March 5, 2015
Regular Meeting of the City Council
Assembly Room – Operations Center
5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Ron Stephens and Council Members: Steve Caraker, Jerry Smith and Jeff Miller

Staff Present: City Attorney Sam Fritschner, City Clerk Tammie Drake, Planning Director Sue Anderson, Police Chief Herbert Blake, Engineering Director Brent Detwiler, Zoning Administrator Susan Frady, Fire Chief Dorian Flowers, Public Information Officer Tara Ledbetter, Utilities Director Lee Smith, Finance Director Lisa White, Public Works Director Tom Wooten

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 five members in attendance.

2. Invocation and Pledge of Allegiance: A moment of silence for prayer was followed by the Pledge of Allegiance to the Flag.

3. Public Comment Time: *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.* Mayor Volk asked that comments be limited to five minutes or less.

Sam Pratt, Director of the Medical Loan Closet, addressed the Council regarding their upcoming request for special appropriations and urged Council's support.

Barbara Hughes, 315 N. Main Street, addressed the Council and suggested pursuing a specialty North Carolina license plate with the "H" logo to promote Historic Hendersonville. The plates will raise funds for the designee which could be used for marketing and promotions for downtown.

4. Consideration of Agenda:

A. Removal from consent agenda:
H. Consideration of Authorization to Apply for Grant for Schoolhouse Road Project
B. Additions to agenda:
13b iv Consideration of appointment to Environmental Sustainability Board
13c I Consideration of appointing a representative to serve as liaison on Henderson County's Advisory Committee for a community plan for the East Flat Rock area

Council Member Caraker moved approval of the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. Consideration of Consent Agenda: *These items are considered routine, non-controversial in nature and are considered and approved by a single motion and vote.*

A. Consideration of Minutes: February 5, 2015 Regular Meeting

~~**B. Consideration of Resolution Authorizing the Donation of Surplus Property, Canine Zoro, to Sergeant Jimmy Case due to the Retirement of the Canine:**~~

C. Consideration of Performance Review and Employee Development Program/Performance Pay Program: Mr. Connet presented the Performance Review and Employee Development Program to the Council. City staff has been developing this along with a new performance pay program. This program modifies the current program from awarding all employees the same merit increase to a pay-for-performance model. The new program was presented to City Council at the January meeting and he recommended final approval so implementation may begin July 2015. *[The complete programs are available in the office of the Human Resources Director.]*

D. Consideration of Special Event Permits for HonorAir Car Show & Music Fundraiser: Mrs. Frady reported the Special Events Committee voted unanimously to recommend approval of a special event permit for HonorAir Car Show and Music Fundraiser. This event will be held May 16, 5:00 - 8:00 p.m. on Main Street from Allen to Caswell Street. The Visitor Center will have a live concert fundraiser for HonorAir on the adjacent visitor center stage.

E. Consideration of Resolution to Adopt Public Employee Deferred Compensation Plan: Mrs. Jennifer Harrell, Human Resources Director, requested the City Council adopt a resolution for the NC Public Employee Deferred Compensation Plan NC 457(b). This will offer employees another benefit with no cost to the City. *[The Third Party Agreement is available in the office of the Human Resources Director.]*

Resolution #15-0306

RESOLUTION ADOPTING NC PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN

WHEREAS, the City of Hendersonville wishes to provide a qualified defined contribution plan to the employees of the City of Hendersonville, and

WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code § 457(b) for public employees of North Carolina.

THEREFORE, be it resolved that the City of Hendersonville has adopted the North Carolina Public Employee Deferred Compensation Plan also known as" NC Deferred Comp" under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees shall become eligible to defer compensation immediately.

Adopted the fifth day of March 2015.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney

F. Consideration of Job Descriptions for Revenue Accounting Supervisor and Utilities Engineer: Mrs. Jennifer Harrell, Human Resources Director, presented amended job descriptions for these two positions. *[The job descriptions are available in the office of the Human Resources Director.]*

~~**G. Consideration of Budget Amendment – Flat Rock Playhouse**~~

~~**H. Consideration of Authorization to Apply for Grant for Schoolhouse Road Project**~~

I. **Consideration of Sale of Small Tract of Land Located Near White Street/Greenville Highway to Halvorsen Development**

Council Member Miller asked Council to remove item G to the regular agenda for discussion. The item was moved to item 10a.

Mr. Connet recognized Police Canine Zoro and his handler, Officer Jimmy Case. Mayor Volk moved this item to the regular agenda as item 5a.

Council Member Caraker moved approval of the remaining items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.

5a. Consideration of Resolution Authorizing the Donation of Surplus Property, Canine Zoro, to Sergeant Jimmy Case due to the Retirement of the Canine: Officer Case explained Zoro is an eight-year-old shepherd from the Czech Republic. He does narcotics, field and search, officer protection and more. He is being retired due to a medical disability.

Mayor Volk recognized Officer Case and Zoro for their service and expressed appreciation for their work. **Council Member Smith moved Council to approve the awarding of Canine Officer Zoro to Sergeant Jimmy Case. A unanimous vote of the Council followed. Motion carried.**

Resolution #15-0305

RESOLUTION AUTHORIZING THE DONATION OF SURPLUS PROPERTY (CANINE ZORO) TO SERGEANT JIMMY CASE DUE TO RETIREMENT OF CANINE

WHEREAS; The City of Hendersonville has in its possession a police canine, "Zoro," which is being retired due to age and health and its ability to perform duties required by such canine work, and,

WHEREAS; The City of Hendersonville desires to donate Zoro as surplus property to Sergeant Jimmy Case so that Zoro can live the remainder of his life with the person who has cared for him during his time with the City, and

WHEREAS; The City of Hendersonville police department believes that it is in the best interest of Zoro and of the City of Hendersonville transfer ownership of Zoro to Sergeant Case through the Canine Transfer/Release of Ownership program,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Hendersonville police department be permitted to donate to Police Sergeant Jimmy Case the canine known as "Zoro."

Adopted this fifth day of March 2015.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney

6. Quasi-Judicial Public Hearing – Quasi-Judicial Public Hearing – Consideration of an Application from WGLA Engineering to Modify an Existing Special Use Permit to Remove 1.26 acres from the Development at 709 North Justice Street and to Reconfigure the Parking at the Pardee Medical Office Building: Mayor Volk explained the procedures for quasi-judicial public hearings: they differ from regular public hearings in that interested persons have the following rights:

to cross examine witnesses,
to present evidence,
to inspect documentary evidence, and

to be afforded all the procedures steps set out in the pertinent ordinance and statute.

Mayor Volk explained the City Council may only consider factual information and not feelings or opinions. She asked those who anticipate speaking to be sworn in. Each public hearing will be conducted separately. Four persons were sworn in to provide testimony.

Mayor Volk asked the members of City Council to announce any contacts concerning the application that are not already included in the file. There was none.

Mayor Volk asked the members of City Council to announce any conflicts of interest they may have pertaining to this matter. There was none.

Mayor Volk asked if any person present is aware of anything of value that has been given or promised in exchange for a vote on the application. There was none.

At 6:06 p.m., Mayor Volk opened the public hearing in accordance in North Carolina General Statutes by notice published in the Hendersonville Lightning.

Ms. Susan Anderson, Planning Director, requested the Council enter into the record file #P-14-59-SUR and requested the Council to take official notice of the Zoning Ordinance, the official zoning map, the 2030 Comprehensive Plan and the Comprehensive Transportation Plan. She provided the following testimony:

The City is in receipt of an Amended Special Use Permit application from WGLA Engineering to modify an existing Special Use Permit. This application is associated with the Special Use Permit application for the Sixth Avenue Joint Health and Education Center. The property address is 709 N. Justice Street although the existing building is adjacent to Sixth Avenue West. The parcel number is 9568-59-1352. She provided an aerial view of the property.

This application is for an amended special use review. Since the property is already zoned for the current use, no rezoning is associated with this application. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

History: In May 2000, City Council approved a Special Use Permit for a 32,000 square foot two-story medical office building and 144 parking spaces. That approval also included a variance from the required 25-foot setbacks. The variance approved a reduction of the side yard setback to 11 feet and 15 feet as reflected on the site plan. The current application is requesting the removal of approximately 1.26 acres from this site and a reconfiguring of the parking lot and the entrance from Sixth Avenue West. The 1.26 acres will be added to the Sixth Avenue Joint Health and Education Facility site.

Existing Land Use And Zoning: Currently, this parcel is zoned PCD Planned Commercial Development. According to information received from Pardee Memorial Hospital, the Pardee Medical Office Building is 32,310 square feet. Parcels to the north are zoned MIC Medical Institutional Cultural and include a vacant lot and a single-family residence. Parcels to the east and west are zoned MIC Medical Institutional Cultural and include medical office buildings and a vacant parcel. The vacant parcel to the west is owned by the City of Hendersonville and is the proposed location of the new Sixth Avenue Joint Health and Education Center.

Comprehensive Plan Consistency: The parcel included in this application is classified as Urban Institutional on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as Urban Institutional. The goal of the Urban Institutional classification is to "create a well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with Downtown."

Site Plan Review: The existing site consists of 4.05 acres. The applicant is requesting to reduce the site size by 1.26 acres resulting in a final site size of 2.78 acres. Based on 2.78 acres, the site will include .70 acres, approximately 25 percent in open space and meets the required 10 percent of common open space. Open space includes all pervious areas and common open space includes landscaping, lawns, screening or buffering, sidewalks, recreational facilities and meeting areas.

Parking: Previously, the approved site plan indicated 144 parking spaces. Medical offices are required to have one parking space for each 250 square feet of gross floor area. Based on a building size of 32,310 square feet, 130 parking spaces are required. This parcel is also located in the Entry Corridor Overlay District which generally follows major arterials in town. Section 5-18-4.7 of the Zoning Ordinance allows a parking reduction of 20 percent as an award for meeting other entry corridor requirements such as additional tree plantings and locating parking to the side or rear of a structure. Applying the 20 percent reduction, the required parking is reduced to 104 parking spaces. The amended preliminary site plan shows 118 parking spaces will be provided which exceeds the minimum required.

Entry from Sixth Avenue West: The applicant is proposing reconfiguring the entryway from Sixth Avenue West. The current design of the access from Sixth Avenue West includes parking. The amended preliminary site plan shows the removal of these parking spaces, two 15-foot wide drive aisles with the addition of a 14-foot landscaped median, and a sidewalk connecting Sixth Avenue West to the entrance at the rear of the building.

