

AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

MAY 7, 2015 – 5:45 P.M.

Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
5. **Consideration of Consent Agenda:** *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*
 - A. **Consideration of Minutes:**
 - March 10, 2015 Special Meeting (CIP)
 - April 2, 2015 Regular Meeting
 - B. **Consideration of Interlocal Agreement with Henderson County for Development Assistance Department (DAD)**
 - C. **Consideration of “Walk of Fame” Committee**
 - D. **Consideration of Special Event Permits for:**
 - i. **Music and Dance on North Main Street**
 - ii. **Creative Art Demonstrations**
 - E. **Consideration of Job Description for Payroll and Benefits Coordinator**
 - F. **Consideration of Seventh Avenue Façade Grant Program**
 - G. **Consideration of Seventh Avenue Tax Incentive Program**
 - H. **Consideration of a Resolution Adopting the South Mountains Hazard Mitigation Plan**

- 6. Recognition by Mayor Barbara Volk: Henderson County Robotics Team 1225**
Presenters: Mayor Barbara Volk and City Manager John Connet
- 7. Introduction of Mountain Excellence Principle of the Month; Recognition of Service Excellence and Achievements**
Presenter: City Manager John Connet
 - A. Finance Department Staff**
Presenter: Finance Director Lisa White
 - B. Police Officers**
Presenter: Police Chief Herbert Blake
 - C. Interim Fire Chief Joseph Vindigni**
Presenter: City Manager John Connet
- 8. Quasi-Judicial Public Hearing – Consideration of an Application from Ingles Markets for a Special Use Permit to Replace the existing 46,379 square foot Ingles grocery store Located at 625 Spartanburg Highway with a new 72,000 square foot Ingles grocery store and a Gas Express and to Rezone Certain Parcels and Portions of Parcels on/near Spartanburg Highway from C-3 Highway Business to PCD Planned Commercial Development**
Presenter: Planning Director Sue Anderson
- 9. Quasi-Judicial Public Hearing – Consideration of an Application from Flatiron Partners for a Special Use Permit for the Development of 80 Multi-Family Residential Units Known as Cedar Terrace on 10 acres Located Adjacent to Francis Road, Lakewood Road and Highlands Square Drive and to Rezone the site from I-1 Industrial to PRD Planned Residential Development**
Presenter: Planning Director Sue Anderson
- 10. Public Hearing – Consideration of an Application from the City of Hendersonville for an Amendment of Zoning Ordinance Article VII Development Review, Pertaining to the Planning Board**
Presenter: Planning Director Sue Anderson
- 11. Consideration of Bee City USA Resolution**
Presenters: Kim Bailey, Environmental Sustainability Board and Mac Brackett, Tree Board Chair
- 12. Update/Discussion on Parking Study Recommendations**
Presenter: City Manager John Connet
- 13. Discussion of Tethering Ordinance**
Presenter: City Manager John Connet
- 14. Update on Seventh Avenue Municipal Services District (MSD) Expansion**
Presenter: City Manager John Connet
- 15. Discussion of Harper Flooding Issue**
Presenter: City Manager John Connet

- 16. Discussion of Sewer Collection System and Pump Station for Somersby Park**
Presenter: Utilities Director Lee Smith
- 17. Comments from Mayor and City Council Members**
- 18. Reports from Staff**
 - a. Reminder of Special Meeting for Budget Review on Friday, May 8, 2015, 8:00 a.m., City Hall, Second Floor Conference Room
- 19. Boards and Commissions**
Presenter: City Clerk Tammie Drake
 - a. Consideration of Appointments: None
 - b. Announcement of Vacancies/Upcoming (Re)appointments
- 20. New Business**
- 21. Request for Closed Session to Discuss Possible Acquisition of Property**
- 22. Adjournment**





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/18/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b

The Henderson County Board of Commissioners has approved the Interlocal Agreement between Henderson County and the City of Hendersonville for the leasing of space in the King Street Office Building for the establishment of the Hendersonville Development Assistance Department. I am requesting that the City Council approve the Interlocal Agreement which includes a lease of \$10.00 per square foot for five years.

Budget Impact: \$ 10,000 +/- per year _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

2015/2016 Budget

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move the approval of the Interlocal Agreement between the City of Hendersonville and Henderson County for the leasing of office space at 100 King Street for the creation of the Development Assistance Department.

Attachments:

Proposed Interlocal Agreement

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTERLOCAL AGREEMENT

This Interlocal Agreement, pursuant to Article 20 of Chapter 160A, is made by and between the County of Henderson, a body corporate and politic of the State of North Carolina ("the County") and the City of Hendersonville, a municipal corporation of the State of North Carolina ("the City").

