
ALCANCE COMUNITARIO
Asistencia alimentaria (Banco de Alimentos Abundancia), organización de grupos, gestión e implementación de iniciativas y colaboraciones de impacto comunitario.
INFORMACIÓN Y REFERENCIA
Información y asistencia para trámites generales, traducciones e información y referencia sobre otros recursos disponibles en la comunidad.
TRUE RIDGE
Community • Culture • Connection

La Promesa Program

TRUE RIDGE
Community • Culture • Connection

Questions

"Non-Profits serve as the great equalizer, when individuals come together to amplified the voice of those who truly have no voice"

Thank you !!!

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Tom Wooten **MEETING DATE:** 4/4/2024

AGENDA SECTION: Award Presentation **DEPARTMENT:** Public Works

TITLE OF ITEM: *NCLTAP Roads Scholar Awards*

SUGGESTED MOTION(S):

N/A

SUMMARY:

Public Work's Traffic Supervisor Brent Pope and Public Work's Superintendent Brandon Mundy have completed the North Carolina Local Technical Assistance Program's Advanced Roads Scholar Program. This second level certification requires completion of the Roads Scholar Program plus 8 additional training classes and completion of a technical review paper. By completing this program, they have earned this professional distinction for themselves and the City of Hendersonville.

BUDGET IMPACT:
N/A

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** April 4, 2023

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: ESB Sustainability Hero Award – *Environmental Sustainability Board*

SUGGESTED MOTION(S):

NA

SUMMARY:

The Environmental Sustainability Board will present their Sustainability Hero Award to a very deserving recipient.

BUDGET IMPACT: $

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

If no, describe how it will be funded. EnterTextHere

ATTACHMENTS:

None

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 4/4/2024

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: Special Presentation from Congressman Chuck Edwards, *Tommy Laughter, District Representative*

SUGGESTED MOTION(S):

SUMMARY:

Mr. Laughter has a special presentation he would like to make on behalf of Congressman Edwards.

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: Tyler Morrow

MEETING DATE: April 4th, 2024

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – The Lofts at Chadwick (P24-04-CZD) – *Tyler Morrow– 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: 9568-92-1924) from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District, for the construction of 60 low income housing tax credit senior multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 3-5-24] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:
1. Residential Dwellings, Multi-Family

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

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

3. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

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 (PIN: 9568-92-1924) from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District based on the following:

1. **The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:**

   The petition aligns with the City's 2030 Comprehensive Plan's Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its "Priority Infill Area" designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation.

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

   1. The proposed development proposes to remove 48 mature trees from the site while only maintaining 12 mature trees. The developer is proposing to receive tree credits for the 12 preserved trees on the site while not providing the required tree preservation measures outlined in 15-4.
   2. The project is not providing all required stream buffer and transitional area protections

The petition aligns with the City's 2030 Comprehensive Plan's Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its "Priority Infill Area" designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation. **4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:** 1. The petition proposes to provide additional affordable housing to offset the large affordable local rental demand. 2. The petition proposes to provide affordable housing on a long vacant and underutilized piece of property near commercial corridors and is within walking distance to downtown. 3. The proposed project would be a reduction in permitted by right intensity for the subject property by going from a 70 unit, 3-4 story spilt market rate multi-family development to a 60 unit, 3 story affordable senior housing multi-family development. 4. The proposed development is the only LIHTC (Low Income Housing Tax Credit) project going through the tax credit process in the City of Hendersonville this cycle. If the project is approved and receives tax credits; the development would provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements. **[DISCUSS & VOTE]**	measures for a blueline stream identified in the most recent USGS seven-and-one-half minute quadrangle topographic maps. 3. The proposed development does not show an area designated for loading and unloading as required by the zoning ordinance. **[DISCUSS & VOTE]**

SUMMARY: *The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Stephen Drake of Broadcraft Construction & Development Inc., applicant and Brett Barry of Gordon Dooley Holdings LLC., property owner. The applicant is requesting to rezone the subject property, PIN 9568-92-1924 and located at 904 Greenville Highway, from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District for the construction of 60 low income housing tax credit senior multi-family units on approximately 2.25 acres. This equates to a density of 26.67 units per acre.*

The proposal includes the construction of 1 L-shaped multi-family structure with a proposed footprint of 24,500 square feet and a gross floor area of 73,500 square feet.

Additionally, the development proposes 70 parking spaces.

The proposed site is outside of the floodplain and floodway. According to the latest USGS 7.5 minute quad maps, there is a blueline stream along the northeastern property boundary.

PROJECT/PETITIONER NUMBER:	P24-04-CZD
PETITIONER NAME:	• Stephen Drake (President), of Broadcraft Construction & Development Inc. (Applicant) • Brett Barry (Manager) of Gordon Dooley Holdings LLC (property owner)
ATTACHMENTS:	1. Staff Report 2. Proposed Site Plan / Elevations 3. Neighborhood Compatibility Summary 4. Tree Board Summary 5. Planning Board Summary 6. Proposed Zoning Map 7. Draft Ordinance 8. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING –THE LOFTS AT CHADWICK (P24-04-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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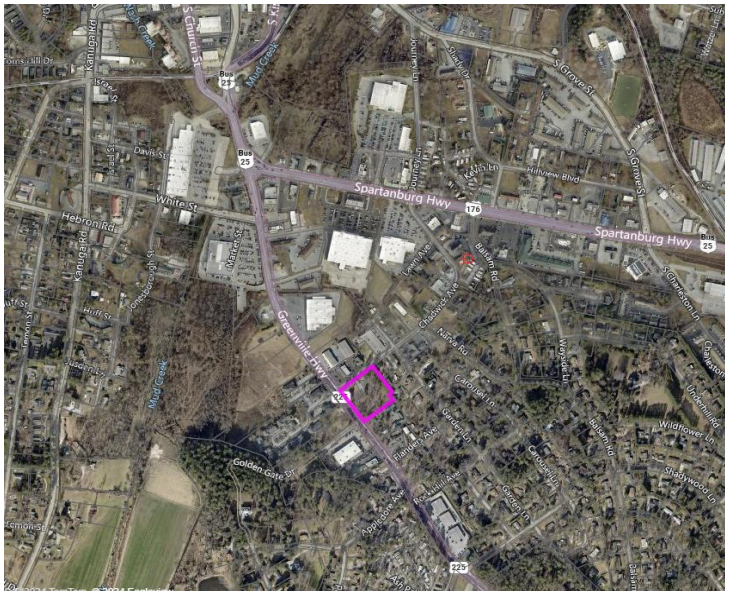
PROJECT SUMMARY

- Project Name & Case #:
  - The Lofts at Chadwick
  - P24-04-CZD
- Applicant & Property Owner:
  - Stephen Drake (President) – Broadcraft Construction & Development Inc. [Applicant]
  - Brett Barry (Manager) –Gordon Dooley Holdings LLC [Owner]
- Property Address:
  - 904 Greenville Highway
- Project Acreage:
  - 2.25 Acres
- Parcel Identification (PIN):
  - 9568-92-1924
- Current Parcel Zoning:
  - GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District
- Future Land Use Designation:
  - High Intensity Neighborhood
- Requested Zoning:
  - GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District
- Requested Uses:
  - Residential, Multi-Family
- Neighborhood Compatibility Meeting:
  - February 1st, 2024



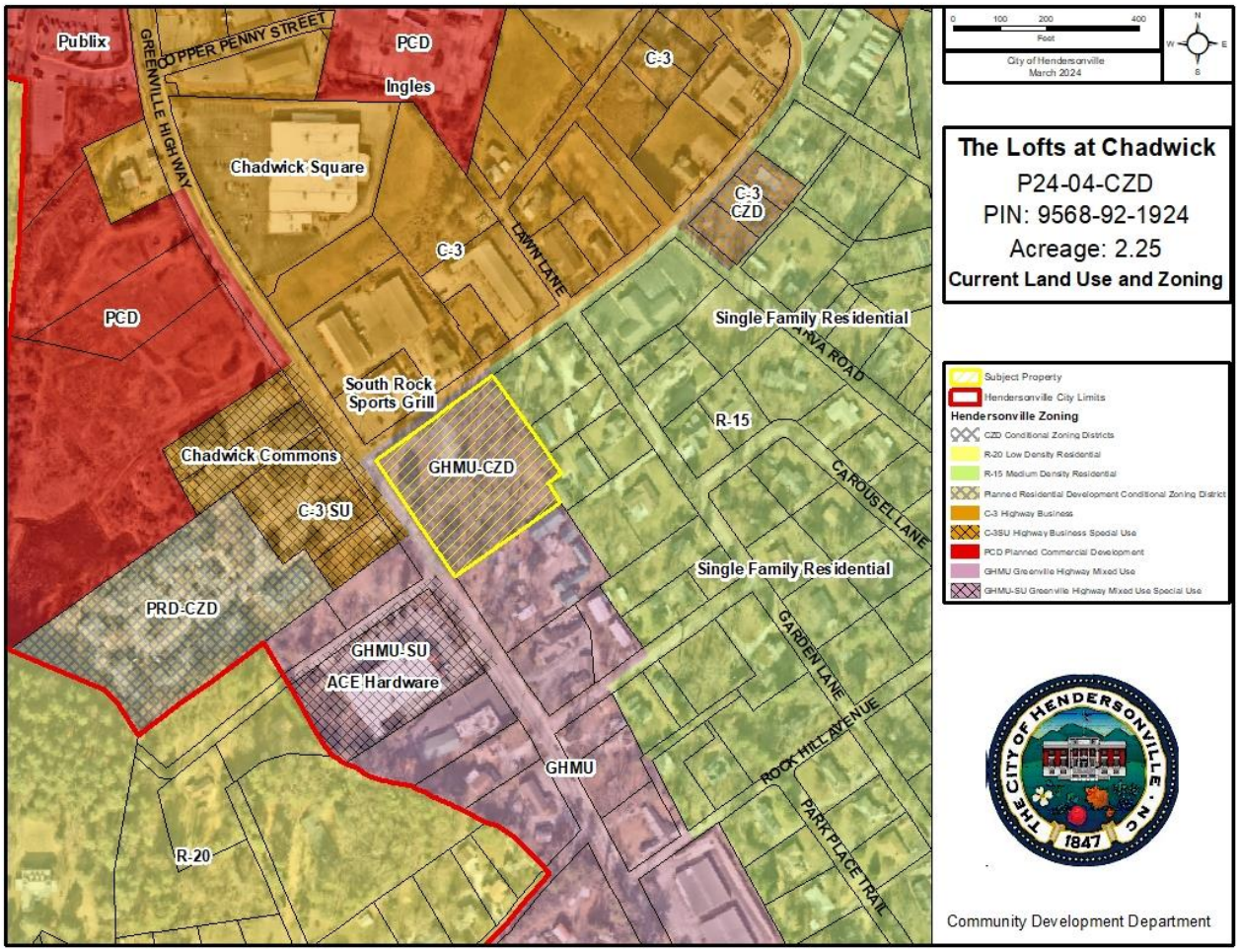
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Stephen Drake of Broadcraft Construction & Development Inc., applicant, and Brett Barry of Gordon Dooley Holdings LLC., property owner. The applicant is requesting to rezone the subject property, PIN 9568-92-1924 and located at 904 Greenville Highway, from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District for the construction of 60 low-income housing tax credit senior multi-family units on approximately 2.25 acres. This equates to a density of 26.67 units per acre.

The proposal includes the construction of 1 L-shaped multi-family structure with a proposed footprint of 24,500 square feet and a gross floor area of 73,500 square feet. Additionally, the development proposes 70 parking spaces.

The proposed site is outside of the floodplain and floodway. According to the latest USGS 7.5-minute quad maps, there is a blueline stream along the northeastern property boundary.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

This parcel is at the intersection of Greenville Highway and Chadwick Ave and represents the beginning of the Greenville Highway Mixed Use zoning district. The GHMU district extends along Greenville Highway towards the Village of Flat Rock. Parcels to the south along this corridor are all zoned GHMU/GHMU-SU and consist of a mix of commercial (office, retail, etc.) and residential uses (multi-family and single-family). The properties to the east of the subject parcel are zoned R-15 and consist of typical suburban single-family homes. Parcels to the north are C-3 and representative of the hub of commercial activity found at the intersection of Greenville Highway and Spartanburg Highway. Some PCD zoning is found in this area and is associated with the 3 large, grocery store-anchored strip center developments in close proximity to the subject property – each of which is less than a ½ mile (less than a 10-minute walk) from the subject property. The subject property is .85 miles (15 to 20-minute walk) from Downtown (using the Historic Henderson County Courthouse as destination point).

SITE IMAGES

View of the approximate location of the proposed drive for the development, looking towards the intersection of Greenville Highway and Chadwick Ave.

Typical view of the mature trees on the site and existing impervious surfaces.

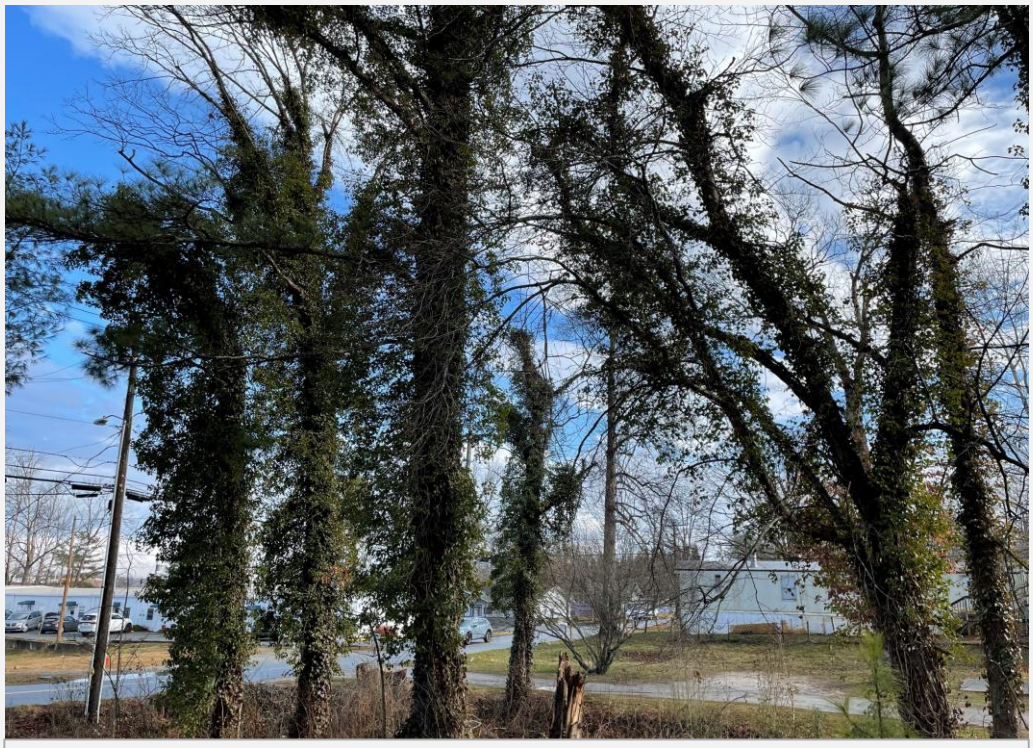
SITE IMAGES

View of the existing impervious surfaces associated with the previous mobile home use.

View of the area depicted as a blueline stream on the northeastern property boundary (after a rainfall event). Debris is from the adjacent property.

SITE IMAGES

View of the area depicted as a blueline stream on the northeastern property boundary (after a rainfall event).



View of existing mature trees that are covered with ivy along the northeastern property boundary referenced by the Tree Board during their meeting.

SITE IMAGES

View of existing driveway from Greenville Highway (would be removed with this project).

Typical view within the site facing towards Chadwick Ave.

SITE IMAGES

Typical view of existing mobile home pads within the subject property.

View of existing drive entrance on Chadwick Ave. According to the plans this access would be removed and relocated up Chadwick Ave further away from the Greenville Highway intersection.

REZONING HISTORY

Prior Rezoning (P21-78-CZD)	Summary of Prior Petition	Status
3-3-2022 (GHMU to GHMU-CZD)	2.25 acre development for the construction of 70 multi-family units in 3 buildings.	Active Entitlements

Full Minutes from City Council Meeting: https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=4e1ec93b4650e

904 Greenville Highway Multi-family

3 Buildings (Total Building Footprint= 29,400 Sq Ft) (117,600 Sq Ft of Gross Floor Area)

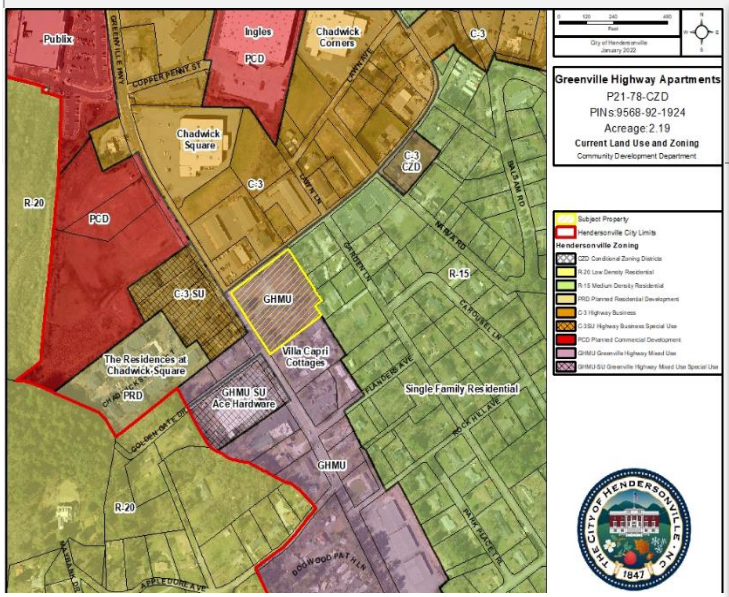
- Building 1- Chadwick Ave
  - 9,800 Square feet
  - 21 units
- Building 2- Corner of Chadwick Ave and Greenville Highway
  - 9,800 Square Feet
  - 28 Units
- Building 3- Greenville Highway
  - 9,800 Square Feet
  - 21 Units

Height:

- 3 and 4 story split.
- 42' max height.

Parking:

- Included surface parking with pervious parking in certain areas.
  - 70 spaces required.
  - 91 spaces proposed.



REZONING HISTORY

Prior Rezoning (P21-78-CZD)	Summary of Prior Petition	Status
3-3-2022 (GHMU to GHMU-CZD)	2.25 acre development for the construction of 70 multi-family units in 3 buildings.	Active Entitlements

Conditional Zoning District Ordinance:
https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=56dd16b45f6aa

Conditions:

1. Driveway location shall be shifted as far from the intersection of Chadwick Ave and Greenville Highway as possible.

2. ROW shall be dedicated along Chadwick Ave to include all areas from the back of the proposed sidewalk to the existing ROW/property boundary. At a minimum, the ROW dedication will provide an additional 7.5' measured from the Centerline of Chadwick Ave. Final details of width needed will be coordinated with Traffic Consultant and Public Works Director. The provision of ROW to the City will not reduce the Open Space accounted towards the proposed development.

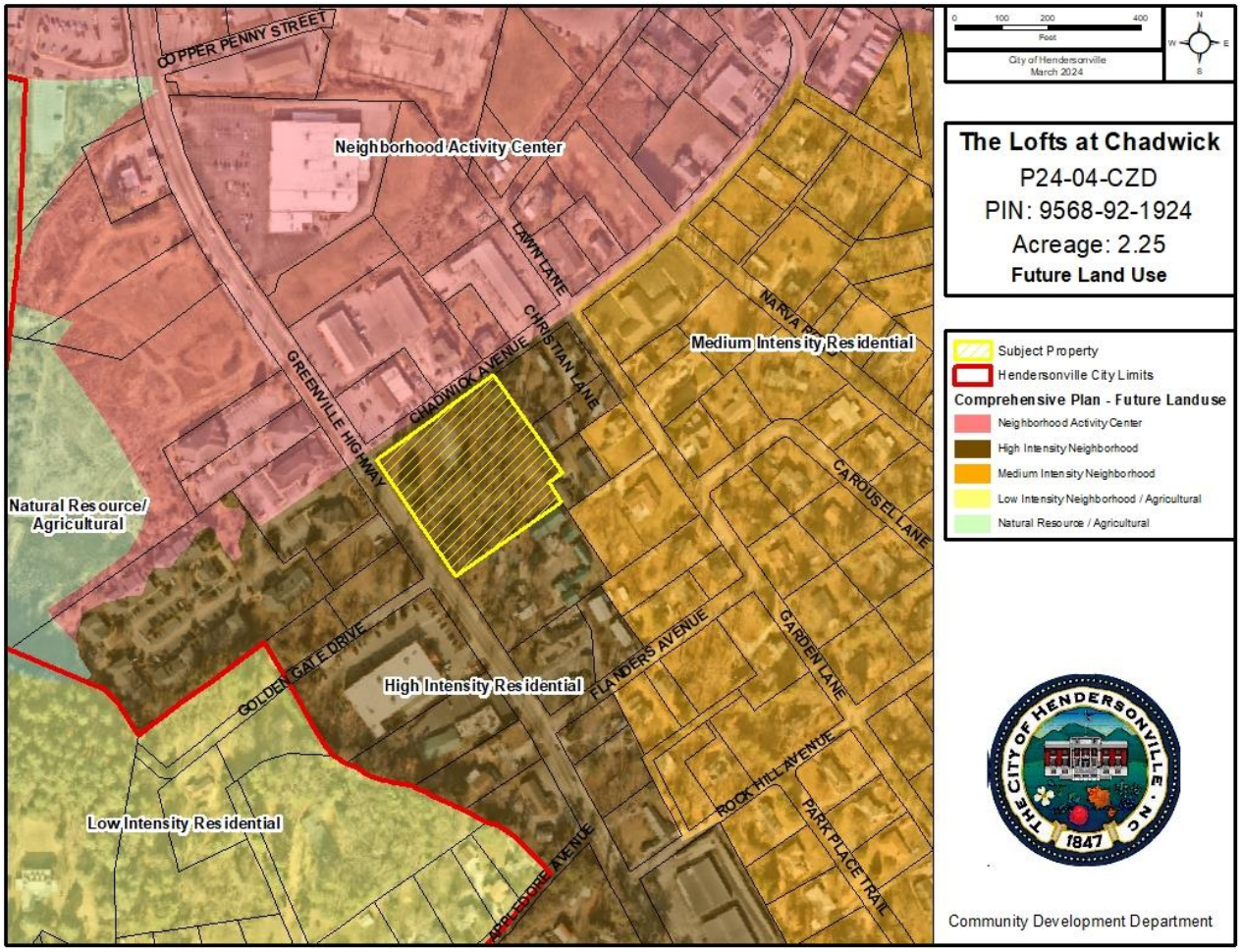
3. Open greenspace shall be used and preserved around parking areas for green infrastructure: bioswales, bioretention areas, and rain gardens to the degree feasible.

4. The existing natural drainage way along the eastern boundary of the parcel must be preserved at a minimum but should be improved.

5. Trees along the edge of the parking lots and the drainage way along eastern boundary shall be protected in compliance with Article XV, Section 15-4 (C) of the Zoning Ordinance.

6. Additional hardscaping elements to be installed at intersection of Chadwick Ave and Greenville Hwy to demonstrate compliance with Section 18-6-4.5 which states, "On corner lots, the applicant is encouraged to provide a building entry, additional building mass, and distinctive architectural elements at corner of buildings."

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is located at a boundary edge where a High Intensity Neighborhood District transitions from a Neighborhood Activity Center along the Chadwick Ave intersection with Greenville Highway. It is also in close proximity to the Activity Node located at the intersection of Greenville Highway & Spartanburg Highway. Not only does this location serve as a transitional area for the intensity related to the Activity Node but also the intensity of uses along Greenville Highway - transitioning from High Intensity Neighborhood to Medium Intensity Neighborhood to the east. Low Intensity Neighborhood and Natural Resource / Agricultural designations are also found in vicinity of the project but have a lesser relationship to the proposed rezoning/redevelopment proposal.

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	**Goal LU-7. High-Intensity Neighborhood:** Create Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods. [CONSISTENT]

	Strategy LU-7.1. Locations:
	• Existing or planned high-density housing neighborhoods (greater than eight units per acre) [CONSISTENT]
	• Priority infill development areas where high-density development is desirable and/or expected, including:
	  • Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers [CONSISTENT]
	  • Areas surrounding Regional Activity Centers [INCONSISTENT]
	  • Neighborhoods near Downtown, excluding historic neighborhoods. [CONSISTENT]
	  • Neighborhoods between Jackson Park and US-176 [INCONSISTENT]

	Strategy LU-7.2. Primary recommended land uses: Single-family attached and multi-family residential, Planned Residential Developments, Open space [CONSISTENT] **Strategy LU-7.3 Secondary recommended land uses**: Public and institutional uses, Offices and retail along thoroughfares, Recreational amenities [INCONSISTENT]
	Strategy LU-7.4 Development guidelines: • Eight or more units per gross acre [CONSISTENT] • Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT] • At least 60% open space in new residential developments greater than three acres [INCONSISTENT] • Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [CONSISTENT] • Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [CONSISTENT]
Land Use & Development	The property is designated as a "Priority Infill Area" on the Growth Management Map (Map 8.3a). Priority infill areas are "Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties". [CONSISTENT]
	Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]

	Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a. [CONSISTENT]
Population & Housing	Housing Affordability: • Growth in home values in Hendersonville and Henderson County has outpaced the Asheville MSA, North Carolina and the United States. • Home appreciation rates have exceeded income and population growth, creating a need for affordable housing and a mismatch between jobs and housing in Hendersonville. • Comprehensive Plan Survey respondents overwhelmingly felt that there is an inadequate supply of safe/decent affordable housing in Hendersonville. • Participants at Steering Committee and public meetings expressed a desire for a mix of housing types that are affordable to a range of incomes
	Strategy PH-1.1. Promote compatible infill development.
	Action PH-1.1.1. Develop design guidelines for infill development. Guidelines should focus on architectural compatibility and scale. Landscape buffering standards should be included for scenarios in which architectural transitions are inadequate. Special attention should be given to properties within or adjacent to historic districts.
	Action PH-1.1.2. Implement zoning map and/or text amendments as needed in the Priority Infill Areas identified on the Growth Management Map in Chapter 8 (Map 8.3a). Priority Infill Areas are areas in which the City encourages infill and/or redevelopment. Amendments will bring zoning standards in line with desired form and land uses.
	Action PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as "park streets" identified in Strategy CF-7.1 in Chapter 5
	Goal PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.
	Strategy PH-2.2. Encourage provision of affordable housing units in new developments.
	Action PH-2.2.1. Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income.
	Goal PH-3. Promote safe and walkable neighborhoods.
	Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.
	Action PH-3.2.1. Promote mixed-use redevelopment along major thoroughfares through zoning map and/or text amendments in accordance with the High-Intensity Neighborhood and Neighborhood Activity Center classifications on the Future Land Use Map
Natural &	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve

Environmental Resources	natural habitat.
	Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat.
	Action NR-1.2.1 Encourage protection of streams and wetlands and land adjacent to them
	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	Strategy NR-2.3 Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c.
	Action NR-2.3.1 Continue to encourage tree preservation by providing existing tree preservation credit toward landscaping requirements
	Action NR-2.3.5 Encourage larger developments to place structures and roadways in areas where land has been disturbed and trees have already been removed
	Goal NR-3. Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.
	Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management
Cultural & Historic Resources	The subject property is less than .3 miles from a locally-designated historic landmark, the Brookland Charles Edmondston House at 299 Balsam Rd. The surrounding residential area appears to primarily be post-WWII conventional suburban development.
	No Goals, Strategies, or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	Goal WR-2. Understanding that communities and the natural environment located downstream are dependent on clean water, strive to preserve the quality of water as it flows through Henderson County
	Strategy WR-2.1. Continue to fund and operate the City's stormwater management program.
	Action WR-2.1.4 Continue to require the control of construction site runoff through the permitting and inspection process of Henderson County's Erosion Control Division
	Action WR-2.1.5 Continue to require the control of post construction runoff through the City's stormwater regulations.
	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.

Transportation & Circulation	Greenville Highway is designated as a major throughfare in need of improvements according to Map 7.3a: Transportation Plan
	Map 7.3a shows a potential greenway location along this property's frontage on Greenville Highway.
	Walk Hendo identified sidewalks along Greenville Highway as a priority. • NC-225 Sidewalk South of Chadwick Avenue Golden Gate Drive • NC-225 Sidewalk South of Golden Gate Drive Appledore Avenue • NC-225 Sidewalk Appledore Avenue Erkwood Drive (SR-1164) Sidewalks on Chadwick Ave were also identified. • Chadwick Avenue Sidewalk NC-225 South of Lawn Avenue
	Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Goal TC-3. Provide a safe and efficient roadway system that meets adequate vehicular level-of-service requirements in order to support business activity and residential quality of life.
	Strategy TC-3.2. Coordinate with the NC Department of Transportation and French Broad River Metropolitan Planning Organization (MPO) on localized transportation planning.
	Action TC-3.2.1 Work with the French Broad River MPO on updates to the Comprehensive Transportation Plan to reflect the map classifications depicted on Map 7.3a
	Action TC-3.4.5 Widen and improve existing roadways as indicated on Map 7.3a, based on studies of existing and projected traffic volume as compared to current capacity
	Strategy TC-4.2. Ensure that all bus stops are in locations that can be accessed safely and conveniently by pedestrians.

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

GENERAL REZONING STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	The subject property is currently a vacant and previously developed site. The proposed development site is located in a commercial corridor near the US and State route intersection of Spartanburg Highway (US 176) and Greenville Highway (NC225). The subject property is also in the general proximity of downtown. The design guidelines of the GHMU Zoning District, further ensures that a development of this scale is compatible with the surrounding area and corridor.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The southern end of Hendersonville has continued to develop as a key commercial node for the City with a wide range of groceries, restaurants, pharmacies, retail shops, services, and high density residential.
Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 4 years, the City of Hendersonville has approved 1,915 rental units (218 of the units are inactive *been dormant for more than 6 months*). If this project is approved, Hendersonville's recently-approved rental units would total 1,975. However, of the 1,915 units approved over the last 4 years, only 103 of the units have been affordable units for residents making 30% to 80% AMI. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes below 50% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exists for those income levels lower than 50% AMI.
Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
	This development would be considered an infill development. It would utilize existing roadways and infrastructure. Water and sewer infrastructure are already present in Greenville Highway and Chadwick Ave. The site is already served by Hendersonville police and fire.
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 -**

	Blueline Stream- The most recent USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville shows that this property has a blueline stream along the northeastern property boundary. The site plan does not currently show the required 30' stream buffer and 20' transitional area. The developer proposed a condition that states "…Based on the revision from the 2019 to the 2022 USGS quad maps the drainage feature now shows as a stream. Prior to the construction document phase developer shall have the surveyor complete a field survey of the existing drainage feature and have an environmental scientist complete a site assessment to determine if the stream is jurisdictional. The developer does not proposed to have any impacts with the stream and agrees to as much as possible clean up the stream and stabilize the stream banks within our property. In either case the developer is requesting the required stream buffers to be waived." **Mature Trees:** There are a total of 60 trees that are 12" or greater DBH on the site. 12 of the existing trees are proposed to be preserved while 48 trees are slated for removal. The developer proposed the following condition "Developer shall provide tree protection during construction process. The proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible. Any preserved tress (large maturing or pine) counted towards credit that dies within 10 years will be re-planted with a single Genera Quercus (Oaks), Acer (Maples), or Carya (Hickories)." This condition was a counter to a Tree Board recommended condition. **Floodplain:** The subject site is completely outside of the special flood hazard areas. However, the site is approximately 31' from the 500 year floodplain boundary and approximately 53' from the 100 year floodplain boundary.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's 2030 Comprehensive Plan's Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its "Priority Infill Area" designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation.

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

DRAFT [Rationale for Approval]

- *The petition proposes to provide additional affordable housing to offset the large affordable local rental demand.*
- *The petition proposes to provide affordable housing on a long vacant and underutilized piece of property near commercial corridors and is within walking distance to downtown.*
- *The proposed project would be a reduction in permitted by right intensity for the subject property by going from a 70 unit, 3-4 story spilt market rate multi-family development to a 60 unit, 3 story affordable senior housing multi-family development.*
- *The proposed development is the only LIHTC (Low Income Housing Tax Credit) project going through the tax credit process in the City of Hendersonville this cycle. If the project is approved and receives tax credits; the development would provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.*

DRAFT [Rational for Denial]

- *The proposed development proposes to remove 48 mature trees from the site while only maintaining 12 mature trees. The developer is proposing to receive tree credits for the 12 preserved trees on the site while not providing the required tree preservation measures outlined in 15-4.*
- *The project is not providing all required stream buffer and transitional area protections measures for a blueline stream identified in the most recent USGS seven-and-one-half minute quadrangle topographic maps.*
- *The proposed development does not show an area designated for loading and unloading as required by the zoning ordinance.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
  - Residential, Multi-Family

- Building:
  - 60 Units
  - Gross Floor area: 75,000 SF
  - Building footprint: 25,000 SF
  - 3 stories (36' 3" at the highest point)
  - The building/site is required to meet all building and design requirements of Greenville Highway Mixed Use developments, and this includes but is not limited to building materials, building offsets, building projections, building orientation, building scale, etc.

- Transportation:
  - The site will have one access point from Chadwick Avenue (local street).
  - The development will not be utilizing either existing access to the site. The Greenville Highway Access will be removed, and the Chadwick Ave access is being pushed further from the Greenville Highway and Chadwick Ave. intersection.
  - The developer is dedicating 25' of R/W from the center line of Greenville Highway to NCDOT and 25' from the centerline of Chadwick Ave. to the City to aid in any future improvements of each road.

- Sidewalks
  - The development will provide sidewalks along their entire property frontage on Chadwick Avenue and Greenville Highway. The sidewalks are shown as 6' wide; the City's minimum requirement is 5' wide.
  - A private sidewalk will connect all entrances of the building to the public sidewalks at Chadwick Avenue.

- Lighting
  - All site lighting will be required to conform to the City's lighting standards for multi-family developments and developments abutting a blueline stream. The lighting plan is a component of the final site plan review.

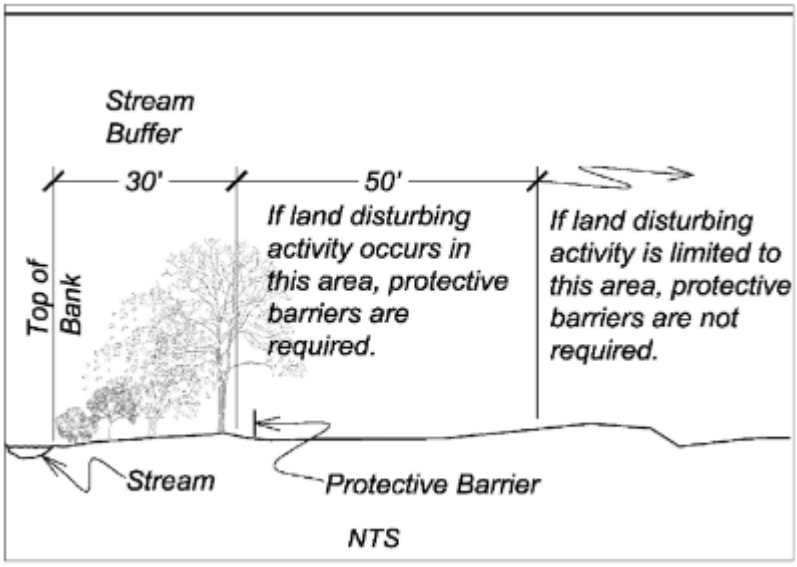
- Parking:
  - Parking is required at 1 per dwelling unit.
    - Parking required: 60 spaces.
    - Parking provided: 70 spaces (including 10 ADA parking spaces)
      - All parking is provided at the side or rear of the property and screened from the public rights of way.
  - Drive Aisles
    - All interior drive aisles are proposed to be 26' wide. This is in

alignment with the requirements of Appendix D of the Fire Code.

- Landscaping
  - This development will be required to provide:
    - Vehicular Use Landscaping (Sec. 15-9. - Landscaping for vehicular use areas.)
      - Interior parking lot plantings.
      - Planting strip plantings.
      - Buffer from street plantings.
    - Stret trees (Sec. 5-18. - EC Entry Corridor Overlay Districts.)
    - Common Space Trees (5-22-4.1.4 Common space.)
    - Open Space trees and shrubs (Sec. 15-13. - Special provisions regarding open space landscaping in Mixed Use Districts)
  - The developer is proposing that his "Mixed Use District Open Space" shrubs create a pollinator garden of perennials and shrubs along the northeastern property boundary running parallel to the blueline stream.

- Blueline Stream
  - The most recent (2022) USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville shows that this property has a blueline stream along the northeastern property boundary.

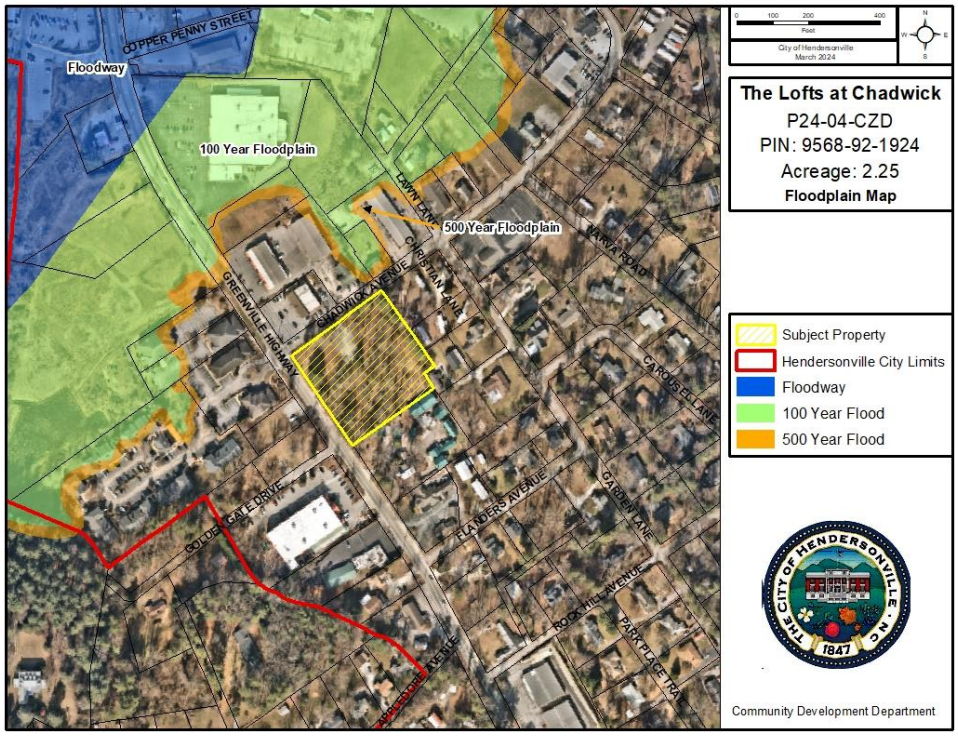
  - Blueline streams require stream buffers which apply on each side of the stream and is measured 30 feet horizontally from the top of the stream bank in a direction perpendicular to the stream flow.
  - There is also a 20-foot transitional area immediately landward of the stream buffer which may be graded, landscaped and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized.



- This blueline stream was not present in our comprehensive plan's natural resource chapter (2009). Shown below:

- It was also not present in the 2019 USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville

- Floodplain
  - According to the 2008 FEMA floodplain maps, no portion of this property falls within the Special Flood Hazard areas.
  - The map below shows the mapped floodway, 100 year floodplain and 500 year floodplain.



- Previous Development on the Site:
  - Photo below taken January 27th 2010. Approximately 13 mobile homes were once present on the site. Internal drives, unit pads and abandoned electric meter poles and boxes can still be found around the site today from this development.
  - The previous development appears to go back at least as far back as 1984.
  - It appears that sometime between 2016 and 2018, the mobile home development was demolished.

DEVELOPER PROPOSED CONDITIONS:

- 1. Tree Protection
  - Developer shall provide tree protection during construction process. The proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible. Any preserved tress (large maturing or pine) counted towards credit that dies within 10 years will be re-planted with a single Genera Quercus (Oaks), Acer (Maples), or Carya (Hickories). ***Counter to a Tree Board recommended condition.***

- 2. Loading and Unloading
  - Developer is requesting not to provide a loading/unloading zone. The project includes vehicle parking above the code minimum requirement.

- 3. Stream Buffer Requirements
  - At this point it is not clear if the drainage feature along the eastern property line lies within our site or the adjacent property and whether it would be classified as a jurisdictional stream per the ASAAOE criteria. Based on the revision from the 2019 to the 2022 USGS quad maps the drainage feature now shows as a stream. Prior to the construction document phase developer shall have the surveyor complete a field survey of the existing drainage feature and have an environmental scientist complete a site assessment to determine if the stream is jurisdictional. The developer does not proposed to have any impacts with the stream and agrees to as much as possible clean up the stream and stabilize the stream banks within our property. In either case the developer is requesting the required stream buffers to be waived. ***Counter to parts of a Tree Board recommended condition and zoning ordinance requirement.***

- 4. Façade
  - The developer is requesting the north, south and east facades of the building to have a maximum offset distance of 24 versus the required 16' as indicated on the architectural building elevations.

- 5. Low-income Housing Tax Credits
  - Proposed development is LIHTC (Low Income Housing Tax Credit) with all (60 units) of the units at or below 80% AMI. The proposed development will provide senior affordable housing as governed by North Carolina Housing Finance Agency 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 Greenville Highway Mixed (5-22) (minus any developer proposed conditions).

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- Provide the City of Hendersonville with the dedication of R/W 30' from the center of the existing R/W for Chadwick Ave.
    - The developer did not agree to this but is showing a dedication of 25' from the center line of Chadwick Ave.

NCDOT

Site Plan Comments:

- This site plan does not define the right of way width as shown.
- This section of NC 225 is identified as a "Major Thoroughfare - Needs Improvement" by the approved FBRMPO CTP. The CoH has identified this section as needing improvement.
- Should show a dedicated Right of Way line as 50' from centerline, as has been previously required on this section of NC 225.
- Per the NCDOT Driveway Manual "the NCDOT may require the applicant to reserve or dedicate minimum right-of-way needs as identified by local government transportation plans for the state-maintained roadway along the property frontage. This may require that the driveway design and internal circulation be compatible with the future right-of-way location"
- This site plan prevents the CoH and NCDOT from being able to make improvements needed for this classification of roadway without purchasing the entire structure.
- NCGS 136-18(29) provides statutory authority to require turn lanes for roads with an ADDT over 4000. This site plan would prevent a single right turn lane onto Chadwick.
- If the CoH chooses not to follow the approved CTP on this one – the CoH should coordinate with FBRMPO to have the CTP amended to remove this section of NC 225.

Proposed NCDOT-Initiated Conditions:

- Provide NCDOT with a 50' R/W from the centerline of Greenville Highway.
    - The Developer did not agree to this, but is showing a dedication of 25' of R/W from the center line of Greenville Highway.

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:

- None

Proposed Condition:

- None

TRANSPORTATION CONSULTANT (KIMLEY HORN)

TIA Comments:

- A TIA was not required for this project due to the low expected trip generation. The City's triggers of 100 peak hour trips and 1,000 daily trips were not met.

Trip Generation									
Land Use	Intensity	Units	Daily	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Residential Land Uses			198	12	4	8	15	8	7
252 - Senior Adult Housing - Multifamily	60	DU	198	12	4	8	15	8	7

Proposed Condition:

- None

For historical reference only (this is not related to this development):

- The previously approved development conducted a TIA for their development. The previous development had the below expected trip generation:

Table E-1: Site Trip Generation

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
Mid-rise Multifamily (221)	80 DU	434	7	21	22	14

- The only recommended mitigation that came from this TIA was at the site entrance. The traffic engineer who conducted the TIA provided the below mitigation.
  - Chadwick Avenue and Site Access.
    - Construct northbound approach [Site Access] with one ingress lane and one egress lane.

- These findings were based on these existing traffic conditions:
  - Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in January 2022 during the typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods while local schools were in session:
    - Greenville Highway and Spartanburg Highway
    - Greenville Highway and Chadwick Avenue
    - Spartanburg Highway and Chadwick Avenue
    - Greenville Highway and White Street

- The City's Traffic consultant (Jonathan Guy) reviewed the provided TIA for this project and determined that:
  - "Based on a technical review of the TIA as submitted, the analysis and recommendations provide a reasonable assessment of the traffic impacts associated with the proposed development on the adjacent street network. The report text and figures should be revised as noted herein for completeness and correctness, and a technical memo or addendum to this TIA should be completed as a response to all comments."
  - Jonathan provided an additional recommendation which was

"Consideration should be given to moving the driveway on Chadwick Avenue as far back from the intersection with Greenville Highway as practically possible. As shown, the current location could impact the operations of the intersection. Furthermore, pushing the driveway back will allow for a future installation of a left-turn lane at the signal with Greenville Highway. In its current location and with the installation of a left turn lane the driveway could be limited to right-in/right our operations at some point in the future."