Analysis: Section 7-4-10.1 of the Zoning Ordinance states, "no special use permit shall be approved by City Council unless each of the following findings is made."

(A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare. The vehicle access off of Sixth Avenue West will be improved which should increase safety for both pedestrians and for drivers entering and exiting at this location. Staff has not identified any other issues relating to public health, safety or general welfare.

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11. Water and sewer service is already provided to this site.

(C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations. No variances are requested.

(D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located. Because this project and the Sixth Avenue Joint Heath and Education Center are related, a neighborhood compatibility meeting concerning both this application and the application for the Sixth Avenue Joint Heath and Education Center was held on January 8, 2015. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject properties as required by Section 7-4-4.1 of the Zoning Ordinance. Approximately 13 people representing the general public attended the meeting. The public raised concerns about the following:

Current noise issues in the parking lot
Questions on entrances
Other properties to be acquired
Traffic problems
Encroaching growth
Lighting
Effect on property taxes and
Timeframe for construction.

She provided a copy of the neighborhood compatibility report.

(E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the Comprehensive Plan and the Comprehensive Transportation Plan. The 2030 Comprehensive Plan's Urban Institutional classification is intended to "create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with Downtown." The Comprehensive Transportation Plan does not indicate any new
improvements to Sixth Avenue West.

Planning Board: The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to recommend City Council approve the application of WGLA Engineering for an Amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions for the reason that the amendment is for the public benefit.

Ms. Anderson stated representatives from WGLA are present for questions. Mayor Volk asked for a representative of the applicant.

Tom Jones with WGLA Engineering addressed the Council stating also present is Jerry Deridder from their company and representatives from Pardee Hospital. The request is to modify the special use permit issued in 2000. The area in red [on the map] is the special use permit they are trying to modify and is basically a reconfiguration of the parking to accommodate the building proposed next door. The access should be improved by way of this project from Highway 64 or Sixth Avenue. Also related to this project, but not part of this amendment, they want to make the City aware of other areas outside of the special use permit boundary. There will be some minor configuration of the area to the east shown as Justice Street parking on the map. They will gain 30 +/- parking spaces in that area. They are proposing additional parking, approximately 67 spaces, off Oak Street on property Pardee currently owns. While it is not part of the project, Pardee feels it is important to make sure everyone is aware what is planned. This may be approved at the staff level but wants everyone to be aware of those pieces.

Mayor Pro Tem Stephens asked about access from Highway 64. Mr. Jones explained there is an existing access along there now with parking. It will be improved by taking away the parking. It will not be right in, right out. It will be full access. There is a turn lane on Highway 64. There is also an existing access to this area from Justice Street on the north side as well as through the next project Council will hear.

Mayor Volk asked for anyone wanted to speak in favor of the change. No one expressed a desire to speak. She asked if anyone wanted to speak in opposition to amending the special use permit. No one expressed a desire to speak. The public hearing was closed at 6:19 p.m.

Council Member Smith moved City Council to approve the application of WGLA Engineering for an amended special use permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions. A unanimous vote of the Council followed. Motion carried.

7. Quasi-Judicial Public Hearing – Consideration of Application from the City of Hendersonville and Other Partners including Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College for a Special Use Permit to Construct a Three-Story, 97,776 square foot Joint Health Education Facility on 2.18 acres at the Corner of Sixth Avenue West and North Oak Street and the Rezoning of a Portion of the Property: Mayor Volk reminded those present of the quasi-judicial procedures. Nine persons were sworn in to provide testimony.

Mayor Volk asked Council members to disclose any contacts concerning the application. She disclosed Council members had conversations with City Manager John Connet. She asked the Council if they are able to make an impartial decision in spite of the contact with Mr. Connet. The Council members answered in the affirmative. Mayor Volk also disclosed she spoke briefly with Council Member Smith about the proposal in general terms and believes she can still make an impartial decision. Council Member Smith also agreed with that statement.

Mayor Volk asked Council members to announce any conflicts of interest pertaining to this matter. There was none.

Mayor Volk asked if any person present is aware of anything of value that has been given or promised in exchange for a vote. There was none.

Mayor Volk opened the public hearing at 6:23 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning stating this hearing is about the new joint health education facility.

Ms. Anderson entered file number P14-58-SUR into the record of the proceeding and requested Council take official notice of the Zoning Ordinance, the official zoning map, the 2030 Comprehensive Plan and the Comprehensive Transportation Plan. She provided the following testimony:

> The City is in receipt of a Special Use Permit application from the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College. The application is to construct a three-story 97,776 square foot joint health education facility on a total of 2.18 acres. Section 5-10-4 requires developments involving more than 50,000 square feet of gross floor area to go through the special use permit process. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval. She provided a site plan to the Council.
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> Currently, parcel number 9568-49-9260 is zoned MIC Medical Institution Cultural and is vacant. Parcels to the north are zoned MIC Medical Institutional Cultural and include a vacant lot and a single-family residence. Parcels to the east are zoned MIC Medical Institutional Cultural and Planned Commercial Development and include medical office buildings. Parcels located across North Oak Street are zoned MIC Medical Institutional Cultural and R-6 High Density Residential and include single-family residential uses and vacant land.
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> *Comprehensive Plan Consistency:* The parcels included in this application are classified as Urban Institutional on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as Urban Institutional. The goal of the Urban Institutional classification is to "create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with Downtown." She provided an overview of the development that includes the medical office building discussed previously, the new joint health education facility and additional proposed parking that will require staff approval.
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> *Plan Review:* The proposed development is for a three-story 97,776 square foot building. The first floor is 35,208 square feet, the second floor is 30,732 square foot and the third floor is 31,836 square feet. Maximum building height in the MIC classification is 50 feet. The architectural elevation drawings indicate a maximum building height of 48 feet.
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> *Parking:* Based on calculations provided by Pardee Memorial Hospital, levels 2 & 3 will have a total of 450 students and 30 staff members. Table 6-5-2 of the Zoning Ordinance requires one parking space for

every three students and one parking space for every two employees which equals 166 required parking spaces. The site plan shows the level I medical office square footage at 35,280. For this area, Table 6-5-2 requires one parking space for every 250 square feet of gross floor area which equals 142 parking space for a total of 308 spaces.

The proposed development is also located in the Entry Corridor Overlay District. Zoning Ordinance Section 5-18-4.7 allows a parking reduction of 20 percent as an award for meeting other entry corridor requirements such as additional tree plantings and locating parking to the side or rear of a structure. The site plan includes the 20 percent reduction allowed for a total of 247 parking spaces required.

The preliminary site plan shows a total of 36 parking spaces provided on-site. Zoning Ordinance Section 6-5-3.2 allows that off-site parking may be used to meet the parking requirements provided that the lot is located within 200 feet of the use lot. There is a proposal to develop vacant parcels owned by Henderson County into a 67-space parking lot that is located to the west across North Oak Street and is within 200 feet of the development site. That plan is subject to staff approval. A condition has been added that this parking lot be completed prior to issuance of a certificate of occupancy for the building. The parking will have to be completed before they can occupy the building.

Zoning Ordinance Section 6-5-3 has a provision allowing that the parking requirements may be shared when two or more uses have inherent differences in parking activity. The adjacent Pardee medical office building's hours of operation are between 8:00 AM and 5:00 PM. The Sixth Avenue Joint Health Education Center will have access to the Pardee medical office buildings 118 parking spaces after hours. In addition, there are other parking spaces available in the Pardee campus. On site there will be 36 spaces, the parking lot across N. Oak Street will have an additional 67 parking spaces, the medical office building has additional 14 spaces above the minimum required and also has the availability of 188 spaces after hours. Additionally there area 295 excess parking spaces within the entire Pardee Hospital complex. The total required for this project is 247 spaces.

Setback Requirements: The setback requirements for the MIC Zoning Classification are 30 feet front, 10 feet side and 20 feet rear. The Entry Corridor Overlay District allows for a reduction in the front building setback when parking is situated to the side or rear of the parcel. The front of the building is setback approximately 33 feet and includes a raised open plaza, retaining walls, entry stairs and an ADA ramp that extends beyond the 10-foot front setback to the sidewalk. Zoning Ordinance Section 8-1 exempts walks, retaining walls and required building entry ramps from these setback requirements. Any work in the NCDOT right-of-way of Highway 64 or Sixth Avenue West will require approval and a permit from NCDOT.

Variance Request: The applicant is requesting a variance from the rear setback requirement. The applicant is requesting a variance from that requirement to locate a 21.2-foot by 92.7-foot pad and to locate a dumpster, generator and chiller in this area. The site plan shows an approximately five foot wide landscaped area between this equipment and the rear property line.

Rezoning: The applicant is requesting a rezoning of parcel number 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use, and a rezoning of an approximate 1.26 acre portion of parcel number 9568-59-1352, (as shown in Exhibit A), from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use.

Parcel Recombination: Prior to Final Site Plan approval, these two parcels shall be combined to reflect the Preliminary Site Plan boundary (also included in the list of uses and conditions).

Stormwater: The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements.

Traffic Impact Analysis (Section 6-19): A traffic impact analysis is required when a project exceeds either 1,000 trips per day or 100 trips per AM or PM peak hour. A Traffic Impact Analysis was completed by Mattern & Craig, Inc., for this project and received by the City on February 2, 2015. According to the Traffic Impact Analysis and the Institute of Traffic Engineers Trip Generation Manual, the health facility/medical office is expected to generate 1,272 daily trips and the education facility is expected to generate 1,720 daily trips for a total of 2,992 daily trips. Total peak hour trips for both facilities include 316 AM vehicle trips and 315 PM vehicle trips. The Traffic Impact Analysis Executive Summary states "that it is reasonable to conclude that the proposed development should not have an adverse impact on the surrounding roadway network with appropriate mitigation measures at certain intersections as described below:"

Intersection of US 64 (Sixth Avenue) and North Justice:
- Optimization of intersection splits is recommended to bring the level of delay for the minor approach (North Justice Street) back to or better than the background conditions (which may be signalization changes).
- There may be some minor queue length issues along the southbound approach (North Justice Street) and westbound approach (US 64) under future conditions. The queue is the stacking of vehicles.