Facts Leading to Agreement

A. The County and the City have discussed leasing a portion of the County's Community Development Building to the City to create a one-stop-shop for permitting and planning functions.

B. It is the intent of the parties that a Comprehensive Permit Center would:

(1) Provide a single location for ninety percent of the County and all of the residents of the City to obtain all land development information and permits.

(2) Provide a better opportunity for City and County staff to communicate regarding permitting and inspection issues associated with planned and active projects.

(3) Provide citizens and staff an opportunity to resolve issues that may arise in the development process in a central location accessible to both City and County residents.

Statement of Agreement

The parties agree as follows:

1. The County hereby leases to the City office space in the County's office building at 100 North King Street, or such other premises as the parties may later agree (such office space hereafter "the leased premises"), suitable for the planning and zoning departments of the City and other staff they may deem appropriate.

2. The leased premises constitutes 1,000 square feet.

3. The initial term of this lease shall be five (5) years, beginning 1 July 2015. However, unless either party shall give notice of the intention to terminate this provision at least six (6) months prior to the end of the term (that is, not later than 31 December 2019), then the lease shall be extended for another term of five (5) years.

4. The City will pay to the County as rent the sum of Ten Dollars (\$10.00) per square foot of the leased premises per year, beginning 1 July 2015. The rent shall be adjusted each year, beginning with the payment due 1 July 2016, which shall be adjusted based on the percent change,

year-over-year, of the April 2016 Consumer Price Index for All Urban Consumers as announced by the United States Department of Labor Bureau of Labor Statistics.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/28/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Tom Orr made a presentation at the February City Council meeting regarding the establishment of a Walk of Fame program to recognize key Henderson County citizens. The City Council directed staff to work with Mr. Orr and Henderson County to develop the program. Assistant County Manager Amy Brantley and I have developed the Charter and Bylaws for this committee. Therefore, I am requesting approval of the Charter and Bylaws, so we can begin the formation of this committee.

Budget Impact: \$ TBD Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve the Charter and Bylaws for the Walk of Fame Committee

Attachments:

Proposed Charter and Bylaws of Walk of Fame Committee

WALK OF FAME STEERING COMMITTEE

CHARTER

The Walk of Fame Steering Committee is established to recognize outstanding contributors to the growth and development of Henderson County.

The duration of the committee shall be perpetual.

BYLAWS AND RULES OF PROCEDURE

Pursuant to the Henderson County Code, § 3-31. Bylaws of Boards or Committees. Bylaws drafted by any board of committee must be presented for approval by the Henderson County Board of Commissioners prior to adoption, unless otherwise provided by law.

I. NAME

Walk of Fame Steering Committee

II. PURPOSE

The purpose of this committee is to advise the Board of Commissioners and Hendersonville City Council on matters related to a Walk of Fame. The Committee shall act in the following manner:

- Determine the logistics of establishing a Walk of Fame in downtown Hendersonville. The Walk of Fame will recognize outstanding contributors to the growth and development of Henderson County.
- Identify the disciplines for which people would be recognized. For example: agriculture, education, cultural arts, industry, government, health care, commerce and special services.
- Establish the qualifications for recognition within each of the identified disciplines.
- Determine a procedure for setting up a selection committee
- Establish the means of recognition
- Identify a means of establishing sponsorships/funding mechanisms for expenses related to the project.

III. MEMBERSHIP

- a. The Walk of Fame Steering Committee shall be comprised of five (5) voting members. Two (2) appointed by the Board of Commissioners, two (2) appointed by the Hendersonville City Council and one (1) appointed by the Henderson County Heritage Museum.
- b. Terms shall be for a length of three years. In order to establish a staggering of the terms, the initial expiration dates of the membership shall be as follows:
 1. Position 1 – June 30, 2018 (Heritage Museum)
 2. Position 2 – June 30, 2017 (Hendersonville)
 3. Position 3 – June 30, 2016 (Hendersonville)
 4. Position 4 – June 30, 2018 (Henderson County)
 5. Position 5 – June 30, 2017 (Henderson County)
- c. Any vacancy on the Committee shall be filled at the earliest convenience by the appointing authority.
- d. Members missing three (3) consecutive regular meeting in a calendar year will be subject to an appointment review by the appointing authority to determine if removal of the member is necessary or not, in light of the circumstances that are existing at that time.
- e. If for any reason a member must be replaced, the replacement member shall serve for the remainder of the unfilled term of the departing member.

IV. MEETINGS AND VOTING

Meetings shall be held at the time and place determined by the Walk of Fame Committee. Special meetings may be requested by the Chairman, or by a majority vote of the Committee. Written or phone notice of such a meeting shall be given to members at least three days prior to the meeting.

A quorum shall consist of the majority of members present at a meeting, and shall be considered an act of the Walk of Fame Committee.