- **The current proposal has taken this advice and moved their site access as far away from the Greenville Highway Chadwick Ave intersection as possible.**

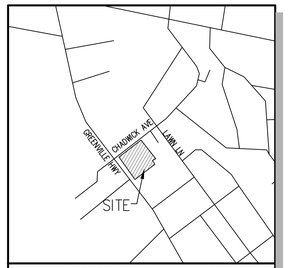
TREE BOARD

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- **See attached Tree Board summary.**



LOCATION MAP

NTS

DEVELOPER PROPOSED CONDITIONS	PROPOSED DEVELOPMENT IS LIHTC (LOW INCOME HOUSING TAX CREDIT) WITH ALL (60 UNITS) OF THE UNITS AT OR BELOW 80% AMI. THE PROPOSED DEVELOPMENT WILL PROVIDE SENIOR AFFORDABLE HOUSING AS GOVERNED BY NORTH CAROLINA HOUSING FINANCE AGENCY REQUIREMENTS.	CITY PROPOSED CONDITIONS	INVASIVE TREES, SHRUBS AND GROUND COVER SHALL BE REMOVED, PARTICULARLY ENGLISH IVY, THROUGHOUT THE SITE, ESPECIALLY FOR THE TREES THAT ARE PRESERVED. CARE SHALL BE TAKEN TO NOT SUBSTANTIVELY DISTURB THE ROOT SYSTEMS OF PRESERVED TREES. INVASIVE TREES AND SHRUBS CAN BE CUT OFF AT GROUND LEVEL AND THE STUMP TREATED TO KILL THE ROOTS. CONTROL OF ENGLISH IVY SHALL BE CONFINED TO THE RECOMMENDATIONS FOUND IN THE NORTH CAROLINA EXTENSION PUBLICATION "CONTROLLING ENGLISH IVY IN URBAN LANDSCAPES".
	DEVELOPER SHALL PROVIDE TREE PROTECTION DURING CONSTRUCTION PROCESS. THE PROPOSED TREE PROTECTION FENCE LIMITS WILL NOT MEET THE CODE REQUIREMENTS OF 1' FOR EVERY 1" OF TREE DIAMETER BASED ON THE EXISTING IMPERVIOUS COVERAGE AND TIGHT CONSTRAINTS OF THE SITE PROPOSED TREE PROTECTION WILL PROVIDE THE MAXIMUM AMOUNT OF TREE PROTECTION AS POSSIBLE. ANY PRESERVED TREES (LARGE MATURING OR PINE) COUNTED TOWARDS CREDIT THAT DIES WITHIN 10 YEARS WILL BE RE-PLANTED WITH A SINGLE GENERA QUERCUS (OAKS), ACER (MAPLES), OR CARYA (HICKORIES).		OAK TREES ARE PART OF A GROUP OF NATIVE PLANTS KNOWN AS KEYSTONE PLANTS WHICH ARE DEFINED AS PLANTS CRITICAL TO THE FOOD WEB AND NECESSARY FOR MANY WILDLIFE SPECIES TO COMPLETE THEIR LIFE CYCLE. SINCE THIS DEVELOPMENT WILL BE REMOVING 35 OAK TREES, IT IS THE TREE BOARD'S RECOMMENDATION THAT WHERE REQUIRED LARGE MATURING OR CANOPY TREES ARE TO BE PLANTED, SPECIES OF THE GENERA QUERCUS (OAKS), ACER (MAPLES), AND CARYA (HICKORIES) BE USED.
	DEVELOPER IS REQUESTING NOT TO PROVIDE A LOADING/UNLOADING ZONE. THE PROJECT INCLUDES VEHICLE PARKING ABOVE THE CODE MINIMUM REQUIREMENT.		
	DEVELOPER IS REQUESTING THE NORTH, SOUTH AND EAST FACADES OF THE BUILDING TO HAVE A MAXIMUM OFFSET DISTANCE OF 24' VERSUS THE REQUIRED 16' AS INDICATED ON THE ARCHITECTURAL BUILDING ELEVATIONS.		
	AT THIS POINT IT IS NOT CLEAR IF THE DRAINAGE FEATURE ALONG THE EASTERN PROPERTY LINE LIES WITHIN OUR SITE OR THE ADJACENT PROPERTY AND WHETHER IT WOULD BE CLASSIFIED AS A JURISDICTIONAL STREAM PER USACOE CRITERIA. BASED ON THE REVISION FROM THE 2019 TO 2022 USGS QUAD MAPS THE DRAINAGE FEATURE NOW SHOWS AS A STREAM. PRIOR TO THE CONSTRUCTION DOCUMENT PHASE DEVELOPER SHALL HAVE THE SURVEYOR COMPLETE A FIELD SURVEY OF THE EXISTING DRAINAGE FEATURE AND HAVE AN ENVIRONMENTAL SCIENTIST COMPLETE A SITE ASSESSMENT TO DETERMINE IF THE STREAM IS JURISDICTIONAL. THE DEVELOPER DOES NOT PROPOSE TO HAVE ANY IMPACTS WITH THE STREAM AND AGREES TO AS MUCH AS POSSIBLE CLEAN UP THE STREAM AND STABILIZE THE STREAM BANKS WITHIN OUR PROPERTY. IN EITHER CASE THE DEVELOPER IS REQUESTING THE REQUIRED STREAM BUFFERS TO BE WAIVED.		

PERIMETER AND INTERIOR PLANTINGS
1 TREE AND 2 SHRUBS REQUIRED FOR EVERY 4,000 SQ. FT. OF VEHICULAR USE AREA.

–TOTAL VEHICULAR USE AREA:	±27,400 SF
–TOTAL TREES REQUIRED/PROPOSED:	7/7
–TOTAL SHRUBS REQUIRED/PROPOSED:	14/14

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.

STREET TREES – CHADWICK AVE

–TOTAL LINEAR FOOTAGE OF RIGHT OF WAY:	303'
–REQUIRED SMALL MATURING (40' ON CENTER): (BASED ON CLOSE PROXIMITY TO BUILDING/OVERHEAD ELECTRIC)	8
–EXISTING TREE CREDITS: (14", 16" OAK & 14" & 18" PINE)	12
–TOTAL PROPOSED SMALL MATURING TREES:	3
–TOTAL REQUIRED/PROVIDED CANOPY TREE CREDITS:	8/15

ENTRY CORRIDOR STREET TREES – GREENVILLE HWY

–TOTAL LINEAR FOOTAGE OF RIGHT OF WAY:	294'
–REQUIRED SMALL MATURING (40' ON CENTER): (BASED ON CLOSE PROXIMITY TO BUILDING)	8
–EXISTING TREE CREDITS: (12" OAK)	2
–TOTAL PROPOSED SMALL MATURING TREES:	6
–TOTAL REQUIRED/PROVIDED CANOPY TREE/CREDITS:	8/8

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 (CHADWICK):	45'
–TOTAL SHRUBS REQUIRED/PROPOSED:	9/9

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:	460'
–TOTAL TREES REQUIRED:	12
–TOTAL PROPOSED TREES:	12
–TOTAL SHRUBS REQUIRED/PROVIDED:	58/58

COMMON SPACE

PROVIDED COMMON SPACE:	9,087 SF (10.0%)
–TOTAL TREES REQUIRED/PROVIDED:	19/29
–1 TREE PER 500 SF OF COMMON SPACE.	
–EXISTING TREE CREDITS: (13", 24", 26", 29" OAK & 13", 21", 28" PINE)	29

SPECIAL PROVISIONS REGARDING OPEN SPACE IN MIXED USE DISTRICTS
1 TREE AND 5 SHRUBS REQUIRED FOR EVERY 4,000 SQ. FT. OF OPEN SPACE.

–TOTAL OPEN SPACE AREA:	39,680 SF
–TOTAL TREES REQUIRED/PROPOSED:	10/10
–TOTAL SHRUBS REQUIRED/PROPOSED:	50/50

A MINIMUM OF 50 PERCENT OF THE TREES SHALL BE CANOPY TREES.

LANDSCAPE CALCULATIONS

PROPERTY OWNERS:	GORDON DOOLEY HOLDIGS LLC 904 GREENVILLE HWY HENDERSONVILLE NC 28792
PARCEL #:	9568–92–904
DEED BOOK & PAGE:	3914/462
TOTAL SITE ACREAGE:	±2.25 AC
–NET SITE ACREAGE AFTER R/W DEDICATION:	90,823 SF (2.085 AC)
CURRENT ZONING:	GHMU–CZD
PROPOSED ZONING:	GHMU–CZD
EXISTING USE:	VACANT
PROPOSED USE:	MULTI–FAMILY HOUSING (SENIOR) (LOW–INCOME)
PROPOSED UNITS:	60
PROPOSED DENSITY:	28.78 DU/AC
PROPOSED BUILDING HEIGHT:	36'–3" (3 STORIES)
FRONT SETBACK:	0'
SIDE YARD:	20'
–15' (BASED ON 2 STORY) + 5' (ONE ADDITIONAL STORY)	
REAR YARD:	20'
–15' (BASED ON 2 STORY) + 5' (ONE ADDITIONAL STORY)	
REQUIRED PARKING:	60
–1.0 SPACE PER UNIT (ELDERLY MULTIFAMILY DWELLING)	
PROPOSED PARKING:	70

OPEN SPACE/FOOTPRINT REQUIRED

– PROPOSED FOOTPRINT:	±25,000 SF
– GROSS FLOOR AREA (EXCLUDING GAZEBO)	±75,000 SF
– PROPOSED ASPHALT AREA:	±27,400 SF
– PROPOSED SIDEWALK AREA:	±6,430 SF
– TOTAL PROPOSED BUILT UPON AREA:	±58,330 SF
REQUIRED MINIMUM COMMON SPACE:	10% (9,082 SF)
PROPOSED COMMON SPACE:	10.0% (±9,087 SF)
– (HATCHED AREA INDICATE COMMON SPACE)	
REQUIRED MINIMUM OPEN SPACE:	36,330 SF / 40.0%
PROPOSED OPEN SPACE:	39,680 SF / 40.5%

PROPERTY IS LOCATED WITHIN CITY LIMITS

ALL PROPOSED UTILITY SERVICE LINES SHALL BE UNDERGROUND.

THE PROPOSED MAINTENANCE OF THE BUILDING, PARKING LOT, STORMWATER MANAGEMENT AND OPEN SPACE WILL BE THE RESPONSIBILITY OF DEVELOPER FOR THE PROPERTY.

DEVELOPMENT SUMMARY

PROPOSED LARGE MATURING DECIDUOUS TREE SPECIES TO BE OAK, MAPLE OR HICKORY VARIETY FROM CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

PROPOSED LARGE MATURING EVERGREEN TREE SPECIES TO BE NATIVE MATERIAL FROM CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

PROPOSED SMALL MATURING TREE SPECIES TO BE NATIVE MATERIAL FROM CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

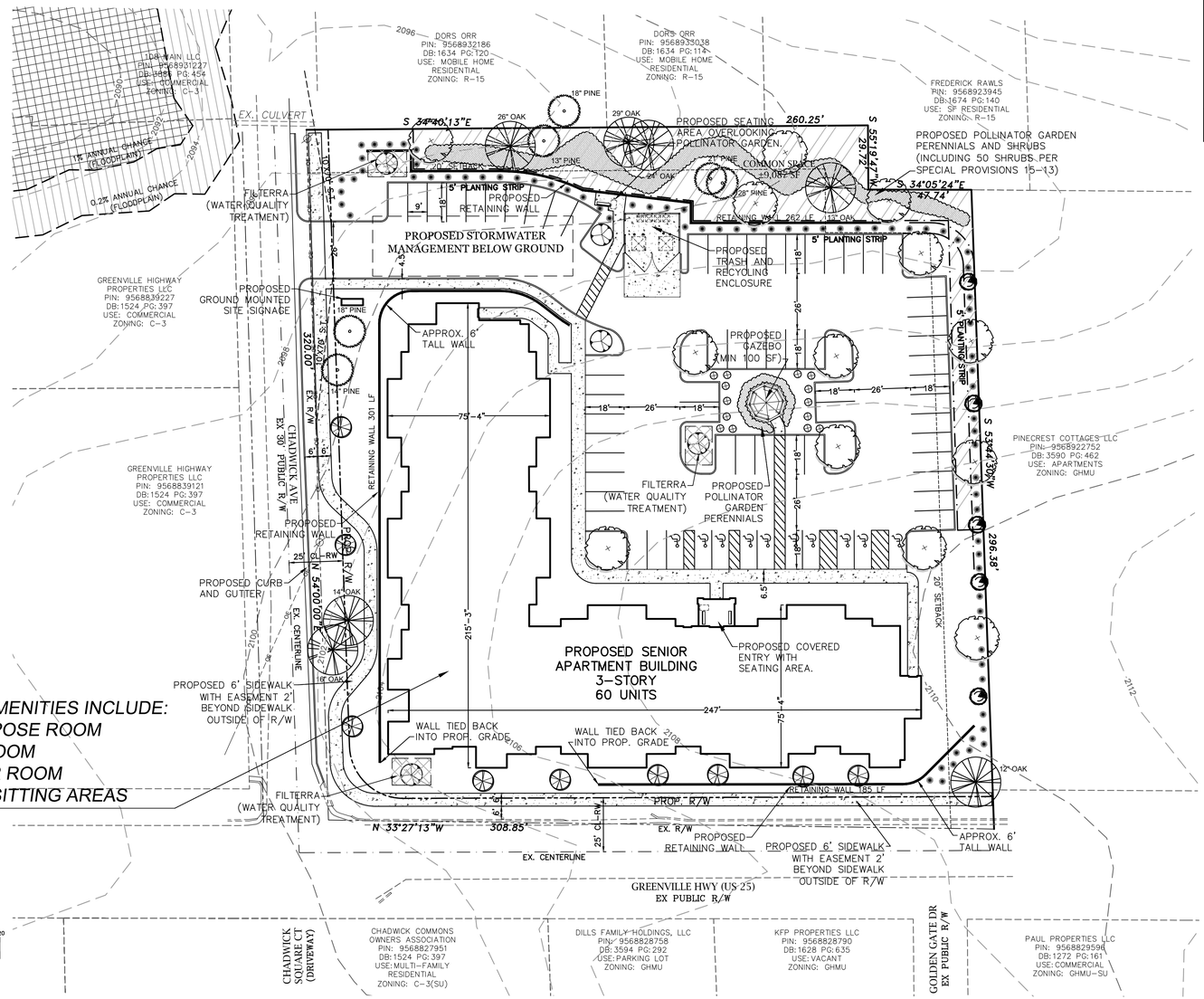
PROPOSED SMALL MATURING TREE SPECIES TO BE PLANTED WITHIN FILTERRA TREATMENT CELL THAT SHALL BE SELECTED FROM THE APPROVED SPECIES LIST OF THE FILTERRA BASIN LIST. IF AVAILABLE DESIGNER WILL SELECT A TREE THAT IS ON BOTH THE FILTERRA AND CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

PROPOSED EVERGREEN SCREENING SHURB SPECIES TO BE SELECTED FROM CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

PROPOSED DECIDUOUS/EVERGREEN SHURB SPECIES TO BE SELECTED FROM CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

PROPOSED POLLINATOR GARDEN TO CONSIST OF SEVERAL VARIETIES OF PERENNIAL PLANTS AND SHRUBS SELECTED FROM THE CITY OF HENDERSONVILLE APPROVED SPECIES LIST.

LANDSCAPE PLANTINGS



BUILDING AMENITIES INCLUDE:
-MULTIPURPOSE ROOM
-FITNESS ROOM
-COMPUTER ROOM
-3 INDOOR SITTING AREAS

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

MC ENGINEERING
MC ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
THE LOFTS AT CHADWICK APARTMENTS
CHADWICK AVE
HENDERSONVILLE, NC

DEVELOPED BY:
BROADCRAFT CONSTRUCTION & DEVELOPEMENT, INC
ROCKBRIDGE ROAD
MILLS RIVER, NC 28759

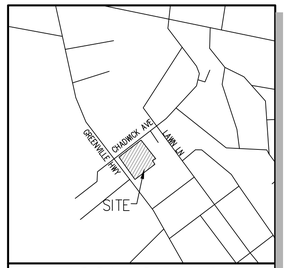
REZONING SITE PLAN

REVISIONS

1	2/2/24	OWNER REVISION
2	2/21/24	HENDERSONVILLE COMMENTS
3	2/29/24	HENDERSONVILLE COMMENTS
4	3/5/24	HENDERSONVILLE COMMENTS

CAD FILE:	24–002 BASE.DWG
PROJECT NO.:	24–002
DESIGNED BY:	JDM
DATE:	JANUARY 29, 2024

RZ1.0

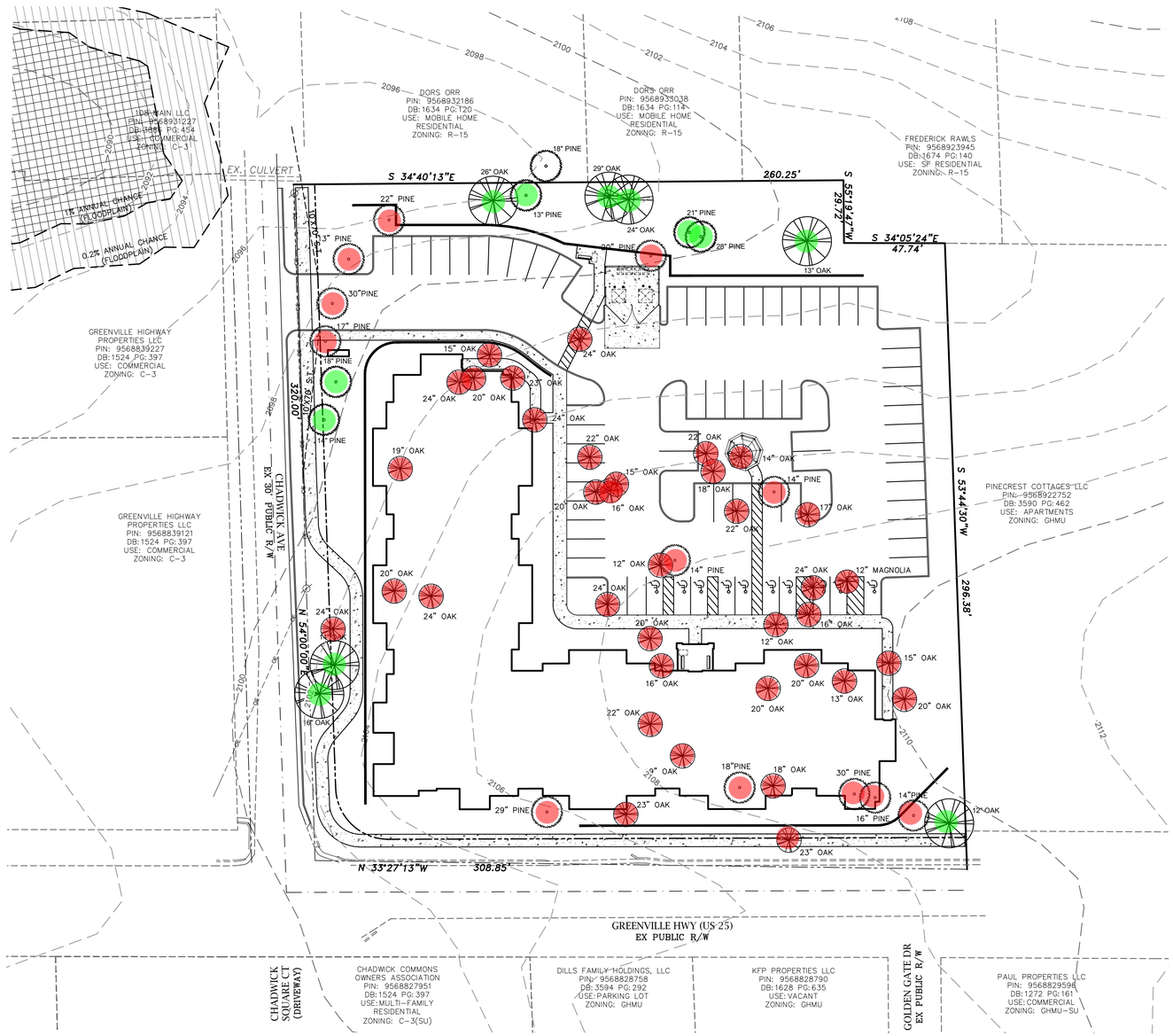


LOCATION MAP
NTS

EXISTING TREES TO REMAIN (12 TREES)

EXISTING TREES TO BE REMOVED (48 TREES)

TREE LEGEND



GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

Mc² ENGINEERING
Mc Engineering, Inc.
2110 Ben Craig Dr., Ste. 400
Charlotte, NC 28262
Phone 704.510.9797

PROPOSED DEVELOPMENT:
THE LOFTS AT CHADWICK APARTMENTS
CHADWICK AVE
HENDERSONVILLE, NC

DEVELOPED BY:
BROADCRAFT CONSTRUCTION & DEVELOPEMENT, INC
ROCKBRIDGE ROAD
MILLS RIVER, NC 28759

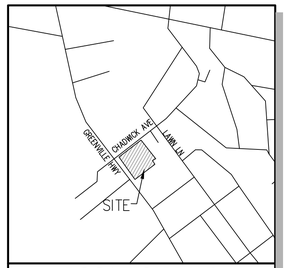
REZONING TREE SURVEY

REVISIONS

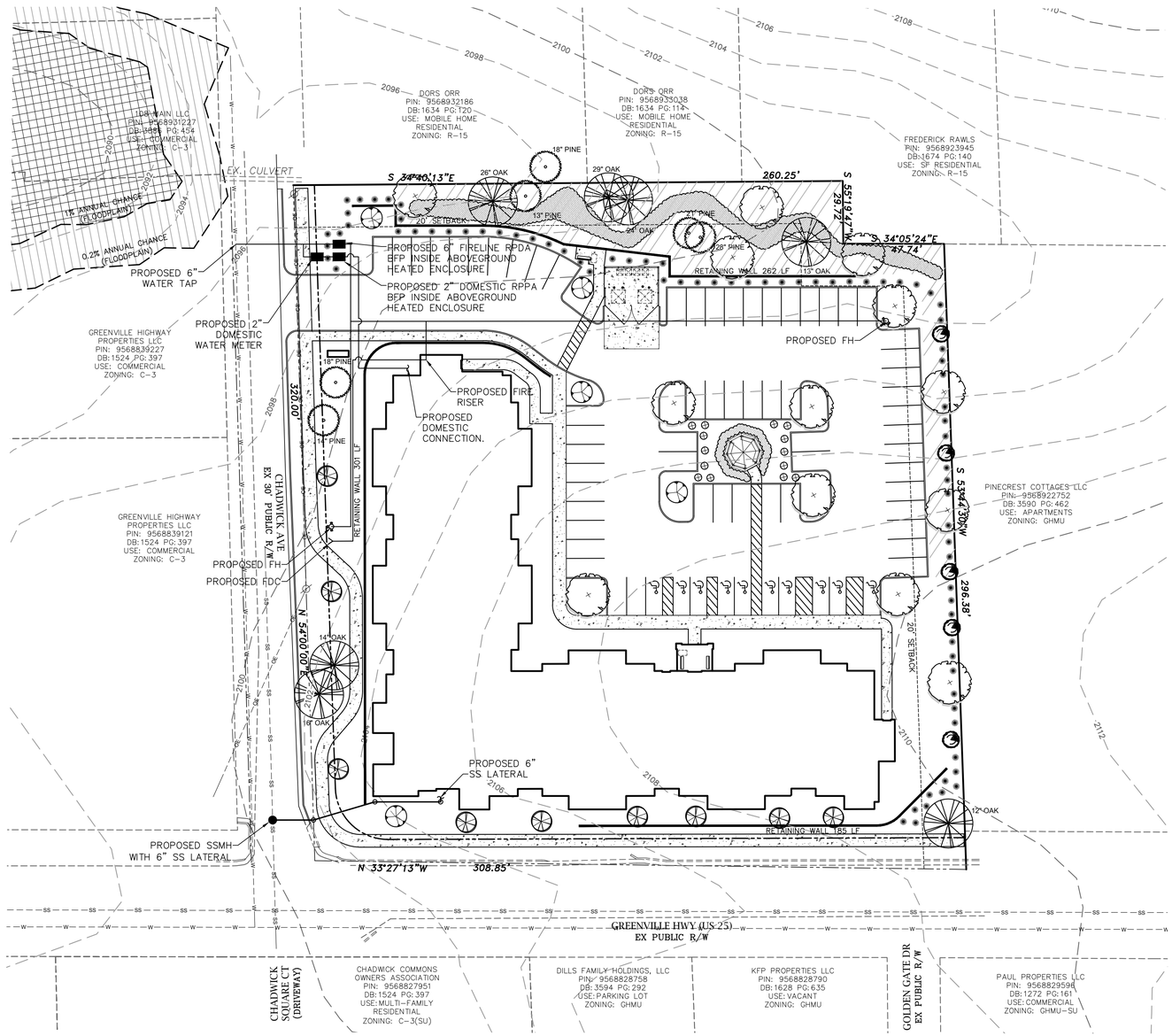
2	2/21/24	HENDERSONVILLE COMMENTS

CAD FILE:	24-002 BASE.DWG
PROJECT NO.:	24-002
DESIGNED BY:	JDM
DATE:	JANUARY 29, 2024

RZ2.0



LOCATION MAP
NTS



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

MC² ENGINEERING

MC ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
THE LOFTS AT CHADWICK APARTMENTS
CHADWICK AVE
HENDERSONVILLE, NC

DEVELOPED BY:
BROADCRAFT CONSTRUCTION & DEVELOPEMENT, INC
ROCKBRIDGE ROAD
MILLS RIVER, NC 28759

SCHEMATIC UTILITY PLAN

REVISIONS

2	2/21/24	HENDERSONVILLE COMMENTS

CAD FILE:	24-002 BASE.DWG
PROJECT NO.:	24-002
DESIGNED BY:	JDM
DATE:	JANUARY 29, 2024

RZ3.0

THE LOFTS AT CHADWICK

UNIT MIX:

QUANITY	UNIT	BEDROOMS	AREA	DESCRIPTION
1	1A-S	One Bedroom	660 sf	Accessible Type 'A' Unit w/ Roll-In Shower (Includes Accessible Work Space & Grab Bars; Also Includes Audio & Visual Impaired Accommodations in Designated Unit)
1	1A-S END	One Bedroom	905 sf	Accessible Type 'A' Unit w/ Roll-In Shower (Includes Accessible Work Space & Grab Bars;
1	2A-S	Two Bedrooms	921 sf	Accessible Type 'A' Unit w/ Roll-In Shower (Includes Accessible Work Space & Grab Bars; Also Includes Audio & Visual Impaired Accommodations in Designated Unit)
1	1A	One Bedroom	660 sf	Accessible Type 'A' Unit w/ Bathtub (Includes Accessible Work Space & Grab Bars)
2	2A	Two Bedrooms	921 sf	Accessible Type 'A' Unit w/ Bathtub (Includes Accessible Work Space & Grab Bars)
12	1B	One Bedroom	660 sf	Accessible Type 'B' Unit w/ Bathtub
2	1B END	One Bedroom	905 sf	Accessible Type 'B' Unit w/ Bathtub
14	2B	Two Bedrooms	921 sf	Accessible Type 'B' Unit w/ Bathtub
13	1B-C	One Bedroom	660 sf	Accessible Type 'B' Unit w/ Curb Shower
13	2B-C	Two Bedrooms	921 sf	Accessible Type 'B' Unit w/ Curb Shower

60 Total Units

AREAS:

STORY	BUILDING GROSS AREA	BUILDING NET AREA
First Floor	24,193 sf	22,259 sf
Second Floor	24,119 sf	22,259 sf
Third Floor	23,902 sf	22,259 sf
	72,214 sf	**66,777 sf**

AMENITIES:

REQUIRED AMENITIES
-INDOOR SITTING AREAS (MIN. 3)
-MULTIPURPOSE ROOM (MIN. 250 SF)
-GAZEBO

ADDITIONAL REQUIRED AMENITIES (3)
-COMPUTER ROOM
-EXERCISE ROOM
-SCREENED PORCH

OTHER AMENITIES
-LAUNDRY ROOM
-MAIL AREA
-OFFICE
-TENANT STORAGE
-LIBRARY
-TV LOUNGE

NOTES:
-ALL SITE AMENITY LOCATIONS WILL BE FIELD LOCATED BY DEVELOPER. ALL BENCHES, PICNIC TABLES, AND BIKE RACKS WILL BE INSTALLED ON CONCRETE PADS.

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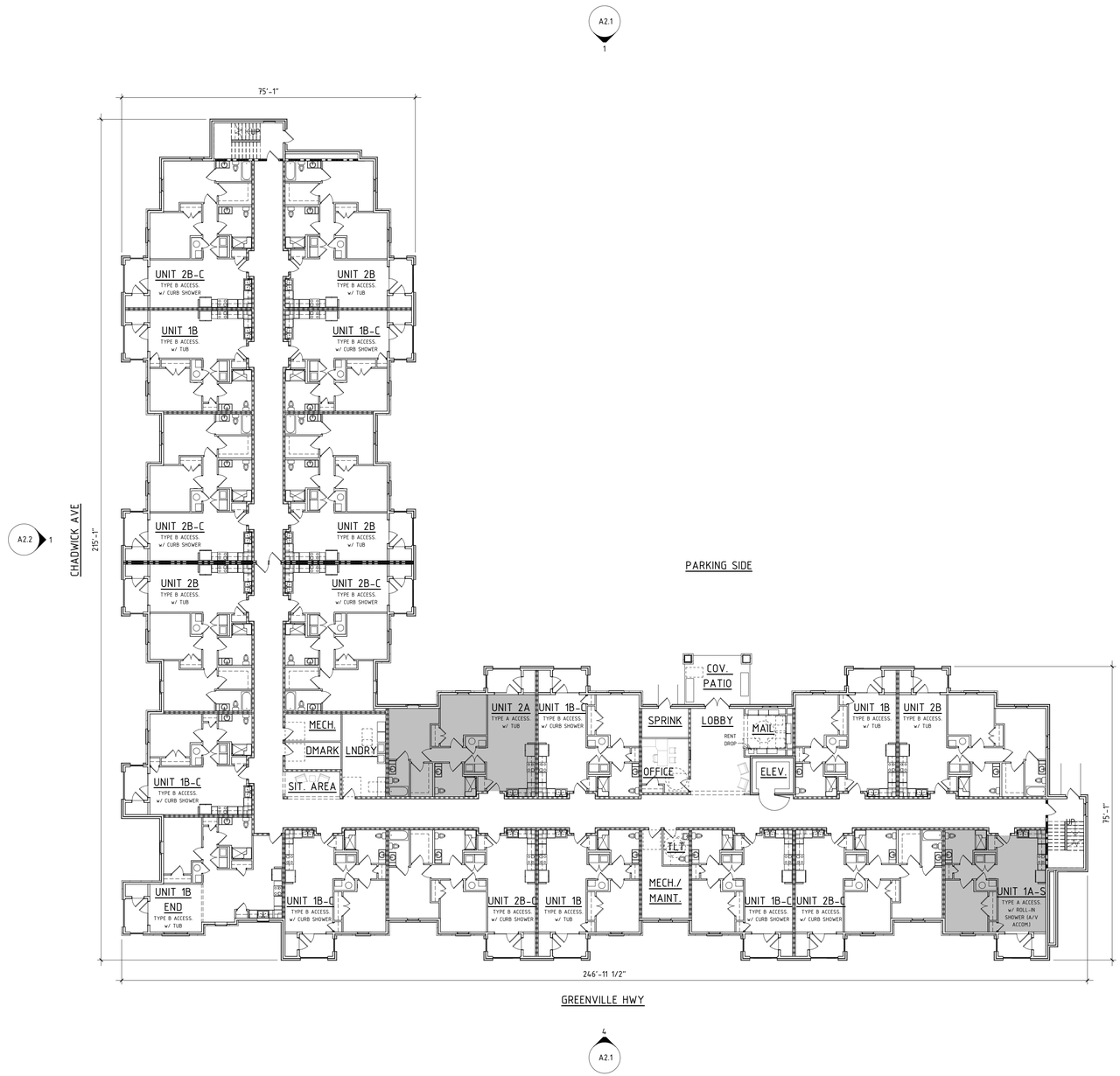

1 FIRST FLOOR PLAN
1/16" = 1'-0"

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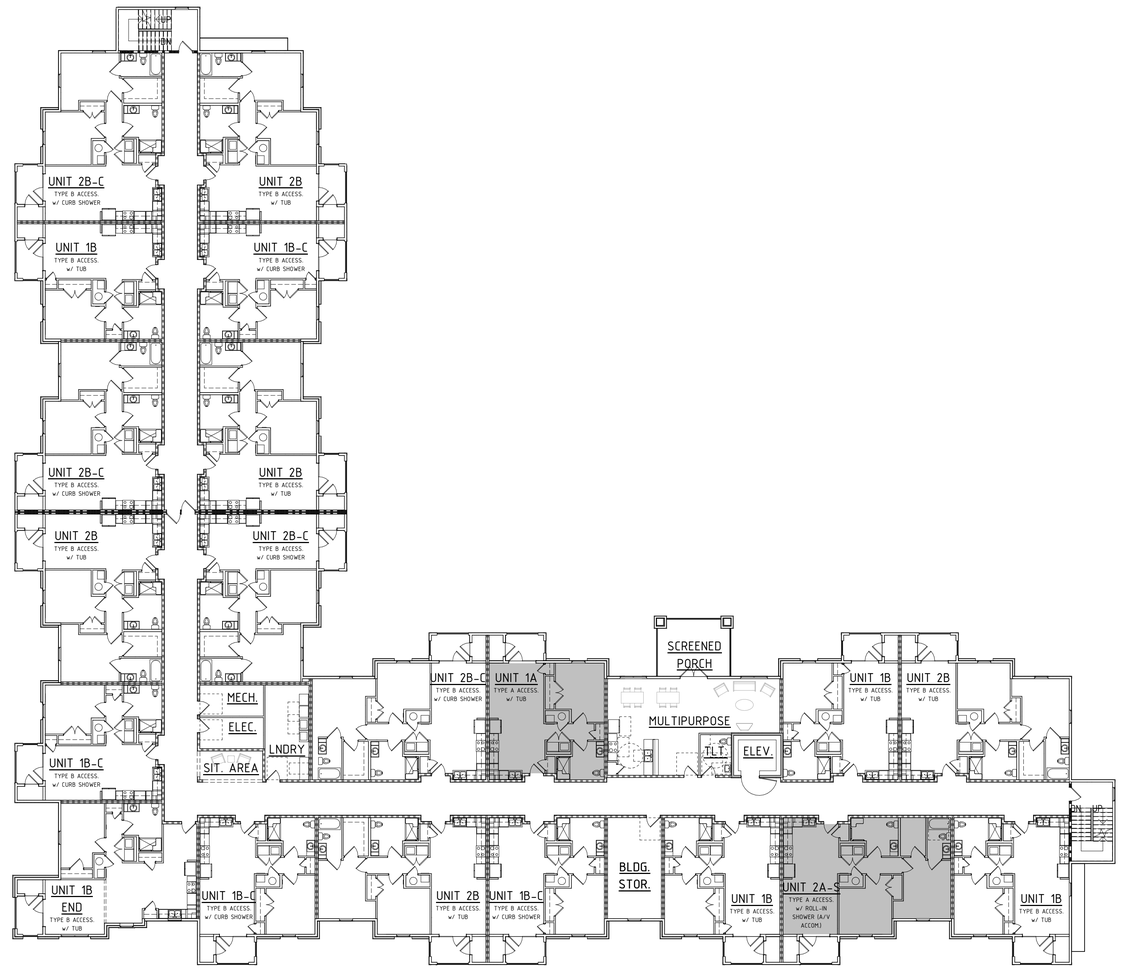
THE LOFTS AT CHADWICK

Hendersonville, NC

FIRST FLOOR PLAN A1.1



1 SECOND FLOOR PLAN
1/16" = 1'-0"

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THE LOFTS AT CHADWICK

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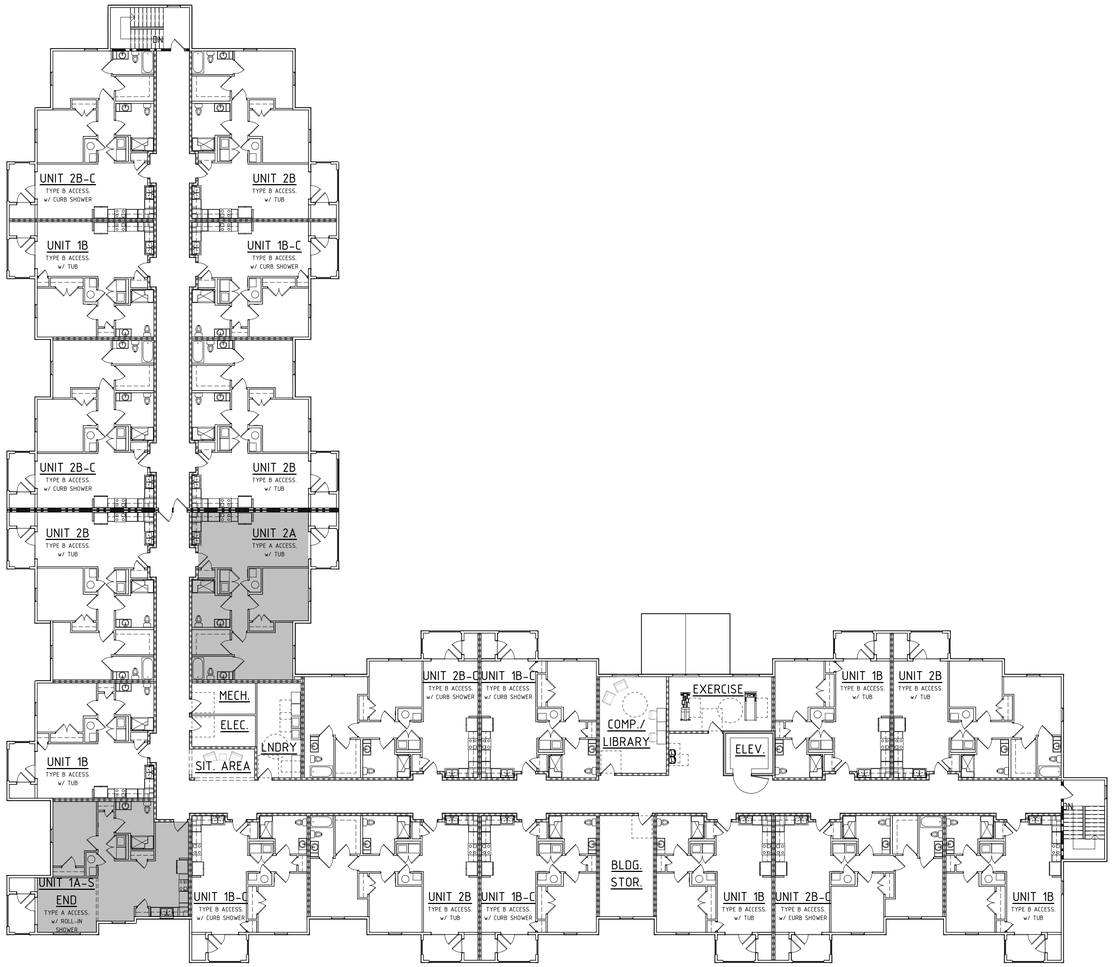
SECOND FLOOR PLAN A1.2



1 THIRD FLOOR PLAN
1/16" = 1'-0"

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THE LOFTS AT CHADWICK

Hendersonville, NC

THIRD FLOOR PLAN A1.3

4 WEST ELEVATION (GREENVILLE HWY)
1/8" = 1'-0"

BUILDING MATERIALS:

A. 30 YEAR ANTIFUNGAL DIMENSIONAL ASPHALT ROOF SHINGLES w/ METAL DRIP EDGE (TYP)
B. ALUMINUM GUTTERS & DOWNSPOUTS (WHITE)
C. DECORATIVE GABLE VENTS & BRACKETS (WHITE)
D. AWNINGS WITH STANDING SEAM METAL ROOF & BRACKETS (WHITE)
E. FIBER CEMENT LAP SIDING (TYP)
F. ACCENT FIBER CEMENT SHAKE SIDING
G. PORCHES & BALCONIES WITH ACCENT FIBER CEMENT PANELING & BATTENS AND METAL RAILINGS (WHITE)
H. VINYL WINDOWS
I. 4" FIBER CEMENT WINDOW & DOOR TRIM (WHITE)
J. BRICK VENEER w/ CONTINUOUS ROWLOCK SILL
K. FIBER CEMENT CLAD COLUMNS w/ BRICK BASE

NOT SHOWN:

- MECHANICAL UNITS: ON GROUND WITH LANDSCAPE SCREENING
- BUILDING SIGNAGE: MONUMENT SIGN WITH SAND BLASTED PVC & BRICK
- LIGHTING: TO BE TO CITY OF HENDERSONVILLE STANDARDS WITH PLAN SUBMITTED AT LATER DATE FOR APPROVAL

RESPONSE TO DRC COMMENTS V1:

- 5-22-4.1.5 ARCHITECTURAL DETAILS PROVIDED (MINIMUM 3 REQUIRED PER FACADE):
  - GABLES
  - EAVES (MINIMUM 12")
  - OFF-SETS IN BUILDING FACE & ROOF
  - WINDOW TRIM (4" WIDE NOMINAL)
  - BALCONIES
  - DECORATIVE PATTERNS (SHINGLE SIDING; AWNINGS W/ BRACKETS)
- BRICK PERCENTAGES (MINIMUM 15% REQUIRED PER FACADE):
  - EAST ELEVATION (PARKING) = 16%
  - NORTH ELEVATION (CHADWICK AVE) = 18%
  - SOUTH ELEVATION = 16%
  - WEST ELEVATION (GREENVILLE HWY) = 20%
- 5-22-4.1.7 WINDOWS:
  - ALL WINDOWS, DOORS AND CORNERS TO BE TRIMMED WITH MININUM 4" WIDE TRIM, NOMINAL
- 5-22-4.3.4 GROUND FLOOR FRONTAGE (MINIMUM 20% WINDOWS & DOORWAYS WITHIN 20FT OF SIDEWALK):
  - NORTH ELEVATION (CHADWICK AVE) = 20%
  - WEST ELEVATION (GREENVILLE HWY) = 21%
- 18-6-4.5 ARCHITECTURAL DETAILING:
  - CORNER OF BUILDING IS DISTINCTIVE, WITH WINDOWS, DOORS, EAVES & BALCONIES AND A SEPARATE ROOF

1 EAST ELEVATION (PARKING)
1/8" = 1'-0"

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THE LOFTS AT CHADWICK

Hendersonville, NC

ELEVATIONS A2.1

2 SOUTH ELEVATION
1/8" = 1'-0"

BUILDING MATERIALS:

A. 30 YEAR ANTIFUNGAL DIMENSIONAL ASPHALT ROOF SHINGLES w/ METAL DRIP EDGE (TYP)
B. ALUMINUM GUTTERS & DOWNSPOUTS (WHITE)
C. DECORATIVE GABLE VENTS & BRACKETS (WHITE)
D. AWNINGS WITH STANDING SEAM METAL ROOF & BRACKETS (WHITE)
E. FIBER CEMENT LAP SIDING (TYP)
F. ACCENT FIBER CEMENT SHAKE SIDING
G. PORCHES & BALCONIES WITH ACCENT FIBER CEMENT PANELING & BATTENS AND METAL RAILINGS (WHITE)
H. VINYL WINDOWS
I. 4" FIBER CEMENT WINDOW & DOOR TRIM (WHITE)
J. BRICK VENEER w/ CONTINUOUS ROWLOCK SILL
K. FIBER CEMENT CLAD COLUMNS w/ BRICK BASE

NOT SHOWN:

- MECHANICAL UNITS: ON GROUND WITH LANDSCAPE SCREENING
- BUILDING SIGNAGE: MONUMENT SIGN WITH SAND BLASTED PVC & BRICK
- LIGHTING: TO BE TO CITY OF HENDERSONVILLE STANDARDS WITH PLAN SUBMITTED AT LATER DATE FOR APPROVAL

RESPONSE TO DRC COMMENTS V1:

- 5-22-4.1.5 ARCHITECTURAL DETAILS PROVIDED (MINIMUM 3 REQUIRED PER FACADE):
  - GABLES
  - EAVES (MINIMUM 12")
  - OFF-SETS IN BUILDING FACE & ROOF
  - WINDOW TRIM (4" WIDE NOMINAL)
  - BALCONIES
  - DECORATIVE PATTERNS (SHINGLE SIDING; AWNINGS W/ BRACKETS)
- BRICK PERCENTAGES (MINIMUM 15% REQUIRED PER FACADE):
  - EAST ELEVATION (PARKING) = 16%
  - NORTH ELEVATION (CHADWICK AVE) = 18%
  - SOUTH ELEVATION = 16%
  - WEST ELEVATION (GREENVILLE HWY) = 20%
- 5-22-4.1.7 WINDOWS:
  - ALL WINDOWS, DOORS AND CORNERS TO BE TRIMMED WITH MININUM 4" WIDE TRIM, NOMINAL
- 5-22-4.3.4 GROUND FLOOR FRONTAGE (MINIMUM 20% WINDOWS & DOORWAYS WITHIN 20FT OF SIDEWALK):
  - NORTH ELEVATION (CHADWICK AVE) = 20%
  - WEST ELEVATION (GREENVILLE HWY) = 21%
- 18-6-4.5 ARCHITECTURAL DETAILING:
  - CORNER OF BUILDING IS DISTINCTIVE, WITH WINDOWS, DOORS, EAVES & BALCONIES AND A SEPARATE ROOF

1 NORTH ELEVATION (CHADWICK AVE)
1/8" = 1'-0"

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THE LOFTS AT CHADWICK

Hendersonville, NC

ELEVATIONS A2.1

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
THE LOFTS AT CHADWICK (P24-04-CZD)
NCM MEETING DATES: FEBRUARY 1ST, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: Stephen Drake (President) – Broadcraft Construction & Development Inc (Applicant)

Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on February 1st, 2024, at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 1 hour and 30 minutes.