- The configuration of the turn lanes and available pavement width along southbound North Justice Street can accommodate additional queued vehicles waiting to turn left, thus reducing any excess queuing.

Intersection of US 64 (Sixth Avenue) and North Oak Street:

- Analysis indicates that an eastbound right turn lane with 50 feet of full storage and appropriate taper is warranted during the AM and PM peak hours based on future traffic volumes (to turn right onto N. Oak Street. If a turn lane is desired at this location, the availability of right-of-way should be investigated. Turn lane improvements should be at the discretion of the City and NCDOT.
- Analysis of turn lane warrants indicates that a westbound right turn lane with 50 feet of full storage and appropriate taper is warranted during the AM peak hour based on future traffic volumes. All intersection approaches are expected to operate at an acceptable level of service ("C" or better) therefore a westbound right turn lane is not recommended.

Intersection of North Justice Street and Entrance # 1:

- Based on the analysis of the future AM and PMm peak hours, the potential need for a northbound left turn lane with 75 feet of full storage and appropriate taper is indicated.
- Based on the analysis of the future AM peak hour, a southbound right turn lane with 50 feet of full storage and appropriate taper is warranted.
- With acceptable levels of service ("B" or better) and a limitation of available right-of-way, a northbound left turn lane and a southbound right turn lane are not recommended.

Intersection of US 64 (Sixth Avenue) and Entrance #2:

- Based on the analysis of the future am peak hour, the potential need for a westbound right turn lane along US 64 with 50 feet of full storage and appropriate taper is indicated.
- With acceptable levels of service ("C" or better) a westbound right turn lane is not recommended.

Intersection of North Oak Street and Entrance #3:

- Based on the analysis of the future AM and PM peak hours, a northbound right turn lane with 75 feet of full storage and appropriate taper is warranted along North Oak Street.
- It is recommended that the new driveway be aligned directly across from Seventh Avenue. Likewise, the proposed midblock pedestrian crosswalk on North Oak Street should be moved north to the south side of the intersection of entrance #3/Seventh Avenue and North Oak Street. This revision is not reflected on the current site plan.
- North Oak Street has a width of approximately 18 feet. In lieu of an auxiliary right turn lane, it is recommended that North Oak Street be widened to 22 feet with two 11-foot travel lanes and a curb and gutter cross section between Seventh Avenue and US 64 (Sixth Avenue).
- It is also recommended that the vertical approach along North Oak Street at its intersection with US 64 be investigated for potential improvements to lessen the approach grade as part of the proposed site improvements.

Ms. Connet reported discussions between himself and the Council. Mr. Connet stated he has spoken with the Council several times about N. Oak Street and the concerns they have heard about this project and the general area related to Ninth Avenue and the area around the schools. Council previously requested a circulation study and funding is proposed in next year's budget for a complete traffic circulation study for the greater Ninth Avenue area including the schools and the hospital. He stated he had several conversations with their other partners, particularly Henderson County and the project architect and City staff and the City's desire to follow the recommendations of the Traffic Impact Study to widen N. Oak Street to 22 feet wide. He stated there are a lot of issues associated with that. They have looked at it in great detail and believe there are some options to work with our partners and the architect to make that happen. He asked if Council desires to approve the project that they approve it under the condition that staff will work out the details to widen N. Oak Street and possibly make other improvements to the area with the circulation study so there will be good ingress/egress on the back side of the project.

Ms. Anderson reviewed the recommendation that entrance number 3 (new drive) be aligned directly across from Seventh Avenue and the plan she has does not reflect that. The applicant may speak to that. There have been changes to it and recommended that Council add that as a condition to the approval because it is not on the published list of uses and conditions.

Council Member Smith asked if the driveway she is referring to is an entrance. Ms. Anderson stated yes, and pointed out the location of the driveway, Seventh Avenue and the recommendation to align it directly across from Seventh Avenue to minimize turning conflicts if a vehicle is turning out of a driveway. If they are directly across from each other, they will have a visual cue.

Ms. Anderson proceeded with her testimony:

ANALYSIS: Section 7-4-10.1 of the Zoning Ordinance states, "no special use permit shall be approved by City Council unless each of the following findings is made."

(A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare. Other than what is identified in the Traffic Impact Analysis, staff has not identified any other issues relating to public health, safety or general welfare.

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11. Water and sewer service is available to the site.

(C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations. The applicant is requesting a variance from Section 5-10-3 Dimensional Requirements, reducing the 20-foot rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad. The site plan shows an approximately five foot wide landscaped area between this equipment and the rear property line.

(D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located. The neighborhood compatibility meeting was combined with the medical office building amended special use permit. The meeting took place on Thursday January 8, 2015. Approximately 13 people representing the general public attended the meeting. The public raised concerns about:

- current noise issues in the parking lot
- questions on entrances
- other properties to be acquired
- traffic problems
- encroaching growth
- lighting
- effect on property taxes and
- timeframe for construction.

She provided a copy of the neighborhood compatibility report.

(E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the Comprehensive Plan and the Comprehensive Transportation Plan. The 2030 Comprehensive Plan's Urban Institutional classification is intended to "create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with Downtown." The Comprehensive Transportation Plan does not indicate any new improvements to Sixth Avenue West.

Planning Board: The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to recommend City Council approve:

- a variance from Section 5-10-3 Dimensional Requirements reducing the 20-foot rear setback and
- to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9568-49-9260 and a 1.26 acre portion of parcel number 9568-59-1352 from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use.

The Planning Board also voted unanimously to recommend City Council approve the application of the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

Ms. Anderson reviewed the motions provided. She asked for questions from the Council. She also stated numerous people are in the audience that represent the applicant and wish to make a presentation to the Council.

Council Member Miller asked where the setback is in relation to the entrances. Ms. Anderson pointed out the location of the setback. Council Member Miller also asked if Council may mandate or control where the construction traffic comes from. He stated he doesn't want cement trucks or heavy equipment coming from Ninth Avenue but keep it to a larger road that will be less invasive. Ms. Anderson explained City Council, may, as part of the special use permit process add any conditions they deem necessary. Mr. Connet reported the City will work with the architect and construction manager to ensure that happens. He stated the Public Works Director has already had conversations with the County's project engineer about how construction traffic gets into the site, when they may close the street or keep the street open. He stated that conversation is on-going. Council Member Miller stated they should not have construction traffic on N. Oak Street. Council Member Smith agreed stating Council can require that. Ms. Anderson stated that could be included in the motion.

Mayor Volk called on representatives from the project to speak.

Chad Roberson, Project Architect, stated they are working with the County and all the partners. His testimony included:

> This is an amazing project with five very diverse partners working together to accomplish something that will have a very large impact on this area. They viewed this as a confluence; a coming-together of all these different people into one point to help make this community a better area.
>
> He provided a slide showing the comprehensive master plan for all of the different components including the Pardee parking areas. He pointed out Sixth Avenue, N. Justice Street, Oak Street, the existing medical office building and the new joint medical education facility. He pointed out the parking area and the area for the variance where they will locate the chiller, the generator and the dumpster pad and the three entrances.

He reviewed the primary entrance into the facility that will be used by all the different entities in particular for the cancer center. The view and signage will reflect Pardee. He pointed out the drop-off area for cancer center patients. The door to the north of that area is where students, faculty and staff will enter for Blue Ridge Community College and Wingate University. On the far north side of the building is the primary drop off area for surgery patients coming into the facility. He noted there is a healing garden and a courtyard space that separates the existing medical office building and this facility. The area will be open to the public, available for anyone in the neighborhood to enjoy that space and the amenities that are part of that.

They viewed Sixth Avenue as a secondary entrance to promote Wingate and Blue Ridge Community College's presence inside that building. One of the challenges presented was to create a presence, almost an advertisement for those driving on Sixth Avenue. They have signage that will be located at the entrance of the building for Wingate and Blue Ridge. Another important component is trying to activate Sixth Avenue by creating the outdoor plaza space where folks can go into the café inside the building, grab a snack or lunch and come outside and eat in the outdoor plaza space.

He reviewed the master plan where the healing garden is located. The idea of a series of pathways that would integrate from different points inside the building meander to different points. There is about 15 feet of grade change from one side of the facility to the other.

He reviewed the existing property lines on the site. The building extends beyond the existing site owned by the City and in order to accomplish the size of the building and keep the scale of the building as low as possible, they crossed over into another piece of property.

Pardee Hospital will be located on the lowest level and is primarily the cancer center, a surgery suite, and the main entrance or lobby.

He reviewed the main entrance into the cancer center space and the lobby that will be used for patient waiting. It is a welcoming area where everyone can congregate that utilizes the building.

They are creating a space inside the therapy space that will have a connection to the healing garden that is naturally lit. Daylight will get deep within the building and provide a healing space for the cancer center patients.

The second floor of the building is primarily associated with Wingate although they will be sharing a number of spaces with Blue Ridge Community College in order to minimize the size and improve the utilization of the building. He noted the location of the primary entrance for Wingate, administrative areas and the classroom spaces, and pharmaceutical labs on the north end of the building. He reviewed a rendering of what the space may look like as you enter from Sixth Avenue. Part of the program effort is to create interaction between the Blue Ridge Community College and Wingate students. There is a visual connection between the second and third levels.

The third floor will primarily be used by Blue Ridge Community College. The concept of this space is similar to the Wingate space in that the administrative area is located closest to Sixth Avenue. He noted the classroom and lab spaces.

Regarding construction traffic, he stated they had a preconstruction meeting with the contractors that are pricing the site work. They were instructed not to use N. Oak Street for any access during the construction process. All of the construction activity will have to come from Sixth Avenue and he noted access points. They have stipulated that as part of the contract and will be incorporated into the contract. There were questions from the contractors about being able to access the rest of the site. They will primarily be using the portion at Sixth Avenue depending on the number of sequences that have to occur in order for the project to be successful.

The second question was related to the variance. The reason they are asking for this is because they have a chiller, a generator and a dumpster pad. They pushed it away from the residents.