Each member is entitled to one vote, with voting governed by parliamentary procedure according to Robert's Rules of Order.

All meetings shall be open to the general public.

V. OFFICERS

The appointment of the Chair shall alternate between the City and the County, with the City making the appointment in odd numbered years, and the County making the appointment in even numbered years. The governing body making the appointment shall not be limited to their appointed members, but may select any one of the five members to serve as Chair.

The Chair will preside over all meetings and decide all points of order and procedure. The Chair will be the official spokesperson of the Walk of Fame Committee.

The Committee will elect a Vice-Chair and other officers as deemed necessary. The Vice-Chair will carry out the Chair's duties in case of absence, incapacity, or resignation.

No member shall receive any salary or compensation for his or her services.

VI. DUTIES OF THE MEMBERS

The Walk of Fame Steering Committee must work within the following parameters:

- a. North Carolina Open Meetings and Public Records Laws
- b. Projects must ultimately be approved by both the Board of Commissioners and Hendersonville City Council.

The Committee will report to the Board of Commissioners, Hendersonville City Council, and Heritage Museum.

The Committee shall have general supervision and control of the business and affairs of the Committee. Minutes shall be kept at all meetings, and be provided to the appointing authority upon request.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 4-16-15

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 5-7-15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05di

On April 16, 2015, the Special Events Committee met and reviewed an application from the Green Room Café for the Music & Dance on North Main event to be held Saturday, May 9 and Saturday May 16, 2015 from 5:00 P.M. to 7:30 P.M. This is a first time event.

The Downtown Advisory Committee recommended that additional events be approved based on the success of these events. The applicant had requested every Saturday throughout the summer. The Special Events Committee recommended that these two events be approved and that the Downtown Advisory Committee and Special Events Committee review the outcome of these two events at their May meetings and consider the approval of future events. No events will be approved that conflict with other festivals/events during the same time such as Garden Jubilee. The applicant is obtaining buy in from other merchants that would be impacted by this event.

The event will be held on the sidewalk on North Main Street and 6th Avenue. The request is to use the sidewalk in front of the Green Room Café for a live band. In case of rain, it will be held under the patio at the skyland building. The event is to attract more people to the north end of Main Street where there are very limited events.

The Special Events Committee voted unanimously to recommend approval of a special event permit for Music & Dance on North Main.



Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that City Council approve the special event permit for the Music & Dance on North Main.

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 4-16-15

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 5-7-15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05dii

On April 16, 2015, the Special Events Committee met and reviewed an application from the Green Room Café and the Art League of Henderson County for the Creative Art Demonstrations to be held on Saturday, May 9 and Saturday, May 16, 2015 from 11:00 A.M. to 3:00 P.M. This is a first time event.

The Downtown Advisory Committee recommended that additional events be approved based on the success of these events. The applicant had requested every Saturday throughout the summer. The Special Events Committee recommended that these two events be approved and that the Downtown Advisory Committee and Special Events Committee review the outcome of these two events at their May meetings and consider the approval of future events. No events will be approved that conflict with other festivals/events during the same time such as Garden Jubilee.

The event will be held on the sidewalk in front of the Green Room Café at 356 N. Main Street. The request is to use the sidewalk in front of the Green Room Café for a local artist to demonstrate their art. In case of rain, it will be held under the patio at the skyland building. This event is to attract more people to the north end of Main Street where there are very limited events.

The Special Events Committee voted unanimously to recommend approval of a special event permit for the Creative Art Demonstrations.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that City Council approve the special event permit for the Creative Art Demonstrations.

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Jennifer Harrell

Department: Administration

Date Submitted: 04/15/15

Presenter: Jennifer Harrell

Date of Council Meeting to consider this item: 05/07/15

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

This request is being made by Human Resources Director, Jennifer Harrell and Finance Director, Lisa White to assist the Human Resources Department. The Senior Accounting Technician is taking on additional responsibilities to ensure that employee benefits are properly administered and thus updating the position to Payroll and Benefits Coordinator.

Budget Impact: \$0 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve to approve the job description of Payroll and Benefits Coordinator

Attachments:

Payroll and Benefits Coordinator job description

PAYROLL AND BENEFITS COORDINATOR

General Statement of Duties

Performs responsible paraprofessional and administrative work in the payroll and benefits programs for the City.

Distinguishing Features of the Class

An employee in this class plans, organizes and administers the payroll and benefits for City personnel. Work includes administration of payroll and benefits for City employees in accordance with payroll laws, regulations and City policies.

Work requires an understanding of pay and benefit administration, related accounting activity and functions, the laws and regulations affecting payroll, and employee benefit practices. Work requires employee to exercise considerable judgment and accuracy in interpretation, application, and administration of payroll and benefit policy and practices. Work involves exercising sound judgment in maintaining confidential personnel records. Work is performed under general supervision and is evaluated by regular discussion, reports, observation, and feedback from peers and employees.