There were 16 members of the public in attendance in-person while 5 attended virtually. The applicant and their development team were present as were 2 members of City staff.

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

There were six pre-submitted which were provided to the developer prior to the meeting to read and respond to during the meeting.

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

Concerns and questions from the public related to:

- The need for additional parking.
- Increased traffic from this development and current traffic conditions.
- Flooding, and the addition of more impervious surfaces.
- Stormwater retention and requirements.
- The need for affordable housing units, especially for seniors.
- The term length of how long the units are required to remain affordable.
- Proposed entrance location in relation to the intersection of Chadwick Ave. and Greenville Highway.
- Whether or not a Traffic Impact Analysis was required (it was not).
- Concerns about flooding and its impact on emergency service response to the development.
- Having a local management team in place on site.

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

TREE BOARD RECOMMENDATION
THE LOFTS AT CHADWICK (P24-04-CZD)
MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: Stephen Drake (President) – Broadcraft Construction & Development Inc (applicant)
Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at their regular meeting on Tuesday February 20th, 2024. The following Tree Board members were present: Janet Thew (Chair), Becca Doll, Mary Davis, Glenn Lange

SUMMARY

There are a total of 60 trees that are 12" or greater DBH on the site. 12 of the existing trees are proposed to be preserved while 48 trees are slated for removal.

MOTION

Based on the Landscape Plans provided on 2/05/24, the Tree Board recommends the following conditions:

1. Invasive trees, shrubs and ground cover shall be removed, particularly English Ivy, throughout the site, especially for the trees that are preserved. Care shall be taken to not substantively disturb the root systems of preserved trees. Invasive trees and shrubs can be cut off at ground level and the stump treated to kill the roots. Control of English Ivy shall be confined to the recommendations found in the North Carolina Extension publication "Controlling English Ivy in Urban Landscapes". ***Developer Agreed.***

2. Oak trees are part of a group of native plants known as Keystone Plants which are defined as plants critical to the food web and necessary for many wildlife species to complete their life cycle. Since this development will be removing 35 oak trees, it is the Tree Board's recommendation that where required large maturing or canopy trees are to be planted, species of the genera Quercus (oaks), Acer (maples), and Carya (hickories) be used. ***Developer Agreed***

3. All preserved trees shall be protected from grading and construction activities as prescribed in the zoning code Section 15-4 regardless of use as tree credits. ***Developer did not agree to this condition. Developer proposed counter condition provided in the staff report and on the site plan.***

TREE BOARD RECOMMENDATION
THE LOFTS AT CHADWICK (P24-04-CZD)
MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: Stephen Drake (President) – Broadcraft Construction & Development Inc (applicant)
Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

4. Since a stream buffer is required on the east side of this site, the Tree Board recommends that the waterway along the east side of the site be naturally restored using native plants to reduce erosion, provide additional wildlife habitat, and incorporate the necessary buffer yard planting materials within the boundaries of the subject property. The area to be restored and planted shall be a minimum of 30 feet wide. A restoration plan must be approved by the planning staff and the Tree Board requests the opportunity to review the plan. Restoration guidelines contained in the following publications shall be followed: Small-scale Solutions to Eroding Stream Banks (published by the NC Cooperative Extension) and Stream Restoration: A Natural Channel Design Handbook (published by the NC Stream Restoration Institute) ***Developer did not agree to this condition. Developer proposed counter condition provided in the staff report and on the site plan.***

The Tree Board's recommended conditions, above, are based on the following guiding city code documents: Municipal Code, Chapter 46, Article IV, Division 1, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A &C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement, Section 3.1 Purpose, Sections 3.2 and Section 3.3, Goal NR-1, Strategy NR 1.1 and NR 1.2 and Goal NR-2, Strategy 2.3; and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to the prioritization of existing tree canopy.

BOARD ACTION

Motion/Second: Lange/Doll Yeas: All Nays: None Recused: None

PLANNING BOARD RECOMMENDATION
THE LOFTS AT CHADWICK (P24-04-CZD)
MEETING DATE: MARCH 14TH, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: Stephen Drake (President) – Broadcraft Construction & Development Inc (applicant)
Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 4-2 to recommend **denial** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Mr. Whiting moved Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PIN: 9568-92-1924) from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The petition aligns with the City's 2030 Comprehensive Plan's Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its "Priority Infill Area" designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation.

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:

    a. The proposed development proposes to remove 48 mature trees from the site while only maintaining 12 mature trees.

    b. The project is not providing all required stream buffer and transitional area protections measures for a blueline stream identified in the most recent USGS seven-and-one-half minute quadrangle topographic maps

OVERVIEW OF BOARD DISCUSSION FROM MINUTES:

The Planning Board convened on the project for **1 hour and 38 minutes**.

Mr. Hanley asked if there was any way to modify the traffic situation that will make it easier to transition to Greenville Highway. Mr. Drake stated they don't own Chadwick Avenue and they don't own Greenville Highway. They are the jurisdiction of the City and NCDOT. The more room they provide for right of way on the property, the less room they have for the building. They have pushed that to the limit with the 25 foot right of way provided. He thinks they might be one of the only developments along Greenville Highway that has offered a right of way because he thinks this is a new request that NCDOT has started asking of developers. You have many properties along Greenville Highway where there is no right of way granted for the widening of Greenville Highway. He stated less than 20% of the residents living here will not be working so they will not be driving at am and pm peak hours. There's not much traffic that comes in and out of these developments.

Ms. Robinson asked about loading and unloading areas and she discussed living in a community with elderly people and the ambulance being called one or two times a week. She feels like they will have a real hard time getting an ambulance in. Mr. Drake stated all the accessways meet the requirements of the Fire Marshal, which is 26 feet. An ambulance is going to pull up right there and not be looking for parking and try to get as close as they can to that entrance.

Jeff McCluskey, Civil Engineer stated they are trying to maximize the parking and they are over the code required minimum. They had to have 60 parking spaces and they are providing 70 parking spaces. They would rather not take three or four parking spaces and make it a loading zone. He understands the loading zone requirement, but normally those are stuck in the back of a site and not used at all. The ambulance will use the front of the building for access. The same goes for Amazon, FedEx or anyone else. The intent was they were trying to stripe as many parking spaces as possible because he knows in general with these types of projects there is a large concern with neighbors for having adequate parking. That was why they were trying to request to not have a loading zone to maximize their parking. Chair stated so it is feasible you just lose a few parking spaces. Mr. McCluskey stated yes, they would just not stripe it as a parking space.

Chair asked why they wouldn't build what has already been approved. Mr. Drake stated the North Carolina Finance Agency is very particular about the dwelling units and that the design of the dwelling units be ADA accessible. We have six that are designated exclusively for those that are mobility impaired or handicapped but in case there was a seventh or eighth or fifteenth person that comes in that needed accommodations all of these units are already designed to accommodate folks that need additional help. It is a very specific design. They looked at it, but they have to build their buildings right to the needs of seniors.

Chair asked him to talk about storm water management and asked if it was underground. Mr. Drake stated yes. Mr. McCluskey stated stormwater management will meet all of the City of Hendersonville's stormwater requirements.

Chair asked about the blueline stream and making the parking spaces pervious. Mr. McCluskey stated that would be an option they could look at doing. There is some maintenance to it and he is familiar with this type of concrete. Mr. Drake's concern was the maintenance cost of it and the cost not being in their operating budget. Mr. Drake stated it was a condition they would be open to looking at.

OVERVIEW OF BOARD DISCUSSION FROM MINUTES:

Chair stated affordable housing is needed so badly he really feels like some of these conditions could be met but he would like to see the pervious concrete on all those east parking spaces, and he really feels like they need a loading zone. But they are already talking about a deficiency in parking spaces because of the two-bedroom units.

PUBLIC COMMENTS:

Nancy Polluck, Carousel Lane stated the only comment would be when she moved from Charlotte to Hendersonville about ten years ago. She lived in Charlotte in 1985 and saw it explode. She loved Charlotte, but the first time she came to her home on Carousel Lane she went Greenville Highway and she loved it. The second time she came in on Spartanburg Highway and it was so ugly. She is curious why Hendersonville does not steer developers to those big empty spaces on Spartanburg Highway and make it look presentable.

Lynne Williams, Chadwick Avenue stated this Planning Board recommended denial of a similar project on this exact site. The Tree Board voted this site incompatible for the previous development. This property directly abuts the floodplain and increase impervious surfaces, and removes many mature trees. The last storm event caused flooding and blocked all emergency access to the hospital. Placing 60 seniors in such a high flooding risk zone creates public safety hazards and concerns. She asked that the stream buffer ordinance be complied with. She was concerned with the parking and the developer not having a loading and unloading zone. She felt like the 50 foot ROW that NCDOT requested should be agreed to.

Ken Fitch, 1046 Patton Street (Zoom) stated affordable housing is a major need for the city, however it is important to realize there will be issues with the functioning of the project in this location. Traffic backs up on Chadwick at the traffic light even at non rush hour times. For the residents of this project entrance and exit will be difficult. Traffic on Chadwick will inevitably increase. Parking with 30 units being two-bedroom could easily exceed the 70 spaces. Seniors pose a greater risk of having emergencies which will bring fire trucks and EMS vehicles to the parking lot. Emergency access is critical.

BOARD ACTION:

Motion:

- Chauncey Whiting

Second:

- Peter Hanley

Yeas:

- Chauncey Whiting, Peter Hanley, Donna Waters, Yolanda Robinson.

Nays:

- Jim Robertson (Chair), Laura Flores

Absent:

- Barbara Cromar, Beth Robertson

Recused:

- Tamara Peacock

0 100 200 400 Feet

City of Hendersonville
March 2024

N
E
S

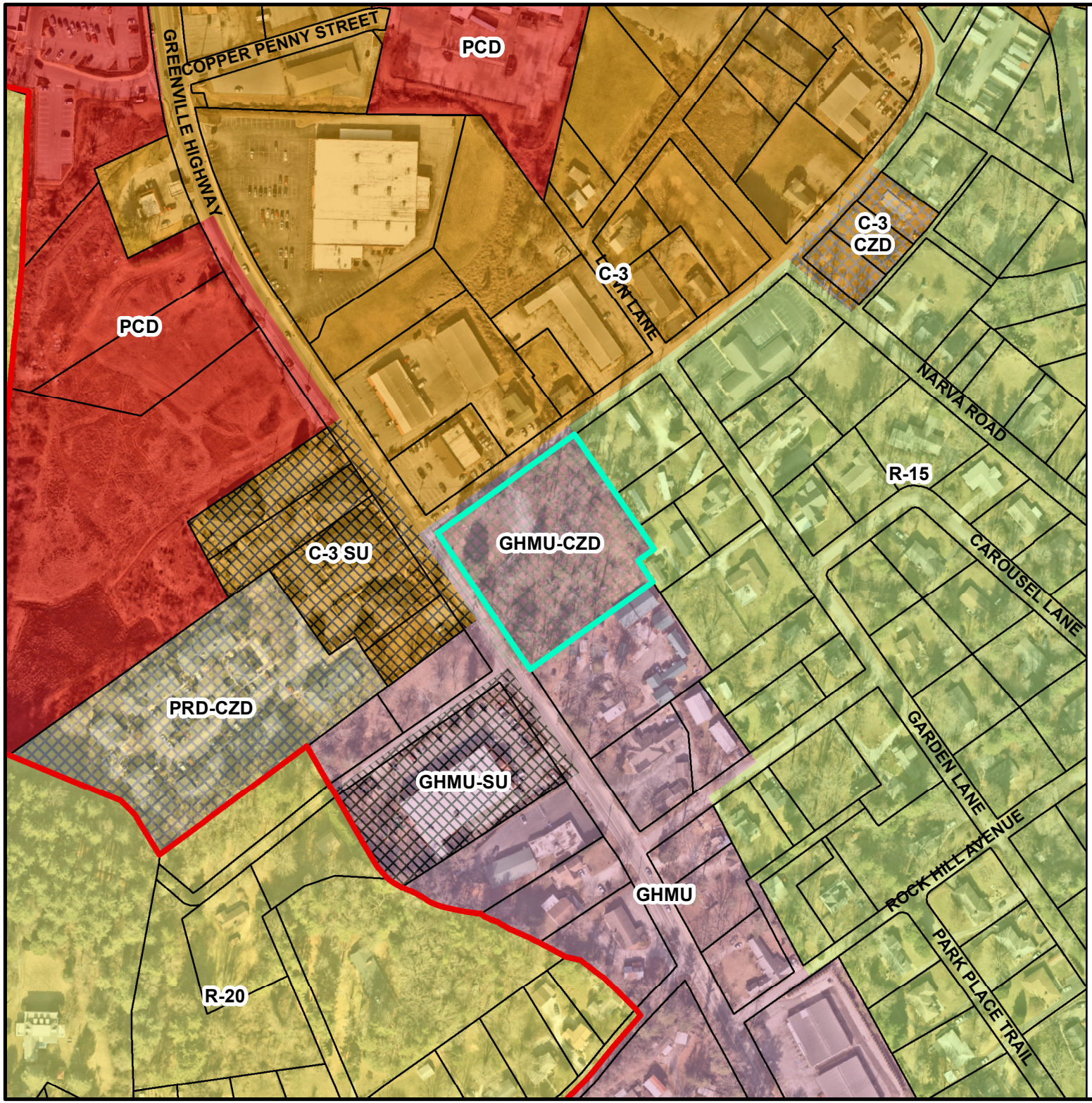
The Lofts at Chadwick

P24-04-CZD

PIN: 9568-92-1924

Acreage: 2.25

Proposed Zoning
GHMU-CZD to GHMU-CZD



- Subject Property
- Hendersonville City Limits

Hendersonville Zoning

- CZD Conditional Zoning Districts
- R-20 Low Density Residential
- R-15 Medium Density Residential
- Planned Residential Development Conditional Zoning District
- C-3 Highway Business
- C-3SU Highway Business Special Use
- PCD Planned Commercial Development
- GHMU Greenville Highway Mixed Use
- GHMU-SU Greenville Highway Mixed Use Special Use

THE CITY OF HENDERSONVILLE · N.C. 1847

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 THE PARCEL POSSESSING PIN NUMBER: 9568-92-1924 BY CHANGING THE ZONING DESIGNATION FROM GHMU-CZD, GREENVILLE HIGHWAY MIXED USE CONDITIONAL ZONING DISTRICT TO GHMU-CZD, GREENVILLE HIGHWAY MIXED USE CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9568-92-1924
Address: 904 Greenville Highway

The Lofts at Chadwick: (File # P24-04-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Stephen Drake (President), of Broadcraft Construction & Development Inc. and property owner, Brett Barry (Manager) of Gordon Dooley Holdings LLC., for the construction of 60 low income housing tax credit senior multi-family units on approximately 2.25 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on March 14th, 2024; voting 4-2 to not 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 4th, 2024, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-92-1924, changing the zoning designation from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District.

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

   a. Development shall comply with the master site plan submitted by the applicant revision dated March 5th 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].

   b. Permitted uses shall include:

      i. Residential, Multi-Family

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

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

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

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

Adopted this 4th day of April 2024.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9568-92-1924
Addresses: 904 Greenville Highway
The Lofts at Chadwick: (File # P24-04-CZD)

Applicant/Developer: Stephen Drake (President), of Broadcraft Construction & Development Inc

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Brett Barry (Manager) of Gordon Dooley Holdings LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Conditional Zoning District Petition

Section 7-4 and Article 11 City Zoning Ordinance

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

- ☑ 1. Completed Pre-Application meeting with Planning Staff
- ☑ 2. Scheduled Neighborhood Compatibility Meeting
  NCM Date: 2/1/2024 Time: 2:00 pm
- ☑ 3. Water and Sewer Availability Request
- ☑ 4. Completed Application Form
- ☑ 5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☑ 6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☑ 7. Detailed explanation of any Proposed Development Description
- ☑ 8. Application Fee
- 9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

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

A. Applicant Contact Information

Stephen Drake

* Printed Applicant Name

BroadCraft Construction & Development, Inc.

Printed Company Name (if applicable)

☑ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Stephen Drake

Applicant Signature

president

Applicant Title (if applicable)

195 Rockbridge Road

Address of Applicant

Mills River, NC 28759

City, State, and Zip Code

828-551-6970

Telephone

stephen@BroadCraftConstruction.com

Email

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

[Application Continued on Next Page]

Authentisign ID: A2112899-81D5-EE11-85F9-6045BDD68161

B. Property Owner Contact Information (if different from Applicant)

Brett Barry

*Printed Owner Name (Authorized Representative for entities other than individuals)

Gordon Dooley Holdings, LLC

Printed Company Name (if applicable, check corresponding box below)

☐ Corporation ☑ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

Property Owner/Authorized Representative Signature

Member / Manager AuthenSIGN Brett Barry 02/27/24

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

1638 Canty Ln., Charleston, SC 29407

City, State, and Zip Code

562-522-7427

Telephone

bgb126@hotmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application. 02/27/24

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

C. Property Information

Name of Project: The Lofts at Chadwick

PIN(s): NC PIN 9568921924, Henderson County REID 106592

Address(es) / Location of Property:

904 Greenville Highway, Hendersonville, Henderson County, North Carolina

Type of Development: ✓ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: GMHU-CZD

Total Acreage: 2.19

Proposed Zoning: GMHU-CZD

Proposed Building Square Footage: 72,214 Gross SqFt

Number of Dwelling Units: 60

List of Requested Uses:

Residential for the (60) aparment units to include all common area & office areas for support staff.

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

(60) Apartment units to be included within one building to be used to provide housing for seniors aged 55 and over. The apartments shall be developed using tax credit funding and will be income-restricted by the guidelines and requirements set forth by the state and federal government. The site will have (71) parking spaces, and we will attempt to save any existing trees we are able to and incorporate them into a lush landscaping to be provided using planting native to the area, along with additional flowering type trees. Storm water system (underground detention system) shall be designed to meet all requirements by the state. The building will include common area amenities for the seniors living at the property which will likely include a community room with kitchenette, exercise room, computer room, sitting areas-sun rooms, on-site laundry facilities, janitorial and maintenance rooms, and office areas for support staff.

BUSINESS CORPORATION ANNUAL REPORT

Section 7, Item A.

1/6/2022

NAME OF BUSINESS CORPORATION: **BroadCraft Construction & Development, Inc.**

SECRETARY OF STATE ID NUMBER: 0677750 STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2022

Filing Office Use Only
E - Filed Annual Report
0677750
CA202306802593
3/9/2023 01:30
☒ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Drake, Stephen

2. SIGNATURE OF THE NEW REGISTERED AGENT:

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS **& COUNTY**

195 Rockbridge Road
Mills River, NC 28759-3500 Henderson County

4. REGISTERED AGENT OFFICE MAILING ADDRESS

195 Rockbridge Road
Mills River, NC 28759-3500

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: General Construction & Development

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 551-6970

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

195 Rockbridge Road
Mills River, NC 28759-3500

5. PRINCIPAL OFFICE MAILING ADDRESS

195 Rockbridge Road
Mills River, NC 28759-3500

6. Select one of the following if applicable. (Optional see instructions)

☐ The company is a veteran-owned small business

☐ The company is a service-disabled veteran-owned small business

SECTION C: OFFICERS (Enter additional officers in Section E.)

NAME:	Stephen Drake	NAME:		NAME:	
TITLE:	President	TITLE:		TITLE:	
ADDRESS:		ADDRESS:		ADDRESS:	
	195 Rockbridge Road				
	Mills River, NC 28759				

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Stephen Drake — SIGNATURE

3/9/2023 — DATE

Form must be signed by an officer listed under Section C of this form.

Stephen Drake — Print or Type Name of Officer

President — Print or Type Title of Officer

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

MEMBER RESOLUTION
OF
GORDON DOOLEY HOLDINGS LLC

We, the undersigned Member(s) of Gordon Dooley Holdings LLC, a limited liability company duly organized and existing under the laws of South Carolina (hereinafter the "Company"), with authority granted in the Operating Agreement to make binding resolutions on behalf of the Company, hereby resolve:

that Brett Barry is appointed as Chairman of the Company

By affirmative votes noted as signatures below, a majority vote of the Members of Gordon Dooley Holdings LLC with authority to bind the Company approves the form and content of this resolution, to be effective immediately.

MEMBERS

Patrick Barry _____ 1/10/2022 _____

Patrick Barry
Member

Date

Denise Barry _____ 1/10/2022 _____

Denise Barry
Member

Date

Brett Barry _____ 1/10/2022 _____

Brett Barry
Member

Date

Mary Barry

Mary Barry
Member

1/10/2022

Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Lew Holloway

MEETING DATE: March 14th, 2024

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Kid City USA (P23-066-CZD) – *Lew Holloway– Community Development Director*

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9569-40-2580 and 9569-40-3593) from R-15, Medium Density Residential, to PID-CZD, Planned Institutional Development Conditional Zoning District, for the rehabilitation and reuse of an existing 11,441 sqft commercial building as Childcare Center based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 10-16-24] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:
1. Childcare Center

***[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. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the subject property (PIN: 9569-40-2580 and 9569-40-3593) from R-15, Medium Density Residential, to PID-CZD, Planned Institutional Development Conditional Zoning District, for the rehabilitation and reuse of an existing 11,441 sqft commercial building as Childcare Center based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 10-16-24] and presented at this meeting, based on the following:

1. **The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:**

   The petition aligns with the City's 2030 Comprehensive Plan's Goals for the ''Medium Intensity Neighborhood' Future Land Use Designation to provide local and public and institutional uses.

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 use is not compatible with adjacent residential uses.

[DISCUSS & VOTE]

The petition aligns with the City's 2030 Comprehensive Plan's Goals for the ''Medium Intensity Neighborhood' Future Land Use Designation to provide local and public and institutional uses. **4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:** 1. The proposed rezoning includes no new construction but enhances existing site parking. 2. The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses. 3. The proposed use meets a community need for additional childcare options for working parents. **[DISCUSS & VOTE]**	

SUMMARY: *The site plan highlights a desire to change the permitted use of an existing 11,441 square footage single story building which was most recently used as Blue Ridge Retirement Home at 913 9th Ave. W. 917 9th Ave. W. previously had a single family dwelling on it which has since been demolished. The subject property is made up of two individual parcels totaling 0.95 acres.*

The site plan shows no new building construction. The existing single story structure, which is approximately 11,441 sqft, remains, with the primary change to the site consisting of a revised parking layout. The parking reconfiguration utilizes the now vacant 917 parcel.

The site plan is required to meet common open space requirements. Although not identified, the preliminary plan appears to meet that standard, a condition is included for confirmation. The site plan includes the preservation of 7 hardwoods along the northern boundary and 3 hardwoods along the southern boundary, including a 48" Oak & 60" Maple.

The existing structure location requires relief from certain buffering standards along the northern and eastern edge of the property, the landscape plan illustrates the treatment proposed on these edges.

PROJECT/PETITIONER NUMBER:	P24-04-CZD
PETITIONER NAME:	• David Lee, New Leaf Sales LLC [Applicant/Owner]
ATTACHMENTS:	1. Staff Report 2. Neighborhood Compatibility Summary

	3. Tree Board Summary 4. Proposed Zoning Map 5. Draft Ordinance 6. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING – KID CITY USA(P23-066-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Kid City USA
  - P23-066-CZD
- Applicant & Property Owner:
  - David Lee, New Leaf Sales LLC [Applicant]
  - David Lee, New Leaf Sales LLC [Owner]
- Property Address:
  - 913 & 917 9th Ave. W.
- Project Acreage:
  - 0.95 Acres
- Parcel Identification (PINs):
  - 9569-40-2580
  - 9569-40-3593
- Current Parcel Zoning:
  - R-15, Medium Density Residential
- Requested Zoning:
  - PID-CZD, Planned Institutional Development Conditional Zoning District
- Requested Uses:
  - Child care centers registered with the NC Department of Health and Human Services (DHSS)
- Future Land Use Designation:
  - Medium Intensity Neighborhood
- Neighborhood Compatibility Meeting:
  - August 30th, 2023

SITE VICINITY MAP

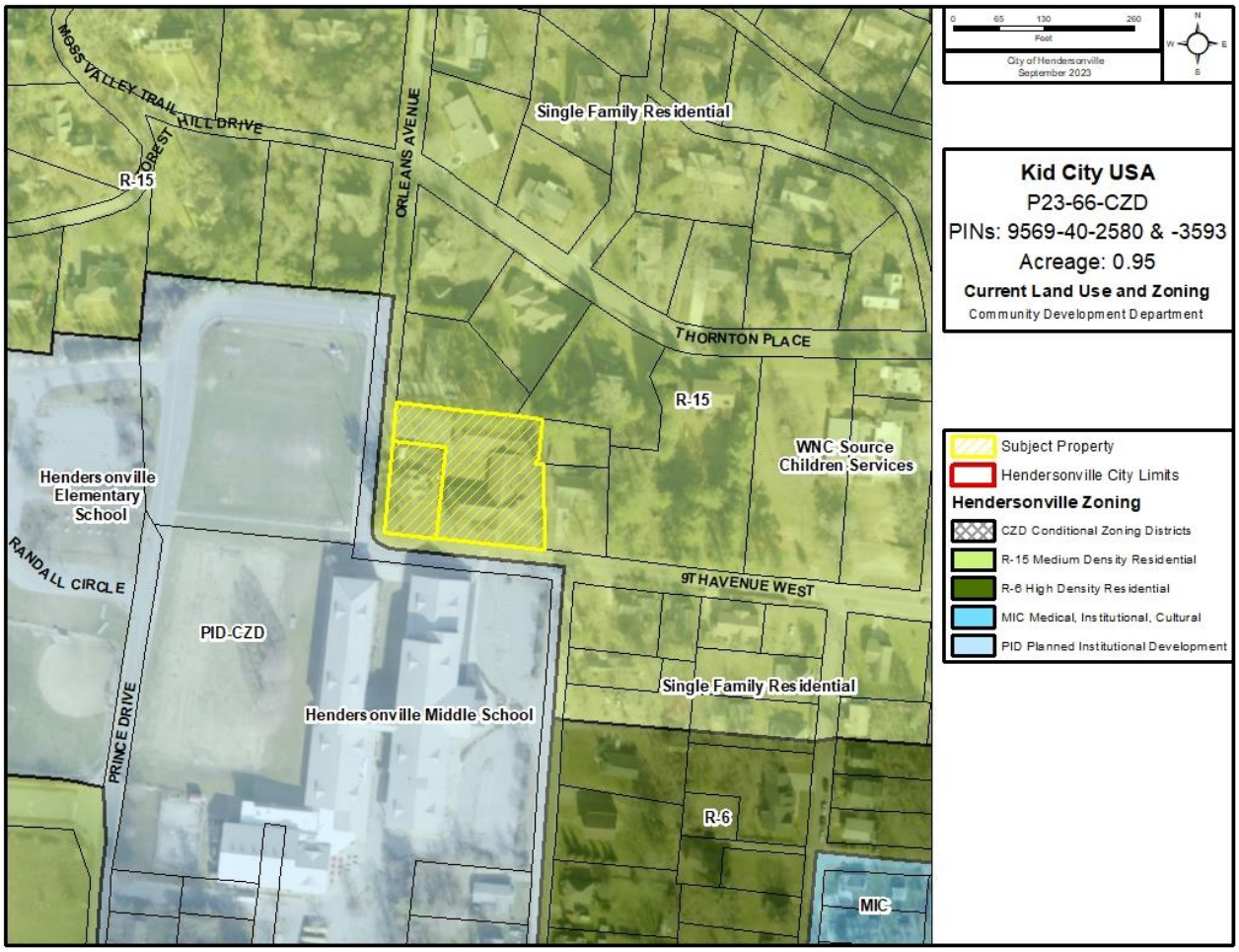
The site plan highlights a desire to change the permitted use of an existing 11,441 square footage single story building which was most recently used as Blue Ridge Retirement Home at 913 9th Ave. W. 917 9th Ave. W. previously had a single family dwelling on it which has since been demolished. The subject property is made up of two individual parcels totaling 0.95 acres.

The site plan shows no new building construction. The existing single story structure, which is approximately 11,441 sqft, remains, with the primary change to the site consisting of a revised parking layout. The parking reconfiguration utilizes the now vacant 917 parcel.

The site plan is required to meet common open space requirements. Although not identified, the preliminary plan appears to meet that standard, a condition is included for confirmation. The site plan includes the preservation of 7 hardwoods along the northern boundary and 3 hardwoods along the southern boundary, including a 48" Oak & 60" Maple.

The existing structure location requires relief from certain buffering standards along the northern and eastern edge of the property, the landscape plan illustrates the treatment proposed on these edges.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned R-15 Medium Density residential. One of the subject parcels operated as a non-conforming retirement home before closing. The other subject property operated as a single-family dwelling. The single-family dwelling has since been demolished, and only the former retirement home remains.

This area does have an education/campus like feel due to the close proximity to Hendersonville Elementary school and Hendersonville Middle School and associated sport facilities. the areas outside of the educational institution is made up of single-family neighborhoods to the north and southeast. This area has historically served the community's education needs. Currently through the Hendersonville Middle and Elementary schools and historically through the Ninth Ave School and the Sixth Ave. School. Both schools were African American schools which not only served this community, but also the surrounding counties. The sixth Ave. school operated from1916 to 1951 and the Ninth Ave. School operated from 1951 to 1965.

A legal non-conforming childcare center is currently in operation less than a block from the subject property at the corner of 9th Ave. W. and Tebeau Street. The childcare is operated by WNC Source. In addition, the larger institutional uses of the hospital are within 2 to 3 blocks of the site.

SITE IMAGES

View of existing structure located at 913 9th Ave. W. from the Hendersonville Middle School property to the south.

View of existing mature trees shown as preserved on the site plan. 60" Maple in the foreground and 48" oak in the background.

SITE IMAGES

View of existing drive on the eastern property boundary proposed to remain.

View of existing vegetation/buffer along the rear of the building.

SITE IMAGES

View of the vacant lot where the single-family dwelling at 917 9th Ave. W once set.

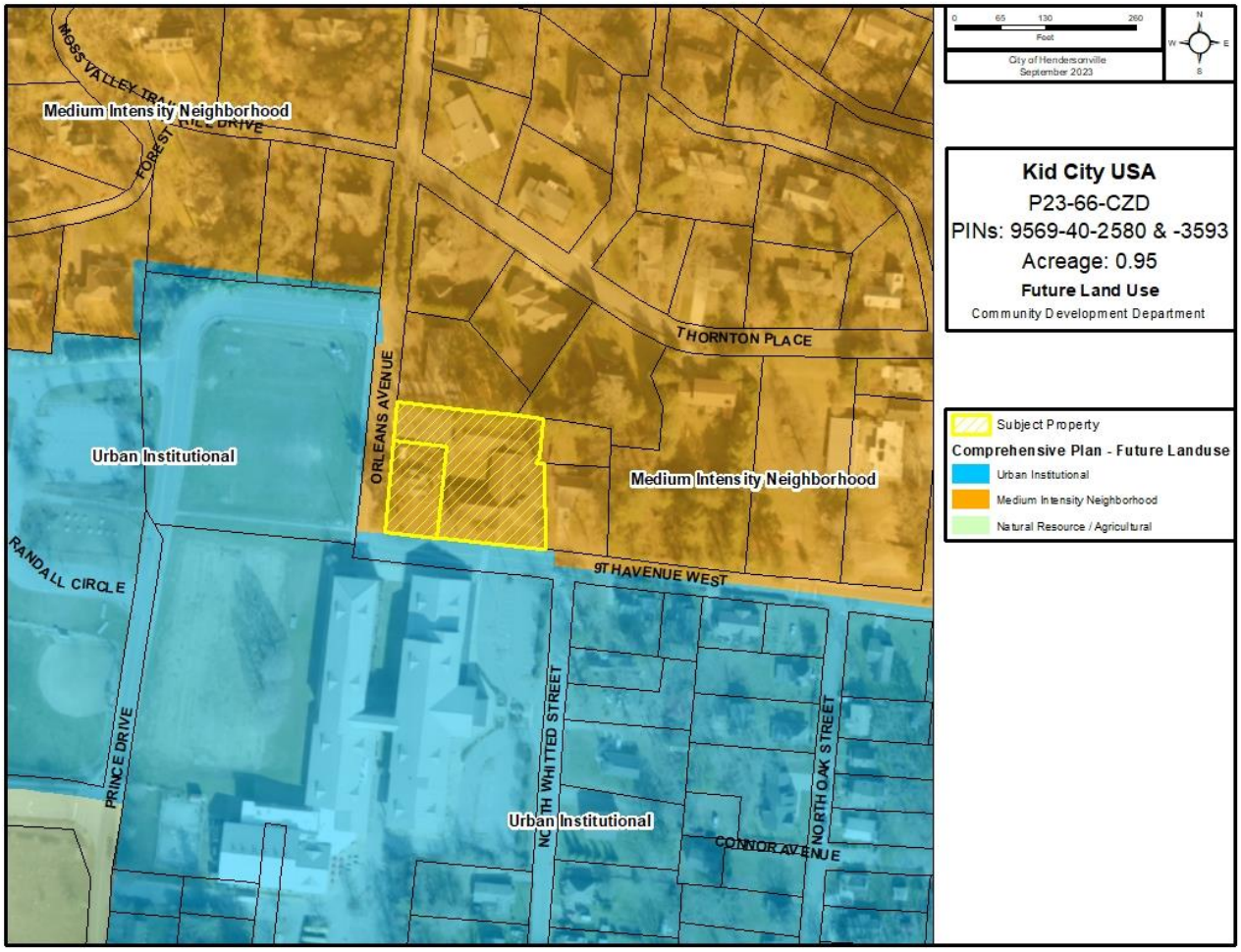
View of some of the trees that were removed from the property prior to the CZD process.

SITE IMAGES

View of area proposed to be a playground.

View of mature trees and vegetation along the rear property boundary to the north.

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated as Medium Intensity Neighborhood in the 2030 Comprehensive Plan's Future Land Use map and fronts on a Local Street. The Medium Intensity Neighborhood encompasses all the single-family neighborhoods north of 9th Ave. W. and east of Orleans Ave. On the opposite side of Orleans Ave and 9th Ave. W. the prominent designation is Urban Institutional. This designation encompasses both Hendersonville Middle School and Hendersonville Elementary School. This designation also relates to the institution uses associated with Pardee Hospital and similar surrounding uses along US 64 (6th Ave.)

Public/Institutional uses only made up approximately 4.7% of the City's existing land uses when the 2030 Comprehensive plan was created. Local public and institutional uses are a secondary proposed land use Medium-Intensity Neighborhood.

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	***Goal LU-6 - Medium Intensity Neighborhood**: Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.*
	Strategy LU-6.2 Primary Land Uses: • *Single Family attached and detached [N/A]* • *Open Space [CONSISTENT]*
	Strategy LU-6.3 Secondary Land Uses: • *Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [N/A]* • *Planned Residential Developments [N/A]* • *Local public and institutional uses [CONSISTENT]* • *Recreational amenities [CONSISTENT]*
	Strategy LU-6.4 Development Guidelines: • *2 to 8 Units per gross acre [N/A]* • *At least 60% Open Space [INCONSISTENT]* • *Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT]* • *Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2. [CONSISTENT]*
Land Use & Development	*Growth Management (Map 8.3a): Designated as a "Preservation & Enhancement Area" Preservation/Enhancement Areas - Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies [CONSISTENT]*
	***Goal LU-1**. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.* [CONSISTENT]
	***Goal LU-2.** Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards. [CONSISTENT]*
	***Strategy LU-3.4.** Promote fiscal responsibility for the City with the expansion of infrastructure and services. [CONSISTENT]*
	***Strategy LU-3.5.** Minimize negative impacts from growth and land use changes on existing land uses. [CONSISTENT]*
	Infill development: Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land. *Examples of opportunities for infill development include: •* • *Scattered vacant lots.* • *Underutilized commercial properties*

Population & Housing	***Goal PH-1.*** *Maintain and enhance older neighborhoods so that they retain their value and viability in the face of demographic and market changes.* *Strategy PH-1.1 – Promote Compatible infill development…* *Action PH-1.1.1 – Develop design guidelines for infill development…*
	Strategy PH-1.5. Maintain and enhance the public space in older neighborhoods…The addition of amenities such as sidewalks and street trees where they do not exist along with the development of neighborhood parks boosts the desirability of older neighborhoods.
Natural & Environmental Resources	***Goal NR-1***. *-Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.*
Cultural & Historic Resources	*The subject property is approximately 0.3 miles from the Druid Hills Local Historic District. Orleans Ave flows directly into the Druid Hills district.* *The surrounding area has cultural and historic importance due to once housing the Sixth and Ninth Ave. schools as well as the close proximity to the Oakdale cemetery.*
	Goal CR-1. *Preserve the viability and individuality of Hendersonville's historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.* *Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non historic properties.*
Community Facilities	***No Goals, Strategies or Actions are directly applicable to this project.***
Water Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Transportation & Circulation	***No Goals, Strategies or Actions are directly applicable to this project.***

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

GENERAL REZONING STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	The subject property and current structure have previously been used as a commercial use. The proposed project will renovate and use the existing structure without expanding its current floor area. The surrounding area is largely made up with institutional school uses with a different childcare operating less than a block away from the subject property. The previous retirement home use was a 24 hour a day use. The hours of operations for the proposed childcare will better align with the schools already in operation in this area. The improvements trigger compliance with our landscaping requirements, enhancing site plantings, including buffering.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	The previous commercial retirement home was a nonconforming use in the R-15 zoning. Since the nonconforming use ceased for 180 consecutive days, the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of this ordinance. The proposed childcare facility is going through the rezoning process in order establish a legally conforming use under PID-CZD.
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 -**
	There appears to be a critical need for additional childcare options in this area based on local news articles, information provided during the Neighborhood Compatibility Meeting, local non-profit entities advocacy, local task forces, etc. The additional childcare options would work towards filling those needs, while complimenting an area that already provides a variety of educational and care facilities for children.
Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
	The site is already served by City water and sewer service. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
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 -**

	All trees 12" or greater DBH on the site are shown on the site plan. These trees are proposed to be retained with this development. It is worth noting that several large white pines were removed prior to this project starting the Conditional Zoning District process. The trees that were removed prior to the CZD process are not shown on the plan. The site does not contain any floodplains, blueline streams or wetlands.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's 2030 Comprehensive Plan's Goals for the ''Medium Intensity Neighborhood' Future Land Use Designation to provide local and public and institutional uses.

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:

DRAFT [Rationale for Approval]

- *The proposed rezoning includes no new construction but enhances existing site parking.*
- *The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses.*
- *The proposed use meets a community need for additional childcare options for working parents.*

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's 2030 Comprehensive Plan's Goals for the ''Medium Intensity Neighborhood' Future Land Use Designation to provide local and public and institutional uses.

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:

DRAFT [Rational for Denial]

- *The proposed use is not compatible with adjacent residential uses.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- The site plan accompanying this petition contains the following provisions:
  - Existing 1 story 11,441 square foot building to be converted into a childcare center.
  - The existing building is approximately 16' tall.
  - Sidewalks will be provided along Orleans Ave and tie into the existing sidewalks on 9th Ave. W.
  - The development shall meet all applicable requirements for buffering and vehicular use landscaping. A developer proposed condition is included to address the width of buffering strips typically required that the existing building does not meet.
  - The site plan shows two green space playgrounds. Th green spaces in the "horseshoe" of the building is existing, the other will be created.
  - The development will have 19 parking spaces. Our code requires 1 per employee plus 4 drop off spaces.
  - The development will retain existing access points on Orleans Ave and 9th Ave. W. Existing driveways will be brought up to current City standards.
  - The site plan shows several existing trees to be retained. The most prominent are a 60" maple and 48" oak along the 9th Ave W. frontage.

- Proposed Uses:
  - Childcare facility

- Developer Conditions:
  - Developer Proposed Concessions:
    - To allow the Type B buffer, which typically requires a 10' wide planting strip, to be reduced to accommodate existing building & driveway location and resulting spatial constraints along the northern and eastern property boundaries.

  - Developer Proposed Conditions:

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Institutional Developments (5-21) with the following exceptions:

- The type B buffer doesn't meet the full standard. Staff are supportive of the proposed developer condition, given the constraints presented by the existing building and driveway location.
- Common Open Space is required but not identified as such on the site plan.

Proposed City-Initiated Conditions:

- That the revised final site plan include the required calculations for Common Open Space and that the plan highlight the area being proposed to meet that requirement.

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:

- None

Proposed Condition:

- None

TRANSPORTATION CONSULTANT

TIA Comments:

- An

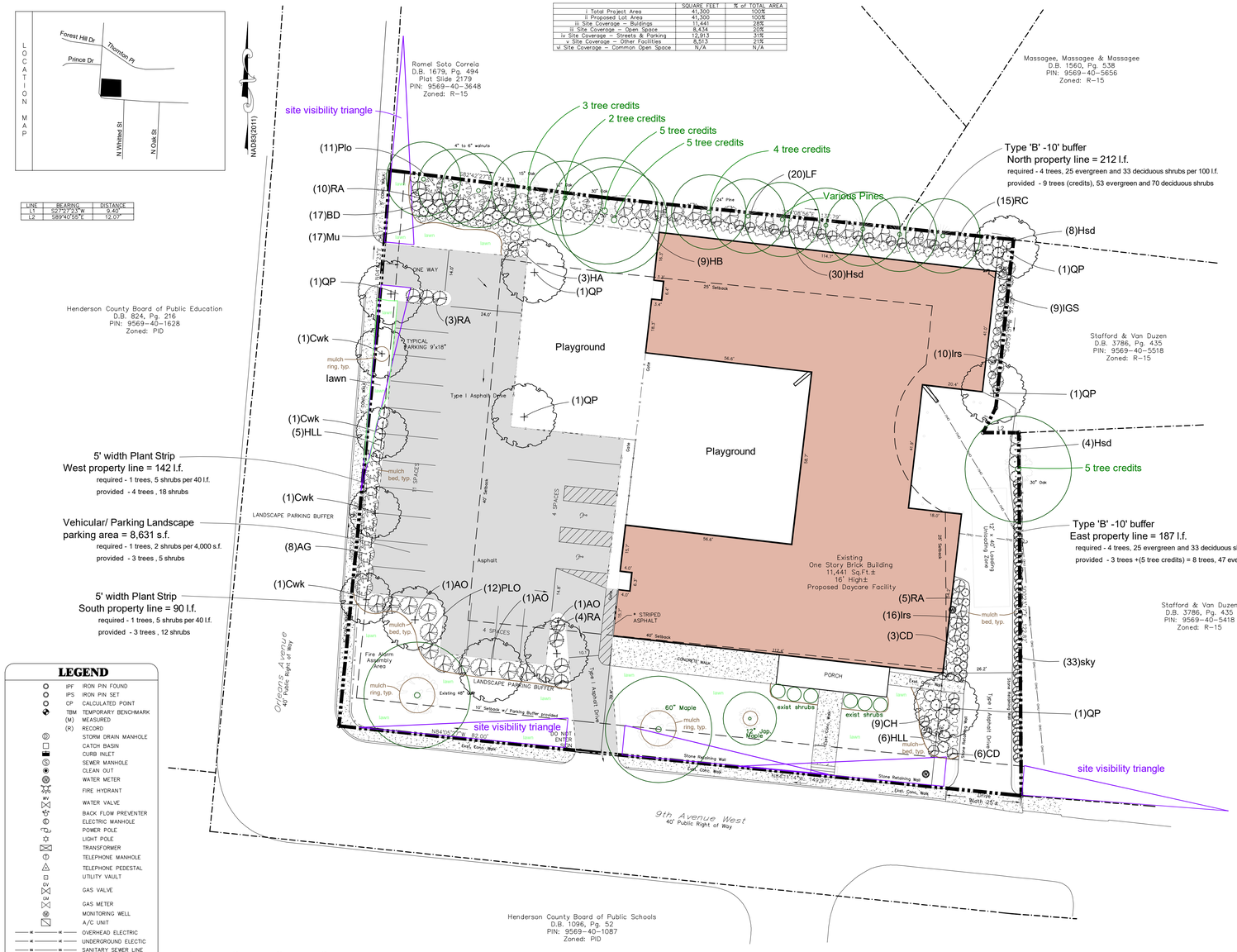
Proposed Condition:

- None

TREE BOARD

Recommended Conditions:

- See Tree Board Summary
- Developer generally agreed to the removal of English Ivy from existing trees and removal of privet.
- Developer generally agreed to protect the existing trees as much as possible, but not to the standards in 15-4. The developer's landscape architect noted that it would not be feasible to provide 1' to 1" DBH, but agreed to attempt to achieve a minimum 30' tree protection ring around the three existing large trees.