The next question was regarding the road alignment. They have looked at the area and a number of different configurations. The alignment between the new parking areas and the entrance will match rather than aligning with Seventh Avenue. The primary reason is that it will become a very deep turn in that area in order to access the surgery component of the project. They believe there will be more interaction between the parking lots other than Seventh Avenue and is the reason they aligned it in that fashion. They had not worked through this when the Traffic Impact Analysis was done. He explained they are trying to avoid jumping between the two streets with a short distance between them. Based on the traffic that will happen between the parking lots, they would rather align those two roads instead of Seventh Avenue and having a shortcut between the parking lots. He stated they have aligned their driveway with the parking lot across the street because more traffic will be coming from that direction.

Council Member Smith asked why people will be driving from parking lot to parking lot. Council Member Miller commented they will be looking for a parking space. Council Member Smith stated he thinks people will pull in either lot to park and will not be going back and forth. Council Member Miller disagreed stating considering the

number of spaces and the number of people that will be there, there will be more traffic going back and forth. He stated he supports the proposal. Mr. Roberson stated by aligning with Seventh Avenue is creating the problem they are trying to avoid. Council Member Miller stated it may discourage people from going back up N. Oak. Council Member Caraker agreed stating it will eliminate the problem like at Third Avenue and the new Courthouse.

Council Member Smith asked the reason for the alignment with Seventh Avenue. Ms. Anderson explained the site plan for the additional parking area has not gone through a review process. They will have to get a driveway permit from Tom Wooten for the driveway cuts for the final configuration. She stated she has not reviewed the driveways into the parking lot. She doesn't know the traffic counts on Seventh Avenue nor turning movement conflicts. She stated she can understand having the two driveways aligned across from each other. People will pull into one parking lot and cannot find a parking space they will have to go to other parking opportunities in the project. She stated it has not been reviewed by Tom Wooten for driveway permits, locations and proximity. She stated if Council has questions for Mr. Wooten he could be sworn in. Council Member Smith commented that Council is not being asked to approve the parking lot and it is a separate issue. Council Member Caraker commented it is part of the bigger picture and Council has to think about it now. Council Member Miller agreed but the Council has to anticipate it. Council Member Smith commented the facility is tied to the parking lot across the street. He stated if the goal is to get more parking, why not have one entrance and make those parking spaces. Council Member Miller stated that would result in one entrance/exit.

Mr. Tom Jones stated they are working on special use permit amendment and are also working on the Oak Street lot for Pardee because it is part of their property. He provided the following testimony: Ms. Anderson has not seen the official design but they have settled on something. The current plan for the Oak Street is only one access on Oak Street and it would align with the driveway for the project that Council is talking about. As far as the design, he along with the architect looked at trying to align the joint medical office drive with Seventh Avenue and a staggered drive to the Oak Street lot. If the lot is full, and you're trying to find a space and you want to go to the area across Oak Street it would create an awkward movement. Likewise, if you push the driveway north and align it with Seventh Avenue it will create an awkward move going into the property and the building itself. You would lose parking spaces to make a smooth turn or you would have to turn abruptly as soon as you enter and it would be an awkward and difficult move. For those reasons, along with other technical things, there are some utilities there that the proposed configuration can avoid. The water hot box for the medical office building is located in this area directly across from Seventh Avenue as well. There are technical and cost reasons but the main reason is traffic flow. It's more ideal to align these driveways across from each other.

Council Member Miller asked if there will be one entrance on the final plan submitted. Mr. Jones stated the plan they are planning to submit has one entrance across from the joint medical office drive. They show a connection to Whitted in addition to a cul-de-sac or turn around. Council Member Smith commented there is an entrance to Whitted on this plan but was not on the other one. Mr. Jones stated that is correct. He stated building the parking lot may be a condition of the special use permit so while the configuration could change slightly based on staff input of Mr. Wooten and Ms. Anderson, this is the current proposal. They will have to meet the space count and get the parking spaces on that side of Oak Street. Council Member Miller asked if the parking lot has to be built before the project can open. Mayor Volk commented that is a staff decision.

Mayor Volk asked if there is anyone else who wishes to speak in favor of the project. There was none.

Mayor Volk asked if there is anyone who wants to speak in opposition of the project.

Ken Fitch, 1046 Patton Street, stated he is not speaking in opposition because this is an important project but there are serious issues that should be addressed. He cited concerns about the following:

- the human experience of this facility in its location as part of a medical complex and a neighbor to the residential community,
- issues of traffic and parking: persons suffering from cancer have issues of limited mobility and impairment in functioning,
- a sufficient number of handicap parking spaces for this facility,
- the N. Justice entrance has many issues: tricky to negotiate the narrow entrance and in proximity to the crosswalk, a descent, an assent, and a curve with narrow lanes bordered by obstacles.
- the pedestrian sidewalk access from N. Justice Street requires negotiating an elevation, and
- the reality of parking at some distance elsewhere on the Pardee campus.

Mr. Roberson commented they created a number of drop-off areas, in particular for the cancer center patients. A car can drop off a patient at the front door with a zero entry along the sidewalk. The surgery area is the same way. The surgery center is a misnomer as there will be follow up patients but no actual surgery will take place inside the space. He noted where the handicap parking will be located and as an operational issue, they will determine where the students park, where the patients park, etc. with the understanding that the patients are of the most concern. An able-bodied student will walk farther than a patient.

Council Member Miller asked if there will be valet parking. Kris Peters, Pardee Hospital, 800 N. Justice St., responded they do not anticipate valet parking at this site. They will have the covered drop-offs both for the surgeon's office and the cancer center. They can look at it and consider it but it is not in the current plans.

Council Member Miller asked if the healing garden is outside. Mr. Roberson responded all of the healing garden is outside and open and is a courtyard space.

Council Member Miller asked if any of the grapevines may be salvaged. Mr. Roberson stated they have thought about that.

Council Member Smith asked if they anticipate 450 students there at one time or if it is a revolving number of people. Mr. Roberson stated that is for a day. Mr. Roberson stated he doesn't know the number off-hand but the classrooms are typically used at 50 percent. Sixty-five percent utilization would be extremely high in a building of this size for a period that begins at 8:00 a.m. until 11:00 p.m., longer than a 15-hour day. Council Member Smith asked if there is a number, for the highest point, for the amount of students will be in the building. Mr. Roberson stated if every space in the building is occupied, he doesn't know the number but it is not 450 which is over the course of the entire day. Council Member Miller asked if that is for night classes. Mr. Roberson stated yes. Council Member Miller asked about staff. Mr. Roberson stated their number for staff is also over the course of the entire day.

Council Member Smith asked if there will be enough spaces for students, assuming they all have a car, staff members and patients. Mr. Roberson stated yes, there will be a fluctuation of people utilizing the space similar to a retail situation where people are coming in and going out. Council Member Miller stated the City has standards and if we encourage trees and plantings instead of concrete, there is some trade-off. He stated it won't be full immediately and won't be packed the day it opens. He stated there will be a learning curve but are using the standards. He stated there is no break except for setbacks and these are the same rules as everyone else has to go by.

Council Member Caraker commented he will be recognized as a cancer survivor in August. He went through the program similar to this in Asheville. He stated the drop-off is great. He agreed with most of Mr. Fitch's concerns and appreciates his concerns but they may be overdone from his perspective.

Mayor Volk asked for others wishing to speak.

James Clayton, 814 N. Oak Street, below the proposed project, had questions about the widening of Oak Street. He asked if all of Oak Street from Sixth Avenue to Ninth Avenue would be widened. Mr. Connet responded the conversations between the partners are just for the length of the project from Highway 64 to Seventh Avenue where the greatest impact of traffic will be. Mr. Clayton stated his property is to the other side of the project and asked about how much noise will come from the generators, etc. Mr. Roberson responded the generators do not operate continuously but get exercised on a weekly basis. Council Member Miller explained that is why he asked to ensure the generator is not on the property line. Mayor Pro Tem Stephens commented they only run for a few minutes for testing. Mr. Clayton asked about traffic lights, getting around in the area and construction work. He stated Sixth Avenue is bustling with ordinary traffic as it is. Council Member Miller stated it will get busy. Council Member Caraker stated it may be for a year. Council Member Miller stated the City will try to manage it to make sure it doesn't encroach. He stated it was included in the bid that whoever does the work will have to live by the City's rules, including not going into the neighborhood from Highway 64 to Ninth Avenue. He stated it will be a pain and is the tradeoff on this project. Mr. Clayton asked about future growth and whether the residents should be expecting more. Council Member Miller commented people may want to buy their property. Mr. Clayton asked about growing or expanding the hospital. Ms. Peters commented from Pardee Hospital's perspective, they do not have any plans to expand their campus beyond the boundaries of Oak Street at this time. They realize they are landlocked where they area. Much of their growth is throughout the community rather than centralized to the campus. Council Member Miller commented residents may have interest off and on and it may make their property potentially more valuable for possible medical offices but that is up to the property owners. The City won't take the property and will try to protect the neighborhood. Council Member Caraker commented there is more interest on the other side of Pardee down Fleming Street toward Highway 25 that people are trying to sell to the medical community rather than the residences.

Joyce Bryan, 810 Seventh Avenue West, expressed a concern about the noise and traffic on Seventh Avenue. She pointed out the location of her home on the plan. Council Member Smith asked if there was discussion about measures to take in the parking lot to reduce light and noise. Mr. Jones asked what the noise concerns are. Ms. Bryan stated there will be constant traffic coming into the parking lot and construction noise. There are also children there. Mr. Jones stated there will definitely be noise during construction, more than when it is built. He stated he has talked to Pardee about extending security further to the Oak Street lots which will help some. He stated there will be some noise. He stated the plan for the parking lot is to plant trees and bushes between Ms. Bryan's property and the parking lot. The light will be shielded and directed so she will not get direct light on her property. There will also be a low speed. Oak Street will not become a super highway and they won't have a lot of road noise like fast-moving cars but there will be more cars near her house. Council Member Caraker asked if berms can be added to the green areas between the parking lot and her house to redirect some of the automobile noise towards the street before the trees and vegetation is put in. Mr. Jones stated it is a narrow lot and you could not get a tall berm in the 10-foot strip. Mayor Pro Tem Stephens suggested a hedge cuts down on noise and headlights. Mr. Jones stated it has not been designed yet and this is the type of feedback they need. Ms. Bryan stated cars will be pulling in to the side of her house. Mr. Jones stated it is possible they could get a berm five feet high. Council Member Miller stated they will look at it and try to help. Mr. Jones stated heavy planting may be the best solution there. He stated a berm plus heavy planting would be ideal but it is a narrow lot.