	SQUARE FEET	% of TOTAL AREA
i. Total Project Area	41,300	100%
ii. Proposed Lot Area	41,300	100%
iii. Site Coverage – Buildings	11,441	28%
iii. Site Coverage – Open Space	8,434	20%
iv. Site Coverage – Streets & Parking	12,913	31%
v. Site Coverage – Other Facilities	8,513	21%
vi. Site Coverage – Common Open Space	N/A	N/A

LINE	BEARING	DISTANCE
L1	S27°27'25"W	9.40'
L2	S89°40'55"E	12.07'

North

0' 20' 40' 80' 120'

SCALE : 1" = 20'

Landscape Legend

Large Deciduous Tree
(13) total proposed

Evergreen Shrub
(130) total proposed

Deciduous Shrub
(143) total proposed

Landscape Required

5' width Plant Strip West property line = 142 l.f.
required - 1 trees, 5 shrubs per 40 l.f.
provided - 4 trees , 18 shrubs

5' width Plant Strip South property line = 90 l.f.
required - 1 trees, 5 shrubs per 40 l.f.
provided - 3 trees , 12 shrubs

Vehicular/ Parking Landscape
parking area = 8,631 s.f.
required - 1 trees, 2 shrubs per 4,000 s.f.
provided - 3 trees , 5 shrubs

Type 'B' -10' buffer
North property line = 212 l.f.
required - 4 trees, 25 evergreen and 33 deciduous shrubs per 100 l.f.
provided - 9 trees (credits), 53 evergreen and 70 deciduous shrubs

Type 'B' -10' buffer
East property line = 187 l.f.
required - 4 trees, 25 evergreen and 33 deciduous shrubs per 100 l.f.
provided - 3 trees +(5 tree credits) = 8 trees, 47 evergreen and 62 deciduous shrubs

Total Trees Required = 27 total trees
Total Tree Credits Used = 14 total trees
Total Trees provided = 13 trees

Total Shrubs Required = 267 shrubs
Total Shrubs Provided = 273 shrubs

Site Plan for
New Leaf Sales LLC
(Owner & Developer)
913 & 917 9th Avenue West
Hendersonville Township
Henderson County
State of North Carolina

NORTH CAROLINA LANDSCAPE ARCHITECT C-271 CREATIVE DEVELOPMENT SOLUTIONS

NORTH CAROLINA LICENSED LANDSCAPE ARCHITECT 1194 SCOTT BOLYARD

Other Consultants:
Surveyor - Freeland Clinkscales

Owner
New Leaf Sales LLC
Pin # 9569-40-2580 & 40-3593

Project:
Kid City
913 & 917 9th Avenue West
Hendersonville Township, Henderson County, NC

Sheet:
Landscape Plan

Designed By:
cds | Creative Development Solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE : October 16, 2023
REVISIONS:
DESIGNED BY: DB
DRAWN BY: SB
APPROVED BY: DSB

Project Number:

SHEET NUMBER :
L1

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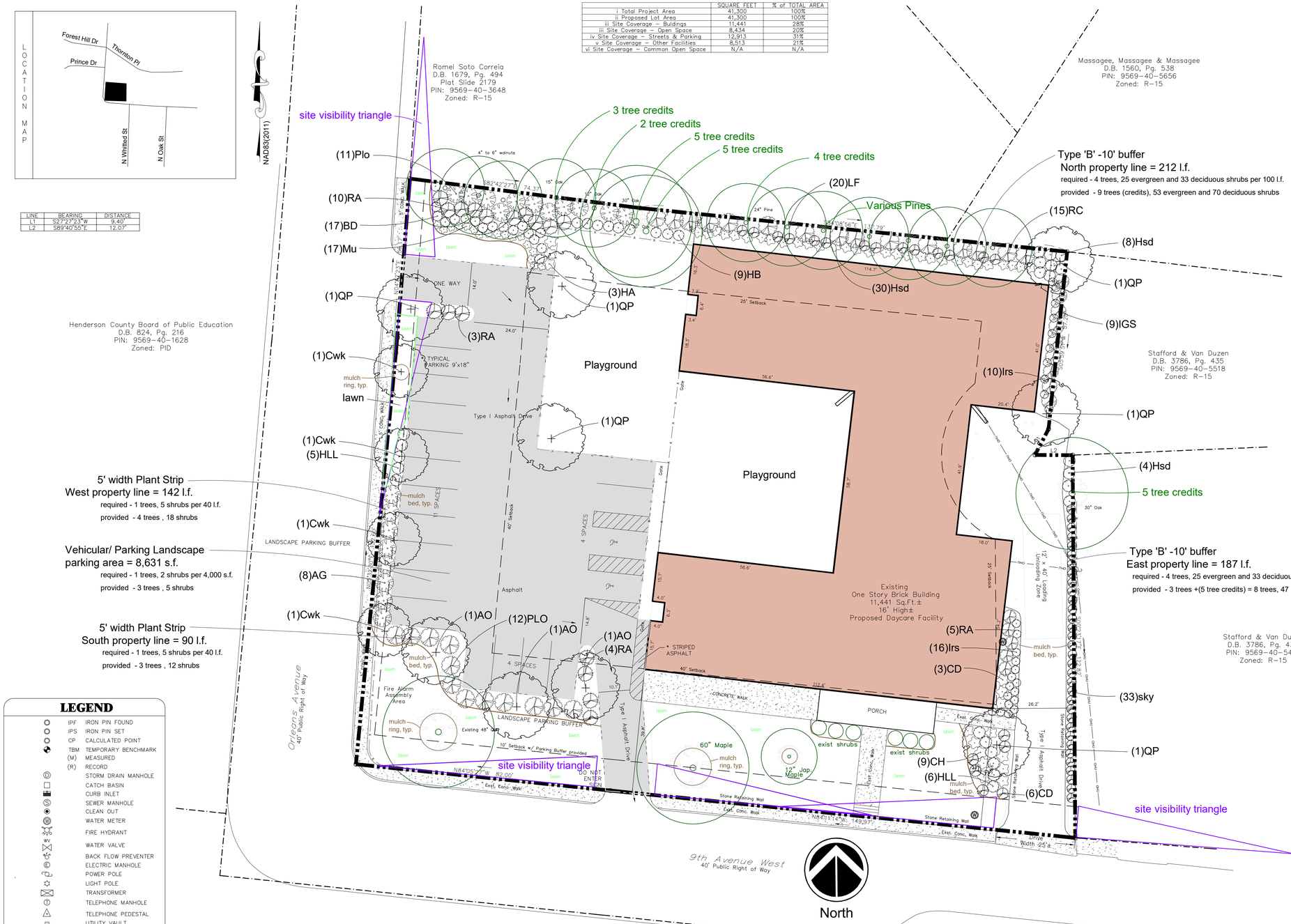

LINE	BEARING	DISTANCE
L1	S27°27'23"W	9.40'
L2	S89°40'55"E	12.07'

	SQUARE FEET	% of TOTAL AREA
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iii. Site Coverage – Open Space	8,434	20%
iv Site Coverage – Streets & Parking	12,913	31%
v Site Coverage – Other Facilities	8,513	21%
vi. Site Coverage – Common Open Space	N/A	N/A

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET
CP	CALCULATED POINT
TBM	TEMPORARY BENCHMARK
(M)	MEASURED
(R)	RECORD
	STORM DRAIN MANHOLE
	CATCH BASIN
	CURB INLET
	SEWER MANHOLE
	CLEAN OUT
	WATER METER
	FIRE HYDRANT
WV	WATER VALVE
	BACK FLOW PREVENTER
	ELECTRIC MANHOLE
	POWER POLE
	LIGHT POLE
	TRANSFORMER
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	UTILITY VAULT
GV	GAS VALVE
GM	GAS METER
	MONITORING WELL
	A/C UNIT
OE	OVERHEAD ELECTRIC
UE	UNDERGROUND ELECTIC
SS	SANITARY SEWER LINE
W	WATER LINE
G	GAS LINE
X	FENCE

Site Plan for
New Leaf Sales LLC
(Owner & Developer)
913 & 917 9th Avenue West
Hendersonville Township
Henderson County
State of North Carolina

PRELIMINARY

FREELAND – CLINKSCALES & ASSOCIATES, INC. of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
(828) 697-4195 (fax)
info@fcaofnc.com
Firm No. C-1562

REF. PLAT SLIDE	14890
REF. DEED. BOOK	4036/593 & 4036/638
TAX MAP	9569-40-2580 & 40-3593
PARTY CHIEF	BLB
DRAWN	TEC
DATE	June 5, 2023
DWG.NO.	H43113

NOT VALID WITHOUT THE SIGNATURE OF A PROFESSIONAL LAND SURVEYOR

Sheet No. 1 of 1

Other Consultants:
Surveyor - Freeland Clinkscales

Owner
New Leaf Sales LLC
Pin # 9569-40-2580 & 40-3593

Project:
Kid City
913 & 917 9th Avenue West
Hendersonville Township, Henderson County, NC

Sheet:
Landscape Plan

Designed By:
cds | Creative Development Solutions
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ISSUE DATE: October 16, 2023
REVISIONS:
DESIGNED BY: DB
DRAWN BY: SB
APPROVED BY: DSB

Project Number:

SHEET NUMBER:
L2

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Project Plant List

Large Trees - 13 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks All Plants to Meet Ansi Z60.1 Stnds.
AO	3	Acer 'October Glory'	October Glory Maple	2" Caliper, 10' Height	B&B, Single Straight Leader
Cwk	4	Crategus viridis'Winter King'	Winter King Hawthorn	2" Caliper, 10' Height	B&B, Single Straight Leader
QP	6	Quercus phellos	Willow Oak	2" Caliper, 10' Height	B&B, Single Straight Leader

Evergreen Shrubs - 130 Total

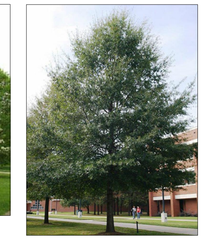
Key	Qty	Botonical Name	Common Name	Size	Remarks All Plants to Meet Ansi Z60.1 Stnds.
AG	8	Abelia grandiflora	Glossy Abelia	3 gallon, 18" Height	Full Plant
IGS	9	Ilex glabra 'Shamrock'	Shamrock Inkberry Holly	3 gallon, 18" Height	Full Plant
Sky	33	Ilex crenata 'Sky Pencil'	Sky Pencil Holly	3 gallon, 18" Height	Full Plant
LF	20	Leucothoe 'Margie Jenkins'	Leucothoe 'Margie Jenkins'	3 gallon, 18" Height	Full Plant
Plo	27	Prunus laurecarasus 'Otto Luyken'	Otto Luyken Cherry Laurel	3 gallon, 18" Height	Full Plant
RC	15	Rhododendron catawb. 'English Roseum'	English Roseum Rhododendron	3 gallon, 18" Height	Full Plant
RA	18	Rhododendron 'Autumn Amethyst'	Autumn Amethyst Azalea	3 gallon,18" Height	Full Plant

DeciduousShrubs - 143 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks All Plants to Meet Ansi Z60.1 Stnds.
BD	17	Buddleia 'Miss Molly'	Miss Molly Butterfly Bush	3 gallon, 18" Height	Full Plant
CD	9	Calicarpa dichtoma	Purple Beautyberry	3 gallon, 18" Height	Full Plant
CH	9	Clethra alnifolia 'Hummingbird'	Hummingbird Clethra	3 gallon, 18" Height	Full Plant
HLL	11	Hydrangea 'Little Lime'	Little Lime Hydrangea	3 gallon, 18" Height	Full Plant
Hsd	42	Hydrangea 'Sikes Dwarf'	Sikes Dwarf Hydrangea	3 gallon, 18" Height	Full Plant
HA	3	Hydrangea 'Amma Belle'	Anna Belle Hydrangea	3 gallon, 18" Height	Full Plant
HB	9	Hydrangea paniculata 'Bobo'	Bobo Hydrangea	3 gallon, 18" Height	Full Plant
Irs	26	Ilex 'Res Sprite'	Red Sprite Holly	3 gallon, 12" Height	Full Plant
MU	17	Muhlenbergia reverchonii 'Undaunted'	Undaunted Muhly Grass	3 gallon, 12" Height	Full Plant

AO - October Glory Maple

Cwk - Winter King Hawthorn


QP - Willow Oak

AG - Glossy Abelia

PLO - Otto Luyken Cherry Laurel

Sky - Sky Pencil Holly

IGS - Shamrock Inkberry Holly

LF - Margie Jenkins Leucothoe

RC - English Roseum Rhodo

RA - Autumn Amethyst Azalea

BD - Miss Molly Butterfly Bush

CD-Purple Beautyberry

MD - Undaunted Muhly Grass

Irs - Red Sprite Holly

HB - Bobo Hydrangea

HA - Anna Belle Hydrangea

Hsd - Sikes Dwarf Hydrangea

HLL - Little Lime Hydrangea

CH - Hummingbird Clethra

Landscape Notes

1. ALL AREAS SHOWN AS LARGE TREES, SMALL FLOWERING TREES, AND SHRUB AND PERENNIAL LANDSCAPING ON THE LANDSCAPE PLAN IS TO BE MULCHED AND SHALL RECEIVE A 3" DEPTH OF SHREDDED PINE BARK MULCH.

2. CONTRACTOR SHALL VERIFY QUANTITIES ON THE PLAN AND IS RESPONSIBLE FOR ALL PLANTS AS SHOWN ON THE PLANT LIST. REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT. PROVIDE UNIT PRICES FOR ALL PLANT AND TREE MATERIALS.

3. CONTRACTOR SHALL GUARANTEE ALL PLANTINGS FOR ONE YEAR FROM COMPLETION OF WORK. REPLACEMENT PLANTS AND LABOR SHALL BE PROVIDED AT CONTRACTORS' EXPENSE.

4. PRUNE ONLY AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT REMOVE THE CENTRAL LEADER OF ANY TREE OR PLANT. PLANTS SHALL NOT HAVE A SHEARED APPEARANCE AND MUST MEET MINIMUM SIZES AS INDICATED ON THE PLANT LIST.

5. ALL PLANT MATERIAL IS TO CONFORM TO THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK. SEE PLANT LIST FOR SPECIFICATIONS AND SIZES. (NOTE: SIZE TO BE 'DBH' MEASURED 6" ABOVE GROUND)

6. LANDSCAPE ARCHITECT AND/OR OWNER RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, ESPECIALLY DUE TO UNDERSIZED OR DAMAGED MATERIALS.

7. CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND IDENTIFICATION OF ALL UTILITIES. ANY UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED AT THE CONTRACTOR'S COST.

8. ALL DEMOLISHED MATERIALS AND TRASH ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY.

9. ALL PLANTINGS HOLES AND BEDS ARE TO BE CLEANED OF ROCKS AND DEBRIS >1", EACH PLANT OR TREE IS TO BE HOLE AMENDED AND THE EXISTING NATIVE SOIL IS TO BE AMENDED WITH 25% OF NATURES HELPER AND 25% OF ORGANIC COMPOST (OR APPROVED EQUAL), THEN THOROUGHLY MIXED TOGETHER TO CREATE A PLANTING SOIL MIX.

10. ALL EXISTING AND PROPOSED TREES NOT CONTAINED WITHIN A MULCHED BED ARE TO RECEIVE A 3" DEPTH OF A 4' DIAMETER CIRCLE OF ABOVE SPECIFIED MULCH AROUND EACH TREE. EXCEPT WHERE TREES OCCUR IN SWALES, DITCHES, OR DRAINAGE PATTERNS, THEN ONLY USE 1' DIAMETER CIRCLES.

11. REPORT ANY POORLY DRAINED SOILS OR ANY DRAINAGE PROBLEMS TO LANDSCAPE ARCHITECT IMMEDIATELY. FAILURE TO REPORT SUCH CONDITIONS WILL RESULT IN THE CONTRACTOR BEING RESPONSIBLE FOR CORRECTING THE PROBLEM AND REPLACING DAMAGED OR LOST PLANTS. PROPER PLANT DRAINAGE IS DEFINED BY FLOODING PLANTING HOLE TO SURROUNDING SOIL LEVEL WITH WATER AND COMPLETE PERCOLATION OF THE WATER WITHIN THE HOLE IN A 24 HOUR PERIOD.

12. LANDSCAPE ARCHITECT OR OWNER TO FIELD APPROVE THE PLACEMENT OF ALL PLANT MATERIALS.

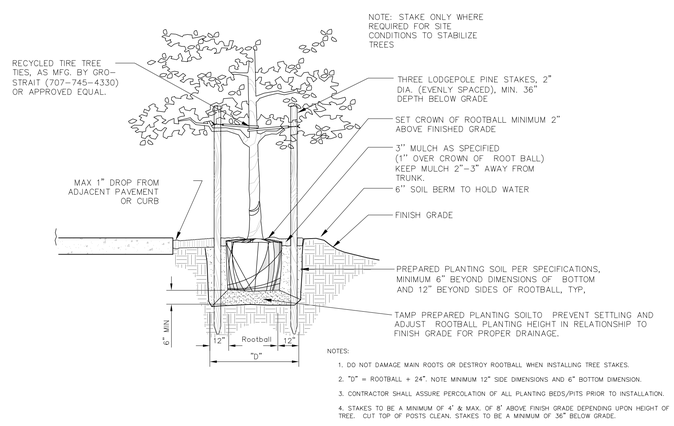
13. FINE GRADE ALL PLANTING AREAS TO INSURE PROPER DRAINAGE. AREAS TO BE SEEDED ARE TO BE FREE OF DEBRIS AND ROCKS >1" PRIOR TO LAYING SOD OR APPLYING SEED.

14. PRIOR TO INSTALLATION, CONTRACTOR SHALL REVIEW PLANT AND LIGHT LOCATIONS WITH LANDSCAPE ARCHITECT OR OWNER TO ELIMINATE CONFLICTS.

15. PROVIDE LABOR, EQUIPMENT, MATERIALS, AND SERVICE NECCESSARY TO COMPLETE THE LANDSCAPE WORK.

16. INSTALL ALL PLANT MATERIALS IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES.

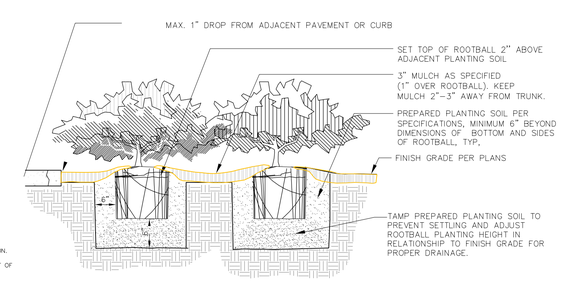
17. MAINTAIN ALL PLANT MATERIALS UNTIL FINAL ACCEPTANCE OR SUBSTANTIAL COMPLETION OF WORK. MAINTENANCE TO INCLUDE: WATERING, MULCHING, WEEDING, SPRAYING, MOWING, STRAIGHTENING, FERTLIZING, CLEANUP, ECT.



NOTES:
1. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOTBALL WHEN INSTALLING TREE STAKES.
2. "D" = ROOTBALL + 24", NOTE MINIMUM 12" SIDE DIMENSIONS AND 6" BOTTOM DIMENSION.
3. CONTRACTOR SHALL ASSURE PERCOLATION OF ALL PLANTING BEDS/PITS PRIOR TO INSTALLATION.
4. STAKES TO BE A MINIMUM OF 4' & MAX. OF 8' ABOVE FINISH GRADE DEPENDING UPON HEIGHT OF TREE. CUT TOP OF POSTS CLEAN. STAKES TO BE A MINIMUM OF 36" BELOW GRADE.
5. THIS DETAIL INCLUDES TREES WITH 3 $\frac{1}{2}$" CALIPER AND BELOW.

2 **Tree Planting Detail**
Scale: NTS

NOTES:
1. DETAIL APPLIES TO MATERIALS PLANTED AT GREATER THAN 18" O.C.
2. CONTRACTOR SHALL ASSURE PERCOLATION OF ALL PLANTING BEDS/PITS PRIOR TO INSTALLATION AND INSURE POSITIVE DRAINAGE OF ALL PLANTING AREAS, SEE NOTES AND SPECIFICATIONS.



1 **Shrub Planting Detail**
Scale: NTS

Other Consultants:
Surveyor - Freeland Clinkscales

Owner
New Leaf Sales LLC
Pin # 9569-40-2580 & 40-3593

Project:
Kid City
913 & 917 9th Avenue West
Hendersonville Township, Henderson County, NC

Sheet:
Landscape Specs

Designed By:
cds | Creative Development Solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE: October 16, 2023
REVISIONS:
DESIGNED BY: DB
DRAWN BY: SB
APPROVED BY: DSB

Project Number:

SHEET NUMBER:
L3

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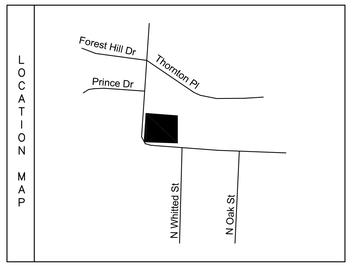

NAD83(2011)

LINE	BEARING	DISTANCE
L1	S27°27'23"W	9.40'
L2	S89°40'55"E	12.07'

Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID

Romel Soto Correia
D.B. 1679, Pg. 494
Plat Slide 2179
PIN: 9569-40-3648
Zoned: R-15

Massagee, Massagee & Massagee
D.B. 1560, Pg. 538
PIN: 9569-40-5656
Zoned: R-15

Stafford & Van Duzen
D.B. 3786, Pg. 435
PIN: 9569-40-5518
Zoned: R-15

Stafford & Van Duzen
D.B. 3786, Pg. 435
PIN: 9569-40-5418
Zoned: R-15

Henderson County Board of Public Schools
D.B. 1096, Pg. 52
PIN: 9569-40-1087
Zoned: PID

Orleans Avenue
40' Public Right of Way

9th Avenue West
40' Public Right of Way

S82°42'27"E 74.37'
S84°08'56"E 137.79'
N04°37'23"E 58.17'
N05°32'30"E 132.60'
S05°59'51"W 57.20'
S00°21'44"E 122.82'
N84°05'27"W 82.00'
N84°11'14"W 149.97'
Drive Width 25'±
5' Planting Strip
15" Oak
12" Oak
30" Oak
24" Pine
Existing Vegetation will Replace Type B Buffer
114.7'
25' Setback
ONE WAY
* TYPICAL PARKING 9'x18"
Type I Asphalt Drive
11 SPACES
4 SPACES
Asphalt
Playground
Gate
56.6'
58.7'
40' Setback
Existing
One Story Brick Building
11,441 Sq.Ft.±
16' High±
Proposed Daycare Facility
12' x 40' Loading Unloading Zone
25' Setback
* STRIPPED ASPHALT
112.4'
CONCRETE WALK
PORCH
Exist. Conc. Walk
Stone Retaining Wall
Fire Alarm Assembly Area
LANDSCAPE PARKING BUFFER
Existing 48" Oak
10' Setback w/ Parking Buffer provided
DO NOT ENTER SIGN
60" Maple
12" Jap. Maple
5' CONC. WALK
30" Oak

GENERAL SURVEY NOTES:

1) The Basis of Bearings for this survey is NAD83(2011)

2) Subject Property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 3700956900J, with a date of identification of 10/02/2008.

3) Subject Property is within the limits of the City of Hendersonville

4) Subject property is currently zoned R-15.

5) Subject property proposed zoning district: PID-CZD
Setbacks:
Front: All buildings and structures shall be set back not less than 40 feet from the nearest right-of-way line for any street adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the rear or side of the lot and screened from view from public rights-of-way.
Side/Rear: Buildings and structures shall be set back not less than 25 feet from any exterior property line.
* EXISTING STRUCTURES DO NOT MEET CURRENT SETBACKS

6) All off-street parking, driveways and loading areas shall be paved according to the specifications of the NCDOT.

7) Required parking spaces for a day are are 1 space per employee, plus 4 spaces for drop off/pick up. There will be a maximum of 12 employees at any given time requiring a maximum of 16 spaces. 19 spaces will be provided, including 2 handicap spaces.

8) New Leaf Sales LLC Owner and Developer

	SQUARE FEET	% of TOTAL AREA
i Total Project Area	41,300	100%
ii Proposed Lot Area	41,300	100%
iii Site Coverage – Buildings	11,441	28%
iii Site Coverage – Open Space	8,434	20%
iv Site Coverage – Streets & Parking	12,813	31%
v Site Coverage – Other Facilities	8,513	21%
vi Site Coverage – Common Open Space	N/A	N/A

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET
CP	CALCULATED POINT
TBM	TEMPORARY BENCHMARK
(M)	MEASURED
(R)	RECORD
	STORM DRAIN MANHOLE
	CATCH BASIN
	CURB INLET
	SEWER MANHOLE
	CLEAN OUT
	WATER METER
	FIRE HYDRANT
	WATER VALVE
	BACK FLOW PREVENTER
	ELECTRIC MANHOLE
	POWER POLE
	LIGHT POLE
	TRANSFORMER
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	UTILITY VAULT
GV	GAS VALVE
GM	GAS METER
	MONITORING WELL
	A/C UNIT
OE	OVERHEAD ELECTRIC
UE	UNDERGROUND ELECTIC
SS	SANITARY SEWER LINE
W	WATER LINE
G	GAS LINE
	FENCE

0 15 30 45
SCALE: 1" = 15'

PRELIMINARY

Site Plan for
New Leaf Sales LLC
(Owner & Developer)
913 & 917 9th Avenue West
Hendersonville Township
Henderson County
State of North Carolina

FREELAND – CLINKSCALES & ASSOCIATES, INC. of NC
*Engineers * Land Surveyors*
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
(828) 697-4195 (fax)
info@fcaofnc.com
Firm No. C-1562

REF. PLAT SLIDE	14890
REF. DEED. BOOK	4036/593 & 4036/638
TAX MAP	9569-40-2580 & 40-3593
PARTY CHIEF	BLB
DRAWN	TEC
DATE	June 5, 2023
DWG.NO.	H43113

NOT VALID WITHOUT THE SIGNATURE OF A PROFESSIONAL LAND SURVEYOR

Sheet No. 1 of 1

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Kid City USA File # P23-066-CZD
Wednesday, August 30, 2023 2:00 p.m.

Tyler Morrow, Planner II, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. Approximately two members of the public, the applicants and three City staff were in attendance and three others attended via Zoom. The following attended:

Name	***Address***	***Name***	***Address***
Tyler Morrow	staff		
Alexandra Hunt	staff		
Linda Carter	220 King Creek Boulevard		
Margit Nelson	498 Oak Grove Road		
David Lee	Applicant		
Ryan Latrell	Applicant		
Matthew Manley	staff		

Mr. Morrow opened the meeting explaining this is the Neighborhood Compatibility meeting for Kid City USA project located at 9th Avenue West and Orleans Avenue. The subject property is made up of two individual parcels.

According to the City's Zoning Code, the Neighborhood Compatibility meeting is the first step in the Conditional Zoning process. This project has NOT yet been reviewed by staff for Zoning Code Compliance or Comprehensive Plan Consistency. A more detailed preliminary site plan and building design will be submitted prior to advancing to the next stage of the process. Once the Preliminary Site Plan is submitted, it will be reviewed by staff and the project will go to the Tree Board before going to the Planning Board. Both of these boards are advisory to the City Council. Planning Board and Tree Board will both make recommendations that will be reviewed by City Council. At both the Planning Board and the City Council meetings, public comments will be heard on this item – thus providing additional opportunities for public input. City Council is the last step in the Conditional Rezoning process. City Council will review the project and the recommendations from Tree Board and Planning Board, and they will give consideration to public comments before ultimately making a decision on the rezoning. A property is not rezoned until it is approved by City Council.

Pre-submitted public comments for today's meeting were accepted via the City of Hendersonville website and via email and will be addressed during this meeting. Staff did not receive any pre-submitted public comments for this project. Comments and questions will also be accepted during today's meeting, both in-person and through zoom by following these procedures:

Participants must use the raise hand feature to make comments or ask questions. At the appropriate time, we will identify users by name and unmute you. You may need to click "participants" to see the raise hand feature. On the telephone, you must press star-9.

If you are in the room and would like to speak, please make yourself known and we will direct you up to the podium. Before you speak, please state your name and address to be included in the record.

An overall vicinity map of the subject property is shown on the screen. The subject property is denoted with an orange star. You will see the Hendersonville Elementary and Middle schools within close proximity of the subject property. The Pardee Hospital campus can be seen to the east of the subject property and the 6th Ave/US 64 corridor is to the south. The north is made up of existing single-family neighborhoods.

Regarding the project:

The subject property is currently zoned R-15 Medium Density Residential.

The application is to change the zoning designation to Planned Institutional Development Conditional Zoning District.

The surrounding area has existing PID-CZD zoning for the Middle and Elementary Schools. The other prevalent zoning districts in the areas are R-15 Medium Density residential and R-6 High Density Residential, both of which are primarily consisting of single-family homes. MIC and PCD zoning are in the area and are associated with Pardee Hospital and other medical type uses.

Conditional Zoning Districts have a binding Site Plan and List of Uses and Conditions.

The concept plan shows the existing one-story brick structure at 913 9th Avenue West to remain and be repurposed into a childcare facility. The site plan also shows associated parking and two proposed playgrounds. The plan also shows an access off of 9th Avenue West and Orleans Avenue. The subject property is approximately 0.95 acres. If approved, the development would be limited to the stated uses and what is shown on the approved plan.

Following the developer's presentation, you will be able to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented. There were no pre-submitted comments so after the developer's presentation we will move into the people who are attending the meeting in person and on zoom. We will identify speakers in order and unmute you if virtual.

Before you speak, please give your name and address for the record. Minutes of this meeting are being recorded and will be forwarded to the Planning Board and City Council.

Mr. Morrow stated David Lee and Ryan Latrell with the development team were in attendance.

David Lee stated he has been a resident of Henderson County for 25 years. He stated he has children and grandchildren and his children are struggling to keep their kids in child care. It is very hard to find good child care and be able to afford it. They found this opportunity and realized they could repurpose this building. It was previously a retirement home. It has 21 rooms and 13 bathrooms, a cafeteria, a kitchen, a rec room, a playground. They will expand the playground and parking. They will be using the building in its current configuration. They will be making updates such as new paint and new signage and new windows and doors and flooring, etc.

Kid City USA is a national childcare corporation. They have almost 150 locations and been in business 25 years. They spoke with a lot of childcare companies to see who would be interested in it and they just beat everyone else on the marks. They have a great corporation. They have a great board and have learned a lot about childcare. This is a school that will offer up to 40% of their student body will be subsidized. They will be licensed for roughly 200 students. It will be opened to everyone and provide a lot of options. They will provide breakfast and lunch and be open from 6:30 am until 6:30 pm.

Mr. Lee stated his children have struggled with finding childcare open all day and that was affordable. They believe this is a critical service that the town needs.

Mr. Morrow opened up public comment to anyone in the room.

Linda Carter with WNC Source stated they are down the road and are in the childcare business with Head Start. Her question was concerning staff. That was a struggle for them, getting teaching staff. Right now looking in Henderson County, the numbers they are down, it is close to 20 and if you are going to have 200 children at what rate do you propose to pay and how are you going to get the staff needed to man that large of a facility.

Ryan Latrell stated licenses are based on square footage but the capacity will probably be 125 to 150 children because they do not like to max out completely. Their model is not pre-k. Their structure and pay seems to be pretty good from what he has learned. He doesn't know the exact number for what they pay their teachers. They don't seem to have a staffing issue per say. This franchisee, Jenny, if she takes over has six other schools in Western North Carolina and in South Carolina. She doesn't seem to struggle with placing people there. Ms. Carter stated she was just curious because their rate of pay was highest in the area and it is difficult finding the workforce and there will be education requirements for staff. Mr. Latrell stated she comes with a large background in child development, 25 years. She worked licensed for the state of Florida for 15 years.

The rates were discussed along with grant monies. The rates will vary depending on age. There are subsidies left where it is like 1,400 for infants per month. That is a subsidy she would get to help the parents out and up to 40% of the children would get a discount with whatever they can afford to pay. The rates are all based on age.

Mr. Lee stated they do not work for Kid City, they are partnering with Kid City. They own the building and have connected with them over the last year. Jenny told him that she will maintain a five star rating in this school. The corporation is highly involved and they are out of Florida.

Ms. Carter asked what their pay scale will be. Mr. Lee stated he will follow up with her about this.

Mr. Morrow opened up for comments on zoom.

Celeste Mayes stated she is the wife of Paul Mayes and they live on an adjacent parcel. Her address is 911 Thornton Place. Thornton Place is used as a main avenue for cars to drop kids off in the morning to both schools and pick up in the afternoon. The street, 9th Avenue is essentially one way coming out of middle school. A route around this block is through Thornton Place. The cars tend to back up onto Orleans going down the hill and turning onto Thornton Place from Orleans. Her concern for herself and for the neighborhood is an increase in traffic. She realizes that a lot of these families are already dropping kids off at school and there is no impact there but there will be families that are coming there just for the childcare center. She wanted to know if anything had been discussed to mitigate the traffic and has anything been discussed with the city about the paving of Orleans as it narrows down in the neighborhood at the three-way stop. She had concerns about the maintenance of the road and bushes being unattended. She was concerned about children walking in the area and with the increase in traffic it will be worse.

Matthew Manley, Strategic Projects Manager for the city stated the applicant may want to address this from the traffic that will be generated by the use. He stated Orleans Avenue has been identified in a draft pedestrian plan that the city is working on with some consultants that will be considered for adoption later on this fall or winter. That pedestrian plan lists Orleans Avenue as the second highest ranked priority for local

streets under the city's maintenance for improvements along Orleans. He talked about this being a complex project and stated it is on the radar.

Mr. Latrell stated they have talked with Kid City about the one-way street and traffic. He didn't believe it will increase the traffic pattern during school hours because most will drop their kids off earlier in the morning and later in the evening they will pick them up. He has noted Ms. Mayes concerns.

Ken Fitch, 1046 Patton Street stated the previous use was all residential. Mr. Morrow stated people were living there but it was more of a commercial use as it was a retirement center. There was a home on the corner that was uninhabitable. Mr. Lee stated the home had been broken into many times and it had to be boarded up. It was more of a nuisance than a residence. Mr. Fitch wanted to know what generated the rezoning. Mr. Morrow stated a rezoning of some type was needed because R-15 does not allow a childcare facility as a permitted use. He explained staff's recommendation for the PID rezoning. Mr. Fitch wanted the management explained. Mr. Latrell stated Mr. Lee is the property owner and the childcare center is a national chain.

Mr. Manley stated the petition pertains to the site and proposed use. Is it consistent with the comp plan and compatible with the area? The use is what is being approved and not who the occupant or group is that will manage the building or who the franchisee is. That is no concern for the rezoning.

Mr. Fitch had concerns about the traffic that will be going in and out during the day at this location. This is an intense location. He wanted to know about the setback and buffers from the residential properties would be. Mr. Morrow stated staff has not yet reviewed this and that will come after the preliminary plan is submitted. Against residential zoning it would require some type of buffering. As far as setbacks, this is an existing building. If they do not meet the requirements for PID zoning they can propose conditions. Mr. Fitch asked about playgrounds. Mr. Morrow stated he believes there are supplementary standards and once the project is reviewed they will get into those standards. Mr. Morrow stated there would be a tree survey for this project. The state also has requirements that will need to be met for playgrounds. Mr. Morrow discussed the tree survey and the cutting of trees. All current trees greater than 12 inches in diameter will have to be shown on the tree survey.

Discussion was made on the boundary and it being heavily vegetated.

Mr. Lee stated he is not planning to take any of the trees down. They did remove a pine tree. There will be a landscape plan. He stated staff will need about 12 to 15 spaces for parking and they plan to add more than that. Street parking was discussed.

Mr. Lee discussed where the dumpster would be placed. He stated they are hoping final approval would come in November or December and have the property updates complete sometime in April.

Mr. Morrow stated September 1st is the deadline for the preliminary site plan submittal. That would put them on the Tree Board for September 19th. The Planning Board meeting would be October 12th at 4:00 pm. City Council would be slated for November 2nd at 5:45 pm. Letters will be sent for the Planning Board and the City Council meetings. That would be the time table as long as there are no delays.

Staff has not fully reviewed this project yet. Mr. Morrow discussed the process and who reviews the site plan.

Eliana Owens, 922 Thornton Place stated she welcomes the use of the building and glad someone is planning to occupy it. She can see the building from her backyard. She shares the concerns with the traffic on Thornton Place. She would like the city to look at this and discuss having speed bumps and a discussion on the streets

and traffic with the city. Mr. Morrow stated he has made notes of the concerns and will see what information he can get from the Public Works Department.

Mr. Morrow stated the time table again. If they submit September 1st the project will go the Tree Board on September 19th and the Planning Board on October 12th. These boards are advisory boards to City Council. The project will go to City Council on November 2nd. The rezoning will not take place until City Council approves it. City Council will make the final decision on the rezoning.

With no further comments or questions, Mr. Morrow closed the meeting at 2:48 pm.

TREE BOARD RECOMMENDATION
KID CITY USA (P23-066-CZD)
MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: Kid City USA- Conditional Zoning District (PID-CZD)

- APPLICANT/PETITIONER: David Lee, New Leaf Sales LLC [Applicant & Owner]

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at their regular meeting on Tuesday February 20th, 2024. The following Tree Board members were present: Janet Thew (Chair), Becca Doll, Mary Davis, Glenn Lange

SUMMARY

There are a total of 7 trees that are 12" or greater DBH on the site. 7 of these trees and some smaller DBH existing trees are proposed to be preserved.

MOTION

Based on the Landscape Plans provided on 10/16/23, the Tree Board recommends the following conditions:

Invasive trees, shrubs and ground cover shall be removed, particularly English Ivy, throughout the site, especially from trees that will be preserved. Care shall be taken to not substantively disturb the root systems of preserved trees. Invasive trees and shrubs can be cut off at ground level and the stump treated to kill the roots. Control of English Ivy shall be confined to the recommendations found in the North Carolina Extension publication "Controlling English Ivy in Urban Landscapes" **Developer Agreed**

All preserved trees shall be protected from grading and construction activities as prescribed in the zoning code Section 15-4 regardless of use as tree credits. **Developer Agreed in part.**

The developer's Landscape Architect noted that it would not be feasible to meet the 1' to 1" DBH requirement for the larger trees on site, but indicated they would provide as much as feasible and generally suggested they thought that 30' would be feasible in large part.

TREE BOARD RECOMMENDATION
KID CITY USA (P23-066-CZD)
MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: Kid City USA- Conditional Zoning District (PID-CZD)

- APPLICANT/PETITIONER: David Lee, New Leaf Sales LLC [Applicant & Owner]

The Tree Board's recommended conditions, above, are based on the following guiding city code documents: Municipal Code, Chapter 46, Article IV, Division 1, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A &C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement, Section 3.1 Purpose, Sections 3.2 and Section 3.3, Goal NR-1, Strategy NR 1.1 and NR 1.2 and Goal NR-2, Strategy 2.3; and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to the prioritization of existing tree canopy.

BOARD ACTION

Motion/Second: Lange/Doll Yeas: All Nays: None Recused: None

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR THE PARCEL POSSESSING PIN NUMBER: 9569-40-2580 & 9569-40-3593 BY CHANGING THE ZONING DESIGNATION FROM R-15, MEDIUM DENISITY RESIDENTIAL TO PID-CZD, PLANNED INSTITUTIONAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9568-92-1924
Address: 904 Greenville Highway

The Lofts at Chadwick: (File # P24-04-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant/owner, David Lee (President), New Leaf Sales LLC, for the rehabilitation of an existing 11,441 sqft commercial building on approximately 0.95 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on March 14th, 2024; voting 0-0 to recommend/not 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 4th, 2024, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9569-40-2580 & 9569-40-3593, changing the zoning designation from R-15, Medium Density Residential to PID-CZD, Planned Institutional Development Conditional Zoning District.

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

   a. Development shall comply with the master site plan submitted by the applicant revision dated October 16, 2023, 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. Childcare Center

   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 4th day of April 2024.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9569-40-2580 & 9569-40-3593
Addresses: 913 9th Avenue West
The Lofts at Chadwick: (File # P23-066-CZD)

Applicant/Developer: David Lee (President), New Leaf Sales LLC

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: David Lee (President), New Leaf Sales LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____

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

Conditional Zoning District Petition

Section 7-4 and Article 11 City Zoning Ordinance

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

[ ] 1. Scheduled Pre-Application meeting with Planning Staff

1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information

[ ] 2. Water and Sewer Availability Request

[ ] 3. Completed Application Form

[ ] 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)

[ ] 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance

[ ] 6. Detailed explanation of any Proposed Development Description

[ ] 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

Office Use:
Date Received: 8/15/23 **By:** TS **Fee Received?** Y/N
$500.00

A. Applicant Contact Information

David Lee

* Printed Applicant Name

New Leaf Sales, LLC

Printed Company Name (if applicable)

☐ Corporation ☑ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Applicant Signature

Member Manager

Applicant Title (if applicable)

2207 Kanuga Rd

Address of Applicant

Hendersonville, NC 28739

City, State, and Zip Code

828 699 4505

Telephone

davidleeteam@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.

[Application Continued on Next Page]

B. Property Owner Contact Information (if different from Applicant)

Same

*Printed Owner Name

Same

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

City, State, and Zip Code

Telephone

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

C. Property Information

Name of Project: Kid City USA

PIN(s): 9569403593 & 9569402580

Address(es) / Location of Property: 913 9th Ave West & 917 9th Ave West
Hendersonville, NC 28791

Type of Development: ___ Residential X Commercial ___ Other

Current Zoning: R-15

Total Acreage: Tax assessed 0.71 & 0.24

Proposed Zoning: PID

Proposed Building Square Footage: Existing bldg 11,680 sq'

Number of Dwelling Units: —

List of Requested Uses: Childcare facility

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

See attached site/concept plan

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

_____
*Printed Owner Name

_____
Printed Company Name (if applicable)

☐ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

_____
Property Owner Signature

_____
Property Owner Title (if applicable)

_____
City, State, and Zip Code

_____
Telephone

_____
Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

_____
*Printed Owner Name

_____
Printed Company Name (if applicable)

☐ Corporation ☐Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

_____
Property Owner Signature

_____
Property Owner Title (if applicable)

_____
City, State, and Zip Code

_____
Telephone

_____
Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

PLANNING BOARD RECOMMENDATION & MOTION

KID CITY (P23-066-CZD)

MEETING DATE: MARCH 14TH, 2024

PLANNING BOARD ACTION SUMMARY:

The Planning Board, Jim Robertson (Chair), Peter Hanley, Laura Flores, Donna Waters, Tamara Peacock, Yolanda Robinson and Chauncey Whiting, voted 7-0 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Mr. Hanley 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 (PIN: 9569-40- 2580 and 9569-40-3593) from R-15, Medium Density Residential, to PID-CZD, Planned Institutional Development Conditional Zoning District, for the rehabilitation and reuse of an existing 11,441 sq ft commercial building as Childcare Center based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 10-16- 24] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses Permitted Uses:
    a. Childcare Center.

2. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The petition aligns with the City's 2030 Comprehensive Plan's Goals for the "Medium Intensity Neighborhood' Future Land Use Designation to provide local and public and institutional uses.

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:

    a. The proposed rezoning includes no new construction but enhances existing site parking.

    b. The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses.

    c. The proposed use meets a community need for additional childcare options for working parents.

Ms. Robinson seconded the motion, which passed unanimously. Please refer to the draft PB minutes for additional information about the discussion.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Matthew Manley	**MEETING DATE:**	April 4, 2024
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Zoning Text Amendment: Updates to Childcare Home and Child Care Center (P23-99-ZTA) – Matthew Manley, Strategic Projects Manager

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council **adopt** an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2-2, Child care home and Section 12-2-2 Child care center, based on the following: **1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because**: The petition aligns with the Comprehensive Plan's Strategy LU-3.5. minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more childcare services within the City. **2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:** 1. The proposed text amendment aligns with the state licensing requirements for child home care and childcare centers. 2. The proposed text amendment allows existing and future childcare facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City. **[DISCUSS & VOTE]**	I move City Council **deny** an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2-2 Child care home and Section 12-2-2 Child care center, based on the following: **1. The petition is found to be inconsistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:** The petition does not align with the Comprehensive Plan's Strategy LU-3.5. minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more childcare services within the City. **2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because**: 1. The proposed text amendment increases the impact of child home care in residential zoning districts. **[DISCUSS & VOTE]**

SUMMARY: *As part of the budget bill, NC General Statute 110-8 and NC General Statute 110-91 revised the definition and capacity for "family child care homes". This revision increased the maximum capacity of children a family child care home operator is permitted to serve. The new standards exceed what is currently permitted under the City's Zoning Ordinance.*

Both family child care homes and child care centers are required to be licensed by the Division of Child Development and Early Education within the NC Department of Health and Human Services. Part of the process to obtain a license requires that the child care facility (home or center) comply with all local ordinances. This proposed zoning text amendment would align with these licensing requirements and allow child care home operators the ability to increase the maximum capacity of children thereby increasing child care options within the city.

Staff is also proposing to amend the definition for 'Child Care Center' to align with the state statute definition and capacity requirements. After reviewing the revisions made to family child care homes, staff also reviewed the existing state statutes for child care centers and determined that the current zoning ordinance definition should also be updated to reflect the state definition and capacity requirements for child care centers.

For these reasons, staff is proposing to amend the current definition for "child care homes" to meet the revised standards of NCGS 110-86(3)b. and NCGS 110-91(7); and to amend the current definition for "child care center" to align with the state statute definition and state capacity requirements for child care facilities.

At their meeting on March 14th, 2024, Planning Board supported the staff recommendations voting unanimously to recommend approval of the proposed zoning text amendment.

PROJECT/PETITIONER NUMBER:	P23-99-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Revised G.S. 110-86(3) and G.S. 110-91(7)b

ZONING TEXT AMENDMENT: UPDATES TO CHILD CARE HOMES AND CHILD CARE CENTERS

(P23-99-ZTA) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW 3
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PROJECT SUMMARY

- Project Name & Case #:
  - Updates to Child Care Homes & Child Care Centers
  - P23-99-ZTA
- Applicant:
  - City of Hendersonville
- Zoning Ordinance Articles Amended:
  - 12-2-2: Child Care Center
  - 12-2-2: Child Care Home
- Summary Basics:
  - Staff is proposing to amend the definition for "Child Care Home" to align with the state statute definition and capacity requirements for Child Care Homes.
  - Staff is also proposing to amend the definition for "Child Care Center" to better align with the state statute definition and capacity requirements for child care facilities.

Summary of Amendment Petition:

As part of the budget bill, NC General Statute 110-8 and NC General Statute 110-91 revised the definition and capacity for "family child care homes". This revision increased the maximum capacity of children a family child care home operator is permitted to serve. The new standards exceed what is currently permitted under the City's Zoning Ordinance.

Both family child care homes and child care centers are required to be licensed by the Division of Child Development and Early Education within the NC Department of Health and Human Services. Part of the process to obtain a license requires that the child care facility (home or center) comply with all local ordinances. This proposed zoning text amendment would align with these licensing requirements and allow child care home operators the ability to increase the maximum capacity of children thereby increasing child care options within the city.

Staff is also proposing to amend the definition for 'Child Care Center' to align with the state statute definition and capacity requirements. After reviewing the revisions made to family child care homes, staff also reviewed the existing state statutes for child care centers and determined that the current zoning ordinance definition should also be updated to reflect the state definition and capacity requirements for child care centers.

For these reasons, staff is proposing to amend the current definition for "child care homes" to meet the revised standards of NCGS 110-86(3)b. and NCGS 110-91(7); and to amend the current definition for "child care center" to align with the state statute definition and state capacity requirements for child care facilities.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The City's Zoning Ordinance Section 12-2-2 defines "Child Care Home" as the following:

- Child care home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

The revision to G.S. 110-86(3)(b) increased the maximum number of children a child care home operator could have from 9 children to 10 children. The amended statute reads as follows:

"A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than 10 children receive child care, provided the arrangement is in accordance with G.S. 110-91(7)b."

The revised NCGS 110-91(7)b that governs child care home capacity reads as rewritten:

"A family child care home is allowed to provide care for one of the following groups of children, including the operator's own preschool-age children and excluding the operator's own school-age children up to 13 years of age:

1. *A maximum of eight children, with no more than five children who are birth to 5 years of age, plus three school-age children.*
2. *A maximum of three children from birth to 24 months of age plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.*
3. *A maximum of 10 children if all children are older than 24 months of age."*

In order to meet the increase demands for child care options within the City, staff is proposing to amend the current definition for child care home to meet the current statutory language for family child care homes. This would increase the maximum allotted number of children from 6 to 10, provided the arrangement is in accordance with G.S. 110-9(7)b.

Lastly, the current City's Zoning Ordinance definition for "Child Care Center" is as follows:

- Child care center: An individual, agency or organization providing supervision or care on a regular basis to more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children, of the supervising adult.

The definition for child care facility under G.S. 110-86(3)a states the following:

"*A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care."*

The staff-child ratio and capacity for child care facilities under G.S. 110-91(7) is comprehensive and is attached to the staff report as a separate document. However, staff is proposing to amend the current definition for child care center to align with the state statute definition for child care facility and capacity requirements in G.S. 110-91(7) by referencing the general statute in the definition itself.

PROPOSED STANDARDS

The proposed 'Child Care Home' and 'Child Care Center' language changes read as follows:

Legend: **Additions to the Ordinance** ~~**Deletions from the Ordinance**~~

12-2-2 Child Care Home.

Child Care Home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home where at any one time, more than two children, but less than 10 children, receive child care, provided the arrangement is in accordance with the requirements under G.S. 110-91(7)(b). ~~for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

12-2-2 Child Care Center.

Child Care Center: An individual, agency or organization, located within a commercial facility, providing supervision or care on a regular basis to three or more preschool-age children or nine or more school-age children receiving child care per G.S. 110-91(7)a. ~~more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of , the supervising adult~~.

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	*Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses.* *Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan*
Population & Housing	***There are no Goals, Strategies, or Actions that are directly applicable to this petition.***
Natural & Environmental Resources	***There are no Goals, Strategies, or Actions that are directly applicable to this petition.***
Cultural & Historic Resources	***There are no Goals, Strategies, or Actions that are directly applicable to this petition.***
Community Facilities	**There are no Goals, Strategies, or Actions that are directly applicable to this petition.**
Water Resources	**There are no Goals, Strategies, or Actions that are directly applicable to this petition.**
Transportation & Circulation	**There are no Goals, Strategies, or Actions that are directly applicable to this petition.**

GENERAL AMENDMENT STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	The proposed text amendment is compatible with existing child care homes and child care centers in the City. Currently Child Care Homes are permitted in all Residential and Mixed-Use Zoning Districts. Child Care Centers are permitted in all Non-residential and Mixed-Use Zoning Districts.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	There has been an increased demand for child care options within the City and the proposed text amendment would help address those demands for both residents and the workforce.
Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
	The proposed text amendment aligns with the public interest in that it addresses an increased need for child care within the City. It also aligns local regulations with state regulations. Both child care centers and child care home are required to comply with all state, federal, and local ordinances that pertain to child health, safety and welfare.
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 has no known impacts on public facilities.
Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
	There are no known connections between this text amendment and the environment / natural resources. The current effect on the natural environment would not change with the passing of this text amendment.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more child care services within the City.

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and

DRAFT [Rationale for Approval]

- *The proposed text amendment aligns with the state licensing requirements for child home care and child care centers.*
- *The proposed text amendment allows existing and future child care facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City.*

DRAFT [Rational for Denial]

- *The proposed text amendment increases the impact of child home care in residential zoning districts.*

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING ORDINACE, SECTION 12-2-2 CHILD CARE HOME AND SECTION 12-2-2 CHILD CARE CENTER

WHEREAS, the Planning Board took up this application at its regular meeting on March 14th, 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 April 4, 2024, and

WHEREAS, the proposed amendment is intended to not duplicate regulations enforced by other agencies and to keep the requirements up to date and reflective of current trends; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 12-2-2 Child Car Home and Section 12-2-2 Child Care Center of the Zoning Ordinance of the City of Hendersonville be amended as follows:

12-2-2 Child Care Home.

Child care home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home where at any one time, more than two children, but less than 10 children, receive child care, provided the arrangement is in accordance with the requirements under G.S. 110-91(7)(b). ~~for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

12-2-2 Child Care Center.

Child care center: An individual, agency or organization, located within a commercial facility, providing supervision or care on a regular basis to three or more preschool-age children or nine or more school-age children receiving child care, ~~more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of , the supervising adult~~ per G.S. 110-91(7).

Adopted this 4th day of April 2024.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

INCREASE CAPACITY/FAMILY CHILD CARE HOMES

SECTION 9D.10.(a) G.S. 110-86(3) reads as rewritten:

"(3) Child care facility. – Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

a. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than ~~nine~~ 10 children, receive child ~~care.~~ care, provided the arrangement is in accordance with G.S. 110-91(7)b."

SECTION 9D.10.(b) G.S. 110-91(7)b. reads as rewritten:

"b. Family Child Care Home Capacity. – ~~Of the children present at any one time in a family child care home, no more than five children shall be preschool-aged, including the operator's own preschool-age children.~~A family child care home is allowed to provide care for one of the following groups of children, including the operator's own preschool-age children and excluding the operator's own school-age children up to 13 years of age:

1. A maximum of eight children, with no more than five children who are from birth to 5 years of age, plus three school-age children.

2. A maximum of three children from birth to 24 months of age, plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.

3. A maximum of 10 children if all children are older than 24 months of age."

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Matthew Manley

MEETING DATE: April 4, 2024

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Enclave on W. Park Avenue (C24-11-ANX) – *Matthew Manley, AICP | Special Projects Manager*

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC.; identified as PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, 9577-27-2529; finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City.	I move that City Council deny the petition received from Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC, requesting the annexation of that property having PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, 9577-27-2529.

SUMMARY: *File # C24-11-ANX*

The City of Hendersonville has received a petition from Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC for satellite annexation of PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, 9577-27-2529 located off Greenville Highway on W. Park Avenue and is approximately 1.62 acres. Please refer to the attached maps for additional information.

On March 7th, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC and set April 4th, 2024, as the date for the public hearing.

The proposed project for this property, The Enclave on West Park, is a 5-lot subdivision on a private drive. The subdivision and site plan were processed and approved under Henderson County standards. The County's approval was contingent upon connection to City sewer infrastructure. By policy, the City requires that a property owner petition for annexation in order to be granted authority to connect to sewer facilities.

According to staff analysis, the project would generate a slightly above average cost of service value per acre when taking into account the provision of city services, travel distance, and density. Additional

considerations include that the subdivision and site plan approvals were not processed according to City standards and that the development will feature a private drive that could be requested to be maintained by the City at some point in the future.

PROJECT/PETITIONER NUMBER:	• C24-11-ANX
PETITIONER NAME:	• Eric Oursler • Nichole Oursler • Ourco Construction Company LLC.
ATTACHMENTS:	1. Ordinance 2. Signed Certificate of Sufficiency 3. Signed Resolution Setting Public Hearing 4. Annexation Plat 5. Typed Legal Description 6. GIS Annexation Map 7. Annexation Agreement Map (Flat Rock) 8. Deeds (4) 9. Annexation Applications (3)

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A SATELLITE ANNEXATION

Re: Petition for Satellite Annexation
Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC
File No. C24-11-ANX

WHEREAS, The City of Hendersonville has been petitioned by Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 4th day of April 2024, after due notice by publication as provided by law on March 24, 2024 and March 31, 2024; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit;

a. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
b. The nearest point on the proposed satellite corporate limit is approximately 700’ from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
c. 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).
d. The proposed satellite corporate limits are closer to the primary corporate limits of the Village of Flat Rock (320’). The City of Hendersonville and the Village of Flat Rock

reentered their annexation agreement on August 3rd, 2018. The area to be annexed is located within the area that the participating municipalities agreed could be annexed by the City of Hendersonville.

e. 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.
f. The area proposed for annexation is a subdivision as defined in N.C.G.S. § 160D-802. All portions of the subdivision are included in the annexation petition.
g. 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.
h. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

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

1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the fourth day of April 2024.

Being all of that real property consisting of PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24'31" East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57'32" West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06'56" West for 4.39 feet to a

found iron pipe; (2) North 05°50’14” West for 95.40 feet to a found iron pipe; (3) North 06°11’33” West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08’45” East for 345.40 feet to the Point of Beginning.

2: Upon and after the fourth day of April 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

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

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Jill Murray, in her capacity of City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

My commission expires:

_____

LEGEND

EIP	EXISTING IRON PIN
CMF	MONUMENT FOUND
CP	CALCULATED POINT
	PROPERTY BOUNDARY LINE
	ADJOINING PROPERTY LINE
	RIGHT OF WAY LINE
	TIE LINE
	MUNICIPAL LIMITS

NAD83(2011)

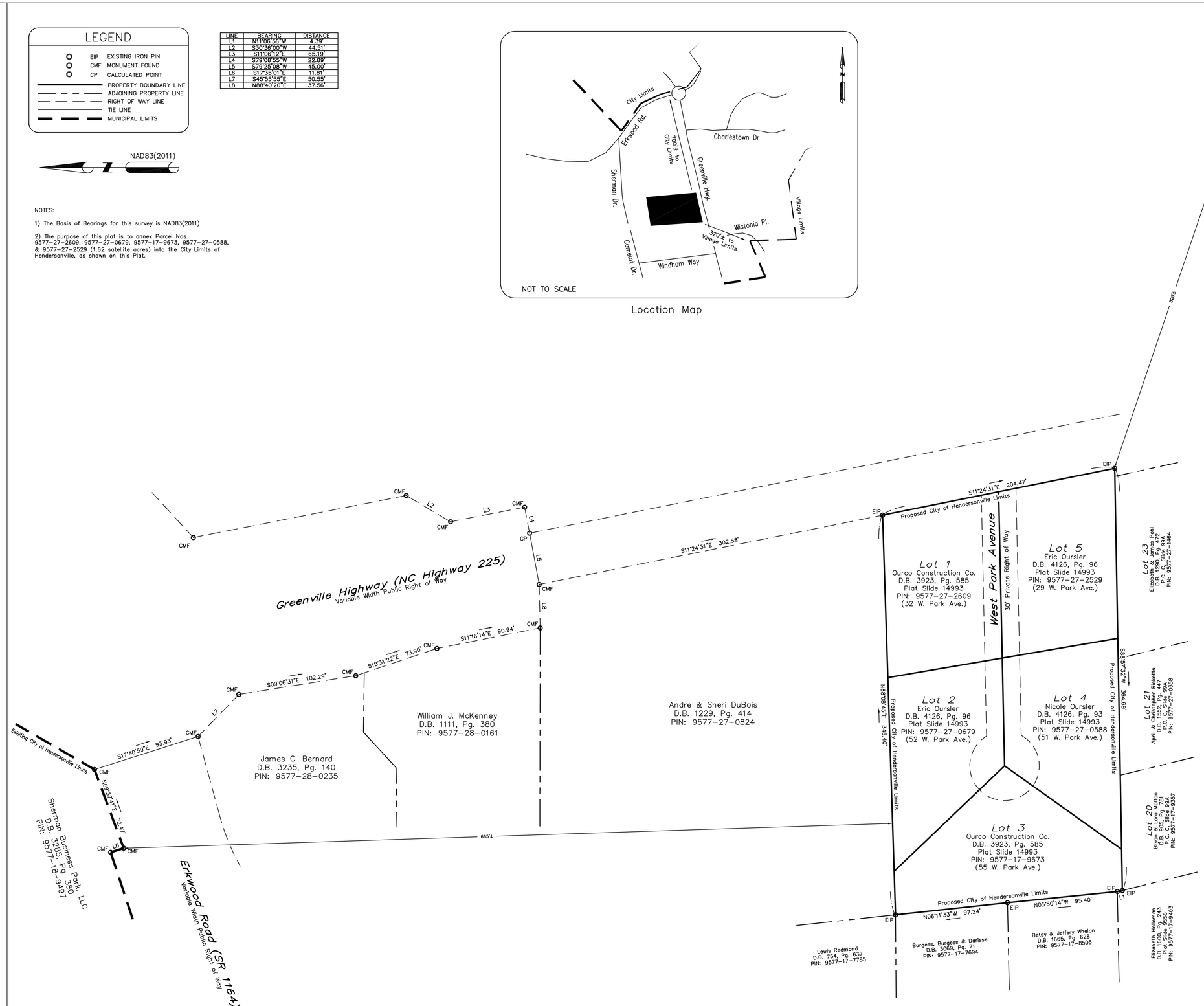
LINE	BEARING	DISTANCE
L1	N11°06'56"W	4.39'
L2	S30°36'00"W	44.51'
L3	S11°06'12"E	65.19'
L4	S79°08'55"W	22.89'
L5	S79°25'08"W	45.00'
L6	S17°35'01"E	11.81'
L7	S45°55'55"E	50.52'
L8	N88°40'20"E	37.56'

NOTES:

1) The Basis of Bearings for this survey is NAD83(2011)

2) The purpose of this plat is to annex Parcel Nos. 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, & 9577-27-2529 (1.62 satellite acres) into the City Limits of Hendersonville, as shown on this Plat.

Location Map



I, Fulton V. Clinkscales, Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book 3923, page 585, etc.) that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, Page _____; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 2nd day of February, 2024, A.D.

G.S. 47-30(f)(11)(d) This survey is of another catagory, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

_____
Fulton V. Clinkscales, Jr.
L-2614

NORTH CAROLINA PROFESSIONAL SEAL L-2614 LAND SURVEYOR FULTON V. CLINKSCALES JR.

PRELIMINARY

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

This the _____ day of _____, 2024

_____ _____
Jill Murray, City Clerk Date

State of North Carolina
Henderson County

I, _____, Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____
Review Officer Date

ANNEXATION PLAT FOR THE

City of Hendersonville

of

Enclave on West Park Avenue

Tax Parcels: 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, & 9577-27-2529

OurCo Construction Company LLC

(OWNER)

32 & 55 West Park Avenue

Eric Oursler

(OWNER)

29 & 52 West Park Avenue

Nicole Oursler

51 West Park Avenue

Hendersonville Township
Henderson County
State of North Carolina

0 40 80
SCALE 1" = 40'

FREELAND – CLINKSCALES & ASSOCIATES, INC. of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
info@fcaofnc.com

REF. PLAT SLIDE	14993
REF. DEED BOOK	Various
TAX MAP	Various
PARTY CHIEF	TEC
DRAWN	TEC
DATE	February 2, 2024
DWG.NO.	H44

RLS: F. V. CLINKSCALES JR., P.E.
NO: L-2614 Firm No. C-1562

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC
File No. C24-11-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 +/- 1.62 acres located off of Greenville Highway on W. Park Avenue in Hendersonville, NC, being tax parcel(s) PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529, 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 700' 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. The proposed satellite corporate limits are closer to the primary corporate limits of the Village of Flat Rock (320'). The City of Hendersonville and the Village of Flat Rock reentered their annexation agreement on August 3rd, 2018. The area to be annexed is located within the area that the participating municipalities agreed could be annexed by the City of Hendersonville.
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 a subdivision as defined in N.C.G.S. § 160D-802. All portions of the subdivision are included in the annexation petition.
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 29th day of February, 2024.

(City Seal)

Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the "Enclave on West Park Avenue" as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24'31" East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57'32" West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06'56" West for 4.39 feet to a found iron pipe; (2) North 05°50'14" West for 95.40 feet to a found iron pipe; (3) North 06°11'33" West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08'45" East for 345.40 feet to the Point of Beginning.

Resolution #R-24-12

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 Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. April 4th, 2024, 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 PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the "Enclave on West Park Avenue" as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24'31" East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57'32" West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06'56" West for 4.39 feet to a found iron pipe; (2) North 05°50'14" West for 95.40 feet to a found iron pipe; (3) North 06°11'33" West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08'45" East for 345.40 feet to the Point of Beginning.

Re: Petition for Satellite Annexation
Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC
File No. C24-11-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 7th day of March, 2024.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Jill Murray, City Clerk

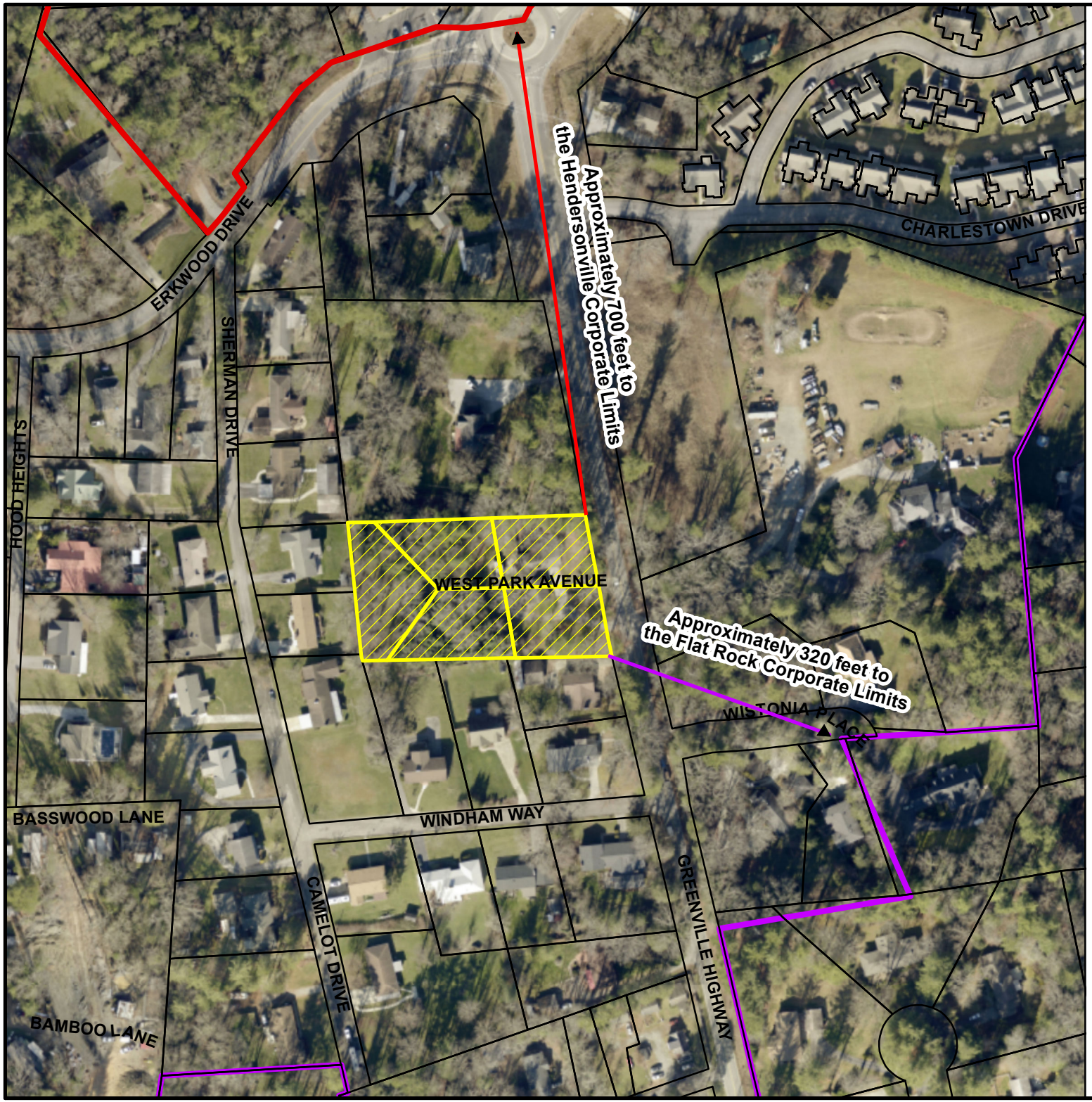
Approved as to form:

Angela S. Beeker, City Attorney

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the "Enclave on West Park Avenue" as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the "Enclave on West Park Avenue" Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24'31" East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57'32" West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06'56" West for 4.39 feet to a found iron pipe; (2) North 05°50'14" West for 95.40 feet to a found iron pipe; (3) North 06°11'33" West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08'45" East for 345.40 feet to the Point of Beginning.



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Feet

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City of Hendersonville
March 2024

Enclave on West Park Ave.

P24-11-ANX

PINs: 9577-27-2609, -0679, -0588, -2529 -17-9673,

Acreage: 1.62

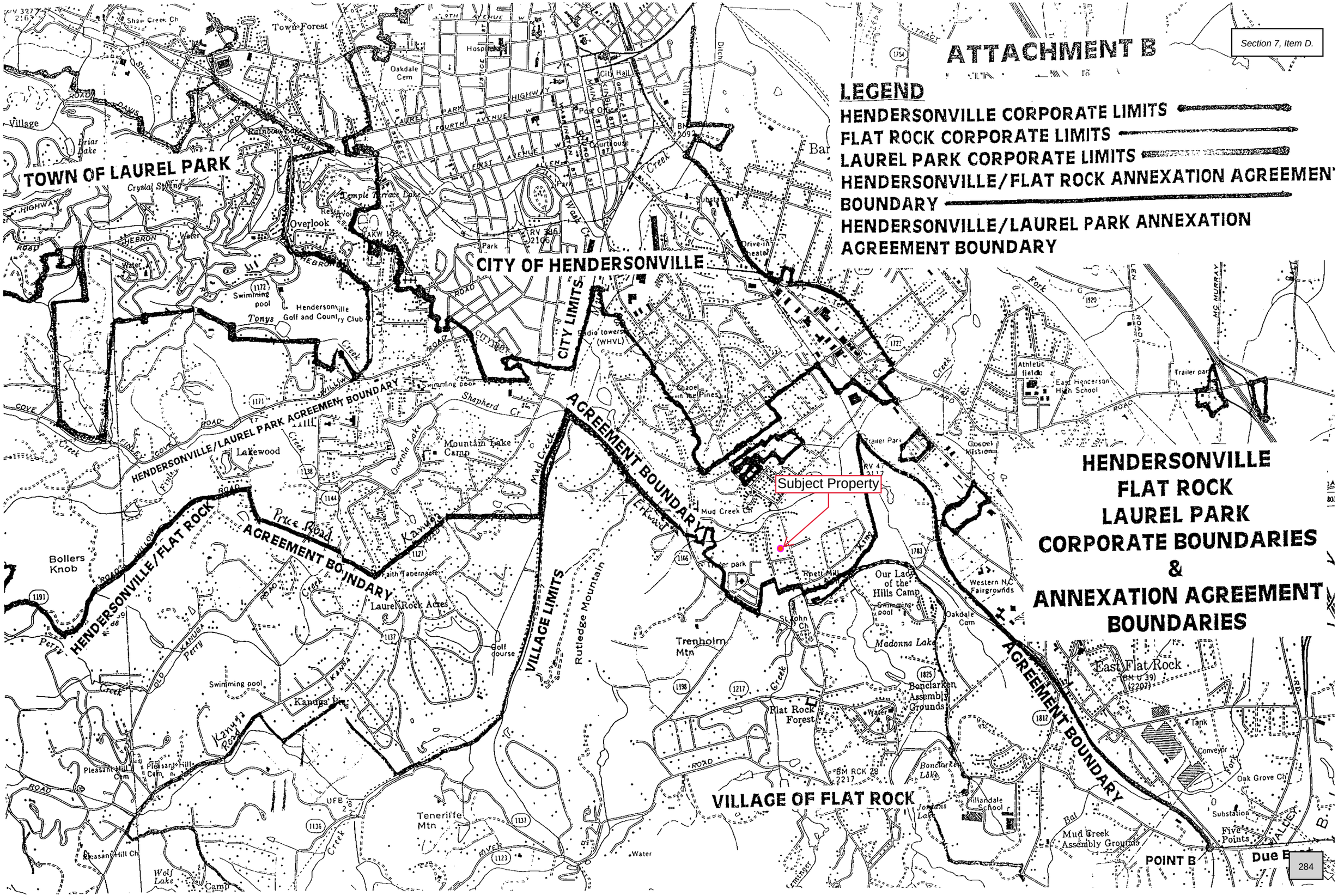
Annexation Map

Community Development Department

- Subject Property
- Hendersonville City Limits
- Flat Rock Village Limits

THE CITY OF HENDERSONVILLE · N.C.
1847

ATTACHMENT B



BOOK 4126 PAGE 96 (3)

1001009093

This document presented and filed:
01/12/2024 04:24:53 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: $0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ 0.00

Parcel Identifier No. **10010975 & 10010978**
By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lots 2 & 5 Plat Book 2023 at Page 14993

THIS DEED made this 12th day of January, 2024, by and between

GRANTOR	GRANTEE
OurCo Construction Company, LLC a North Carolina Limited Liability Company	**Eric Oursler, married**
Address: 2687 Greenville Highway Flat Rock, NC 28731	**Address: 203 Connemara Overlook Drive Hendersonville, NC 28739**

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 Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEING all of Lot 2, consisting of 0.29 acres +/- and all of Lot 5, consisting of 0.33 acres +/-,, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscales & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.29 +/- acres & 0.33 +/- acres

CONVEYED HEREWITH and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Henderson County Registry.

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585**, Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

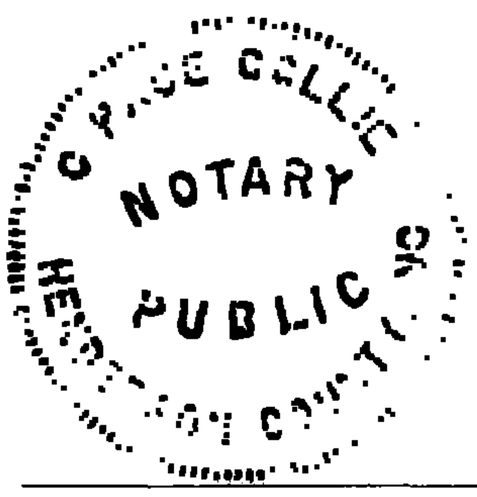
THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

OurCo Construction Company, LLC a North Carolina Limited Liability Company

By: _____
Eric Oursler, Member/Manager

SEAL-STAMP



State of North Carolina – County of Henderson

I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 12th day of January, 2024.

My Commission Expires:
05/06/2027

_____
C. Page Collie, Notary Public

BOOK 4132 PAGE 198 (3)

1001010052

This document presented and filed:
02/07/2024 02:17:58 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: $0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ 0.00

Parcel Identifier No. **10010974**
By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 1 Plat Book 2023 at Page 14993

THIS DEED made this 7th day of February, 2024, by and between

GRANTOR	GRANTEE
OurCo Construction Company, LLC a North Carolina Limited Liability Company	**OurCo Construction Company, LLC a North Carolina Limited Liability Company**
Address: 2687 Greenville Highway Flat Rock, NC 28731	**Address: 203 Connemara Overlook Drive Hendersonville, NC 28739**

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 Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEING all of Lot 1, consisting of 0.33 acres +/-, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscales & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.33 +/- acres

CONVEYED HEREWITH and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Henderson County Registry.

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585,** Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

OurCo Construction Company, LLC a North Carolina Limited Liability Company

By: _____
Eric Oursler, Member/Manager

SEAL-STAMP

C PAGE COLLIE NOTARY PUBLIC HENDERSON COUNTY, NC

State of North Carolina – County of Henderson

I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 7th day of February, 2024.

My Commission Expires:
05/06/2027

_____
C. Page Collie, Notary Public

BOOK 4132 PAGE 201 (3)

1001010053

This document presented and filed:
02/07/2024 02:17:59 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: $0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ 0.00

Parcel Identifier No. **10010976**
By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 3 Plat Book 2023 at Page 14993

THIS DEED made this 7th day of February, 2024, by and between

GRANTOR	GRANTEE
OurCo Construction Company, LLC a North Carolina Limited Liability Company	**OurCo Construction Company, LLC a North Carolina Limited Liability Company**
Address: 2687 Greenville Highway Flat Rock, NC 28731	**Address: 203 Connemara Overlook Drive Hendersonville, NC 28739**

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 Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEING all of Lot 3, consisting of 0.35 acres +/-, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscales & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.35 +/- acres

CONVEYED HEREWITH and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Henderson County Registry.

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585,** Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

OurCo Construction Company, LLC a North Carolina Limited Liability Company

By: _____
Eric Oursler, Member/Manager

SEAL-STAMP

C. PAGE COLLIE NOTARY PUBLIC HENDERSON COUNTY, NC

State of North Carolina – County of Henderson

I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 7th day of February, 2024.

My Commission Expires:
05/06/2027

C. Page Collie, Notary Public

BOOK 4126 PAGE 93 (3)

1001009092

This document presented and filed:
01/12/2024 04:24:52 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: $0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ 0.00

Parcel Identifier No. **10010977**
By:

Mail/Box to: C. Page Collie – 1645 Asheville Highway, Hendersonville, NC 28791

This instrument was prepared by: C. Page Collie (Deed Preparation Only – No Title Search Performed)

Brief description for the Index: Lot 4 Plat Book 2023 at Page 14993

THIS DEED made this 12th day of January, 2024, by and between

GRANTOR	GRANTEE
OurCo Construction Company, LLC a North Carolina Limited Liability Company	**Nichole Oursler, married**
Address: 2687 Greenville Highway Flat Rock, NC 28731	**Address: 203 Connemara Overlook Drive Hendersonville, NC 28739**

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 Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

BEING all of Lot 4, consisting of 0.32 acres +/-, as shown on that Plat of Survey recorded in Book 2023 at Page 14993, Henderson County Registry, which is titled "Minor Subdivision Enclave on West Park Avenue", prepared by Freeland-Clinkscales & Associates, Inc. of NC on May 22, 2023 as Dwg. No. H43129, reference to which is hereby made for a more definite description.

CONTAINING 0.32 +/- acres

CONVEYED HEREWITH and SUBJECT TO that 30' right of way as shown on the above referenced Plat as "West Park Avenue - 30' Private Driveway Easement", along with an obligation to maintain the driveway, on a pro-rata basis with any others utilizing said driveway, in an all-weather condition.

TOGETHER WITH and SUBJECT TO easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Henderson County Registry.

BEING a portion of that property conveyed to OurCo Construction Company, LLC, a North Carolina Limited Liability Company by that deed recorded on June 8, 2022 in Book 3923 at Page 585, Henderson County Registry.

The property being transferred by this Deed does not include the primary residence of any of the Grantors. (Per N.C.G.S. §105-317.2).

The property hereinabove described was acquired by Grantor by instrument recorded in Book **3923** at Page **585,** Henderson County, North Carolina Register of Deeds Office.

A map showing the above-described property is recorded in Plat Book **2023** at Page **14993**, Henderson County, North Carolina Register of Deeds Office.

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.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Henderson County ad valorem taxes for 2024, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

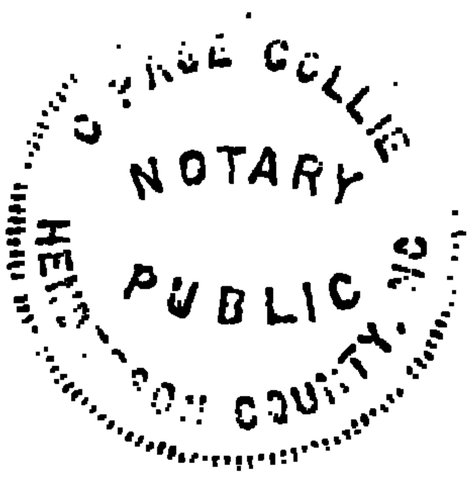
THE REMAINING PORTION OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

OurCo Construction Company, LLC a North Carolina Limited Liability Company

By: _____
Eric Oursler, Member/Manager

SEAL-STAMP



State of North Carolina – County of Henderson

I, C. Page Collie, the undersigned Notary Public of the County and State aforesaid, certify that **Eric Oursler as Member/Manager of OurCo Construction Company, LLC a North Carolina Limited Liability Company**, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 12th day of January, 2024.

My Commission Expires:
05/06/2027

C. Page Collie, Notary Public

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. A 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): 9577272529, 9577270679

Address(es) / Location of Property: 29 and 52 W Park Ave

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

Is the property within the ETJ? ___ Yes X No

Reason for Annexation:
To add a sewer extension to the property

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

B. Property Owner Contact Information

Eric Oursler
* Printed Applicant Name

1/23/2024
Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

Property Owner Signature

Property Owner Title (if applicable)

203 Connemara Overlook Dr
Address of Property Owner

Hendersonville, NC 28739
City, State, and Zip Code

828.335.1519
Telephone

eoursler@ourcollc.com
Email

C. Additional Property Owner Contact Information

Nichole Oursler

* Printed Applicant Name

03/06/2024

Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

203 Connemara Overlook Dr

Address of Property Owner

Hendersonville, NC 28739

City, State, and Zip Code

786-299-7977

Telephone

Noursler@ourcollc.com

Email

B. Property Owner Contact Information

Eric Oursler

* Printed Applicant Name

1/23/2024

Date

OURCO Construction Company

Printed Company Name (if applicable)

☐ Corporation ■ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

Property Owner Signature

Managing Member

Property Owner Title (if applicable)

2687 Greenville Hwy Unit 1054

Address of Property Owner

Flat Rock, NC 28731

City, State, and Zip Code

828.335.1519

Telephone

eoursler@ourcollc.com

Email

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.

- [X] 1. Completed Application Form
- [X] 2. A copy of the deed indicating ownership of the property.
- [X] 3. A Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- [X] 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9577270588

Address(es) / Location of Property: 51 W Park Ave

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

Is the property within the ETJ? ___ Yes X No

Reason for Annexation:
To add a sewer extension to the property

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

B. Property Owner Contact Information

Nichole Oursler

* Printed Applicant Name

1/23/2024

Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

x Nichole Oursler

Property Owner Signature

Property Owner Title (if applicable)

203 Connemara Overlook Dr

Address of Property Owner

Hendersonville, NC 28739

City, State, and Zip Code

786.299.7977

Telephone

noursler@ourcollc.com

Email

C. Additional Property Owner Contact Information

Eric Oursler
* Printed Applicant Name

03/06/2024
Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

203 Connemara Overlook Dr
Address of Property Owner

Hendersonville, NC 28739
City, State, and Zip Code

88.335.1519
Telephone

Eoursler@ourcollc.com
Email

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer **MEETING DATE:** 04/04/2024

AGENDA SECTION: Unfinished Business **DEPARTMENT:** Utilities

TITLE OF ITEM: Water and Sewer System Development Fees (SDFs) – *Adam Steurer, Utilities Director*

SUGGESTED MOTION(S):

I move City Council adopt a System Development Fee Analysis, amend Chapter 52 Article I and II of the City Code of Ordinances, and amend the 23-24 Budget Ordinance to adopt and implement a System Development Fee.

SUMMARY:

In 2022 Hendersonville City Council directed Staff to further pursue information on water and sewer System Development Fees (SDFs). SDFs are a one-time fee paid by new development requiring water and/or sewer services to recover a portion or all of the cost of constructing water and/or sewer system capacity. In general, SDFs are based upon the costs of current and/or future utility infrastructure including, but not limited to, water supply facilities, treatment facilities, effluent disposal facilities, and transmission mains. SDFs serve as the mechanism by which growth can "pay its own way" and minimize the extent to which existing customers must bear the cost of facilities that will be used to serve new customers. Currently, the City does not assess SDFs and therefore does not recover the cost of providing water and sewer capacity from new development connecting to the utility systems.

Staff have worked with a qualified financial professional consulting firm, Stantec, to explore various SDF scenarios and impacts. Stantec has prepared a SDF Fee Analysis Report, which was available on the City's website for public comment. A public hearing was conducted on March 7, 2024.

BUDGET IMPACT: N/A

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

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

ATTACHMENTS:

DRAFT Water and Sewer System Development Fee Ordinance
Water and Sewer System Development Fee Analysis Report

Draft ordinance. If adopted, the final ordinance may differ from this draft by direction received from the Council at the public meeting to be held on April 4, 2024 at 5:45 pm, City Operations Center, 305 Williams St, Hendersonville, NC.

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT A SYSTEM DEVELOPMENT FEE ANALYSIS, TO AMEND CHPATER 52 ARTICLE I AND II OF THE HENDERSONVILLE CITY CODE OF ORDINANCES AND TO AMEND THE 23-24 BUDGET ORDINANCE TO ADOPT AND IMPLEMENT A SYSTEM DEVELOPMENT FEE

WHEREAS, the City Council of the City of Hendersonville ("City Council") advertised a public hearing held on March 7, 2024 indicating its intent to establish and implement a System Development Fee ("SDF") for water and sewer services in accordance with North Carolina General Statute 162A Article 8 titled "System Development Fees"(the "Act") effective July 1, 2018, and N.C.G.S. § 160A-314; and

WHEREAS, the City Council has the obligation to ensure there is sufficient water and sewer capacity available for public health and welfare of the community; and

WHEREAS, the City Council is of the opinion and declares SDFs as the mechanism for the growth requiring water and sewer service(s) to contribute to the cost for the City to provide water and sewer service capacity and to minimize the extent in which existing customers must bear the cost to construct water and sewer capacity infrastructure and facilities; and

WHEREAS, the City Council advertised a public hearing held March 7, 2024 indicating its intent to adopt and implement SDFs through the adoption of this Ordinance to approve the system development fee analysis, to amend Chapter 52, Article I and II of the City of Hendersonville Code of Ordinances, and to amend the 23-24 Budget Ordinance to adopt and implement SDFs for the City of Hendersonville water and sewer services.

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

Section I. Amendment to Chapter 52, Article I of the City of Hendersonville Code of Ordinances

There shall be added the following section 52-14 to Chapter 52, Article I of the City of Hendersonville Code of Ordinances, Commitment of Service.

Sec. 52-14. Commitment of Service.

Utility service shall be deemed committed for single family dwelling units, multifamily dwelling units, and nonresidential structures and uses of land as follows:

(1) Utility service has already been established as of April 4, 2024, meaning that a meter has been set by the City and utility service is actually being provided by the City as of April 4, 2024; or

(2) For new service applied for before April 4, 2024, (a) a complete application for utility service has been received or application has been made no more than 30 days prior; (b) all applicable fees required for the new meter have been received by the City and (c) a building permit has been issued (not required for open uses of land involving no structures) or application has been made no more than 30 days prior; or

(3) A letter of commitment has been issued pursuant to Section 52-27(6) of this chapter.

Section II. Amendment to Chapter 52, Article II of the City of Hendersonville Code of Ordinances, Rates and Charges.

There shall be added the following new sections to Chapter 52, Article II of the City of Hendersonville Code of Ordinances, Rates and Charges.

Sec. 52-57. System Development Fees.

(1) Methodology Used in Development of SDFs. In accordance with the Act, the cost for additional capacity to serve new customers was determined by a qualified financial professional and was estimated on a per gallon per day ("gpd") of existing customers across various customer type categories. The City engaged Stantec Consulting Services, Inc. to complete a written analysis to determine such cost and to develop cost-justified water and sewer SDFs, such analysis to be posted on the City's website, as updated from time to time (the "SDF Report"). The City Council finds that the written analysis process began on September 9, 2022. The SDF was determined by using the Combined Approach, which takes a combination of the Buy-In and Marginal Incremental approaches and uses existing assets and capacity and combines that with planned capital improvements and additional capacity that will be constructed to calculate a blended

value of both the existing and expanded system capacity. The cost of capacity per gallon per day (gpd) was calculated to be $7.01 per gpd for water system capacity and $11.04 per gpd for sewer system capacity.

(2) Adoption of the SDF Report. The SDF Report prepared by Stantec Consulting Services, dated October 30, 2023, is hereby adopted.

(3) Definitions.

(a) *Application* means an application, submitted to the appropriate governmental authority, for a permit, approval, or service, or for an approval or an authorization to undertake a regulated activity. An application will not be considered complete until all form(s), documents, plans, studies or other information required by law or by policy of the issuing agency have been submitted and all fees required for the application to be processed have been paid.

(b) *Completeness determination* means the process of determining if an application is or is not complete.

(c) *Development* means:

i. The subdivision of land;

ii. One or more, or the addition, construction or expansion of one or more, dwelling units, buildings, structures or uses on a single tract of land, whether such tract of land is within a subdivision or not; or

iii. One or more, or the addition, construction, or expansion of one or more dwelling units, buildings, structures or uses that are being developed under a common scheme of development on more than one tract of land, whether such tracts of land are within a subdivision or not.

(d) *Development permit* means an administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal pursuant to a land development regulation, including zoning compliance permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, state agency permits for development, driveway permits, or erosion and sedimentation control permits.

(e) *Increase in capacity necessary to serve a development* means new development that requires additional water or sewer capacity to serve a development than is being provided to the development prior to the new development. As an example, for a subdivision approved for the construction of an individually metered residential dwelling unit on each lot within the subdivision, it is the construction of each residential dwelling unit based on that dwelling unit's heated square footage within

the subdivision that causes an increase in capacity necessary to serve the subdivision rather than the subdivision itself, and thus the construction of each new individually metered dwelling unit would be considered new development as defined in Subsection 52-57(3)(i)(ii). As another example, for an existing commercial, multi-building development served by a master meter, the addition of a new building within the multi-building development would not be an increase in capacity necessary to serve a development if the existing master meter serving the development is of sufficient size to serve the both the new building and the existing buildings within the development, and thus the addition of the new building would not be considered new development. As a third example, for a multi-family master metered residential development, the addition of each new residential dwelling unit will increase the capacity required to serve the development and thus each new residential dwelling unit would be considered new development as defined in Subsection 57(3)(i)(ii). As fourth example, for an existing individually metered single family dwelling unit with 2,000 heated square feet, either the addition of 1,501 heated square footage or an accessory dwelling unit of 1,501 heated square footage will increase the capacity required to serve the development and therefore either increase in heated square footage would be considered new development as defined in Subsection 57(3)(i)(ii).