Council Member Smith asked if the parking lot design will be reviewed by the Council. Ms. Anderson responded no, it will be approved by staff. She stated there is a 10-foot type B buffer requirement between any residential uses and the parking lot with a certain number of trees and shrubs in the 10-foot area. She explained the landscaping is inspected on a yearly basis to ensure they are maintained and taken care of. That is subject to staff review but they will make sure it meets the minimum requirements of the Zoning Ordinance. The applicant may also exceed the minimum requirements. Council Member Smith asked if Council wants to ensure a hedge row, etc. to block lights in Ms. Bryan's yard in the evening or night, does the Zoning Ordinance require that or should it be added. Ms. Anderson stated there is a planting schedule in that area with so many trees for so many feet, shrubs, and bushes. She stated it may be good faith from the applicant but staff does not have a way to enforce that. Council Member Miller commented Council wants it to be effective. Mr. Jones stated that is the feedback they need. He understands the concerns and that is will take that into consideration for the design. He stated after 5 p.m., the medical office staff will not be using the main parking lot and you will find few people parking there at night because the spaces will be freed up in the main area. Most of the people at night will be parking near the buildings. Ms. Bryan asked what time in the morning it will start. Mr. Jones stated she should expect typical office hours for the building, 8:00 a.m. most of the activities will start but at night there will be little use of the lot. Council Member Smith asked for an understanding that [the buffer] will be built as thick as possible without putting up a fence. It would be nicer with something green and growing. He stated that is the purpose of this discussion is how can Council assure it looks nice and is thick to protect the back side of their property from noise and/or interference. Mr. Jones stated they do not have a blueprint for it yet but needed the feedback to present the plan. He stated Ms. Anderson will review it and ensure it will meet the neighbor's concerns. He stated Council can rely on staff to work with them to make sure their concerns are met. Council Member Smith agreed.

Dorothy Means, 831 Oak Street, stated when she attended the hearing on Ninth Avenue, they talked about the traffic and this definitely be more traffic. She stated they have asked for a speed limit on Oak Street and still have not gotten it. This [project] will make it even worse. They are near Ninth Avenue, in a school zone, but has nothing that shows 20 mph or [other speed limit]. It is being said it won't be as much on their end of Ninth Avenue and asked if there is any guarantee. The house next to her was used by the Fire Department and they had no notice that it was going to be used. For three days, their street in that area was blocked. They are being pushed out of their own neighborhood and she is concerned about it. Her concern is that they live on N. Oak Street, Whitted Street, near the schools. The school traffic is on Oak Street as well as Whitted Street. In the morning and afternoon it is hard for two neighbors who have to cross the street to get their mail. Her concern is the traffic. Mayor Volk commented the City will be looking at the traffic in that area in the next couple of months and asked about speed limit signs. Mr. Connet commented the speed limit is 35 but with the width of the street, they could easily put up speed control or radar signs to check the speed and ask the Police to keep an eye on it. Council Member Miller stated it is a very narrow road and asked what the standard speed limit is. Mr. Connet responded if it is not signed, it is 35 mph. Council Member Miller asked if Council can change that. Mr. Connet stated staff could bring an ordinance to reduce the speed from 35 to 20 mph. Council Member Miller commented the City will try to control as much of the construction traffic as possible so they won't be bothered by big truck. He stated as far as the cars, they will try to address it and get some speed limits signs less than 35 mph and suggested 20 mph.

John Fox, 611 Oak Street, across the street from the proposed building. He asked which side of the street will be widened. Mr. Connet responded we will try to stay within the existing right-of-way but may be coming to ask to acquire some right-of-way. He stated he doesn't know the answer but will try to do that equally on both sides. He stated four feet is needed and are still working on it. Mr. Fox asked if he will have to put up with all the traffic and the trucks. Mayor Volk stated yes, probably so. Council Member Caraker stated yes, while it is being built. He suggested a citation/penalty for trucks driving into the neighborhood. Mr. Connet commented there are some restrictions as far as time of day for construction, etc., as part of the noise ordinance in the City code.

No one else expressed a desire to speak. The public hearing was closed at 7:44 p.m.

In discussion, Council Member Smith wanted to ask questions so the public hearing was reopened. The Council discussed the recommendation of the need to widen the street to 22 feet, whether it can be required of the applicant on the portion of land they own, whether or not to require an easement, possible infrastructure in the right-of-way, when the parking lot will be constructed, and the survey that is being conducted of the area. They also discussed where the extra four feet would come from in that area and whether or not the location of the building can be moved and access from Whitted Street.

Mr. Jones stated he believes they can accommodate the four feet required but has not studied it. He will work with Ms. Anderson to show that on the plans. He also stated they will work with staff, Mr. Wooten and others, to get the street drainage worked out.

Ms. Anderson explained a provision in the landscape ordinance that allows for alternative compliance and allows her to work with applicants, have the conversation and check it with the City Attorney. She stated the other would be go to the Board of Adjustment but would be considered a self-induced hardship and probably will not pass. She stated she can use the alternative compliance provision in the landscape code and could up with trade-offs if need be. Mr. Jones commented everyone is looking at Oak Street as the primary access but he does not know if that is the way it will work out. He stated there may be more access from Sixth Avenue and Justice Street.

Mayor Volk asked for further discussion. There was none. The public hearing was closed public hearing 8:07 p.m.

Variance Approval: **Council Member Smith moved the City Council to approve a variance from Section 5-10-3 Dimensional Requirements, reducing the 20-foot rear setback requirement in order to locate a 21.2 foot by 92.7 foot pad and to locate a dumpster, generator and chiller on this pad as shown on the Preliminary Site Plan. A unanimous vote of the Council followed. Motion carried.**

Special Use Permit and Rezoning Approval: **Council Member Smith moved the City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel # 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use, and an approximate 1.26-acre portion of parcel #9568-59-1352 from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use as shown in Exhibit A, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: it is in the best interest of the City of Hendersonville and the Pardee Campus. Council Member Smith further moved the City Council to approve the application of the City of Hendersonville in partnership with Henderson County, Pardee Memorial Hospital, Wingate University and Blue Ridge Community College for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions. A unanimous vote of the Council followed. Motion carried.**

Ordinance #15-0307

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

IN RE: 6th Avenue Joint Health and Education Center

(File # P14-58-SUR)

Be it ordained by the City Council of the City of Hendersonville:

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:

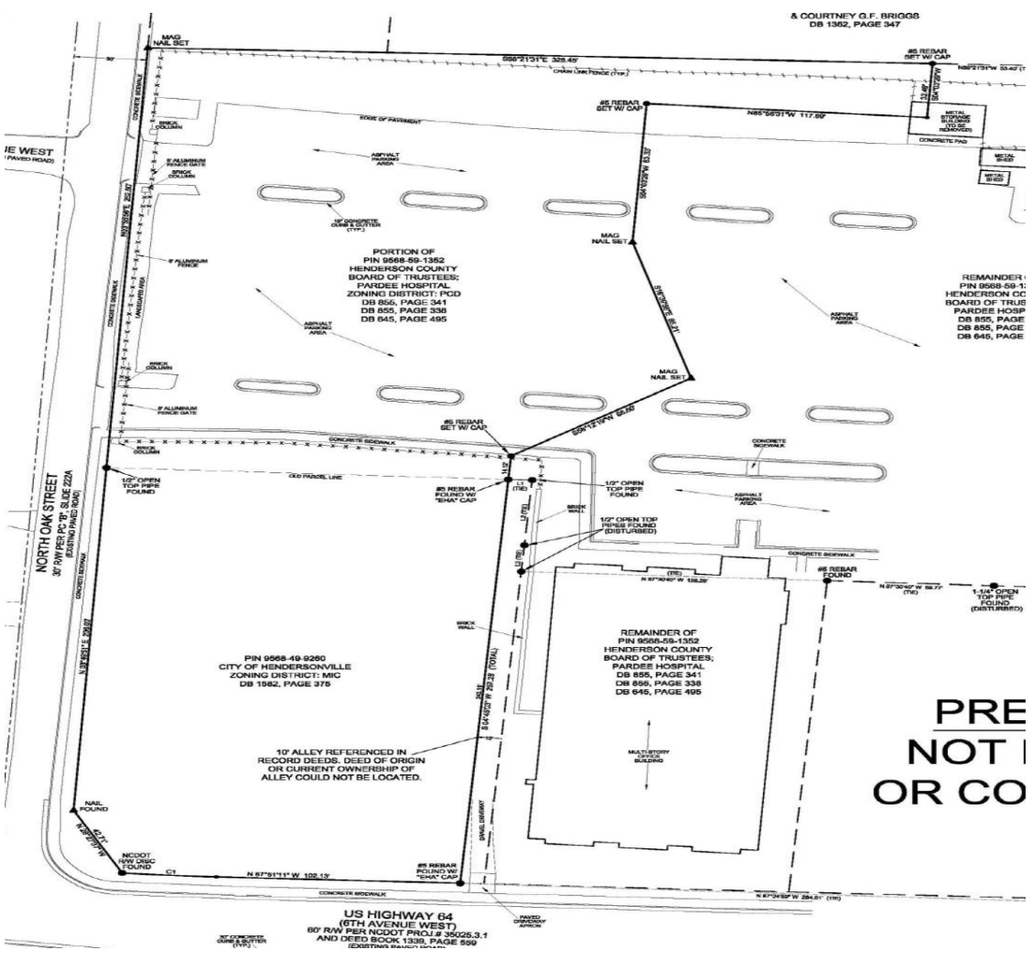
   Rezone Parcel # 9568-49-9260 from MIC Medical Institutional Cultural to MIC-SU Medical Institutional Cultural Special Use

   Rezone a 1.26 acre portion of Parcel #956-59-1352, as shown in Exhibit A, from PCD Planned Commercial Development to MIC-SU Medical Institutional Cultural Special Use.

2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of March 2015.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney



There was a five-minute recess.