(f) *Individually metered* means that a building, structure or use of land has a unique meter serving such building, structure or use of land, and serving no other building, structure or use of land. Notwithstanding the foregoing, a primary dwelling unit and its accessory dwelling unit shall, for purposes of this Section 52-57, be considered as a single residential dwelling unit that is individually metered if they are served by the same meter.

(g) *Letter of commitment* means a letter issued by the City of Hendersonville approving the provision of water or sewer capacity for new development. Notwithstanding the issuance of a Letter of Commitment, water or sewer capacity shall not be deemed "committed" by the City of Hendersonville until the circumstances outlined in Subsection 52-57 (7), below, have occurred for the new development.

(h) *Master meter* means a water meter serving a common parcel with a single or multiple structures under single ownership generally containing residential leased units, or commercial/industrial sites. Common residential master metered uses include but are not limited to multi-family apartments, condominiums, mobile home parks, RV parks, and tiny home parks.

(i) *New Development* means any of the following occurring after April 4, 2023, which increased or increases the capacity necessary to serve a development. It is specifically acknowledged that one or more of the following may occur and increase the capacity necessary to serve a particular development, and therefore one or more of the following may trigger the assessment of a system development fee for the same development. Notwithstanding the foregoing, only one SDF may be collected for each increase in capacity required for the particular development.

i. The subdivision of land. As used herein, the date of subdivision shall be deemed to be the date of the recording of the subdivision plat in the appropriate Register of Deeds Office for the subdivision. For subdivisions containing more than one phase, the date of subdivision shall be determined separately for each phase, and shall be the date of the recording of the subdivision plat in the appropriate Register of Deeds Office for each phase of the subdivision; or

ii. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure which increases the number of service units. As used herein, the date of construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement shall be the date that a building permit is issued by the appropriate governmental agency, or if a building permit is not required, the earliest date that any development permit is issued by the appropriate governmental agency; or

iii. Any use or extension of the use of land which increases the number of service units. The date of the use or extension of land shall be deemed to be the earliest date that a development permit is issued by the appropriate governmental agency, or if no development permit is required, the date that the use or extension of the use that increases the number of service units is established.

(j) *Structure* means any building or other structure containing a use that is served by the water system and/or sewer system of the City of Hendersonville.

(k) *Subdivision of land* means the division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets, but excluding those matters exempted from regulation under Chapter 160D, Article 8, Subdivision Regulation, pursuant to N.C.G.S. § 160D-802(a).

(l) *System Development Fee(s)* (the "SDF" or "SDFs") are charges or assessments for service, including service provided pursuant to a wholesale arrangement, imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, and adopted pursuant to the authority of North Carolina General Statutes Chapter 162A, and pursuant to the general rate making authority of the City as provided in N.C.G.S. § 160A-314.

(4) Adoption of SDFs. SDFs shall be as adopted from time to time, but no less than annually, by the City Council, and on file in the City Clerk's office. SDFs may be adopted or amended as part of the fee schedule adopted in the annual budget ordinance for the City. SDFs shall be assessed and collected for all new development served by the City's water system and/or sewer system.

(5) Assessment of SDFs. For new development, SDFs shall be assessed as follows:

(a) Residential Individually Metered. An SDF shall be assessed for each residential dwelling unit, such as single-family homes, accessory dwelling units, duplexes, townhomes, and mobile homes, that is individually metered, and shall be calculated on a heated square footage basis. Each individually metered residential dwelling unit shall be considered as a service unit evaluated by heated square footage size. For the purpose of assessment of a SDF, the total dwelling unit heated square footage shall be calculated as the sum of heated square footages of the primary and accessory dwelling units served by the same meter.

(b) Residential Multi-Family Master Metered. An SDF shall be assessed for structure(s) containing attached residential dwelling units, such as apartments and condominiums, that is/are master metered, and shall be calculated on a per multi-family residential dwelling unit basis. Each residential dwelling unit within a multi-family master-metered development shall be considered as a service unit.

(c) Residential Mobile Homes Master Metered. An SDF shall be assessed for a mobile home park that is master metered and shall be calculated on a per mobile home residential unit basis. RV Parks and Tiny Home Parks that are mastered metered shall be considered and assessed a SDF as non-residential new development. Each space within master-metered mobile home development capable of being occupied by a mobile home residential unit shall be considered as a service unit, regardless of whether or not a mobile home residential unit occupies the space.

(d) Non-Residential. An SDF shall be assessed for non-residential buildings, structures or uses of land, and shall be calculated based on a meter size or equivalent meter size basis for the master meter that will serve the non-residential buildings, structures or uses of land. Each meter size or equivalent meter size shall be considered as a service unit.

(e) Residential/Non-Residential Master Metered - Mixed Use Structures. An SDF shall be assessed for residential/non-residential mixed-use structure(s) that is/are master metered, and shall be calculated as the sum of the following:

i. the number of multi-family residential units multiplied by the per residential unit rate, plus;

ii. the size of the meter or meters that would be required for just the non-residential space. Common areas shall be considered as non-residential space.

(f) Other Connections. All other connections, including but not limited to irrigation connections, wholesale connections, institutional connections, or those not involving a structure, shall be assessed, and calculated as non-residential.

(6) Letter of Commitment. A Letter of Commitment shall be required for the provision of water or sewer service for any new development. A letter of commitment will be issued

upon receipt and approval of a complete water or sewer application by the City and payment of an SDF by the applicant.

(a) For new development requiring an engineering plan approval, the extension plan or utility connection plan must be approved by the City before the application for letter of commitment may be submitted.

(b) Applications for letter of commitment submitted before an engineering approval for the extension plan or utility connection plan will not be eligible for issuance of a letter of commitment.

(c) For all new development requiring a building permit, an application for a building permit, containing all information required by the issuing agency other than the letter of commitment, must be submitted to the appropriate agency prior to submitting an application for a letter of commitment.

(d) A building permit will not be issued until a letter of commitment from the City of Hendersonville is presented to the issuing agency. Building permits are issued by the Henderson County or Buncombe County Permits and Inspections Departments.

(7) Commitment of Water or Sewer Capacity. For all new development, water or sewer capacity shall be deemed committed upon the following circumstances:

i. Individually Metered. For all dwelling units, structures or uses of land that will be individually metered, water or sewer capacity shall be committed for each individually metered dwelling unit, structure or use of land independently of all other individually metered dwelling units, structures or uses of land, and shall be deemed to be committed for a dwelling unit, structure or use of land when the assessed SDF for the dwelling unit, or for a nonresidential structure or other use of land the SDF for the water or sewer capacity, has been paid and a letter of commitment has been issued for the dwelling unit, structure or use of land.

ii. Master-Metered. For all dwelling units, structures or uses of land that will be served by a master or common meter, water or sewer capacity will be committed for all dwelling units, structures and uses of land to be served by the common or master meter at the same time, and shall be deemed committed for all dwelling units, structures and uses of land to be served by the common or master meter when the assessed SDF for the master or common or master meter has been paid and a letter of commitment has been issued for all of the dwelling units, structures and uses of land to be served by the common or master meter.

iii. Subdividing of Land. Where the subdivision of land will increase the capacity necessary to serve the subdivision without the construction or addition of residential units or structures, water or sewer capacity will be deemed committed when the assessed SDF for the subdivision has been paid and a letter of commitment has been issued for the subdivision.

(8) Utilization of SDFs and SDF Ordinance. The Utilities Director shall administer the assessment of SDFs and this Section 52-57, and shall ensure that the City Council is provided with sufficient financial information to allow the setting of appropriate financial policies. The Utilities Director shall establish and maintain records, which are consistent with the City of Hendersonville's annual budget, this Section 52-57 and the appropriate North Carolina statutes.

(9) Generally Applicable Provisions.

(a) The acquisition of water or sewer capacity through payment of a SDF is non-transferrable from parcel to parcel. A parcel shall mean a tract of land having its own legal description.

(b) Construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of units of service shall be assessed a SDF for the differential in service units using current rates in accordance with the most recently adopted fee schedule. Notwithstanding the foregoing, new development which does not increase the number of service units for a residential individually metered connection by more than 150% shall not be assessed a SDF reflecting the differential in service units. Construction, reconstruction, redevelopment, conversion, structural alteration, or relocation of any structure which decreases the number of units of service shall not be refunded a SDF for the differential in service units using current rates in accordance with the most recently adopted fee schedule.

(10) Completeness determination.

(a) Applicants shall submit applications under this Chapter in accordance with terms and requirements of this Chapter and the policies of the Hendersonville Utilities Department. *Until an application is determined to be complete an application has not been submitted.*

(b) On receiving an application under this Chapter, the Utilities Department personnel designated by the Utilities Director shall determine whether the application is complete or incomplete.

(c) On determining that the application is incomplete, the designated personnel shall, as appropriate, provide the applicant with written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness

review. If the applicant fails to resubmit an application within thirty (30) consecutive calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned. The thirty (30) day period may be extended by the designated personnel.

(d) On determining that the application is complete, the designated Utilities Department personnel shall accept the application as submitted and provide the applicant with written notice of application submittal acceptance.

Section III. Amendment to the Budget Ordinance to Adopt the SDF Rate/Schedule of Fees

Section 8 of the Fiscal Year 2023-24 Budget Ordinance for the City of Hendersonville shall be amended to adopt and incorporate the System Development Fee Schedule pursuant to Section 52-57(4) of the Code of Ordinances for the City of Hendersonville, as follows:

Residential

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	$1,247	$2,048	$3,295
1,000 - 1,500	$1,332	$2,188	$3,519
1,501 - 2,000	$1,359	$2,233	$3,592
2,001 - 2,500	$1,443	$2,370	$3,813
2,501 - 3,000	$1,500	$2,465	$3,965
3,001 - 3,500	$1,613	$2,650	$4,263
3,501 - 4,000	$1,724	$2,833	$4,558
Over 4,000	$1,992	$3,273	$5,265
Multi-Family per-unit Master-Metered	$894	$1,469	$2,364
Mobile Homes per unit Master Metered Park	$1,399	$2,299	$3,699

Non-Residential

Meter Size	Water	Sewer	Combined
3/4"	$2,494	$4,097	$6,591
1"	$4,156	$6,828	$10,984
1.5"	$8,312	$13,657	$21,969
2"	$13,300	$21,850	$35,150
3"	$29,093	$47,798	$76,891
4"	$52,368	$86,036	$138,405
6"	$108,062	$177,535	$285,597
8"	$232,748	$382,383	$615,131

Meter Size	Water	Sewer	Combined
10"	$349,122	$573,575	$922,697

Section IV. It is the intention of the city council and it is hereby ordained, that the provisions of Section I and II of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of Section I and II of this ordinance may be renumbered to accomplish such intention.

Section V. Effective Date

This Ordinance shall be effective upon adoption and shall apply to all new development occurring after the April 4, 2023.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of April, 2024.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Jill Murray, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 20___.

My commission expires:

_____

Stantec

City of Hendersonville, NC

Water and Sewer System Development Fee Study

October 30, 2023

Stantec

October 30, 2023

Mr. Adam Murr
Budget Manager
Hendersonville, NC

Re: Water and Sewer
System Development Fee Study

Dear Mr. Murr,

Stantec is pleased to present this Final Report on the Water and Sewer System Development Fee Study that we performed for the City of Hendersonville, North Carolina. We appreciate the professional assistance provided by you and all the members of the City staff who participated in the Study.

If you have any questions, please do not hesitate to call us at (202) 585-6391. We appreciate the opportunity to be of service to the city and look forward to the possibility of doing so again in the future.

Sincerely,

David A. Hyder
Senior Principal

1101 14th Street NW
Washington DC 20005
(202) 585-6391
David.hyder@stantec.com

Enclosure

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1. INTRODUCTION

Stantec Consulting Services Inc. (Stantec) has conducted a Water and Sewer System Development Fee Study (Study) for Hendersonville's water and sewer systems (hereafter referred to as the "City" or "Utility"). This report presents the results of the comprehensive Study, including background information, legal requirements, an explanation of the calculation methodology employed, and the results of the analysis.

1.1 BACKGROUND

A system development fee is a one-time charge paid by a new customer to recover a portion or all of the cost of constructing water and sewer system capacity. The fees can also be assessed to existing customers requiring increased system capacity. In general, system development fees are based upon the costs of current and/or future utility infrastructure including, but not limited to, water supply facilities, treatment facilities, effluent disposal facilities, and transmission mains. System development fees serve as the mechanism by which growth can "pay its own way" and minimize the extent to which existing customers must bear the cost of facilities that will be used to serve new customers.

Currently, the City does not assess system development fees and therefore does not recover the cost of providing water and sewer capacity from new connections to the utility systems. The City has retained the services of Stantec to calculate system development fees for each respective system in accordance with the North Carolina Public Water and Sewer System Development Fee Act, set forth in North Carolina General Statue 162A, Article 8 and provide recommendations developed during the study.

1.2 STUDY PROCESS AND ENGAGEMENT

To ensure a comprehensive and transparent study, the City devised a well-structured plan aimed at gathering input from various stakeholders, including City staff, management, elected officials, key stakeholders and interested members within the service area. To initiate the study Stantec developed and delivered a presentation outlining "System Development Fee 101." This presentation covered the purpose of the fees, the calculation methodology, potential policy considerations, and the necessary steps for their adoption. The information was initially presented at a public meeting before the Water and Sewer Advisory Council on October 24, 2022, and then presented at a City Council meeting on October 26, 2022.

The feedback and suggestions received during these meetings played a pivotal role in shaping the direction of the Study. Subsequently, the initial analysis results were shared with the Water and Sewer Advisory Council on April 24th, 2023, followed by a presentation to the City Council on April 26th, 2023. Throughout this process, the invaluable input from key stakeholders and City staff has been integrated into the Study and reflected in this report.

In addition to these key interactions, City staff took further strides to educate and inform the public about the Study. This involved briefing sessions conducted for the Business Advisory Committee on July 10th, 2023, the Water and Sewer Advisory Council on July 24th, 2023, and the City Council on August 23rd,

2023. As a result of this robust engagement effort, the Study has been able to effectively incorporate extensive input from diverse perspectives, ensuring transparency in the analysis and decision-making process. By completing the study in an open and transparent manner, the City has created an opportunity for the community to understand what system development fees would look like within the City's service area and to allow for input within the study process.

1.3 LEGAL REQUIREMENTS

The Public Water and Sewer System Development Fee Act ("SDF Act") was approved on July 20th, 2017 and grants local government entities that own or operate municipal water and sewer systems the authority to assess system development fees for the provision of utility service to new development.

The SDF Act defines new development as any of the following occurring within 1 year of a development fee being adopted 1) subdivision of land, 2) construction or change to existing structure that increases service needs or 3) any use of land which increased service needs.

According to the SDF Act, the following procedural requirements need to be followed in order to adopt a system development fee:

- **Requirement 1**: The fee should be calculated in a written analysis ("SDF Analysis") prepared by a financial professional or licensed professional engineer (qualified by experience and training or education) who employs generally accepted accounting, engineering, and planning methodologies to calculate system development fees for water and sewer systems, including the buy-in, incremental cost or marginal cost, and combined costs methods for each service; and that (1) documents the facts and data used in the analysis and their sufficiency and reliability; (2) provides analysis regarding the selection of the appropriate method of analysis; (3) documents and demonstrates reliable application of the methodology to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee; (4) identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of the conclusions reached; (5) calculates a system development fee per service unit of new development and includes an equivalency or conversion table to use in determining the fees applicable for various categories of demand; and (6) covers a planning horizon of between 5 and 20 years.

- **Requirement 2**: The system development fee analysis must be posted on the City's website, and the City must solicit comments and provide a means by which people can submit their comments, for a period of at least 45 days.
- **Requirement 3**: Comments received from the public must be considered by preparer of the system development fee analysis for possible adjustments to the analysis.
- **Requirement 4**: The City must hold a public hearing prior to considering adoption of the system development fees including any adjustments made as part of the comments received by the City.

- **Requirement 5**: The City must publish the system development fee schedule as part of its annual budget or fee ordinance.
- **Requirement 6**: The City cannot adopt a fee that is higher than the fee calculated by the professional analysis.
- **Requirement 7**: The City must update the system development fee analysis at least every five years.

In addition to the procedural requirements listed above, the SDF Act provides specific requirements pertaining to the calculation of the system development fees. These requirements are highlighted within the body of this report in concert with the calculation of the system development fees for the City. Further, the City must follow the SDF Act guidance when charging the system development fee: it may be charged only to "new development" and only at the time specified in the legislation; and new development must be given a credit for costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development.

1.4 GENERAL METHODOLOGY

There are three primary approaches to the calculation of system development fees, all of which are outlined within the SDF Act. Each of the approaches are discussed below.

Buy-In Method

This approach determines the system development fees solely on the existing utility system assets. The replacement cost of each system's major functional components serves as the cost basis for the system development fee calculation. This approach is most appropriate for a system with considerable excess capacity, such that most new connections to the system will be served by that existing excess capacity and the customers are effectively "buying-in" to the existing system, or limited capital improvement program (CIP).

Incremental/Marginal Cost Method

The second approach is to use the portion of each system's multi-year CIP associated with the provision of additional system capacity by functional system component as the cost basis for the system development fee calculation. This approach is most appropriate where 1) the existing system has limited or no excess capacity to accommodate growth, and 2) the CIP contains a significant number of projects that provide additional system capacity for each functional system component representative of the cost of capacity for the entire system.

Combined Cost Method

The third approach is a combination of the two previous approaches described. This approach is most appropriate when 1) there is excess capacity in the current system that will accommodate some growth,

but additional capacity is needed in the near-term as reflected in each system's CIP, and 2) the CIP includes a significant number of projects that will provide additional system capacity.

While the SDF Act allows for the use of any one of the three methodologies discussed above, it specifies restrictions on how the revenues generated by the fees calculated using each methodology may be utilized. Table 1-1 summarizes each of the three methodologies, their typical application, and restriction of how the revenues can be utilized for each.

Table 1-1 Description of Methodologies & Restriction to Proceeds

Approach:	Description:	Fee Proceeds Allowed for:
Buy-In Method	New development shares in capital costs previously incurred which provided capacity for demand arriving with new development needs.	Expansion and/or rehabilitation projects. Since the buy-in method reimburses the system for certain past investments, proceeds can be utilized for all types of capital projects.
Incremental / Marginal Cost Method	New development share in capital costs to be incurred in the future which will provide capacity for demand arriving with new development needs.	Professional services costs in development of new fees and expansion costs (construction costs, debt service, capital, land purchase, other costs etc.) related to new development only. If no capital projects in next five years can be used for debt related to existing assets.
Combined Cost Method	Combination of Buy-In and Incremental / Marginal Cost methods	Professional services costs in development of new fees, expansion and/or rehabilitation costs. (same as both Buy-In and Incremental/Marginal Cost methods)

Given that the City has existing, but limited, capacity within both the water and sewer systems to sell, as well as capital spending planned for projects that will increase system capacity over the next 10 years, the Combined Cost approach is the most appropriate method for the calculation of the system development fee for both the water and sewer systems. To comply with the SDF Act, the City will revisit the methodology at least every five years to determine if the approach for each system is still the most appropriate to use should the City adopt system development fees.

2. BASIS OF ANALYSIS

Using the Combined Cost approach requires a Buy-In calculation and an Incremental/Marginal Cost calculation. The following outlines the process to determine the net value (cost basis) for each (water and sewer) system under the Combined Cost approach.

1) The City's existing major water and sewer system components assets are analyzed to determine the replacement cost if new less depreciation (RCNLD).
2) Any non-core system assets are excluded from the existing system value including items such as vehicles, meters, computer equipment and other non-core system assets.
3) Addition of spending on growth-related capital projects over the next 10 years as identified in the City's official Capital Improvement Plan (CIP). This includes projects designated to add new capacity to the system, whether partially or entirely.
4) Any donated assets and/or assets not funded by the City (funded by grants, developers, etc.) are removed from the net system value (both existing assets and future within the capital improvement plan).
5) The net value of the water and sewer systems is further reduced by the outstanding principal on existing debt and the net present value of future debt over the planning period for each system to provide a revenue credit (the revenue credit must be equal to at least 25% of the cost of the expansion related projects).
6) The resulting net system value is used in the determination of the system development fee using capacity and level of service standards.

The following section outlines the details of the analysis completed during the Study to calculate the water and sewer system development fees.

2.1 BUY-IN NET SYSTEM VALUE

The City provided an asset inventory which included description, asset category/class, year placed in service, original cost, and useful life for each asset through FY 2022 for both the water and sewer systems. Each asset was classified by each major system function; and a replacement cost new less depreciation was calculated using the data provided by the City and the Engineering News Record Construction Cost Index.

The SDF Act requires that the system development fee calculations include provisions for credits against the value of the system to account for assets that were not funded by the municipality. Assets that were identified to be contributed or paid for by developers and those that were grant funded were excluded from the overall results to determine the net asset value of each system. In addition to donated assets, non-core system assets are also excluded from the determination of the net asset value of each system. These include meters, vehicles, equipment, computers, and others. Results of the net asset value for the City's

existing water and sewer systems based upon the asset records provided by City staff are shown in Tables 2-1 and 2-2.

Table 2-1 Replacement Cost New, Less Depreciation: Water System

Asset Category	RCNLD Value	Less Contributed Assets / Non-Core Asset	Net Asset Value
Treatment	$33,999,901	($584,317)	$33,415,584
Supply & Pumping	$1,827,398	($634,985)	$1,192,413
Storage	$7,314,728	($944,372)	$6,370,356
Transmission & Distribution	$53,351,047	($8,015,903)	$45,335,144
Total	**$96,493,074**	**($10,179,577)**	**$86,313,497**

Table 2-2 Replacement Cost New, Less Depreciation: Sewer System

Asset Category	RCNLD Value	Less Contributed Assets / Non-Core Asset	Net Asset Value
Treatment	$28,145,176	($63,282)	$28,081,894
Pumping	$343,488	($332,065)	$11,423
Conveyance & Collection	$35,459,106	($2,297,880)	$33,161,226
Total	**$63,947,771**	**($2,693,227)**	**$61,254,544**

2.2 INCREMENTAL/MARGINAL COST NET SYSTEM VALUE

The City provided the Adopted FY2023 Capital Improvements Plan (CIP) which covers a 10-year period and totals $294.2 million. The CIP included the project description, total spending, and an indication of whether the project was designated for expansion or rehabilitation. To calculate the Incremental/Marginal Cost approach, all expansion-related projects that would increase capacity and support growth were identified. This totaled $182 million and included several water and sewer system projects, as well as expansions to both water and sewer treatment plants.

The water system CIP includes several projects that will expand the water system's capacity over the next 10 years at a total cost of $108.5 million. This includes expansion to the existing water treatment facility, transmission and distribution improvements, and a new intake and pumping station. Expansion related capital projects for the water system are shown in Table 2-3.

Table 2-3 Expansion Related Capital Projects for the Water System

Project	Function	CIP Costs
French Broad Raw Water Intake #16007	Supply and Pumping	$24,514,035
Water Distribution Master Plan Update #22012	Transmission & Distribution	$425,000
WTP Expansion to 15.0 MGD #19207	Treatment	$2,131,500
NCDOT 191 #16126	Transmission & Distribution	$12,700,000
NCDOT HWY 64 #18140(1)	Transmission & Distribution	$680,000
Eastside Transmission Main, Phase 2 and 3	Transmission & Distribution	$9,860,000
Upward Road Water Main Upgrade	Transmission & Distribution	$1,010,000
Dana Rd. Water Main Extension	Transmission & Distribution	$2,210,000
Airport Rd. - Water	Transmission & Distribution	$720,000
East Campus Road	Transmission & Distribution	$1,140,000
Pace Rd. Water Main Extension and Interconnect	Transmission & Distribution	$1,710,000
S. Rugby Road Water Main Interconnect	Transmission & Distribution	$2,850,000
Howard Gap Rd. Water Extension Mid	Transmission & Distribution	$2,550,000
Howard Gap Rd. Water Extension North End	Transmission & Distribution	$1,560,000
Southside Water System Improvements	Transmission & Distribution	$4,090,000
Fruitland Rd. Water Main Extension	Transmission & Distribution	$2,650,000
S. Mills Gap Rd. Water Main Extension	Transmission & Distribution	$1,860,000
WTP Expansion to 18.0 MGD	Treatment	$35,830,000
Total Expansion Costs		**$108,490,535**

(1) During discussions with City staff NCDOT HWY 64 #18140 project was allocated 50% to water and 50% to sewer.

The City currently has several planned capital projects that will expand the capacity of the sewer system at a total cost of approximately $74.0 million. Table 2-4 identifies each of the projects that are included in the analysis for the sewer system.

Table 2-4 Expansion Related Capital Projects for the Sewer System

Project	Function	Growth Related CIP Costs
Mud Creek Interceptor #18032	Collection & Conveyance	$8,802,000
WWTP Headworks and Flow Equalization(1)	Treatment	$11,355,769
Sewer Collection System Master Plan Update	Collection & Conveyance	$220,000
WWTP Tertiary Filter Replacement Phase 2	Treatment	$270,000
NCDOT HWY 64 #18140	Collection & Conveyance	$680,000
Wash Creek Replacement Sewer G08	Collection & Conveyance	$3,720,000
Devils Fork Sewer Replacement G05	Collection & Conveyance	$2,790,000

Project	Function	Growth Related CIP Costs
WWTP Aeration Basin Modification	Treatment	$2,125,000
WWTP 7.8 MGD Facility Expansion	Treatment	$44,000,000
Total Expansion Costs		**$73,962,769**

(1) Growth related portion represents 38% of the total cost of project as reminder of project is rehabilitation of existing capacity.

The SDF Act requires that the total project costs be reduced by a revenue credit equal to a minimum of 25 percent of the cost of the capital projects included in the analysis when the Incremental/Marginal Cost is utilized. The SDF Act "Minimum Requirements" allow for the credit to be determined by "*either the outstanding debt principal or the present value of projected water and sewer revenues received by the local government unit for the capital improvements*." For this Study, the revenue credit was determined by removing the net present value of debt principal for the cost of the future capital projects that the City plans to finance over the 10-year CIP planning period. Specifically, of the $182 million in expansion costs the City plans to finance approximately $179 million. The net present value was determined assuming a 3 percent discount rate. Table 2-5 presents the determination of the net system value given the revenue credit for future debt service.

Table 2-5 Net System Value including Revenue Credits

	Water	Sewer
Total Expansion Costs	**$108,490,535**	**$73,962,769**
Net Present Value of Principal Over Planning Period	($50,533,085)	($34,450,627)
Additional Credit to Achieve 25%	($ -)	($ -)
Net System Value	**$57,957,450**	**$39,512,143**

2.3 SYSTEM CAPACITY

2.3.1 Existing System Capacity

The City's water and sewer systems consist of numerous functional components such as water treatment, source of supply and/or pumping, storage, and transmission/conveyance. Each of the functional components have a physical or regulatory permitted capacity. While treatment, supply, and disposal capacities are readily available and generally accepted to be the physical or regulatory permitted capacity of such facilities, transmission system capacities are more difficult to quantify.

As such, it is common to define the capacity for all functional components (including the transmission or conveyance facilities) based on the system's total treatment capacity. This approach was utilized for the determination of the capacities of the City's utility systems. The rationale behind this decision is that even

if the pumping or transmission/conveyance portion of either system is larger than that system's treatment capacity, the maximum capacity the system can offer to its connections is its total treatment capacity.

For the City's water system, the City owns and operates the Hendersonville Water Treatment Facility (WTF). While permitted for a capacity of 12.0 million gallons per day (MGD), on average it currently treats and produces 7.575 MGD of water from the Pisgah National Forest and Mills River. Based on discussions with City staff, the capacity of 12.0 MGD was assumed for the system development fee analysis. Total existing maximum day water system capacity used in the system development fee analysis is 12.0 MGD.

For the City's sewer system, the City owns and operates the Hendersonville Wastewater Treatment Facility (WWTF) that has a capacity of 4.8 MGD. The WWTF currently treats an average influent flow of 3.0 MGD. At the time the new facility was constructed it was designed with a capacity of 4.8 MGD, but can be expanded up to 6.0 MGD in the future. A capacity of 4.8 MGD was used as the existing sewer system capacity for the system development fee analysis.

2.3.2 Added System Capacity

The expansion related capital improvement projects identified in the City's CIP will all add capacity to the City's water and sewer systems.

The water system capital projects will increase the City's water system capacity to 18.0 MGD, an incremental change of 6.0 MGD. This includes expansion to existing Water Treatment Facility, French Broad River intake and pumping station for added capacity. For the sewer system, the projects associated with the City's Wastewater Treatment Facility Master Plan will provide the WWTF with 3.0 MGD of incremental capacity in addition to rehabilitation and flow equalization of the WWTF Headworks bringing the total sewer capacity to 7.8 MGD after the future expansion. Table 2-6 summarizes the capacity by function used in the Combined Cost system development fee calculations. As shown in the table, the water treatment and sewer treatment capacities are assumed to be the limited factors within the systems and therefore the transmission/distribution and conveyance/collection capacities are assumed to be the same as the treatment capacities.

Table 2-6 System Capacity by Function

	Water Capacity (MGD)		Sewer Capacity (MGD)	
	Water Treatment	**Transmission/ Distribution**	**Sewer Treatment**	**Conveyance / Collection**
Current Capacity	12.0	12.0	4.8	4.8
Capacity Expansion	6.0	6.0	3.0	3.0
Total System Capacity	**18.0**	**18.0**	**7.8**	**7.8**

2.4 COMBINED COST CALCULATION

As previously stated, the Combined Cost approach includes the net system assets in addition to the net capital project costs to reach the total system value of the utility. Table 2-7 summarizes the Combined Cost calculation for both the water and sewer system development fee calculation. It also provides the cost per gallon per day for system capacity based on the total capacity within each system.

Table 2-7 Combined Approach Cost per Gallon

	Water	Sewer
RCNLD Value of Existing Assets	$96,493,074	$63,947,771
Expansion Capital Projects	$108,490,535	$73,962,769
Total Value	**$204,983,609**	**$137,910,540**
Less Credits		
Outstanding Debt Principal	($18,058,384)	($14,648,017)
Donated Assets / Non-Core Assets	($10,179,577)	($2,693,227)
Revenue Credit (NPV of future debt principal over planning period)	($50,533,085)	($34,450,627)
Additional credit to meet 25% requirement	($ -)	($ -)
Net System Value	**$126,212,563**	**$86,118,669**
System Capacity - Gallons per Day	**18,000,000**	**7,800,000**
Cost per Gallon Per Day	**$7.01**	**$11.04**

2.5 LEVEL OF SERVICE STANDARDS

Once the unit cost of capacity is determined the system development fees can be calculated by applying the unit cost to the estimated units of service required by new customers joining the water and/or sewer system. The estimated units of service must be calculated consistent with the methodology that is used to charge the system development fees. For example, some utilities charge system development fees for all property types based on the size of the meter serving the property. While this approach is simple it does not necessarily reflect the demands (units of service) associated with the various categories of users connecting to the utility. Based on discussions with City staff, we are recommending an approach that more closely aligns the units of service and the actual use demonstrated by City customers. Specifically, we have evaluated the units of service based on average use by household size (heated square feet) for single family residential customers, per unit for multi-family, per mobile home and based on meter size for non-residential customers.

To evaluate units of service, Stantec worked with City staff to review detailed customer usage data to calculate the average day use in gallons per day by residential housing size. The use by household size for existing City customers demonstrated a significant correlation between the amount of water used and the size of the homes heated area. The average use for multi-family customers on a per unit basis was

also examined as part of the study. A system-wide peaking factor of 1.5 was applied to provide the maximum day demand for each household size, multi-family unit and non-residential customer. The peaking factor is based on historical data and is used for water system planning purposes. The results are for residential customers are shown in Table 2-8. It should be noted that the average usage for single family homes for all household sizes is 136 gallons per day.

Table 2-8 Residential Units of Service - Water

Property Type	Average Usage (gpd)	Peaking Factor	Max Day Units of Service (gpd)*
Single Family (Heated sq. ft.)			
<1,000	118	1.50	178
1,000 - 1,500	127	1.50	190
1,501 - 2,000	129	1.50	194
2,001 - 2,500	137	1.50	206
2,501 - 3,000	143	1.50	214
3,001 - 3,500	153	1.50	230
3,501 - 4,000	164	1.50	246
Over 4,000	189	1.50	284
Multi-Family per unit	85	1.50	128
Mobile Homes	133	1.50	200

** Resulting units of service used to determine water system development fee for each property type*

For the sewer system, the level of service standard is typically established based on the minimum design flow standards outlined in the North Carolina Administrative Code (15A NCAC 02T .0114 - Wastewater Design Flow Rates). During the course of the study, the North Carolina General Assembly legislation (House Bill 600) which includes a provision to reduce the wastewater design flow rate from the published 120 gpd per bedroom to 75 gpd per bedroom with a minimum of two bedrooms. As a result, to establish a sewer level of service per equivalent residential unit (ERU), the new guidance was used along with an assumption of two bedrooms per ERU and the application of a maximum month peaking factor of 1.42. The maximum month peaking factor is based on historical max month flows at the City wastewater treatment facility as identified in the City's Wastewater Treatment Facility Masterplan. The peaking factor is applied to account for the fact that the City's treatment facilities must be designed to meet maximum monthly flows. The resulting sewer level of service ERU was calculated to be 213 gpd. To convert the level of service to the individual household sizes and per multi-family unit the ratios of the units of service for the water system were applied to the 213 gpd standard. Table 2-9 reflects the calculations and the resulting units of service for each property type.

Table 2-9 Residential Units of Service - Sewer

Property Type	Water Use* Ratios	Units of Service (gpd)**
Single Family (Heated sq. ft.)		
<1,000	87%	186
1,000 - 1,500	93%	198
1,501 - 2,000	95%	202
2,001 - 2,500	101%	215
2,501 - 3,000	105%	223
3,001 - 3,500	113%	240
3,501 - 4,000	121%	257
Over 4,000	139%	297
Multi-Family per unit	63%	133
Mobile Homes	98%	208

**Ratio comparing average residential single family customer demand*

***Resulting units of service used to determine sewer system development fee for each property type*

The units of service for non-residential customers are based on demand by meter size. Specifically, the non-residential average use for a 3/4" meter was calculated based on an average usage per account for all non-residential customers with this size meter. This base demand is then scaled up for each meter size based on the American Water Works Association (AWWA) meter equivalency factors. A consistent system-wide peaking factor is applied for all meter sizes as mentioned above. The determination of the maximum day use by each meter size is shown in Table 2-10.

Table 2-10 Non-Residential Units of Service - Water

Meter Size	Meter Equivalency	Equivalent Use (gpd)	Max Day Peak Factor	Max Day Units of Service (gpd)*
3/4"	1.00	237	1.50	356
1"	1.67	395	1.50	593
1.5"	3.33	790	1.50	1,185
2"	5.33	1,264	1.50	1,896
3"	11.67	2,765	1.50	4,148
4"	21.00	4,977	1.50	7,466
6"	43.33	10,270	1.50	15,405
8"	93.33	22,120	1.50	33,180
10"	140.00	33,180	1.50	49,770

** Resulting units of service used to determine water system development fee for meter size*

The sewer system units of service for non-residential customers are based on a similar analysis as the water system. The water use ratio (single family water use compared to non-residential use) for the 3/4" metered non-residential customer was determined to be 1.74. This factor was applied to the per ERU

planning standard of 213 gpd resulting in the units of service of 371 gpd for a 3/4" non-residential customer. The units of service for non-residential sewer customers are shown in Table 2-11.

Table 2-11 Non-Residential Units of Service - Sewer

Meter Size	Meter Equivalency	Units of Service (gpd)*
3/4"	1.00	371
1"	1.67	619
1.5"	3.33	1,237
2"	5.33	1,980
3"	11.67	4,330
4"	21.00	7,795
6"	43.33	16,085
8"	93.33	34,644
10"	140.00	51,966

**Resulting units of service used to determine sewer system development fee for each property type*

3. RESULTS

This section summarizes the results of the Study, the calculated system development fees, and conclusions and recommendations.

3.1 CALCULATED WATER AND SEWER SYSTEM DEVELOPMENT FEES

To calculate the system development fees, the total unit cost per gallon for capacity described in Section 2 is multiplied by the units of service associated with each of the categories of customers described in the prior section of this report. Tables 3-1 and 3-2 provide a schedule of the calculated water and sewer system development fees respectively based upon the cost and capacity information discussed in the Study.

Table 3-1 Calculated Residential Water and Sewer Development Fees

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	$1,247	$2,048	$3,295
1,000 - 1,500	$1,332	$2,188	$3,519
1,501 - 2,000	$1,359	$2,233	$3,592
2,001 - 2,500	$1,443	$2,370	$3,813
2,501 - 3,000	$1,500	$2,465	$3,965
3,001 - 3,500	$1,613	$2,650	$4,263
3,501 - 4,000	$1,724	$2,833	$4,558
Over 4,000	$1,992	$3,273	$5,265
Multi-Family per-unit Master-Metered	$894	$1,469	$2,364
Mobile Homes per unit Master Metered Park	$1,399	$2,299	$3,699

It should be noted that for implementation purposes, we recommend that duplexes and individually-metered townhomes, mobile homes and condominiums be assessed the system development fees based on the heated square footage of the residential unit in the same manner as single family residential properties.

Table 3-2 Calculated Non-Residential Water and Sewer System Development Fees

Meter Size	Water	Sewer	Combined
3/4"	$2,494	$4,097	$6,591
1"	$4,156	$6,828	$10,984
1.5"	$8,312	$13,657	$21,969
2"	$13,300	$21,850	$35,150
3"	$29,093	$47,798	$76,891

Meter Size	Water	Sewer	Combined
4"	$52,368	$86,036	$138,405
6"	$108,062	$177,535	$285,597
8"	$232,748	$382,383	$615,131
10"	$349,122	$573,575	$922,697

It is important to note that the City has discretion regarding the percentage of cost recovery utilized in the establishment of the system development fees. The system development fees can recover any amount up to, but not in excess of, the full cost recovery amounts identified herein for the calculated system development fees.

3.2 SYSTEM DEVELOPMENT FEE BENCHMARKING

System development fees are commonly adopted by utilities in North Carolina given the enabling legislation. A survey of current system development fees for surrounding and comparable utilities was completed to benchmark the calculated system development fees for the City. It is important to note that the system development fees used in the benchmarking are based on the fees that are currently in place as of the writing of this report. Since the enabling legislation requires an update of the fees every five years, many of the utilities are currently engaged with consultants to update the fees. The following figures present the results of the benchmarking.

Figure 3.1 - Water System Development Fees (Residential 2,100 Sq. Ft.)

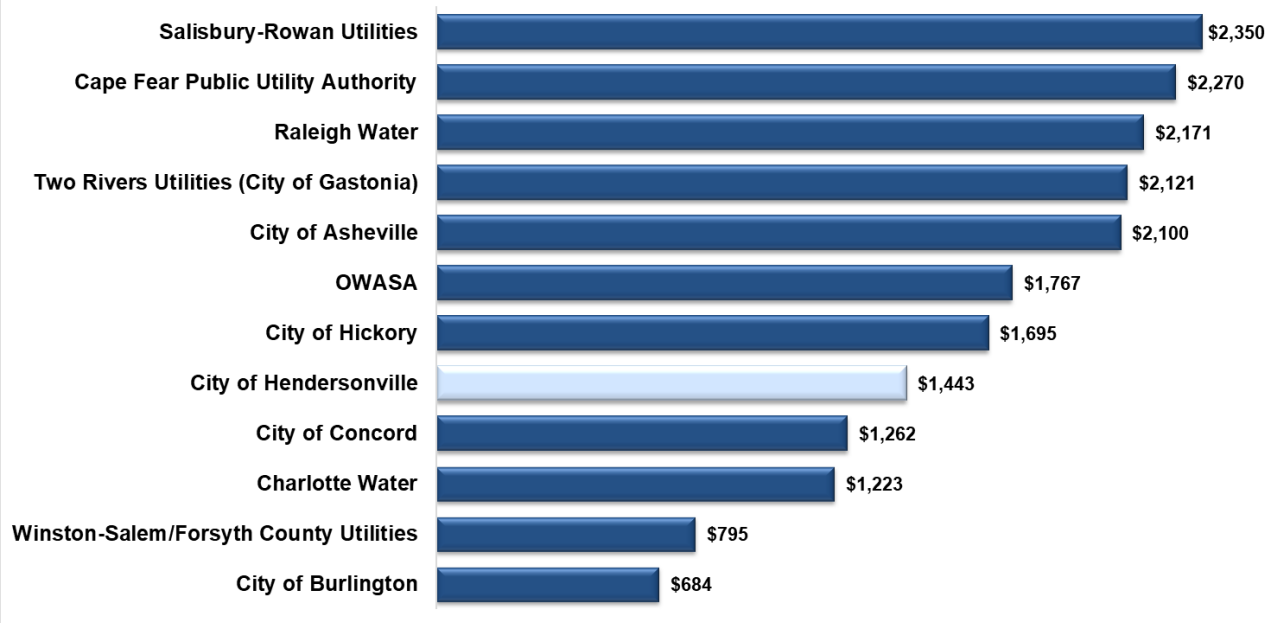
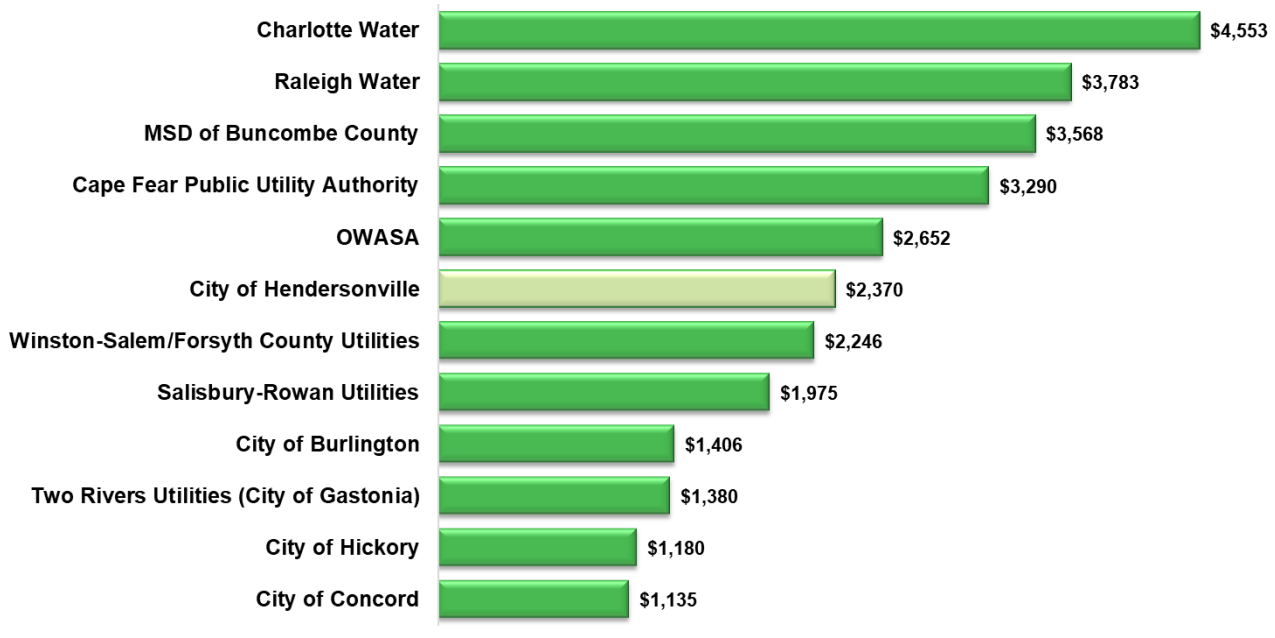


Figure 3.2 - Sewer System Development Fees (Residential 2,100 Sq. Ft.)



The benchmarking results demonstrate that the calculated fees are comparable with the benchmarked utilities current system development fees.

3.3 CONCLUSIONS AND RECOMMENDATIONS

Based upon the analysis presented herein, Stantec has developed the following conclusions and recommendations:

1) We recommend that the City adopt the calculated water and sewer system development fees as demonstrated in Tables 3-1, and 3-2. This will allow the City to recover a portion of the cost of providing water and sewer capacity from new connections joining the system.

2) We recommend that following the adoption of system development fees, the fees be collected from all new connections consistent with the required within the SDF Act outlined below:

    - For new development involving the subdivision of land, the system development fee shall be collected at the later of either of the following: (1) The time of application for a building permit. (2) When water or sewer service is committed by the City.

    - For all other new development, the fees should be collected at the earlier of either of the following: (1) The time of application for connection of the individual unit of development to the service or facilities. (2) When water or sewer service is committed by the City.

3) We recommend that the City review its development fees at least every five years to ensure that it follows requirements established by the SDF Act and to ensure that they remain fair and equitable and continue to reflect its current cost of capacity. As the City continues to expand its facilities,

future changes in technology, demands, development patterns, or other factors may necessitate additional adjustments to its development fees.

4) We recommend that as part of any system development fee update, the City also evaluates the most appropriate accepted methodology for calculating its system unit cost of capacity as system capacity may change over time.

Disclaimer

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In preparing this report, Stantec utilized information and data obtained from the city or public and/or industry sources. Stantec has relied on the information and data without independent verification, except only to the extent such verification is expressly described in this document. Any projections of future conditions presented in the document are not intended as predictions, as there may be differences between forecasted and actual results, and those differences may be material.

Additionally, the purpose of this document is to summarize Stantec's analysis and findings related to this project, and it is not intended to address all aspects that may surround the subject area. Therefore, this document may have limitations, assumptions, or reliance on data that are not readily apparent on the face of it. Moreover, the reader should understand that Stantec was called on to provide judgments on a variety of critical factors which are incapable of precise measurement. As such, the use of this document and its findings by city should only occur after consultation with Stantec, and any use of this document and findings by any other person is done so entirely at their own risk.

APPENDIX: SUPPORTING SCHEDULES

Schedule 1: Summary of System Fixed Assets & Administration Cost Allocation

Function		Gross RCNLD Asset Value	Less Donated and Minor Equipment (Non-Core Assets)	Net RCNLD Asset Value	% of Total	Net Asset Value + Allocated Admin
Water	Treatment	$ 33,999,902	$ 584,317	$ 33,415,584	22.64%	$ 33,415,584
Water	Supply and Pumping	$ 1,827,398	$ 634,985	$ 1,192,413	0.81%	$ 1,192,413
Water	Storage	$ 7,314,728	$ 944,372	$ 6,370,356	4.32%	$ 6,370,356
Water	Transmission & Distribution	$ 53,351,047	$ 8,015,903	$ 45,335,144	30.72%	$ 45,335,144
Sewer	Treatment	$ 28,145,176	$ 63,282	$ 28,081,894	19.03%	$ 28,081,894
Sewer	Pumping	$ 343,488	$ 332,065	$ 11,423	0.01%	$ 11,423
Sewer	Collection & Conveyance	$ 35,459,106	$ 2,297,880	$ 33,161,226	22.47%	$ 33,161,226
Total		**$ 160,440,845**	**$ 12,872,804**	**$ 147,568,041**	**100%**	**$ 147,568,041**

Schedule 2: Capital Improvement Summary

Function		Capital Improvement Costs	% of Total	Function Costs + Allocated Admin
Water	Treatment	$ 37,961,500	20.81%	$ 37,961,500
Water	Supply and Pumping	$ 25,524,035	13.99%	$ 25,524,035
Water	Storage	$ -	0.00%	$ -
Water	Transmission & Distribution	$ 45,005,000	24.67%	$ 45,005,000
Sewer	Treatment	$ 57,750,769	31.65%	$ 57,750,769
Sewer	Pumping	$ -	0.00%	$ -
Sewer	Collection & Conveyance	$ 16,212,000	8.89%	$ 16,212,000
Total Expansion CIP		**$ 182,453,304**		**$ 182,453,304**
Excluded Non-Expansion CIP		$ 111,792,361		$ 111,792,361
Total System CIP		**$ 294,245,665**		**$ 294,245,665**

Schedule 3: Capital Improvement Program Listing and Allocations

	Project Name	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	Cost	Water Allocation	Sewer Allocation	% Growth	Growth Related CIP Cost
1	Apex Project Land Acquisition #18014	$ 1,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,000,000	100%		0%	$ -
2	Fleetwood Water Improvement Project #21012	$ 1,400,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,400,000	100%		0%	$ -
3	French Broad Raw Water Intake #16007	$ 24,514,035	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 24,514,035	100%		100%	$ 24,514,035
4	Mud Creek Interceptor #18032	$ -	$ -	$ 8,802,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 8,802,000		100%	100%	$ 8,802,000
5	North Fork Dredging #19010	$ 1,110,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,110,000	100%		0%	$ -
6	North Greenwood Water Project #16003	$ 850,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 850,000	100%		0%	$ -
7	Sewer Vactor Truck Replacement #22011	$ 550,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 550,000		100%	0%	$ -
8	Sewer Vactor Truck Replacement #22011 - 2	$ -	$ -	$ 510,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 510,000		100%	0%	$ -
9	Streambank Sewer Improvements #21013	$ -	$ 600,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 600,000		100%	0%	$ -
10	Wastewater Evaluation - Basin 3 #21045	$ 100,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000		100%	0%	$ -
11	Water Distribution Master Plan Update #22012	$ 200,000	$ -	$ -	$ -	$ -	$ 225,000	$ -	$ -	$ -	$ -	$ -	$ 425,000	100%		100%	$ 425,000
12	WTP Expansion to 15.0 MGD #19207	$ -	$ 2,131,500	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,131,500	100%		100%	$ 2,131,500
13	WTP Residuals Storage Covered Building #22013	$ -	$ 1,480,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,480,000	100%		0%	$ -
14	WWTP Aeration Basin Rehabilitation #21045	$ 2,050,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,050,000		100%	0%	$ -
15	WWTP Biosolid Drying System #16036	$ -	$ -	$ -	$ 12,530,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 12,530,000		100%	0%	$ -
16	WWTP Ultraviolet Improvement Project #16023	$ 2,800,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,800,000		100%	0%	$ -
17	Carson Drive Neighborhood Water Replacement	$ -	$ 330,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 330,000	100%		0%	$ -
18	NCDOT Highland Lake Rd	$ -	$ 575,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 575,000	90%	10%	0%	$ -
19	Old Brickyard Rd. #20010	$ -	$ 470,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 470,000	100%		0%	$ -
20	Rutledge Road Water Improvements #17002	$ -	$ 270,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 270,000	100%		0%	$ -
21	WWTP Headworks and Flow Equalization	$ -	$ 4,505,000	$ -	$ -	$ -	$ 25,020,000	$ -	$ -	$ -	$ -	$ -	$ 29,525,000		100%	38%	$ 11,355,769
22	CCTV Truck Replacement	$ -	$ -	$ 390,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 390,000		100%	0%	$ -
23	North Main Water and Sewer Replacement	$ -	$ -	$ 1,640,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,640,000	50%	50%	0%	$ -
24	Sewer Collection System Master Plan Update	$ -	$ -	$ 220,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 220,000		100%	100%	$ 220,000
25	Vactor Truck Storage Building	$ -	$ -	$ 660,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 660,000		100%	0%	$ -
26	WWTP Tertiary Filter Replacement Phase 2	$ -	$ -	$ 270,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 270,000		100%	100%	$ 270,000
27	NCDOT 191 #16126	$ -	$ -	$ -	$ 12,700,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 12,700,000	100%		100%	$ 12,700,000
28	NCDOT HWY 64 #18140	$ -	$ -	$ -	$ 1,360,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,360,000	50%	50%	100%	$ 1,360,000
29	NCDOT I-26 #17141	$ 3,409,130	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,409,130	100%		0%	$ -
30	Wash Creek Replacement Sewer G08	$ -	$ -	$ -	$ 3,720,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,720,000		100%	100%	$ 3,720,000
31	WWTP Blower Building Improvements	$ -	$ -	$ -	$ 400,000	$ 2,200,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,600,000		100%	0%	$ -
32	WWTP Recycle Pumping Station Project	$ -	$ -	$ -	$ 1,100,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,100,000		100%	0%	$ -
33	WWTP Sludge Dewatering Conveyor Belt	$ -	$ -	$ -	$ 950,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 950,000		100%	0%	$ -
34	Devils Fork Sewer Replacement G05	$ -	$ -	$ -	$ -	$ 2,790,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,790,000		100%	100%	$ 2,790,000
35	Eastside Transmission Main, Phase 2 and 3	$ -	$ -	$ -	$ -	$ 9,860,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,860,000	100%		100%	$ 9,860,000
36	Heatherwood Neighborhood Water Replacement	$ -	$ -	$ -	$ -	$ 1,690,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,690,000	100%		0%	$ -
37	Long John Mountain Water Improvements #18014	$ -	$ -	$ -	$ -	$ 9,670,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,670,000	100%		0%	$ -
38	NCDOT White St/ South Main #17126	$ -	$ -	$ -	$ -	$ 2,900,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,900,000	50%	50%	0%	$ -
39	Upward Road Water Main Upgrade	$ -	$ -	$ -	$ -	$ 1,010,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,010,000	100%		100%	$ 1,010,000
40	WWTP Sludge Ticking Rehabilitation	$ -	$ -	$ -	$ -	$ 900,000	$ 5,000,000	$ -	$ -	$ -	$ -	$ -	$ 5,900,000		100%	0%	$ -
41	AMI Metering Infrastructure Replacement	$ 525,000	$ -	$ -	$ -	$ -	$ 3,710,000	$ 3,820,000	$ 3,930,000	$ -	$ -	$ -	$ 11,985,000	100%		0%	$ -
42	Dana Rd. Water Main Extension	$ -	$ -	$ -	$ -	$ -	$ 2,210,000	$ -	$ -	$ -	$ -	$ -	$ 2,210,000	100%		100%	$ 2,210,000
43	Statonwoods Neighborhood Water Replacement	$ -	$ -	$ -	$ -	$ -	$ 920,000	$ -	$ -	$ -	$ -	$ -	$ 920,000	100%		0%	$ -
44	Willow Rd:Price Rd & PRV Bypass	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ 500,000	100%		0%	$ -
45	Airport Rd. - Water	$ -	$ -	$ -	$ -	$ -	$ -	$ 720,000	$ -	$ -	$ -	$ -	$ 720,000	100%		100%	$ 720,000
46	Baystone Drive Neighborhood Water Replacement	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,220,000	$ -	$ -	$ -	$ -	$ 1,220,000	100%		0%	$ -
47	Brittain Creek Sewer Replacement G-03	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,080,000	$ -	$ -	$ -	$ -	$ 3,080,000		100%	0%	$ -
48	Brookwood Sewer Pump Station Replacement	$ -	$ -	$ -	$ -	$ -	$ -	$ 359,000	$ -	$ -	$ -	$ -	$ 359,000		100%	0%	$ -
49	East Campus Road	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,140,000	$ -	$ -	$ -	$ -	$ 1,140,000	100%		100%	$ 1,140,000
50	Pace Rd. Water Main Extension and Interconnect	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,710,000	$ -	$ -	$ -	$ -	$ 1,710,000	100%		100%	$ 1,710,000
51	S. Rugby Road Water Main Interconnect	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,850,000	$ -	$ -	$ -	$ -	$ 2,850,000	100%		100%	$ 2,850,000
52	WWTP Aeration Basin Modification	$ -	$ -	$ -	$ -	$ -	$ -	$ 325,000	$ 1,800,000	$ -	$ -	$ -	$ 2,125,000		100%	100%	$ 2,125,000
53	Howard Gap Rd. Water Extension Mid	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,550,000	$ -	$ -	$ -	$ 2,550,000	100%		100%	$ 2,550,000
54	Howard Gap Rd. Water Extension North End	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,560,000	$ -	$ -	$ -	$ 1,560,000	100%		100%	$ 1,560,000
55	North Fork Raw Water Line Slip lining	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,200,000	$ -	$ -	$ 5,200,000	100%		0%	$ -
56	Southside Water System Improvements	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,090,000	$ -	$ -	$ 4,090,000	100%		100%	$ 4,090,000
57	WTP to Ewart Hill Slip Lining	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,070,000	$ -	$ -	$ 5,070,000	100%		0%	$ -
58	Bradley Creek Raw Water Line Slip lining	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,935,000	$ 1,935,000	$ 3,870,000	100%		0%	$ -
59	Fruitland Rd. Water Main Extension	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,325,000	$ 1,325,000	$ 2,650,000	100%		100%	$ 2,650,000
60	NCDOT Kanuga #17131	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	50%	50%	100%	$ -
61	S. Mills Gap Rd. Water Main Extension	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 930,000	$ 930,000	$ 1,860,000	100%		100%	$ 1,860,000
62	Smokey Ridge Apts Sewer P.S. Abandonment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 270,000	$ 270,000	$ 540,000		100%	0%	$ -
63	WTP Expansion to 18.0 MGD	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 17,915,000	$ 17,915,000	$ 35,830,000	100%		100%	$ 35,830,000
64	WWTP 7.8 MGD Facility Expansion	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 22,000,000	$ 22,000,000	$ 44,000,000		100%	100%	$ 44,000,000
65	WWTP Secondary Clarifier Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,415,000	$ 1,415,000	$ 2,830,000		100%	0%	$ -
66	Church Street Sewer	$ 515,000											$ 515,000		100%	0%	$ -
Total		**$ 39,023,165**	**$ 10,361,500**	**$ 12,492,000**	**$ 32,760,000**	**$ 31,020,000**	**$ 37,585,000**	**$ 15,224,000**	**$ 9,840,000**	**$ 14,360,000**	**$ 45,790,000**	**$ 45,790,000**	**$ 294,245,665**				**$ 182,453,304**

Schedule 4: Capacity Summaries

Water System Capacity

Treatment

Water Treatment Plants	Existing Capacity (MGD)	Incremental Capacity (MGD)
Existing Capacity	12.00	
Expansion to 18		6.00
	12.00	6.00

Supply and Pumping

	Capacity (MGD)	Incremental Capacity (MGD)
	12.00	6.00
	12.00	6.00

Transmission & Distribution

	Capacity (MGD)	Incremental Capacity (MGD)
	12.00	6.00
	12.00	6.00

Sewer System Capacity

Treatment

Wastewater Treatment Plants	Capacity (MGD)	Incremental Capacity (MGD)
Existing Capacity	4.80	
Expansion to 7.8		3.00
	4.80	3.00

Pumping

	Capacity (MGD)	Incremental Capacity (MGD)
	4.80	3.00
	4.80	3.00

Collection & Conveyance

	Capacity (MGD)	Incremental Capacity (MGD)
	4.80	3.00
	4.80	3.00

Schedule 5: Water System Development Fee - Combined

Functional Component:	Treatment / Supply / Pumping	Transmission and Distribution	Total
Gross Plant in Service Value	$35,827,300	$60,665,774	$96,493,074
Total Expansion Capital Projects	$63,485,535	$45,005,000	$108,490,535
Combined System Value	$99,312,835	$105,670,774	$204,983,609
Less:			
Principal Credit (Outstanding Debt)	$ 6,704,970	$ 11,353,414	$ 18,058,384
Specific Asset Contributions/Exclusions	1,219,302	8,960,275	10,179,577
General Allowance for Asset Contributions/Exclusions	-	-	-
Grants (Historical and Future)	-	-	-
Revenue Credit (Principal Future Debt during Planning Period)	29,570,505	20,962,580	50,533,085
Additional credit to meet 25% requirement	-	-	-
Net System Value	**$ 61,818,058**	**$64,394,506**	**$126,212,563**
Revenue Credit % Used in Fee Calculation			46.58%
Cost per Gallon:			
Capacity	18.00	18.00	
Unit Cost per Gallon:	**$3.43**	**$3.58**	**$7.01**

Schedule 6: Sewer System Development Fee - Combined

Functional Component:	Treatment and Storage	Collection Conveyance and Pumping	Total
Gross Plant in Service Value	$28,145,176	$35,802,595	$63,947,771
Total Expansion Capital Projects	$57,750,769	$16,212,000	$73,962,769
Gross System Value	$85,895,945	$52,014,595	$137,910,540
Less:			
Principal Credit	$ 6,446,996	$ 8,201,021	$ 14,648,017
Specific Asset Contributions/Exclusions	63,282	2,629,945	2,693,227
General Allowance for Asset Contributions/Exclusions	-	-	-
Grants (Historical and Future)	-	-	-
Revenue Credit (Principal Future Debt during Planning Period)	26,899,347	7,551,280	34,450,627
Additional credit to meet 25% requirement	-	-	-
Net System Value	**$ 52,486,320**	**$ 33,632,349**	**$ 86,118,669**
Revenue Credit % Used in Fee Calculation			46.58%
Cost per Gallon:			
Capacity	7.80	7.80	
Unit Cost per Gallon:	**$6.73**	**$4.31**	**$11.04**

Schedule 7: Fee Summary

Water

Residential

Single Family (Heated Sq. Ft.)	Max Day Flow (gpd)	Calculated System Development Fee
<1000	178	$1,247
1,000 - 1,500	190	$1,332
1,501 - 2,000	194	$1,359
2,001 - 2,500	206	$1,443
2,501 - 3,000	214	$1,500
3,001 - 3,500	230	$1,613
3,501 - 4,000	246	$1,724
4,000+	284	$1,992
Multi-Family per-unit Master Metered	128	$894
Mobile Homes	200	$1,399

Non-Residential

Meter Size	Max Day Flow (gpd)	Calculated System Development Fee
3/4"	356	$2,494
1"	593	$4,156
1.5"	1,185	$8,312
2"	1,896	$13,300
3"	4,148	$29,093
4"	7,466	$52,368
6"	15,405	$108,062
8"	33,180	$232,748
10"	49,770	$349,122

Sewer

Residential

Single Family (Heated Sq. Ft.)	Planning Flow (gpd)	Calculated System Development Fee
<1000	186	$2,048
1,000 - 1,500	198	$2,188
1,501 - 2,000	202	$2,233
2,001 - 2,500	215	$2,370
2,501 - 3,000	223	$2,465
3,001 - 3,500	240	$2,650
3,501 - 4,000	257	$2,833
4,000+	297	$3,273
Multi-Family per-unit Master Metered	133	$1,469
Mobile Homes	208	$2,299

Non-Residential

Meter Size	Planning Flow (gpd)	Calculated System Development Fee
3/4"	371	$4,097
1"	619	$6,828
1.5"	1,237	$13,657
2"	1,980	$21,850
3"	4,330	$47,798
4"	7,795	$86,036
6"	16,085	$177,535
8"	34,644	$382,383
10"	51,966	$573,575

Combined

Residential

Single Family (Heated Sq. Ft.)	Calculated System Development Fee
<1000	$3,295
1,000 - 1,500	$3,519
1,501 - 2,000	$3,592
2,001 - 2,500	$3,813
2,501 - 3,000	$3,965
3,001 - 3,500	$4,263
3,501 - 4,000	$4,558
4,000+	$5,265
Multi-Family per-unit Master Metered	$2,364
Mobile Homes	$3,699

Non-Residential

Meter Size	Calculated System Development Fee
3/4"	$6,591
1"	$10,984
1.5"	$21,969
2"	$35,150
3"	$76,891
4"	$138,405
6"	$285,597
8"	$615,131
10"	$922,697

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Lew Holloway

MEETING DATE: April 4th, 2024

AGENDA SECTION: Unfinished Business

DEPARTMENT: Community Development

TITLE OF ITEM: Zoning Text Amendment: Tree Canopy Preservation & Enhancement (P24-08-ZTA)

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council **adopt** an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VII, Sections 7-3-3 and 7-3-4 and Article XV, Sections 15-4, 15-5, 15-6, 15- 9 and 15-9 and to add the new Section 15-14 and 15-15 to establish additional requirements for the provision and protection of trees:	I move City Council **deny** an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VII, Sections 7-3-3 and 7-3-4 and Article XV, Sections 15-4, 15-5, 15-6, 15- 9 and 15-9 and to add the new Section 15-14 and 15-15 to establish additional requirements for the provision and protection of trees:
1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan.	**1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:** The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan.
2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and	**2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because**: 1. The proposed text amendments decreases the flexibility available to property owners seeking to redevelop property within the City. 2. The proposed text amendment reduces the available property for new

tree canopy and enhancing the integration of new plantings in required open space. 2. The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources. 3. The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City. **[DISCUSS & VOTE]**	development within the City, potentially increasing the costs associated with development and impacting affordability within the City. **[DISCUSS & VOTE]**

SUMMARY: *The City Council held a public hearing regarding this proposed text amendment during its regular meeting on March 7, 2024. The City Council continued this matter to the April 4, 2024 meeting for further consideration.*

The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late spring/early summer of 2023 to review the tree board request and develop the ordinance which is presented here. In May 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City's Zoning Ordinance.

Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all "Open Space and Common Open Space" currently required by the code and c) the introduction of Street Tree requirements throughout the City's Zoning Districts.

PROJECT/PETITIONER NUMBER:	P24-08-ZTA
PETITIONER NAME:	City of Hendersonville

ATTACHMENTS:	1. Staff Report 2. Legislative Committee Summary Report 3. Draft Ordinance Changes 4. Draft Ordinance Changes (Clean Version)

PLANNING BOARD RECOMMENDATION

Project #: P24-08-ZTA

Meeting Date: February 8th, 2024

PETITION REQUEST: Tree Canopy Preservation & Enhancement Ordinance

APPLICANT/PETITIONER: City-Initiated

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation, including a review by Daniel Heyman of the Tree Ordinance Review Committee (established by City Council in the late winter/early spring of 2023) and a review by Lew Holloway of the proposed Ordinance's Comprehensive Plan consistency and some suggested staff clarifications and recommendations. The staff presentation consisted of an approximately 35 minutes worth of staff presentation and a total discussion which extended for little over an hour and a half. The board heard from the public, including members of the Tree Ordinance Review Committee and had questions about the staff recommendations, the nature of the review and ordinance drafting process, the administrative review process and other implications of the proposed ordinance.

Overall there was a desire amongst the Planning Board to support the adoption of a new Tree Ordinance. The Board supported the two staff recommendations for the renaming of the "Recommended Planting List" to "Approved Planting List" and to align the exemption standard for canopy preservation with Stormwater and Erosion and Sediment Control Plans at less then an acre of disturbance or 30,000 square feet or less total on-site canopy.

Public Speakers Included: Ken Fitch, Lynne Williams, Glenn Lange, Susan Frady, Mary Davis and Janet Thew

MOTION:

Ms. Peacock made a motion to approve the petition. The motion was amended by Mr. Robertson and seconded by Mr. Hanley. The motion passed unanimously.

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan

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

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 text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.*
- *The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.*
- *The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.*

BOARD ACTION

- **Motion/Second**: Peacock / Hanley
- **Yeas**: J. Robertson, Hanley, Peacock, B. Robertson, Flores, Waters, Robinson.
- **Nays**: N/A
- **Absent**: Cromar
- **Recused**: N/A

ZONING TEXT AMENDMENT:
TREE CANOPY PRESERVATION & ENHANCEMENT (P24-08-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... **Error! Bookmark not defined.**

PROJECT SUMMARY

- Project Name & Case #:
  - Tree Canopy Preservation & Enhancement
  - P24-08-ZTA
- Applicant:
  - City of Hendersonville
- Articles Amended:
  - Article VII – Development Review; Sections 7-3-3 and 7-3-4, Article and Article XV – Buffering, Screening and Landscaping; Sections 15-4, 15-5, 15-6, 15-9, 15-13 and the addition of Sections 15-14 and 15-15.
- Applicable Zoning District(s):
  - Various
- Future Land Use Designation
  - Various
- Planning Board - Legislative Committee Meeting
  - January 16, 2024
- Summary Basics:
  - The petition proposes to establish Tree Canopy Preservation Standards for a certain scale of new development and enhances the requirements of the Buffering, Screening and Landscaping Standards of the Zoning Ordinance in favor of enhanced tree planting requirements for certain types of new development.

Summary of Amendment Petition:

The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late summer/early fall to review the tree board request and develop the ordinance which is presented here. In May of 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City's Zoning Ordinance.

Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all "Open Space and Common Open Space" currently required by the code and c) the introduction of Street Tree requirements throughout the City's Zoning Districts.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

This zoning text amendment can be viewed as having two primary goals. 1) To establish Tree Canopy Preservation standards for certain new development and redevelopment. These standards are based on the existing canopy found on the site at the time of development/redevelopment. 2) To enhance planting requirements, specifically for trees, associated with new development with a particular interest in improving "Open Space" and "Common Open Space" planting requirements and "Street Tree" planting requirements. These requirements are triggered are development sites which exceed 2 acres.

To achieve the goal if canopy preservation the Committee has recommended a two tiered preservation standard. Tier I canopy represents a requirement that 20% of the existing canopy shall be preserved. Tier II is required in addition to Tier I and incentivizes additional preservation with additional plating requirements if the development does not achieve the canopy preservation targets in the Tier II standards.

To achieve the second goal the ordinance introduce three new and/or modified planting requirements for new development which exceeds the thresholds established in Section 15-2. These new requirements include; 1) changes to vehicular use area landscaping which increases the number required while also creating more flexibility in how those plantings are spaced throughout the vehicular use area. 2) Expansion of section 15-13 to include all 'Open Space" required in the code, not just that associated with "mixed-use" zoning districts, and "Common Open Space," typically 10% of certain residential and commercial development that did not previously come with planting standards. 3) The addition of Section 15-14 Street Trees which is establishes a more broadly applicable in require for the integration of street trees across zoning districts and development within the City. Currently, this requirement is associated with entry corridor overlay districts and certain limited zoning districts. In combination, these three requirements are intended to facilitate the pursuit of canopy enhancement on new development or redevelopment sites.

There are a number of other administrative clarifications, including new definitions, site plan submittal requirements and clarifications to tree credit standards.

LEGISLATIVE COMMITTEE RECOMMENDATION

The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, January 16, 2024. The members of the committee that were present were Jim Robertson, Peter Hanley and Donna Waters; staff attending included Matthew Manley. The Ordinance changes were discussed for approximately one hour and the following questions and recommendations were offered by the Committee members;

QUESTIONS

- If it is intended that future growth should occur within the existing city limits to limit pressure on surrounding environments, what effect will tree canopy preservation standards have on the City's ability to house that growth?
- What expertise (model policies, resources, experts, etc.) was used to develop the policies in the ordinance?
- What was the impetus for creating Tree Canopy protection standards? Is it tied to

the results of the Tree Canopy Study?

- Will the Species List be updated?
- In calculating the 20%/10% tree preservation areas, are only the trees within that area that qualify as "canopy trees" counted? Are invasive species counted? How will the area be determined? From analysis of aerial views, data from Canopy Study or from field surveys?

RECOMMENDATIONS

- Species list should be referred to as "Required Landscape Species Lists for Street, Tree and Land Development Projects 2022" or just "Landscape Species Lists for Street, Tree and Land Development Projects 2022".
- 3-Year Hold is not long enough to deter clear-cutting sites in advance of development. This position is based on the length of time it takes to go through the development process including entitlement approvals, financing, final site plan approvals, etc. A more prohibitive penalty should be considered such as 5-10 year Hold plus standards for immediate mitigation (silt fencing, seed cover, tree plantings, etc.)
- Clarify language for newly planted "canopy trees" - that they will be 50' [at maturity].
- Include illustrations for Street Tree so that recommendations are clearly understood.
- Require street trees between street and sidewalks.
- Require that trees adjacent to sidewalks have a minimum ground clearance of 7-8'.
- For Sec 15-9, consider allowing for/requiring rain gardens or some form of water infiltration into Planting Islands in parking lots. Current planting requirements limits the amount of water getting to tree roots (planting space has curb and gutter and drip line of trees eventually exceeds the planting space). This burdens tree growth and/or causes trees to die.

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	*Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses.* *Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan*
Population & Housing	*Strategy PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as "park streets" identified in Strategy CF-7.1.*
Natural & Environmental Resources	*Strategy NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity.*
Cultural & Historic Resources	***There are no Goals, Strategies, or Actions that are directly applicable to this petition.***
Community Facilities	*Strategy CF-7.1 Create "park streets" that extend parks into neighborhoods by utilizing unique signage, landscaping, street trees and pedestrian path treatment.*
Water Resources	**There are no Goals, Strategies, or Actions that are directly applicable to this petition.**
Transportation & Circulation	*Strategy TC-1.3. Incorporate Complete Streets concepts into future roadway improvements in order to create multi-modal streets.*

GENERAL REZONING STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses -**
	The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	There has been increased pressure to develop Greenfield sites throughout the city. Previously unimpacted by large scale development these site within the City and ETJ contribute to the character of the surrounding neighborhoods. The large scale clearing and grading often associated with new development has generated considerable concerns regarding conservation and preservation of natural resources and quality of life for residents within the City.
Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
	The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.
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 does not have a large impact on public facilities.
Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
	The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan

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

DRAFT [Rationale for Approval]

- *The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.*
- *The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.*
- *The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.*

DRAFT [Rational for Denial]

- *The proposed text amendments decreases the flexibility available to property owners seeking to redevelop property within the City.*
- *The proposed text amendment reduces the available property for new development within the City, potentially increasing the costs associated with development and impacting affordability within the City.*

LEGISLATIVE COMMITTEE REVIEW
PROJECT #: P24-08-ZTA
MEETING DATE: January 16, 2024

PROJECT/AMENDMENT: Tree Canopy Preservation & Enhancement Ordinance

APPLICANT/PETITIONER: City-Initiated

COMMITTEE SUMMARY:

Planning Staff (Matt Manley) met with the Planning Board's Legislative Committee, including Peter Hanley (in-person), Donna Waters (in-person) and Jim Robertson (Zoom), to review the draft ordinance language as prepared on behalf of the Tree Ordinance Committee. This was the only item on the agenda. The committee discussed the item for approximately 1 hour.

QUESTIONS:

The following questions were posed by members of the Legislative Committee:

- If it is intended that future growth should occur within the existing city limits to limit pressure on surrounding environments, what effect will tree canopy preservation standards have on the City's ability to house that growth?
- What expertise (model policies, resources, experts, etc.) was used to develop the policies in the ordinance?
- What was the impetus for creating Tree Canopy protection standards? Is it tied to the results of the Tree Canopy Study?
- Will the Species List be updated?
- In calculating the 20%/10% tree preservation areas, are only the trees within that area that qualify as "canopy trees" counted? Are invasive species counted? How will the area be determined? From analysis of aerial views, data from Canopy Study or from field surveys?

RECOMMENDATIONS:

The following recommendations were made by members of the Legislative Committee:

- Species list should be referred to as "Required Landscape Species Lists for Street, Tree and Land Development Projects 2022" or just "Landscape Species Lists for Street, Tree and Land Development Projects 2022".
- 3-Year Hold is not long enough to deter clear-cutting sites in advance of development. This position is based on the length of time it takes to go through the development process including entitlement approvals, financing, final site plan approvals, etc. A more prohibitive penalty should be considered such as 5-10 year Hold plus standards for immediate mitigation (silt fencing, seed cover, tree plantings, etc.)

RECOMMENDATIONS (cont.):

- Clarify language for newly planted “canopy trees” - that they will be 50’ [at maturity].
- Include illustrations for Street Tree so that recommendations are clearly understood.
- Require street trees between street and sidewalks. Require that trees adjacent to sidewalks have a minimum ground clearance of 7-8’.
- For Sec 15-9, consider allowing for/requiring rain gardens or some form of water infiltration into Planting Islands in parking lots. Current planting requirements limits the amount of water getting to tree roots (planting space has curb and gutter and drip line of trees eventually exceeds the planting space). This burdens tree growth and/or causes trees to die.

DISCUSSION ONLY - NO ACTION TAKEN

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE XII – DEVELOPMENT REVIEW, SECTION 7-3-3 AND SECTION 7-3-4 AND ARTICLE XV – BUFFERING , SCREENING, AND LANDSCAPING, SECTIONS 15-4 THROUGH 15-6, SECTION 15-9, SECTION 15-13, AND TO ADD NEW SECTIONS 15-14 AND 15-15 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE PROVISION AND PROTECTION OF TREES.

WHEREAS, The City of Hendersonville has authority pursuant to N.C.G.S. Chapter 160D to adopt development regulations; and

WHEREAS, The City of Hendersonville recognizes that tree canopy within the City is beneficial to the health and welfare of the citizens of Hendersonville; and

WHEREAS, Preserving existing tree canopy and promoting new growth thereof promotes the natural beauty of the City, reduces soil erosion, enhances property values, improves air quality, aids in water absorption, and reduces energy consumption; and

WHEREAS, The City's Comprehensive Plan encourages the preservation of mature trees; and

WHEREAS, The City also wishes to balance requirements related to the preservation of tree canopy with individual rights to develop private property; and

WHEREAS, the City now desires to enact the following regulations regarding the preservation and provision of tree canopy within the City's planning and development regulation jurisdiction.

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

SECTION 1. This Ordinance shall be known as "An Ordinance to Establish New Requirements for the Provision and Protection of Trees."

SECTION 2. Article XII. Development Review is hereby amended as follows:

Sec. 7-3-3. Review of preliminary site plans.

***

7-3-3.2 Contents of preliminary site plan. Applicants for developments required to undergo preliminary site plan review shall, as a part of the application for such development, submit a preliminary site plan which shall show the following:

***

n) A plan showing tree line before site preparation, identifying existing tree canopy, tree canopy proposed to be preserved, and new canopy installation areas, identifying the acreage of each, as well as areas to be screened, fenced, walled and/or landscaped;

***

t) Proposed limits of land disturbing activity.

***

Sec. 7-3-4. Review of final site plans.

***

Sec. 7-3-4.3 Contents of final site plan. A site plan showing the following shall accompany an application for site plan approval:

***

w) A plan showing tree line before site preparation, identifying existing tree canopy, tree canopy proposed to be preserved, and new canopy installation areas, identifying the acreage of each, as well as areas to be screened, fenced, walled and/or landscaped.

x) Proposed limits of land disturbing activity.

***

Sec. 7-4-6 Conditions to approval of conditional zoning district.

In considering an application for the reclassification of property to a conditional zoning district, the planning board may recommend, and the city council may recommend that reasonable and appropriate conditions be attached to the approval of the rezoning. Conditions and site specific standards shall be limited to those that address the conformance of the development and use of the site to City of Hendersonville ordinances and comprehensive plan. Any such conditions should relate to the impact of the proposed use on surrounding properties, support facilities, pedestrian and vehicular circulation systems, screening and buffering areas, timing of development, road and right-of-way improvements, water and sewer improvements, stormwater drainage, open space and other matters that the planning board and/or city council may find appropriate or the applicant may propose. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to the final action by the city council. Only those conditions mutually approved by the city council and the applicant may be incorporated into the rezoning approval.

***

SECTION 3. Article XII. Definition of Terms is hereby amended as follows:

Sec. 12-2. Definition of commonly used terms and words.

***

Canopy tree: A tree with a large, broad spreading crown, usually broadleaf and deciduous with a minimum mature height of 50 feet.

***

Recommended Species List: The Recommended Landscape Species List for Street Trees and Land Development Projects adopted by the Hendersonville Tree Board, as amended.

***

Site: The spatial location of actual or planned development. A site may be a single lot, or a combination of lots under a unified plan of development.

***

Specimen Tree: A large or medium maturing tree that is 25 inch DBH or greater; or a small maturing tree that is 10 inch DBH or greater, as designated on the Recommended Species List.

***

Tree Canopy: The area of a tree or trees where the outermost leaves, stems, and branches extend. Tree canopy is measured on a horizontal plane and is typically represented in square feet or acres.

SECTION 3. Article XV. Buffering, Screening, and Landscaping is hereby amended as follows:

Sec. 15-2. Landscaping, buffering and screening required.

Landscaping, buffering and screening shall be required for developments within the planning jurisdiction of the City of Hendersonville, including its extraterritorial jurisdiction, as set forth herein.

a) The following developments must bring the entire site into full compliance with the requirements of this article:

1) Any new public or private development, with the exception of single or two-family homes on lots that were created by a method excluded from subdivision authority pursuant to G.S. 160D-802(1)-(5);

2) A change of use to a higher impact. For purposes of this section, the following list ranks differing uses from lowest to highest impact: residential, mobile home park, institutional & cultural, commercial, industrial;

3) Renovations with a total cost exceeding 50 percent of the assessed value of the building according to Henderson County tax records or an appraisal by a state licensed appraiser;

4) Expansions exceeding 50 percent of the pre-expansion floor area or paved surface;

5) Existing unpaved parking lots which are paved over.

***

Sec. 15-4. Existing vegetation.

a) **Preservation of existing vegetation.** Preserving trees can improve the aesthetic

quality of the site and improve property values, provide environmental benefits, mitigate the impacts of development on the community, and help minimize opposition to a proposed development. It is recommended that groups of trees be preserved, as well as individual trees. Existing preserved trees and shrubs may be credited towards required buffer trees, street trees, and parking lot trees, in accordance with paragraph b), below.

b) **Credits and other incentives to preserve vegetation.** Preserved trees may be credited at the following rate:

2—12 inch DBH (diameter at breast height) tree = 1 tree

13—18 inch DBH tree = 2 trees

19—24 inch DBH tree = 3 trees

25+ inch DBH tree = 4 trees

In order to receive credit, preserved vegetation must be in good health and condition, and must not be listed as an Invasive Plant on the Recommended Species List. Trees designated to be preserved must be indicated on the site plan and on landscape and grading plans. Protective barriers, if utilized in accordance with paragraph d), below, must also be shown on the landscape and grading plans. A preserved tree shall be replaced with the total number of trees which were credited to the existing tree if the preserved tree dies within ten years of completion of the project.

c) **Tree Canopy Preservation.** All developments required to comply with this Article pursuant to Sec. 15-2 herein, with the exception of development of sites with existing tree canopy of less than 30,000 square feet, shall preserve existing tree canopy in compliance with this Section.

(1) **Tree Canopy Coverage Map**: The Tree Canopy Coverage Map is hereby adopted. The Tree Canopy Coverage Map is based on the existing tree canopy data as established by the City's tree canopy cover assessment. The Tree Canopy Coverage Map shall be rendered digitally and maintained via GIS or similar software. The Tree Canopy Coverage Map shall be updated at least every five-years to reflect the City's most recent tree canopy cover assessment.

(2) **Existing Tree Canopy:** Any reference in this Chapter to existing tree canopy shall refer to the most recent Tree Canopy Coverage Map created by the City of Hendersonville.

Developers must comply with the requirements of Sections 7-3-3.2(n) and 7-3-4.3(w) by one of the following methods:

a. Using the Tree Canopy data shown on the Tree Canopy Coverage Map (reference definition of Tree Canopy in Section 12-2);

b. For any development site for which the Tree Canopy Coverage Map

does not provide data, the developer shall submit a plan, showing the dripline of the existing tree canopy, and such plan shall be prepared by a land surveyor, civil engineer, landscape architect licensed by the State of North Carolina or Arborist certified by the International Society of Arboriculture; or

c. A developer may submit a plan showing the existing tree canopy as of the date of the most recent Tree Canopy Coverage Map, such plan prepared and sealed by a land surveyor, civil engineer, landscape architect licensed by the State of North Carolina or Arborist certified by the International Society of Arboriculture.

(3) **Preservation Requirements**

a. **Tier One Requirement:** 20 percent of the existing tree canopy on the site shall be preserved. The specific tree canopy preserved shall be at the discretion of the developer. Tier One Canopy is not eligible for fee-in-lieu without a variance issued by the Board of Adjustment.

b. **Tier Two Requirement:** In addition to the Tier One Requirement, existing tree canopy on the site shall be preserved, and new tree canopy shall be installed, in accordance with one of the options in the table below:

Tier Two Tree Canopy Requirement			
Select One:	**Percentage of Tier Two Tree Canopy Preserved (in addition to Tier One Canopy)[1]**	**Percentage of New Tree Canopy Installation Required[2]**	**Percentage of Total Tier Two Canopy Required**
Option 1	10%	0%	10%
Option 2	5%	7%	12%
Option 3	0%	15%	15%

[1] Percentages of Tier Two Tree Canopy Preserved refer to the total existing Tree Canopy on a site before calculation of the Tier One Requirement and are in addition to the Tier One Requirement.
[2] Percentages of New Tree Canopy Installation refer to the total existing Tree Canopy on a site and shall be installed in accordance with the Credit for New Tree Canopy Installation table below.

Credit for New Tree Canopy Installation	
Size of Tree*	**Tree Canopy Credit**

Large Maturing	872 sq. ft.
Medium Maturing	350 sq. ft.
Small Maturing	144 sq. ft.
*As designated in the Recommended Species List	

The developer may request to pay a fee-in-lieu of the Tier Two Canopy preservation requirements pursuant to this section.

c. In calculating the percentage preserved, only trees that are fixtures on the site shall be counted towards existing tree canopy preserved.

d. Specimen trees preserved shall receive 1.5 times their actual canopy coverage in the calculation of preserved tree canopy if such tree is protected during construction in accordance with the standards contained in Sec. 15-4(d) below.

e. As an example, a five-acre development site with two-acres, or 87,120 sq. ft., of existing tree canopy would be required to preserve existing tree canopy as shown in the table below:

Example of Tree Canopy Preservation Requirement				
Select One:	**Tier One Tree Canopy Preservation Requirement**	**Tier Two Tree Canopy Preserved (in addition to Tier One Canopy)**	**Tier Two New Tree Canopy Installation Required**	**Total Tree Canopy Requirement**
Option 1	17,424 sq. ft. (20%)	8,712 sq. ft. (10%)	0 sq. ft. (0%)	26,136 sq. ft. (30 %)
Option 2	17,424 sq. ft. (20%)	4,356 sq. ft. (5%)	6,098 sq. ft. (7%)	27,878 sq. ft. (32%)
Option 3	17,424 sq. ft. (20%)	0 sq. ft. (0%)	13,068 sq. ft. (15%)	30,492 sq. ft. (35%)

(4) **Protection of trees during construction:** All trees required to be preserved by this Section shall be protected during construction in accordance with the standards contained in Sec. 15-4(d) below.

(5) **Credit for existing vegetation:** All trees preserved pursuant to this Section may be credited towards the requirements of this Article in accordance with the provisions of Sec. 15-4(b) above.

(6) **Fee in lieu.** Where specifically provided, Community Development Director shall, in lieu of preserving trees pursuant to this Section, allow the developer to pay a fee-in-lieu of tree preservation to the City's Tree Fund. The fee-in-lieu shall be established in the City's Fee Schedule.

The fee-in-lieu shall be based on the average cost of tree canopy replacement per square foot, and shall be calculated using a weighted average of large, medium, and small maturing trees as shown below:

Calculation of Fee-in-Lieu of Tree Canopy Preservation			
Size of Tree	**Average Tree Canopy**	**Trees per Acre**	**Weight Factor**
Large Maturing	872 sq. ft.	49.943	0.105
Medium Maturing	350 sq. ft.	124.305	0.261
Small Maturing	144 sq. ft.	301.507	0.634
		Weighted Average:	228.84 sq. ft. per tree

As an example, assume the City's cost to plan and establish a tree is $350.00. $350.00 divided by 228.84 square feet equals $1.53 per square foot of tree canopy. Now assume the Tier Two Requirement for tree canopy preservation is 8,712 square feet The fee-in-lieu of tree canopy preservation would be 8,712 square feet multiplied by $1.53 for a total fee-in-lieu of $13,329.36.

(7) **Delay of development approval.** In addition to any other method of enforcement or remedy available, the City may refuse to issue a development approval for a period of three years following the removal of all or substantially all of the trees that are required to be protected under this Article.

(8) **Civil penalties.** Civil penalties for violation of this subsection, including but not limited to removal of tree canopy required to be preserved and failure to protect trees during construction, shall be assessed on a per tree basis.

d) **Protection of existing trees during construction.** The regulations contained in this paragraph shall apply in those circumstances when a developer has either: (1) elected to protect trees during construction in order to receive credit under Sec. 15-2(b), or (2) been required to preserve canopy under Sec. 15-2(c).

1) No grading or other land-disturbing activity can occur on a site with existing trees which are designated to be preserved in order to meet landscaping requirements until protective barriers are installed by the developer and approved by the community development director or a designee appointed by the community development director. Trees designated for preservation which are counted toward the landscape requirements must be protected by barriers, while trees designated for preservation which do not count toward the landscape requirements are encouraged to be protected by barriers. The diameter of the preserved trees and the location of protective barriers must be shown on landscape and grading plans with the dimension between the tree

trunk and barrier indicated.

Barricades shall be placed around the critical root zone of preserved trees that are within 50 feet of any grading or construction activity. The critical root zone is a circle extending around the tree with a one-foot radius for every one inch of tree diameter. For example, a ten-inch diameter tree would have a barricade surrounding it, erected ten feet away from the trunk. All protective barriers must be maintained throughout the building construction process.

Protective barriers shall consist of either:

A) A fence which is at least three feet high and constructed in a post and rail configuration, using two-by-four posts and one-by-four rails; or

B) A fence with two-by-four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing.

2) All contractors must be made aware of the areas designated for protection. No disturbance can occur within the tree protection areas including the following:

A) Grading;

B) Filling, unless an aeration system, certified by a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist, is installed to protect the tree from suffocation;

C) Parking;

D) Storage of debris or materials, including topsoil;

E) Disposal of hazardous wastes or concrete washout; and

F) Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.

If any area within the critical root zone will be disturbed for any reason, a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist must recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.

3) The developer should coordinate with utility companies early in the design process to resolve potential conflicts about the placement of utilities and landscape requirements. Utilities must either be placed outside of the tree protection area or, with planning department approval, tunneled at least two feet directly below the tree roots, to minimize root damage.

4) If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of a tree protection zone in order to prevent sediment from accumulating in the critical root zone area.

e) Trees in public rights-of-way. Trees located in any public right-of-way cannot be pruned or removed without a permit from the public works department in accordance with the City of Hendersonville Tree Ordinance.

***

Sec. 15-5. General standards.