8. Quasi-Judicial Public Hearing - Application from Housing Assistance Corporation for a Special Use Permit for 66 Multi-Family Residential Units, 18 Single-Family Residential lots and one office building on 18.5 acres located to the south of the intersection of North Main Street and Yon Hill Road for a Project known as Oklawaha Village: Mayor Volk asked members of the Council to disclose any contacts concerning the application not already included in the file. Mayor Volk explained she is on the Regional Housing Consortium and heard about the project there. She stated she also met with HAC and several other non-profit housing groups in the area several weeks discussing housing issues. She stated she can make an impartial decision. Council Member Miller announced he called to ask if they had any pushbacks or any concerns they felt like were not addressed. He also spoke to Council Member Smith and Ms. Anderson. He stated he can make an impartial decision. Council Member Caraker disclosed he had discussion with the previous owners of the property, and the other project that was not completed. He stated he doesn't have a problem making an impartial decision. Council Member Smith stated he spoke another Council member. Mayor Volk stated the Council has spoke to each other and City staff.

Mayor Volk asked the Council to announce any conflict of interests. There was none.

Mayor Volk asked if any person present is aware of anything of value that has been given or promised in exchange for a vote. There was none.

Mayor Volk opened the public hearing advertised in accordance with North Carolina General Statutes at 8:21 p.m. Eight persons were sworn in to provide evidence.

Ms. Anderson entered file number P15-1-SUR into the record of the proceeding and requested Council to take notice of the Zoning Ordinance, the official zoning map, the 2030 Comprehensive Plan and the Comprehensive Transportation Plan. She provided the following testimony:

The City is in receipt of a Special Use Permit application from Housing Assistance Corporation for the development of 18.5 acres on the following parcels located on or near North Main Street: all of parcel number 9569-85-1884, all of parcel number 9569-84-2457, a portion of parcel number 9569-85-7038, portion of parcel number 9569-84-0194, portion of parcel number 9569-84-6453. The applicant is proposing the following:

1. 66 Multi-family Units
2. 18 Single-family Lots
3. 2,214 square foot office/community Building
4. 4,200 square foot footprint office/support building
5. rezoning from UV Urban Village/R-20 Low Density Residential to PRD Planned Residential Development
6. height limitation exemption exceeding the 35 foot maximum building height by two feet for the apartment buildings
7. density of 4.5 units/acre.

This application is for special use review. The preliminary site plan is subject to recommendation by the Planning Board and approval by City Council. The final site plan is subject to City staff approval.

Existing Land Use & Zoning: With the exception of parcel number 9569-84-2457, which is zoned R-20 Low Density Residential and is vacant, the other parcels included in this application are zoned Urban Village. A number of these parcels were part of an Urban Village Special Use Permit development called Eastside Village. That development consisted of 27 acres and was approved by City Council on March 5, 2005. The proposal was for 200 residential units and 110,000 square feet of non-residential floor area. That Special Use Permit has since expired but the zoning remains intact. The parcels included in this application are largely vacant. A vacant single-family residence fronts on North Main Street and another vacant single-family residence and a couple of vacant accessory structures are located internally on the proposed site. Surrounding parcels include single-family residential to the east, west and north. These parcels are zoned R-20 Low Density Residential. Additional parcels located to the east are vacant and are zoned Urban Village. Mud Creek boarders the proposed site to the west. Additional parcels to the west across Mud Creek are zoned R-6 High Density Residential and are owned by the City of Hendersonville. The Oklawaha Greenway parallels Mud Creek in this area. Parcels to the south are vacant and are zoned Urban Village and C-3 Highway Business.

Comprehensive Plan Consistency: The parcels included in this application are classified as Medium Intensity Neighborhood and Natural Resource/Agricultural on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are classified as Medium Intensity Neighborhood and Natural Resource/Agricultural. The goal of the Medium Intensity Neighborhood classification is to "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 that creates attractive and functional roadway corridors and multi-family residential neighborhoods." The goal of the Natural Resource/Agricultural classification is to "create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational

opportunities, and preserves agricultural resources." The majority of the Natural Resource/Agricultural classification citywide includes areas located within the Floodway and 100 Year Floodplain.

Plan Review: Buildings: The site plan is divided into two sheets due to the size of the project, includes the following:

- five multi-family buildings with a total of 66 units and 81,054 square feet,
- building "A" has a total area of 13,782 square feet and is three stories,
- building "B", (three), has a total area of 15,108 square feet for each building and is three stories,
- building "C" has a total area of 21,948 square feet and is three stories on 18 individual single-family lots,
- 2,214 square feet office/community building including an office, community room, craft area, laundry and mail area.
- 4,200 square feet footprint "Future" office/support building located along N. Main Street at the entrance to the site.
- park and playground areas are included.

Parking: The site plan shows 132 parking spaces for the proposed multi-family development. The minimum required based on number of bedrooms is 114. The "future support building" located along N. Main Street shows 19 parking spaces. The individual single-family lots will have off street parking. On-street parking is being considered along the public street that fronts the individual single-family lots.

Sidewalks: A sidewalk is shown along the parcel fronting on N. Main Street. This sidewalk connects N. Main Street to all buildings and lots within the development.
Stormwater: The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements.

Traffic Impact Analysis (Section 6-19): A Traffic Impact Analysis was completed for this project although it was not required given the final number of units proposed. Based on the Institute of Transportation Engineers Trip Generation manual, the Traffic Impact Analysis estimated a total of 851 daily trips with 72 trips entering and exiting the site during the AM peak hour and 91 trips entering and exiting the site during the PM peak hour. The Traffic Impact Analysis identified that the "following proposed improvements should be sufficient to accommodate the traffic generated by the proposed development:"

1. Provide a two-lane cross-section consisting of one ingress lane and one egress lane for the proposed site access at N. Main Street.
2. Construct an exclusive right turn lane into the proposed development on the northbound approach of N. Main Street. This is reflected on the site plan.

The Traffic Impact Analysis did not indicate a need for a left turn lane from N. Main Street to the proposed new road. N. Main Street is controlled by NCDOT. NCDOT will need to review and approve the proposed new public road serving the development. The public road will serve the proposed 18 single-family lots and provide access to the multi-family development. The road into the multi-family development will be a private road.

Rezoning: The applicant is requesting a rezoning from City of Hendersonville UV Urban Village/R-20 Low Density Residential to PRD Planned Residential Development. The following reflects the rezoning request:

Rezone parcel #9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development,
Rezone parcel #9569-85-1884 from UV Urban Village to PRD Planned Residential Development,
Rezone a portion of parcel #9569-85-7038 from UV Urban Village to PRD Planned Residential Development,
Rezone a portion of parcel #9569-84-0194 from UV Urban Village to PRD Planned Residential Development,
Rezone a portion of parcel #9569-84-6453 from UV Urban Village to PRD Planned Residential Development.

Building Height: Section 5-14-7.5 of the Zoning Ordinance has a provision that allows City Council to grant a height limitation exemption which will allow a building to exceed the 35-foot maximum building height provided the following is met:

a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1 to May 1.
b) Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property.
c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet. The applicant is requesting an increase in building height of two feet for a maximum height of 37 feet for the apartment buildings. The site plan shows an increase in the 30-foot required setback from adjacent properties to 32 feet which meets the requirement under Section 5-14-7.5 (c). At this point in time the applicant is not sure any of the

apartment buildings will exceed the maximum building height. That will be determined once the site has been graded. Once it is determined which buildings will exceed the maximum building height, the applicant will provide a shadow detail of that building(s) which will meet the requirement in Section 5-14-7.5 (a). The item under Section 5-14-7.5 (b) will be determined during building plan review by the Fire Chief.

Annexation: The applicant is intending to annex parcel number 9569-84-2457, parcel number 9569-84-0194 and parcel number 9569-84-6453. This annexation shall be completed prior to issuance of Final Site Plan approval.

Street Closing: The applicant will be submitting a street closing petition for a number of unopened right-of-ways located on the development site. The applicant is showing an adjusted property line along the northeastern portion of the property with a label stating "Right-of-way Closure Pending City Approval." The applicant is still in the process of determining the status of this unopened right-of-way. The applicant is also proposing requesting a street closing for other unopened right-of-ways located within the site. Any street closing requests will need to be completed prior to Final Site Plan approval.

Analysis: Section 7-4-10.1 of the Zoning Ordinance states, "no special use permit shall be approved by City Council unless each of the following findings is made."

(A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare. Staff has not identified any issues relating to public health, safety or general welfare.

(B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11. Water and sewer service is intended to be extended to the site. The development site access will be via N. Main Street. The Traffic Impact Analysis provided by the applicant indicates that an exclusive right turn lane into the proposed development on the northbound approach of N. Main Street will be provided and is shown on the preliminary site plan.

(C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations. No variances are requested.

(D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located. A neighborhood compatibility meeting concerning the application was held on January 12, 2015. Notice was provided by U.S. mail to the owners of property situated within 400 feet of the subject property. Approximately 20 people representing the general public attended the meeting. The public raised concerns about the following: road improvements to N. Main Street, difficulty exiting from Yon Hill Road to N. Main Street, heavy equipment trucks on N. Main Street, N. Main Street is dangerous, the effect on property values, maintenance of the property, will the single-family homes be sold or rented, and exterior building materials. She provided a copy of the neighborhood compatibility report.

(E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the Comprehensive Plan and the Comprehensive Transportation Plan. The 2030 Comprehensive Plan's Medium Intensity Neighborhood classification is intended to "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 that creates attractive and functional roadway corridors and multi-family residential neighborhoods." Medium Intensity Neighborhood density recommendation is two to eight units per acre. This project has a density of 4.5 units/acre. The 2030 Comprehensive Plan's Natural Resource/Agricultural classification is intended to "create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources." No development is intended for the locations that are classified as Natural Resource/Agricultural. The applicant has mentioned that a trail may be added to these locations in the future. The Comprehensive Transportation Plan does not indicate any improvements to N. Main Street at this time.

Tree Board: The Tree Board reviewed this project and the tree survey at their regular meeting on February 2, 2015. The Tree Board provided two comments: 1) a request that the applicant consider tree diversity when developing the Landscaping Plan and 2) that staff present the final Landscaping Plan to the Tree Board for a courtesy review.

Planning Board: The Planning Board took this matter up at its regular meeting of February 9, 2015. The Planning Board voted unanimously to the following: recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the above-mentioned parcels. The Planning Board also voted unanimously to recommend that City Council approve the issuance of a special use permit based on the site plan submitted by the applicant, subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

Ms. Anderson reviewed the motions for the project. She stated Luther Smith and Associates would like to do a presentation representing the applicant.

Noelle McKay, Executive Director, of the Housing Assistance Corporation (HAC), provided a history of the HAC including they are a private non-profit organization that has served Henderson County for 26 years. Their mission is to provide affordable housing to people in our community. She provided the following testimony:

The main services that HAC provides at it relates to the Oklawaha development: multi-family development, single-family development, and home repair.

HAC has developed 11 multi-family housing communities for a total of 286 units: She provided photos of:

Sugarloaf apartments is 43 units of farm worker housing. They partner with Partnership Property Management who manages all their properties to ensure they meet all guidelines that are required by funders and they keep the properties looking well, clean and maintained.

The most recent development is Regal Oaks Apartments located off Spartanburg Highway. It opened in January 2014, 24 units of senior housing, a HUD 202 development.

The proposal for Oklawaha Village is a tax credit development. Their most recent tax credit development is Oak Haven apartments, opened in 2012, located off Old Spartanburg Highway, and is 56 units of senior housing.

Concerning the need for apartments, all 286 (minus two units at Frans Cottage) are full. In addition to that, a national research firm recently completed at study for the Asheville Regional Housing Consortium which shows for market rate rentals, there is a vacancy rate of 3.4 percent for Henderson County and for affordable rentals , it is zero percent. They estimated a total housing gap of 1,228 multi-family housing units.

Single-Family Housing Development: They began developing single-family housing in 1994. They are proposing single-family housing for Oklawaha Village. Most of the units are self-help housing whereby families work together to build their communities through sweat equity. Meadow Woods was developed in 2001 and it is 20 single-family homes.

She showed a photo of the first house they developed in 1994 located on Mountain Road. The house was built for a family of four. The tax-assessed value in 1994 was $72,000 and the most recent tax-assessed value is $139,100. She also showed a photo of the newest house they built which the owner closed on on February 18. The house appraised for $185,000.

The same study for single-family housing shows a gap of 737 units for people below the 80 percent of the median income in Henderson County.

She mentioned the home repair program stating a huge portion is funded through the developer fees they make off of multi-family housing developments and they receive funding through the United Way. She stated they reinvest money back into the community in other ways. She showed a photo of a home that was repaired by a licensed plumber and a youth group assisted with painting.

Mr. Dave Hazzard, landscape architect and landscape planner working with Luther Smith and Associates, provided the following testimony:

They have been working with HAC to develop the site plan for Oklawaha Village. It is located off North Main, not far from Duncan Hill Road and less than one mile from U.S. Highway 64, less than a mile east of Highway 25, and over one mile north of downtown. He provided a map showing the amenities, a one-mile radius with eateries, shops, grocers, medical offices, appointment centers, recreation with the Oklawaha Greenway and Patton Park.

He provided the previously approved site plan for East Side Village. Showing where Oklawaha Village is going to be with an additional eight acres not shown on the plan for comparison purposes of what was previously approve. The site was rezoned to UV Urban Village. The proposed East Side Village had 84 units on 9.76 acres with a proposed density of 8.6 units per acre. The proposed Oklawaha Village will be 4.5 units per acre.

Existing Conditions: There are two existing vacant homes on the site. The core of the site appears to be an old field, and the trees with over a 12-inch diameter show up on the tree survey. The south end of the site is Mud Creek and Bat Fork Creek which is a floodplain area. The Oklawaha Greenway is on the south side of Mud Creek.

Proposed site plan: The site is 18.5 acres. They are requesting rezoning to PRD Planned Residential Development. There is a total of 85 units; 66 will be multi-family units, and 18 single-family lots. On the west of the site, the multi-family buildings will be five apartment buildings with a mix or one to three bedroom units. There will be a community building for those apartments with a laundry facility, a general purpose

room, mail facility, computer lab, craft area and a screened porch. To the east are the single family lots on about .25 acres. To the north is the office building with the exact use to be determined but will be some support facility to the community. At the time it is developed, they will submit a plan to the Planning Department to ensure it meets parking, landscaping, stormwater, etc.

More than 76 percent will remain as open space. There will be a community park with a playground, a picnic facility with a barbecue, picnic tables, a lawn area for passive play and benches for congregation.

The floodplain is located to the south of the site with Mud Creek and Bat Fork Creek which will largely remain undeveloped. They may have some path systems through that area. At the southern portion of the cul de sac is a proposed gazebo that will overlook the floodplain, a short path navigating into the floodplain for passive use.

Pedestrian connectivity was important on the site. They have proposed sidewalks on both sides of the main road coming into the site and sidewalks connecting the multi-family units. The single-family and multi-family lots will have pedestrian connectivity to all of the elements throughout the development.

Vehicular access will be off of N. Main Street. They had a traffic impact analysis conducted but it was not required but they felt it was prudent to ensure it is a sound development. They are proposing a right-turn lane into the property, ingress and egress into and out of the property with full movement. The main road is proposed to be a public road 24-foot wide with sidewalks on both sides to create a sense of community. There will be private access points up to the multi-family units and parking. They are proposing 132 parking spaces; 11 of which is handicap accessible.

All of the playgrounds, gazebos, etc. will be ADA accessible throughout the design.

Stormwater management is conceptual and is still being determined but more than likely it will be dealt with in the lower portion at the cul-de-sac. Their intention is to deal with a major of the stormwater in that site probably in a constructed wetland. They will try to turn it into a feature with a path going by.

Landscaping is also conceptual and the final plan will be turned in with the final site plan. To the western side of the site, they are required to do a 10-foot b-type buffer. They left more than 30 feet in that area to buffer the existing residents. There are existing residents on the western side. They maintain in most areas more than 30 feet. They will have the required parking lot planting. Landscaping will be planted around the multi-family and single-family areas but do not have the final plans. Street trees will be planted on all of the drive. They are proposed a buffer planting between the multi-family and the single-family areas.

They are extending water 1,500 feet from Duncan Hill Road and will be extending sewer from the south side of Mud Creek into this site.

He reviewed the elevations stating there are three different types of buildings but they relatively look the same. The exterior will be brick clad and vinyl siding. Some of the vinyl siding will be horizontal as well as board and batten style, and cedar shake. It will have a mix of materials, all earth tones.

They are asking for an extension to 37 feet in height. More than likely they will not exceed 35 feet but wanted to ask for it so they do not have to come back for a variance. The most southern building may be, depending on the final grading plan because it will slope on the back side and they are not sure of the ground elevation. He anticipating they will be under the 35 feet requirement.

He provide a concept drawing for the singe-family units. These will be self-help housing. They have three units designed now, ranging with more than 1,400 square feet to more than 1,600 square fee. These units will be energy-star rated which is an efficiency standard they will meet which equates to higher quality construction. He asked for questions from the Council.

Council Member Miller asked if all roads will be private. Mr. Hazard stated the main road will be a public road.

Council Member Miller asked for the location of the single-family units. Council Member Miller requested the applicant decide on off-street parking. Mr. Hazard stated they looked at on-street parking which will be up to the City. Council Member Miller recommended that be decided before building so Council does not have to deal with that later. Mr. Hazard stated their intentions are that every single-family house will have off-street parking with a minimum of two parking spaces. Mr. Hazard stated they also buffered the parking areas in the center. They have 132 parking spaces in the upper portion, the City requires 114 so they have exceeded the parking requirements in concerns with guests, etc.

Mayor Volk asked if anyone else wants to speak in favor of the application: there was none. She asked if anyone wanted to speak in opposition. There was none.

There were no further questions or comments. Council Member Smith commented it is a beautiful project. Council Member Caraker agreed stating it was a good project. Mayor Pro Tem Stephens commented he is glad they are coming into City.

The public hearing was closed at 8:57 p.m.

Special Use Permit and Rezoning Approval: **Council Member Smith moved City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of parcel number 9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development; parcel number 9569-85-1884 from UV Urban Village to PRD Planned Residential Development; a portion of parcel number 9569-85-7038 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A; a portion of parcel number 9569-84-0194 UV Urban Village to PRD Planned Residential Development as shown in Exhibit A; a portion of parcel number 9569-84-6453 UV Urban Village to PRD Planned Residential Development as shown in Exhibit A, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: it provides housing for members of our community who are in need of this type of housing. He further moved the City Council to approve the application of Housing Assistance Corporation for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions. A unanimous vote of the Council followed. Motion carried.**

Ordinance #15-0308

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

IN RE: Oklawaha Village

File # P15-1-SUR

Be it ordained by the City Council of the City of Hendersonville:

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:

   Rezone Parcel # 9569-84-2457 from R-20 Low Density Residential to PRD Planned Residential Development.

   Rezone Parcel # 9569-85-1884 from UV Urban Village to PRD Planned Residential Development.

   Rezone a portion of Parcel #9569-85-7038 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A.