The following general standards shall apply to all landscaping requirements in this article.

a) Unless otherwise specified, the exact placement of required plants and structures shall be the decision of the developer. The type of plants used shall be limited to those on the Recommended Species List. No plants listed as an Invasive Plant in the Recommended Species List may be used to meet the requirements of this ordinance. Required landscaping shall be designed in such a manner as to impart its aesthetic character when viewed from any area accessible to the public or from adjacent properties.

***

h) **Native species.** For each development site, at least 75 percent of the trees required to be planted under the provisions of this article shall be native species as listed on the Recommended Species List.

Sec. 15-6. Bufferyards.

***

TABLE OF BUFFER REQUIREMENTS

Proposed Land Use	Existing Land Use /Zoning District[1]					
	Residential[2]	Residential, multi-family[3]	Mobile Home Park[4]	Institutional & Cultural[5]	Commercial[6]	Industrial[7]
Residential	X	X	X	X	X	X
Residential, multi-family	8-foot A	X	X	X	X	X
Mobile Home Park	10-foot B	10-foot B	X	8-foot A	10-foot B	X
Institutional & Cultural	10-foot B	10-foot B	8-foot A	X	X	X
Commercial	10-foot B	10-foot B	10-foot B	8-foot A	X	X
Industrial	25-foot C	25-foot C	25-foot C	15-foot B	15-foot B	X

Notes for Table of Buffer Requirements:

1 Buffering is required if adjacent parcel of land is used or zoned for the category noted regardless whether adjacent parcel is located in the city, the city's extraterritorial jurisdiction (ETJ), or the planning jurisdiction of another governmental entity. Existing adjacent land use takes precedence over zoning

district. Buffer requirement for the district will be used if adjacent land is vacant.

2 Includes the following use districts: R-40, R-20, R-15, R-10, R-6, RCT, PRD.
3 Includes only those sites developed as multi-family.
4 Includes the PMH district or an existing mobile/manufactured home park.
5 This category includes religious, recreational, child care and educational uses and the following use districts: MIC and PID.
6 Includes the following use districts: C-1, C-2, C-3, C-4, PCD, CMU, GHMU, HMU, UV, UR and CHMU.
7 Includes the following use districts: I-1, PMD.

***

Sec. 15-9. Landscaping for vehicular use areas.

Trees and shrubs are required in and around vehicular use areas with more than six spaces to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, reduce glare from vehicular use areas, and to help filter exhaust from vehicles.

a) **Perimeter and interior plantings**. Vehicular use areas must be planted with at least one tree and two shrubs for every 3,000 square feet of vehicular use area, which includes parking spaces, aisles, driveways, and loading areas. Trees shall be evenly distributed throughout the vehicular use area, . At least 75 percent of the required parking lot trees must be broadleaf canopy trees. Trees and shrubs must be planted within 20 feet of the vehicular use area to count as parking lot landscaping; provided, however, all street trees required by other provisions of this zoning ordinance shall count as parking lot landscaping.

When a parking lot contains 20 or more parking spaces, 50 percent of the trees and shrubs required by paragraph a), above, must be planted in islands or medians located within the parking lot. Tree islands shall be evenly distributed throughout the parking lot in order to provide an even tree canopy throughout the lot. At a minimum, such tree islands shall consist of an area at least equal in size to two parking places side-by-side (360 square feet). Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking. Planting trees in groups is encouraged to increase the total amount of planting area for roots to grow.

b) **Planting strips**. When a vehicular use area lot is located within 100 feet of an abutting property and no bufferyard is required, a planting strip which is a minimum of five feet wide shall be planted between the vehicular use area and the abutting property, except along approved driveway openings which run perpendicular to the planting strip. 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. Fifty percent of these trees and shrubs may be counted toward the parking lot trees and shrubs required in paragraph a), above, if the planting strip is located within 20 feet of the vehicular use area. Adjacent businesses on separate lots which share parking or driveways shall be exempt from this requirement provided

that the required planting strip would interfere with the reasonable use of the shared parking or driveway. Vehicular use areas located behind buildings and screened from view from public rights-of-way shall be exempt from this requirement.

***

Sec. 15-13. Common open space landscaping. In addition to all other landscaping required by this zoning ordinance, each development parcel required to provide common open space pursuant to Sec. 6-16 shall contain a minimum of one tree and five shrubs for every 1,200 square feet of common open space on such development parcel. A minimum of 50 percent of the trees shall be canopy trees.

At least 70 percent of the street trees planted shall be large-maturing trees (>50 feet in height). The remaining trees shall be medium maturing trees (25-50 feet in height).

No landscaped area shall be constructed with more than ten percent of the total area of gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks.

Sec. 15-14. Open space landscaping. In addition to all other landscaping required by this zoning ordinance, each development parcel required to provide open space shall contain a minimum of one tree and five shrubs for every 4,000 square feet of common open space on such development parcel. A minimum of 50 percent of the trees shall be canopy trees.

At least 70 percent of the street trees planted shall be large-maturing trees (>50 feet in height). The remaining trees shall be medium maturing trees (25-50 feet in height).

No landscaped area shall be constructed with more than ten percent of the total area of gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks.

Sec. 15-15. Street Trees. Street trees shall be required at the rate of one tree for every 35 linear feet of property abutting a street. Trees do not need to be spaced evenly. They may be clustered with a minimum spacing of 15 feet and a maximum spacing of 75 feet.

At least 70 percent of the street trees planted shall be large-maturing trees (>50 feet in height). The remaining street trees shall be medium maturing trees (25-50 feet in height).

Where overhead utility lines are present, streets trees shall be planted at the rate of one small-maturing tree (<25 feet in height) for every 25 linear feet of property abutting a street. Nothing herein shall be construed to prohibit a deviation from the mature height requirements or planting distance from the street right-of-way to accommodate existing overhead utility lines.

Street trees shall be placed in a planting strip on private property and not within the street right-of-way. No street tree can be planted farther than 35 feet from the edge of the right-of-way to count as a street tree. The width of the planting strip may vary, but the minimum width cannot be less than seven feet and the average width shall be at least ten feet. The planting area must be covered with living material, including ground cover and/or shrubs, except for mulched areas directly around trees and shrubs, so that no soil is exposed. When a sidewalk is proposed to be constructed on a development site and right-of-way configuration requires that it be constructed on the developer's property, the width of the planting strip may be reduced to an average of seven feet.

Street trees shall not be required on a property line abutting a street when the minimum setback provided is less than ten feet. By way of example, if the minimum setback required for a development is less than 10 feet from a property line abutting a street, but the setback provided is 10 feet or more, street trees are required.

During the development review process, the approving authority for the city may permit minor deviations in the placement of trees in order to avoid conflict with utility structures and utility lines.

SECTION 3. Section 8 of the Fiscal Year 2023-24 Budget Ordinance for the City of Hendersonville shall be amended to adopt and incorporate the Fee-in-Lieu of Tree Canopy Preservation pursuant to 15-4(c)(6) of the Zoning Ordinance of the City of Hendersonville, North Carolina as follows:

Fee-in-Lieu of Tree Canopy Preservation	
Per square foot of Existing Tree Canopy required to be preserved	$1.53

SECTION 4. 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 5. 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 6. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____ 202__.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 4/4/2024

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

TITLE OF ITEM: Clarification of City Council Priorities – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council confirm our top three priorities in the following order: _____, _____, _____.

SUMMARY:

Council Member Miller as asked staff to review the City Council priority rankings and confirm that the top three are ranked appropriately.

BUDGET IMPACT: $ NA

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Retreat Summary

City of Hendersonville
City Council Retreat Summary

fountainworks

Welcome & Orientation

The City of Hendersonville held Day 2 of its 2024 City Council retreat on Friday, March 15 at the Hendersonville Board of Realtors. The retreat was professionally facilitated by Warren Miller and Drew Finley of Fountainworks, a consulting firm focused on supporting public sector organizations. The retreat revolved around the theme of growth and the phrase "from seed to tree." John Connet, City Manager, kicked off the day by explaining this theme and sharing some interesting facts from the City Council meeting minutes books. Councilmembers then reflected on a "seed" that was planted in the community in the past that they are proud to see has now grown into a "tree." Each Councilmember's response is included below:

Councilmember Jeff Miller – Main Street renovation and Laura E. Corn Mini Golf Course at Edwards Park.

Mayor Barbara Volk – Skate park at Patton Park.

Councilmember Dr. Jennifer Hensley – A long history of good decisions that has led to numerous amenities and a high quality of life in the community.

Mayor Pro Tempore Lyndsey Simpson – The construction and expansion of the Oklawaha Greenway trail.

Councilmember Debbie O' Neal Roundtree – 7th Avenue upgrades and ongoing branding and visioning.

Connet added that the foundation and architecture of City Hall in 1928 represents the embodiment of good government in the City. All Councilmembers agreed that the City boasts a long history of good decisions that have benefited today's residents, visitors, and businesses.

Celebration of 2023 Accomplishments

City Council and staff then celebrated key accomplishments from 2023. Staff conducted a similar exercise at their retreat earlier in the year, so this segment focused on hearing from City Council members on what they are most proud of and why. Below are the themes that emerged from the conversation:

Strong Infrastructure Investment – Councilmembers mentioned a variety of ongoing and completed projects that represent strong investment in the City's critical infrastructure. These investments benefit not only City residents but also more than 85,000 people in Henderson County who are served by the City's utility system.

- *French Broad River Raw Water Intake* – State Revolving Fund loan to keep up with growth and mitigate drought effects.
- *Solids Management Grant ($14.75 million)* – State appropriation for treatment facility solids management improvements.
- *2 Reported SSOs* – Only two sanitary sewer overflows were reported in 2023.

- *100-Year Water System Anniversary* – Strong investments in the City's public drinking water system have allowed the system to sustainably grow for over a century.
- *Robust public education campaigns* – Public education and outreach has grown in recent years with initiatives such as Drinking Water Week, Fix a Leak Week, and Cease the Grease.

Strong Support for City Employees – City Council has advocated for and adopted several policies that provide excellent compensation, benefits, and professional development opportunities for City employees:

- Paid family leave
- 401(k) match
- Excellent medical benefits

Two Councilmembers noted that the City's paid family leave policy sets the City apart from its employment competitors, and one Councilmember even recounted a story of a City employee who cried tears of joy after learning of the passage of the paid family leave policy. City Council agreed that attracting top talent is important, and competition in the job market is high. This strong support for City employees allows the City to keep up and remain competitive. City employees are the "boots on the ground" who serve and keep the community running.

Strategic Housing Plan – Two Councilmembers specifically highlighted the major progress the City has made with advancing affordable housing in the community.

- The City is in the early stages of developing a strategic housing plan that will build on those efforts.
- One Councilmember observed that in many ways, "everything circles around housing."

Laura E. Corn Mini Golf Course at Edwards Park – City Council agreed that this putt-putt golf course is an outstanding entertainment amenity that appeals to families and community members of all ages.

Grants and Special Appropriations – The City has won a wide variety of grants to fund projects across several departments. These grants have allowed the City to maintain a high quality of life without increasing cost of living for residents.

Ecusta Trail – The City's support for the development of the Ecusta Trail, which is a proposed rail trail that will run from Hendersonville to Brevard once complete, is a significant economic development opportunity that will also promote community health and wellness, outdoor activities, and active lifestyles.

- The 7th Avenue Streetscape project dovetails nicely with this effort and will include a connection to the Ecusta Trail.

Reduced Crime – The City's Police Chief, Blair Myhand, has led efforts that have reduced crime in the City.

- The Police Department's monthly newsletter keeps the community informed.
- Professionalization and modernization of the Police Department.

ISO Class 1 Rating – The City's Fire Department achieved a Class 1 rating from the Insurance Services Office. This rating is a badge of honor that is only achieved by a select percentage of fire departments across the country.

City staff also highlighted several other accomplishments worth celebrating including demonstrating resilience in surviving the recent cyberattack, hiring a Sustainability Manager, and building the Downtown parking deck.

Collectively, all of these accomplishments showcase the City Council's outstanding leadership and the City's high-quality staff.

Campfire: What Fuels Us As Leaders

City Council and staff then discussed what fuels them as leaders by reflecting on rewarding and challenging experiences in their careers. They considered the following questions:

1. How did the challenging experiences push you as a leader?
2. How were you tested as a leader during these challenging experiences?
3. Which positive aspects of your leadership style shined through during your rewarding experiences?
4. What did you learn about yourself as a result of these experiences?

Council and staff first reflected on these questions individually, then with a partner, and finally with the whole group. Below are the key takeaways from these conversations:

- There is a **positive ripple effect from rewarding experiences.** For example, paid family leave benefited not only City staff but also their families.
- **Skepticism and negativity push us –** A good example is the mini golf course. City Council endured criticism for prioritizing this project, but Council did not waver from their vision and delivered a high-quality amenity that the community loves.
- **Showing up and being accessible is important** – Sometimes the most important role an elected official can fill is showing up and listening to the concerns of community members. Being accessible and listening to the views of others is important for building trust.
- **Regular introspection is important** – Introspection is a highly valued quality in a leader and allows us to consistently reevaluate our performance.
- **Time management is a challenge** – Councilmembers are generally "spread thin" and cannot always attend or participate in everything they would like. Acknowledging and working to manage that tension is important.
- **Keeping the long game in mind** is important but challenging to communicate to the community**.** Councilmembers sometimes struggle to demonstrate the value of investing in long-term projects since the benefits of those projects are not yet visible, but will be in the future.
- **Cooperation, collaboration, and respect** from all Councilmembers has allowed the Council to perform at a high level and develop a strong working relationship with City management.

City Council then reflected on what they see as the most important traits that leaders should embody in their work. Below are the traits that Councilmembers listed:

- **Active listening** – Connecting with people and truly understanding them and their perspective goes a long way. Your idea is not the only idea.
- **Empathy** – Placing oneself in someone else's shoes is a valuable skill and can help balance emotions.
- **Thick skin –** The ability to endure criticism and not let negative feedback derail leadership efforts is critical.
- **Avoid preconceived notions** – Keeping an open mind and not prematurely judging people or situations is very important.

Priorities for 2024

Next, City Council and staff discussed priorities for 2024. The purpose of this segment was to gain clarity on the goal areas that City staff should prioritize in the coming year.

Prior to the retreat, City staff sorted the goals within each goal area into four categories: seed, seedling, sapling, and tree. The definitions for each of these four categories are included on page 9 of this summary. City staff plan to regularly update and monitor progress on these goals through the strategic plan report.

City Council conducted a prioritization exercise where they reviewed and ranked their highest priority goal areas for the upcoming year. They also added two new goal areas and made clarifications and adjustments to existing goals and goal areas. Councilmembers each received dot stickers with the following assigned point values:

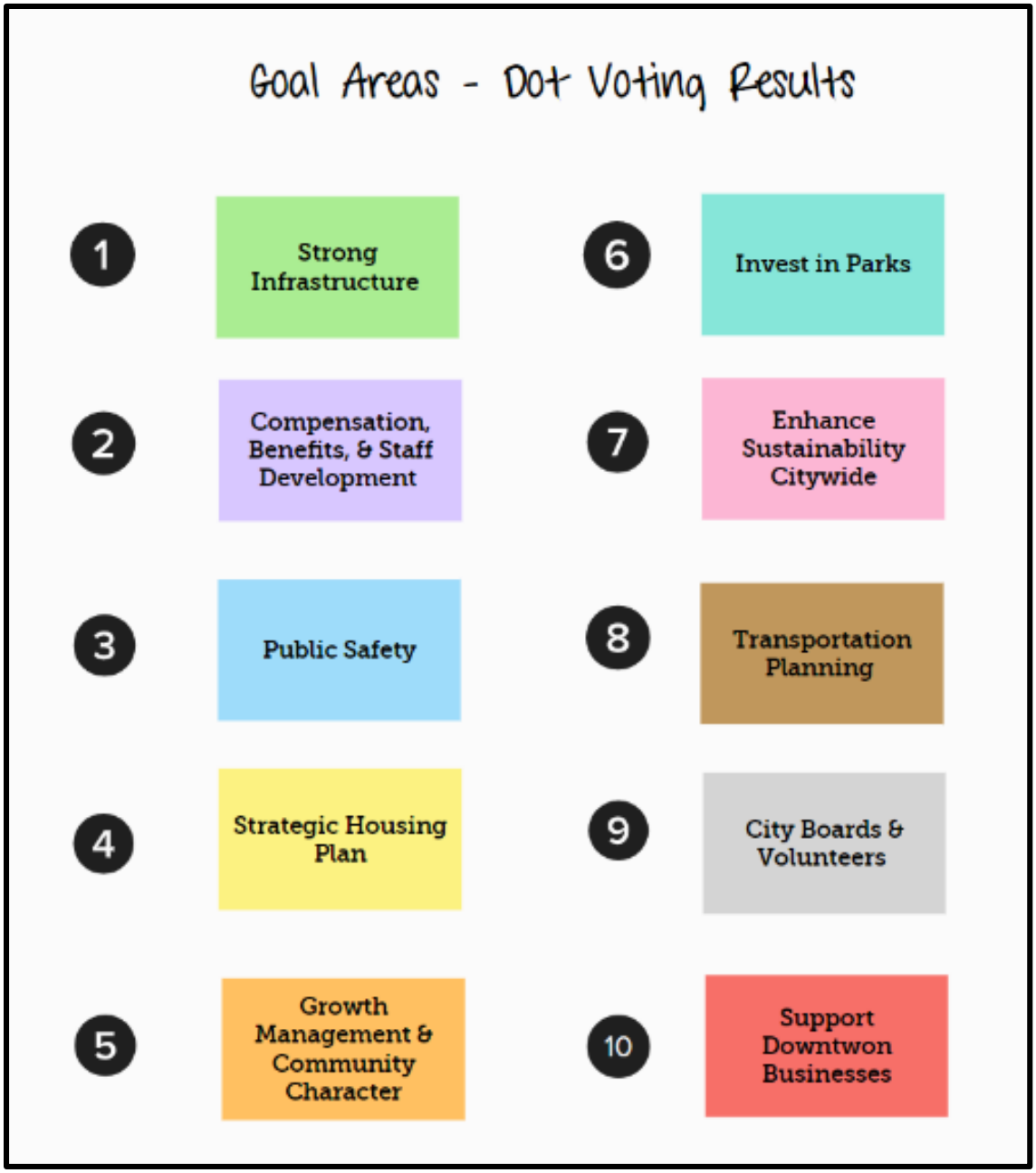
- 1 Red Dot (5 points)
- 2 Green Dots (3 points each)

- 3 Blue Dots (1 point each)

Results: Councilmembers chose from the goal areas listed below. Several clarifications and goal area title changes were made to better reflect the content of the goal areas:

- **Strong Infrastructure** – 21 total points received
- **Compensation, Benefits, and Staff Development** – 14 total points received
- **Public Safety** – 13 total points received
- **Strategic Housing Plan** – 8 total points received
- **Growth Management & Community Character** – 8 total points received
- **Invest in City Parks** – 3 total points received
- **Enhance Sustainability Citywide** – 2 total points received
- **Transportation Planning** – 1 total point received
- **City Boards & Volunteers** – 0 total points received
- **Support Downtown Businesses** – 0 total points received
- **Leverage ¼ Cent Sales Tax**
    - Exempted from dot voting exercise since this goal area is a legislative issue that is not directly within City Council's control.

The list below ranks the goal areas in accordance with the results of the dot voting exercise:



Below are the individual voting results for each Councilmember:

Councilmember Jeff Miller

- 1 Red Dot = Public Safety
- 2 Green Dots = Strong Infrastructure and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Strategic Housing Plan, Strategic Housing Plan, and Compensation, Benefits, & Staff Development

Mayor Barbara Volk

- 1 Red Dot = Public Safety
- 2 Green Dots = Strong Infrastructure and Compensation, Benefits, and Staff Development
- 3 Blue Dots = Growth Management & Community Character, Strategic Housing Plan, and Invest in Parks

Councilmember Dr. Jennifer Hensley

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Public Safety and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Transportation Planning, Strategic Housing Plan, and Growth Management & Community Character

Mayor Pro Tempore Lyndsey Simpson

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Growth Management & Community Character and Compensation, Benefits, & Staff Development
- 3 Blue Dots = Invest in Parks, Enhance Sustainability Citywide, and Strategic Housing Plan

Councilmember Debbie O' Neal Roundtree

- 1 Red Dot = Strong Infrastructure
- 2 Green Dots = Strategic Housing Plan and Growth Management & Community Character
- 3 Blue Dots = Invest in Parks, Enhance Sustainability Citywide, and Compensation, Benefits, & Staff Development

These prioritization results will provide strategic direction and guide City staff as they allocate time, energy, and resources to all of these goal areas and goals.

During this segment, City Council and staff also agreed on several clarifications related to goal area title changes and goal title changes. Below on page 9 is an updated version of the strategic plan report that reflects these changes.

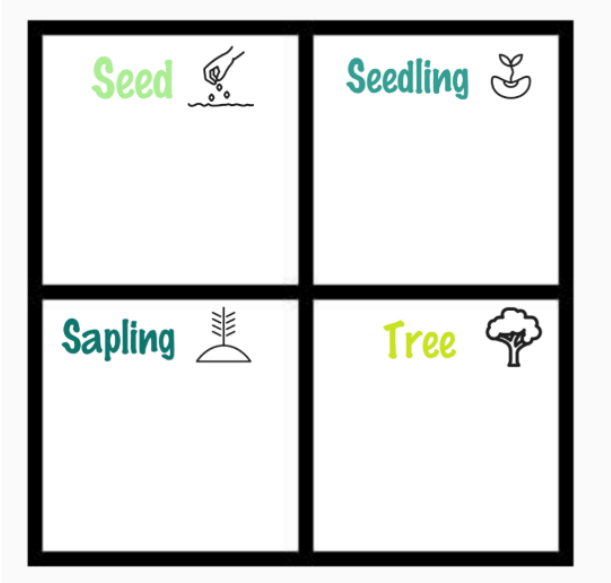
FY24 Status Update Categories

Seed = Goal is still being evaluated for next steps. Funding or staffing resources may not be available to advance this goal at this time.

Seedling = Goal has made some progress. However, there are still larger steps that need to be taken. Funding availability or staffing resources may be slowing this goal down.

Sapling = Goal is well on its way to being achieved. Funding and staffing resources are available to bring this goal to life. Final steps are being evaluated or executed to achieve the goal.

Tree = Goal has been achieved and is ready to be celebrated.



Invest in City Parks

Goal	Status	Notes
24.1.a Issue a Parks Bond	Seedling	Currently awaiting completion of the Parks and Greenways Master Plan. Next steps include prioritizing and formalizing a list of projects to include in a general obligation bond issuance including funding strategies.
24.1.b Plant Trees in Flood Plain	Seedling	City Staff have completed a tree canopy study which will help guide strategies around improving canopy within the City. The City owns and will acquire several parcels in floodplain areas that could potentially be used for canopy improvements.
24.1.c $0.01 of Occupancy Tax	Seed	Staff have not engaged external stakeholders in the allocation of the remaining 1% occupancy tax available to the TDA.
24.1.d Take Care of Existing Parks	Seedling	The draft master plan identifies existing park maintenance and improvement as a high priority and ranks many of the existing parks in below average condition. The City has allocated CIP funding to existing parks including budget for Patton Park and Sullivan Park. Sullivan Park stream restoration project will be completed in 2024.
24.1.e Splash Pad Ribbon Cutting	Seedling	The City is working with Kiwanis to fundraise for a new splash pad at Patton Park. A location has been identified and staff are working through logistics to build and operate the facility next to Patton Pool. The City does not have adequate funding at this time to build the facility.
24.1.f Signage for Parks	Seedling	New signage has been included in the Laura E. Corn mini-golf course. This signage followed the branding of the wayfinding signs throughout the City. New Main St. signage is being installed following the same brand. There is a need to establish a branding manual for park signage moving forward.
24.1.g Improve and Expand Parks	Sapling	The City recently opened the reimagined Edwards Park and Laura E. Corn mini-golf. The Clear Creek Greenway will be completed in the next 18 months. In addition, there is a property along the Clear Creek Greenway and one along Bat Fork Creek near Jackson Park that will be acquired for open space/passive recreation. Additionally, the Lower Mud

		Creek Flood Mitigation project will provide further passive recreation including installation of a portion of the Above the Mud greenway. Once the Above the Mud Feasibility Study is completed in FY24, funding will continue to be pursued for the full construction of the greenway (connecting the Ecusta to the Oklawaha). An 18-hole disc golf course will be completed in 2024 at the northern end of the Oklawaha Greenway.
24.1.h Park on S. Main St.	Seed	Provided City Council with conceptual plan options for a S. Main St. park which will help improve direction on how to proceed with transportation projects occurring in that area. Currently, funding has not been identified to move forward with a S. Main St. park.
24.1.i More Bike Racks	Sapling	New City projects include bike racks as part of the design and construction. Some new areas that include bike racks are City Ops, Fire Station #1, Edwards Park, and S. Main St. More detail needs to be developed on future bike rack locations through allocations in the City's budget process and further collaboration with area non-profits.
24.1.j Striping S. Main St. for Bikes	Sapling	Staff are bidding the project for completion in 2024. This will improve access to and from the Ecusta Trail via Main Street, provide additional parking spaces, and add bike corrals.

Strategic Housing Plan

Goal	Status	Notes
24.2.a Complete Strategic Housing Plan Including Stakeholder Input	Seedling	Strategic Housing Plan has not begun however funding is in place. Heard input around this goal throughout comp. plan outreach.
24.2.b Incentives for Developers	Seed	Strategic Housing Plan has not begun however funding is in place.
24.2.c More Affordable Housing	Seedling	The Strategic Housing Plan and Housing Committee will help further define this goal.
24.2.d Workforce Housing	Seedling	The Strategic Housing Plan and Housing Committee will help further define this goal.
24.2.e Resolution for Housing Authority Powers	Sapling	Legal is drafting the resolution which is expected to be adopted by June 30th, 2024.
24.2.f Housing at all Price Points	Seedling	City Council entitled 681 Units in 2023. The Strategic Housing Plan and Housing Committee will help further define this goal.

Growth Management and Community Character

Goal	Status	Notes
24.3.a Right Density	Seedling	The comp. plan will identify areas suitable for density. Need further definition through a development ordinance.
24.3.b Support Density for Affordability	Seedling	Further definition of 24.3.a will help identify strategies for density bonuses associated with affordability and market rates. The strategic housing plan will have influence and strategies for this goal.
24.3.c Right Height	Seedling	The Downtown Master Plan will lay the foundation for right height guidelines.
24.3.d Develop Style Guidelines/Overlays	Seedling	The Downtown Master Plan will lay the foundation for style guidelines.
24.3.e Pursue Form Based Code	Seedling	The Downtown Master Plan will lay the foundation for form-based code guidelines.
24.3.f More By-Right Development	Seedling	The comp. plan will define what we desire in certain areas of the City. Need further definition through a development ordinance.
24.3.g Look for Other Commercial Centers	Seedling	The comp. plan has identified underutilized properties as well as scoring commercial suitability of parcels. Staff is also looking at areas for public investment (parks, infrastructure, etc....) that will help encourage commercial development.

24.3.h		Complete Comprehensive Plan. The County just adopted their comprehensive plan this week. The goal should be to bring the County and the City's plans together over time.
24.3.i		Start Unified Development Ordinance

Transportation Planning

Goal	Status	Notes
24.4.a Issue a Transportation Bond	Seed	This goal is in its infancy as many plans need to be completed prior to moving forward. An intermediate step may be to leverage a G.O. Bond for existing NCDOT projects that require City funding.
24.4.b Street Cut/Repairs Efficiency	Seedling	Timing between pavement cuts and repair of cuts has improved in the last year due to more efficient use of Cityworks. Staff are continuing to evaluate efficiencies for this program and are tracking more data in Cityworks to provide insights on how to further improve.
24.4.c Traffic Calming Policy	Seed	Staff are exploring the option to produce this study with in-house engineering staff. S Main St project includes road diet and bike lanes thereby incorporating traffic calming.
24.4.d Improve Pavement Condition Score	Seedling	Pavement condition score will be updated this year. This will guide future funding use. 7th Avenue Streetscape project will be completed. The 4th/Ashe Water & Sewer Improvement Project will include the repaving of several streets thereby improving pavement condition scores. As part of an initiative to more closely coordinate infrastructure CIP projects, staff will work to efficiently complete underground improvements ahead of resurfacing. Staff are proposing an increase in the motor vehicle fee to put additional resources behind street resurfacings.

24.4.e Traffic Impact for New Development	Seed	Staff have an on-call agreement with Kimley-Horn for City led traffic impact analysis.
24.4.f Better Connectivity/Flow	Seed	The French Broad River MPO received a Safe Streets for All grant from USDOT to develop a Safety Action Plan for the five-county area (Buncombe, Haywood, Henderson, Madison, and Transylvania counties.) Developing this plan will provide a path toward a safer transportation network and enable our region to apply for implementation funds through USDOT. City staff have been involved in the selection of a consultant to complete this study and local stakeholders will be involved throughout its completion. The Action Plan should be completed by late 2024 and projects will be identified that could then be applied for funding. S Main Street project will be completed to connect pedestrians/bicyclists from the Ecusta to downtown. Above the Mud Feasibility Study will be completed to help boost funding applications to connect the Ecusta to the Oklawaha. There is a Saluda Grade Feasibility Study to be completed this year that will do the same for that project. Both projects would form a transformational greenway/transportation network. City Council needs to let the French Broad River MPO and Division Engineer know that multimodal transportation is a priority. There is an important economic development piece of pedestrian and bike infrastructure.
24.4.g Narrow King Street	Sapling	Design and traffic modeling data has been prepared by Kimley-Horn and City is awaiting confirmation from NCDOT that the City can construct the narrowing and

		sidewalk project from 2nd to 4th Avenues once funds are available in the City budget.
24.4.h Address Motor Vehicle Accidents	Seedling	City Police have enhanced their traffic unit in recent years, but funding constraints have made it unlikely to expand staffing in the coming year. Motor vehicle accidents were down 3% in 2023. There have been three pedestrian fatalities in the last 30 days, all on US Highway 64. This is outrageously outside the norm.

Leverage a ¼ Cent Sales Tax

Goal	Status	Notes
24.5.a Educate and Lobby	Seed	Council has advocated with our local state legislators for this potential revenue source. Staff continue to provide data around the impacts of this revenue source.

Compensation, Benefits, & Staff Development

Goal	Status	Notes
24.6.(1).a Keep Employees Moving Up Grades	Sapling	Career ladders are almost completed for all departments across the City.
24.6.(1).b	Seedling	City cost of living adjustments are beginning to fall behind the living wage growth and will continue to lag without additional revenues. Incremental increases in the City's merit pay has stalled in FY25.

Increase COLA to Keep Up with Market		

City Boards & Volunteers

Goal	Status	Notes
24.6.(2).a Value/Celebrate Boards	Sapling	Appreciation event to become an annual occurrence.
24.6.(2).b Educate Boards	Seedling	A training was conducted this year and recorded for future board use. Additional trainings are needed to be formalized across all boards.
24.6.(2).c Clarify Ordinances and Simplify Roles	Seedling	Updates to the Comprehensive Plan and Zoning Ordinance will aim to reduce the number of Conditional Rezonings required to be heard by the Planning Board and others. The updated tree ordinance has helped clarify the Tree Board's role. City Council priorities should be City board priorities. Council sets strategic vision for City with input from Boards.

Enhance Sustainability Citywide

Goal	Status	Notes
24.6.(3).a Explore Merging Boards	Tree	Staff explored this opportunity but does not feel it is feasible at this time.
24.6.(3).b Incorporate Sustainability in Comp. Plan	Tree	There was a clear focus on sustainability during comp. plan input and drafting.

24.6.(3).c Finalize Sustainability Plan	Sapling	The Sustainability Plan and development of City building/facility efficiency standards are underway.
24.6.(3).d Update and Strengthen Tree Ordinances	Tree	City Council will consider the new tree ordinance in April 2023.

Goal	Status	Notes
24.9.a Support NeighborWoods Program	Tree	Continued support and funding for this program are strong. Future years are expected to bolster additional plantings through a new fee in lieu of tree plantings in the tree ordinance.
24.9.b Increase Tree Budget	Tree	Continued support and funding for this program are strong. Future years are expected to bolster additional plantings through a new fee in lieu of tree plantings in the tree ordinance.

Support Downtown Businesses

Goal	Status	Notes
24.10.a Establish Legal Authority	Tree	The City now works through the Friends of Downtown to provide façade and pivot grants to downtown businesses and property owners.
24.10.b Allocate More Funds to Program	Sapling	The City, through the Friends of Downtown, is currently allocating $30,000 a year to this program. It would be ideal to create a target performance indicator to identify when this goal has been completely met.

24.10.c HIIP Program	Sapling	The City in partnership with Mountain Bizworks has started a small business loan and incubator program called the Downtown Opportunity Fund. The shared office spaces are scheduled to open this year. The fund has $400k of seed funding available.

Public Safety

a. **Enhance Downtown Safety Program**
    - Civilian traffic investigators – apprenticeship program
    - Hire part time while they go to college through the CJ Fellows program
    - Then appoint them as officers
b. **Explore Social Worker Co-responder Models and Crisis Response**
    - Intern social worker to build program at no cost to the City (through Western Carolina University)
    - Councilmember Simpson said this goal should move to the top
    - Councilmember Jennifer Hensley noted that it is important for police to be present when people are blatantly breaking the law
    - Crisis Intervention Training (CIT)
        - Designed as a diversion program.
        - Has not been a focus in the police department in the past.
        - McDonald's homicide highlighted the need for this training (Jacklyn Reed).
        - Might mean that officers spend an hour on a call instead of 15 minutes.
        - Social worker co-responders provide the right tool for the job. Using just police officers for crisis intervention is like using a Phillips head screwdriver when we need a socket wrench.
        - Review of body-worn camera footage from a recent shooting demonstrated that officers need to work on managing crime scenes and dealing with victims and victims' families. Officers face an extreme emotional response in crisis situations. They can be viewed as uncaring if they try to do their law enforcement job instead of dealing with the pain that is happening.
        - People are unpredictable in crisis and things can change fast. We need to keep people safe.
c. **Maintain ISO 1 Rating**
d. **Explore QRV Option for Medical Response**
e. **Expand Code Enforcement Capacity**
    - Burned property is an issue.
    - Work through complex code enforcement projects.

- Planners have less capacity to do code enforcement.
- City has not taken a proactive approach to the commercial building code.
- As rents go up and retail changes, there is an opportunity to be proactive with code enforcement and avoid blight.
- There are renters who are living in substandard homes countywide.
- Property owners need to maintain properties. If they do not, there should be legal consequences.
- Letting buildings fall apart affects everyone.

f. Strengthen Commercial Maintenance Code

g. Vacant Property Registration

h. Expand Installation of Cameras throughout Public Areas, Especially in Downtown

- Be careful about how we increase police presence in Downtown
- Make sure we be careful with interactions with the homeless population

i. Continued Flooding Response Process Improvements

Strong Utility Infrastructure

a. Continue Projects to Further Reduce Sanitary Sewer Overflows (SSOs).
b. Dedicate Funding Plan for Treatment, Distribution, and Collection Master Plans for Water and Sewer.
c. Dedicate Funding for Projects Resulting from the Stormwater Master Plan.
d. Expand Water Treatment Plant to 15 MGD.
e. Funding for Projects from Stormwater Master Plan.

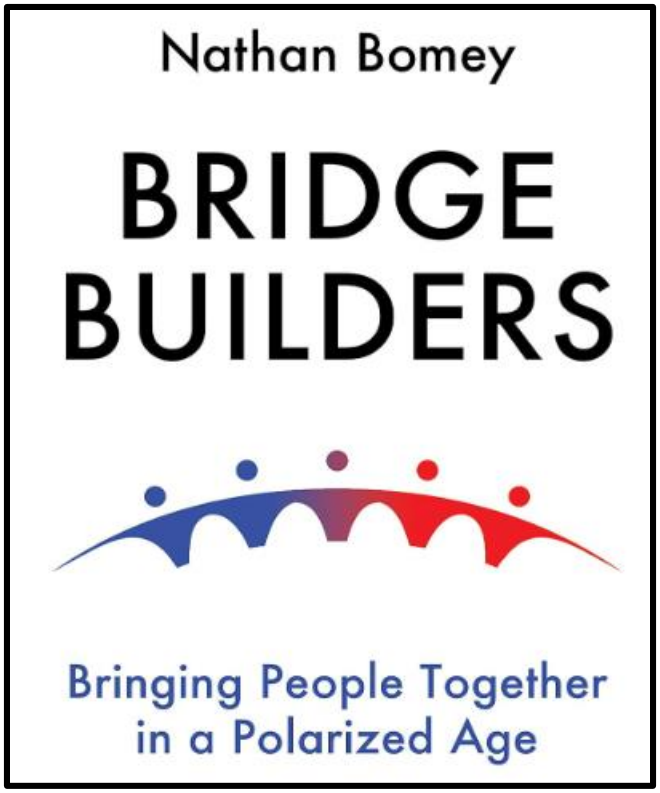
Seeing What We Are Celebrating: Drone Video

At lunchtime, City Council and staff watched a drone video that displayed progress on important City projects. This video provided an opportunity for City staff to inform Council of the work that went into bringing these projects to fruition.

Preparing Ourselves as Leaders for the Year Ahead

To conclude the day, City Council and staff prepared themselves for the upcoming year, which they anticipate will be disruptive and stressful in many ways. The conversation revolved around two key themes: remaining resilient and building bridges. City leadership will soon convene a book club where they will read and reflect on Nathan Bomey's *Bridge Builders: Bringing People Together in a Polarized Age*. During this segment, City Council and staff discussed strategies for remaining resilient and building bridges:

- **Provide deadlines and timeframes** – For example, an email requesting that someone review important information can appear urgent if a deadline is not attached to it.
- **Provide more notice for events** – Organizing events requires a lot of planning and coordination. Communicate early and often about event details.
- **Correct misinformation** – Whether during public comment at a City Council meeting or on social media, combat misinformation with accurate information.
- **Be conveners –** Connect and bring together passionate community leaders to solve complex problems such as childcare.
- **Do what is right, even when it is tough** – Support each other and make ethical, smart decisions (even if those decisions may be unpopular to some).
- **Be persistent** – Keep bringing important issues to the table. Saying no does not mean an idea is not valid. Continue to highlight important issues that need to be addressed.
- **Do not bear the burden of attempting to solve everything** – The City deals with many wicked issues that do not have easy answers or solutions. With most (if not all) of these issues, the City will play an important role in developing solutions. However, in many cases, City Council and staff are simply one piece of the solution.



Next Steps & Adjourn

- City staff will make updates to the strategic plan and report back to Council.

John Connet thanked City Council and staff for their participation and the retreat adjourned. Let the seeds be planted and grow!

Appendix

Parking Lot

City leaders placed the topic of parking in the parking lot. Parking will be discussed at an upcoming City Council meeting.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 4/4/2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Approval of Letter to Henderson County Legislative Delegation – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that the City Council approve the attached letter to the Henderson County legislative delegation and authorize the City Manager to distribute to the delegation.

SUMMARY:

Following recent comments at March 20, 2024 Henderson County Board of Commissioners' meeting, members of the City Council asked staff to prepare a letter to the Henderson County legislative delegation. Staff requests that the City Council approve the letter and authorize the City Manager to distribute to the delegation.

BUDGET IMPACT: $ NA

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Proposed Letter

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JEFFERY L. MILLER

CITY OF HENDERSONVILLE

The City of Four Seasons

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

April 1, 2024

Senator Tim Moffitt
N.C. General Assembly
16 Jones Street, Rm 2111
Raleigh, NC 27601

Dear Senator Moffitt:

Based on a recent Henderson County Board of Commissioners meeting, Hendersonville City Council feels that it is beneficial to provide our State Legislators additional context and background. The City of Hendersonville has acted in good faith and tried to negotiate with Henderson County over the past twelve months to resolve the long-standing dispute over governance of the utility system and growth of the City of Hendersonville. In addition, the City has strived to cooperate with Henderson County over the last twenty-four years, as illustrated in the list below.

- Executed the 2000 Contract of Purchase and Interlocal Cooperation and Settlement Agreement
- Re-established the Water and Sewer Advisory Committee comprised of representatives across the utility service area (Henderson County, Mills River, Flat Rock, Fletcher, Laurel Park etc.)
- Partnership with Henderson County, UNC Pardee, Wingate University and Blue Ridge Community College to construct the Health Sciences Center
- Partnership with Henderson County and Housing Assistance Corporation to construct Apple Ridge Affordable Housing Development
- Partnership with Housing Assistance Corporation to construct Oklawaha Affordable Housing Development
- Partnership with Housing Assistance Corporation to construct infill affordable housing units
- Inside water rates for all Henderson County Public Schools
- Agreed to equalize inside/outside City water rates over a ten-year period (currently in 5th year)
- Compensating rural fire departments for annexed properties. Lump sum payment for 5 years of lost tax revenue.
- Adopted formal resolution ensuring that no water and sewer lines serving new development are extended without approval of respective governing boards.
- Partnered with economic development agencies to extend public utilities to new industry:
    - School House Road, Mills River – AgHC
    - Ladson Road, Mills River – AgHC
    - Demmel / Elkamet – HCPED
    - Garrison Industrial Park – HCPED
- Offer to purchase distressed Etowah Sewer Company. Henderson County objected and City of Hendersonville withdrew the offer to purchase.
- Assumed responsibility of Laurel Park Water System in April 2021 and have since made significant investments in the system. Customers in Laurel Park immediately noticed a reduction in water rates and an improved level of service.
- Obtained grants with help of Henderson County staff and installed public water lines to homes in the Academy Road area of Henderson County. Private wells were contaminated with pesticides.

- Assisted with the relocation of public sewer line under Hendersonville High School
- Partnered with Henderson County to extend sewer to Atkinson Elementary School
- Worked with Henderson County to extend Jackson Park Interceptor Sewer eliminating a large pump station from the park.
- Completed the following water pressure and fire flow improvement projects:
    - Etowah Water Improvement Project
    - Northside Water Improvement Project (Fletcher)
    - Hebron Pressure Zone Project (Laurel Park)
- Water System Hydraulic Model development assists rural fire departments with improving ISO ratings.
- Assistance of the provision of sewer to the Halfway Tree Mobile Home Park (Flat Rock) to resolve a public health/failing septic issue.
- Replacement of Clear Creek Sewer Interceptor, which was installed to accommodate anticipated future growth in the Edneyville Community.
- 2023 Joint Water and Sewer Commission Proposal
    - Proposed an Urban Growth Boundary / Annexation Agreement
    - Eliminate ETJ
    - Limited annexation to new developments
    - Established a joint Water and Sewer Commission
    - Established a joint planning area around the City of Hendersonville
    - Include a land use map that limited high density development to the west side of I-26
- Offered to assist with sewer provision in the Edneyville Community

The City Council will continue to attempt to resolve this dispute at the local level with a balanced approach of protecting the interests of utility customers, Hendersonville residents and businesses while attempting to address the concerns of the Henderson County Board of Commissioners. We thank you for your consideration in this matter and request a formal meeting to discuss it further.

Sincerely,

_____
Barbara Volk, Mayor

_____
Lyndsey Simpson, Mayor Pro Tem

_____
Jennifer Hensley, Council Member

_____
Jeff Miller, Council Member

_____
Debbie Roundtree, Council Member

MEMO

TO: John Connet, City Manager

FROM: Jennifer Case, Public Works

DATE: 03/12/2024

RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city and we are requesting that these items be declared surplus with the intent to sell them by internet auction:

1. Four office desks from engineering dept. Approximate Value: $50 each
2. 14-08 2003 Dodge Durango AV: $4000
3. 44-02 1997 New Holland B95 Backhoe AV: $10,000
4. 59-24 1999 MPH IND. Trailer/Speed Radar AV: $600
5. 59-16 1991 Brewer Trailer AV: $350
6. 40-17 1992 John Deere F935 Mower AV: $300
7. 16-08 2000 Ford F250 ¾ Ton Pickup Truck AV: $3500
8. 14-80 2018 Ford F150 Crew Cab 4x4 Pickup AV: $8000
9. 16-21 2006 Chevrolet 2500 Service Body Truck AV: $2500
10. 14-01 2002 Ford F150 ½ Ton 4x4 Pickup AV: $2000
11. 22-02 2005 Freightliner Knuckle boom Truck AV: $40,000

APPROVED
By John Connet at 8:39 am, Mar 11, 2024

MEMO

TO: John Connet, City Manager

FROM: Jennifer Case, Public Works

DATE: 03/08/2024

RE: A Request for Disposal of Damaged Equipment

The following items are no longer in use by the city and we are requesting that these items be disposed of as scrap metal due to their poor condition.

1. 80-17 2001 Swenson EV100 Salt Spreader Serial#94505
   Approximate Value: $150

2. 80-18 2004 Swenson EV100 Salt Spreader Serial#04105-Z85-00
   Approximate Value: $150

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 04/04/2024

AGENDA SECTION: City Manager Report **DEPARTMENT:** Administration

TITLE OF ITEM: March 2024 Contingency and Adjustment Report – *John Connet, City Manager*

SUGGESTED MOTION(S):

N/A – Presentation Only.

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

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

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

BUDGET IMPACT: Detailed Above

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

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

ATTACHMENTS:
Contingency and Adjustment Report