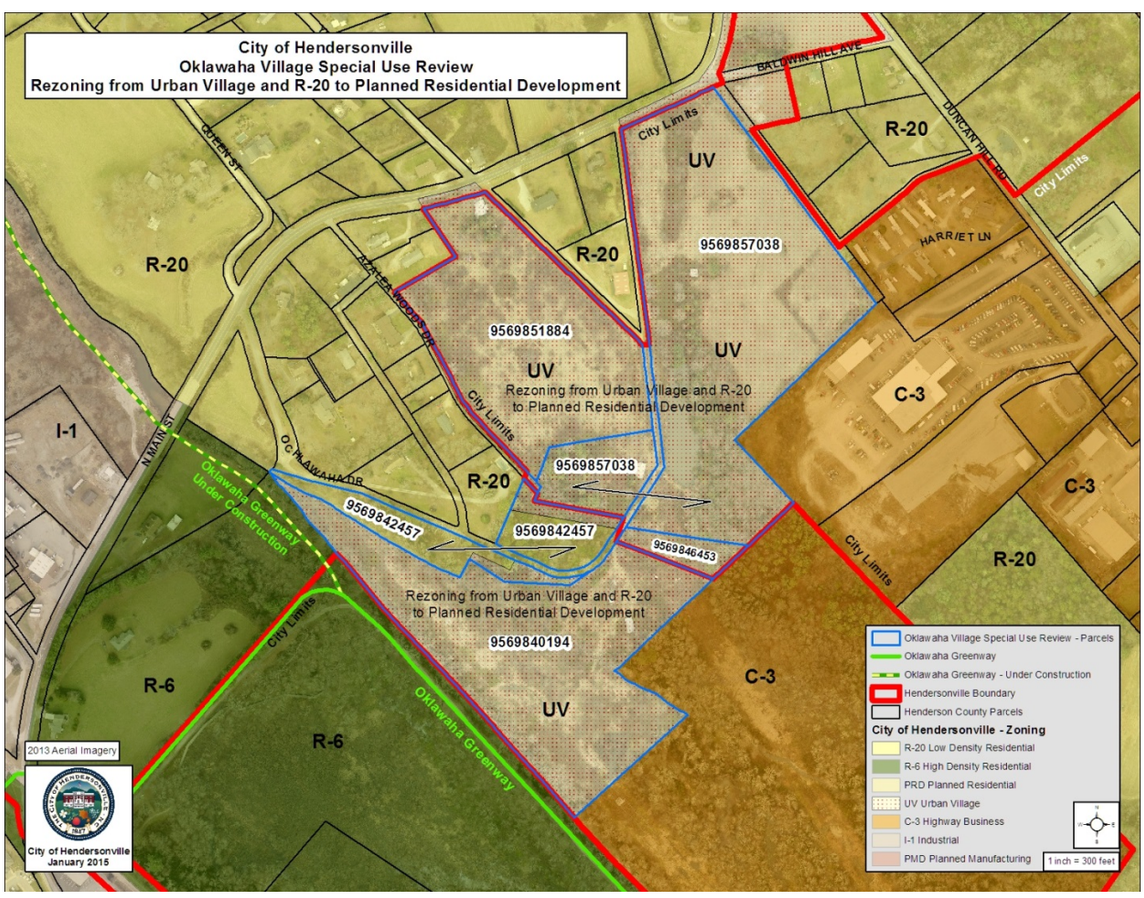
   Rezone a portion of Parcel #9569-84-0194 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A.

   Rezone a portion of Parcel #9569-84-6453 from UV Urban Village to PRD Planned Residential Development as shown in Exhibit A.

2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of March 2015.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to Form: /s/Samuel H. Fritschner, City Attorney



9. Discussion/Review of Financing System Development Charges: Utilities Director Lee Smith explained the Council established a policy by which utility customers could finance their System Development Fees at their February 6, 2014 meeting. The City Council requested that this item be placed back on the agenda in one year to review its effectiveness. He reported as of February 23, 2015, no customers have used this provision likely due to the financing charge associated with the program.

Council Member Miller asked if there have been any problems associated with maintaining the program. Mr. Lee Smith stated none at all. Council Member Miller stated the City has made some headway in getting the charges so people can deal with them. He supported leaving the program intact. Council Member Caraker agreed. **No action was taken by the Council.**

10. Consideration of Change in Parking Designation on Maple Street: Police Chief Herbert Blake explained Sgt. Robert Merz noticed two 15-minute parking signs on Maple Street directly across from the entrance to the Depot. He stated the Police Department does not enforce 15-minute parking in that area. He stated Sgt. Merz also noticed the area at the intersection of Seventh and Maple needs to be repainted to deter parking at that intersection.

Council Member Caraker moved Council to authorize the removal of the 15-minute parking signs and place a "No Parking Here to the Curb" sign on the northwest side of Maple Street. He further moved to authorize the Public Works Department to repaint the curb yellow at the appropriate locations to indicate "no parking from here to corner" of the curb. A unanimous vote of the Council followed. Motion carried.

10a: Consideration of Budget Amendment – Flat Rock Playhouse: Council Member Miller explained the Council voted to fund the Flat Rock Playhouse at $50,000 for mold remediation. He recommended putting these funds on a draw so funds could be paid as progress is made instead of writing one check. He stated he has not seen a contract, etc. He stated his goal is to chart the progress. Mr. Connet asked the Council whether it would be appropriate to break it up into two or more draws. Council Member Caraker discussed whether the Playhouse has received multiple quotes for the work. He stated they should verify the condition, the fix, and when the work is completed. Council Member Miller also asked that someone from City staff visit and review the progress of the work.

Mayor Pro Tem Stephens commented that the City should know that the funds are being spent for the purpose requested. Mr. Connet reported Henderson County has a non-profit contract or agreement whereby those receiving funds agree that the funds are being spent for the specific purposes. He suggested having the City Attorney review it and frame it to the City. He also suggested requiring a complete accounting of how the funds were expended with the idea that if it is not all spent, it will be returned proportionately. **The Council agreed by consensus.**

After discussion, **Council Member Miller moved Council to approve the budget amendment allocating $50,000 to the Flat Rock Playhouse for mold remediation with the stipulation that the City will manage how it is distributed. A unanimous vote of the Council followed. Motion carried.**

11. Comments from Mayor and City Council Members: There was none.

12. Reports from Staff:

a. Reminder of Special Meeting to Review Capital Improvement Plan: Mr. Connet reminded the Council of the Special Meeting to discuss the Capital Improvement Plan on March 10, 6:30 p.m., City Hall, Second Floor Conference Room.

b. Commendation: Mr. Connet commended Mr. Wooten and the Public Works Staff for the great work during the recent inclement weather: plowing the streets and removing solid waste from the street. He stated he has heard nothing but positive comments. Mayor Volk echoed the commendation. **No action was taken by the Council.**

13. Boards and Commissions

a. Consideration of Resolution Establishing Seventh Avenue Advisory Committee: City Attorney Fritschner presented a resolution to establish a standing Seventh Avenue Advisory Committee. **Council Member Smith moved adoption of resolution establishing a standing Seventh Avenue Advisory Committee. A unanimous vote of the Council followed. Motion carried.**

RESOLUTION #15-0309

A RESOLUTION ESTABLISHING A SEVENTH AVENUE ADVISORY COMMITTEE

WHEREAS the City Council has determined that both the City and the Seventh Avenue area benefits from the advice of its business owners and residents, and

WHEREAS the City Council has further determined that the Seventh Avenue business community may offer its advice, among other ways, through a committee established for that purpose, and

NOW, BE IT THEREFORE RESOLVED that the City Council establish and it does by these presents establish a Seventh Advisory Committee as provided herein.

1. The purpose of the Committee is to advise the City Council of the particular needs of the Seventh Avenue community in the City of Hendersonville, and to give such further advice as seems appropriate to the Council to receive or the Committee to give.

2. The Committee shall meet at the times established, in a place provided by the City or at such time and place as the Committee shall from time to time determine, and may meet at such other times and places at the Committee's pleasure or upon request of the City Council.

3. The Committee shall be composed of eight members, appointed to staggered two-year terms as provided in this resolution. The City Council shall designate four members to serve initial two-year terms and four to serve one-year terms. Four of the members shall be individuals who own local businesses or commercial property in the Seventh Avenue Special Tax District, three at-large members, and one member representing the Hendersonville Rescue Mission. There shall be one non-voting liaison position representing the Green Meadows community. No member shall concurrently be a member of the Committee and hold popularly elected office with any governmental body.

4. The Committee shall designate one person to chair the Committee. Selection of the chairperson shall be by those Committee members actually appointed by the City Council. In the absence of the chair the Committee shall by majority vote select a member to preside at meetings.

5. The Committee shall at all times remain in compliance with applicable statues and ordinances, including specifically the North Carolina Public Records Act and the North Carolina Open Meetings Act.

6. All members shall be appointed by the City Council.

7. Membership on the Committee shall expire on the first day of April in the appropriate year.

Adopted this fifth day of March 2015.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk

b. Consideration of Appointment to Seventh Avenue Advisory Committee: City Clerk Tammie Drake advised the Council of those who have declined reappointment; leaving two vacant positions. **Council Member Caraker nominated Carson Calton, Dennis Dunlap, Chris Cormier, Farrell Beam, Jim Kastetter and a representative from the Rescue Mission. The vote of the Council was unanimous. Motion carried.**

c. Consideration of Appointments to the Business Advisory Committee: City Clerk Tammie Drake advised the Council Dr. Laborde declined reappointment and provided the applications of those wishing to serve. She also provided attendance records at the Council's request. Council Member Caraker nominated Chuck Edwards and Rhonda Brissie. Council Member Smith nominated Randy Hunter. Mayor Pro Tem Stephens nominated Cam Boyd. Council Member Caraker nominated Beau Waddell, Matt Johnes and Gloria Wagner. There was some discussion of the makeup of the committee. Mayor Volk explained the first six nominees that get a vote will be appointed. **The majority vote of the Council was to appoint the following: Chuck Edwards, Gloria Wagner, Matt Johnes, Beau Waddell, Rhonda Brissie, Cam Boyd.**

The Council voted unanimously to appoint the following members for two-year terms: Chuck Edwards, Gloria Wagner, Matt Johnes and Beau Waddell.

The Council voted unanimously to appoint the following members for an initial one-year term: Cam Boyd, Rhonda Brissie and the representatives for Henderson County, the Chamber of Commerce and the Partnership for Economic Development.

d. Consideration of appointment to the Board of Adjustment: City Clerk Tammie Drake advised the Council of one vacant alternate position on the Board and provided the applications of those wishing to serve. City Attorney Fritschner reminded the Council of a policy that anyone who serves on the Board of Adjustment may not serve on other boards. **Council Member Caraker nominated April Thompson to serve on the Board of Adjustment in the alternate position. A unanimous vote of the Council followed. Motion carried.**

e. Consideration of Appointment to the Environment Sustainability Board: City Clerk Tammie Drake advised the Council of a vacant position for a City representative and an outside-City representative on the Board. She provided the applications of those wishing to serve. **The Council postponed the appointment until the April meeting.**

f. Announcement of Vacancies: City Clerk Tammie Drake reported the vacancies on the Environmental Sustainability Board. **No action was taken.**

g. Consideration of Appointment to the Henderson County East Flat Rock Area Community Plan Advisory Committee: City Clerk Tammie Drake reported the Henderson County Board of Commissioners has invited the City to appoint a non-voting liaison to serve as a representative of the City of Hendersonville. Mayor Volk announced the first meeting will probably be in May so the appointment can be made at the April meeting. **The Council agreed by consensus to publicize the appointment.**

14. New Business: There was none.

15. Adjournment: Being no further business the meeting adjourned at 9:29 p.m. upon unanimous assent of the Council.

_____ _____

Barbara G. Volk, Mayor Tammie K. Drake, City Clerk