Work also includes generating a variety of financial records and reports, performing related fiscal duties and other accounting clerical duties. Work is performed under regular supervision and is evaluated through observation, conferences, review of work, and audit of the records by an external auditor.

Duties and Responsibilities

Essential Duties and Tasks

Manages payroll system software and payroll processing; pays employees in accordance with payroll laws, regulations and City policies; administers special payrolls (i.e. Longevity Pay).

Administers payroll system to calculate payroll, withholdings and deductions, printing and distribution earning statements, and transmission of direct deposits.

Manages payroll reporting; prepares and reconciles all reports for tax withholdings; communicates with federal and state agencies regarding tax withholdings, garnishments, and other payments.

Coordinates preparations of management reports; assists departments in preparation and maintenance of special payroll reports.

Assists with completing employee benefit orientations and in coordinating annual open enrollment for employee insurance.

Administers payroll changes affected by year end, fiscal year, and/or personnel policy.

Audits and reconciles salary and benefit accounts to general ledger.

Assists with maintaining payroll administration software and testing and implementing system changes and updates as required.

Prepares various financial reports, tax reports, and other reports required by supervisor, State, or other external agency.

Assists with year-end audit. Prepares annual payroll reports, calculations and accruals for year-end payroll accounting.

Additional Job Duties

Serves as backup to other staff in finance office.
Performs related duties as required.

Recruitment and Selection Guidelines

Knowledge, Skills, and Abilities

Considerable knowledge of payroll and benefit principles and practices.
Considerable knowledge of the laws, rules, regulations and accounting that apply to payroll and benefit policies and practices in the public sector.
Considerable knowledge of federal and state tax guidelines.
Considerable knowledge of payroll and accounting software applications.
Considerable knowledge in record management procedures and practices.
Considerable knowledge of computer operations as they relate to assigned tasks.
Ability to compile, evaluate, and reconcile a variety of accounting records and reports.
Ability to make arithmetic computations accurately and with reasonable speed.
Ability to perform a variety of fiscal or accounting functions and to change priorities quickly and maintain accuracy level.
Some knowledge of employee insurance and retirement plans.
Some knowledge of theory, principles and practices of human resources administration in the public sector.
Ability to apply basic payroll and accounting principles and practice in problem solving challenges arising in payroll and/or employee insurances.
Ability to assist Human Resources Director in developing payroll and benefit policy, practice and procedures.
Ability to maintain the confidentiality of personnel records and discussions.
Ability to establish and maintain effective working relationships with other staff, department heads, employees, and the general public.
Ability to communicate effectively in oral and written forms.
Skill in using computer hardware and software applications; operating office technology.
Skill in training employees and conducting employee orientations.
Skill in preparing payroll reports for departments and management.
Skill in preparing and transmitting payroll data electronically.

Physical Requirements

Must be able to physically perform the basic operational functions of fingering, talking, hearing, and repetitive motions.
Must be able to perform sedentary work exerting up to 10 pounds of force occasionally, and/or a negligible amount of force frequently or constantly to move objects.
Must possess the visual acuity to prepare data and statistics, work with accounting processes, operate a computer terminal, and do extensive reading.

Desirable Education and Experience

Graduation from a two year college with a major in accounting and considerable experience in an automated fiscal or accounting environment, preferably in the public sector; or an equivalent combination of education or experience.

Hendersonville 2015



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/14/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f

The Hendersonville Main Street and Main Street Local Historic District Programs currently offer facade grants for properties within their respective districts. The Seventh Avenue Advisory Committee is requesting authority from the City Council to offer facade grants within the Seventh Avenue MSD. They believe this will provide property owners some incentive to make improvements to the front of their buildings.

Budget Impact: \$ 10,000 Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

The first round of funding will be provided by the HSAD non-profit organization.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that Seventh Avenue Advisory Committee be granted authority to offer facade grants as part of the Historic Downtown Facade Grant Program.

Attachments:

Grant Program Guidelines

Historic Downtown Hendersonville Façade Grant Program

Main Street & Seventh Avenue Grant Guidelines

■ Introduction – Purpose of the Façade Improvement Program

The architectural quality of downtown is important to Hendersonville; it contributes significantly to our economy, our image and our history. The City of Hendersonville's Downtown Development Program and Historic Preservation Commission (HPC) have developed a façade grant program to provide assistance to property owners in the rehabilitation of historic downtown properties in our Main Street and **Seventh Avenue municipal service districts**. Hendersonville's Façade Improvement Program is a grant based incentive intended to encourage and provide financial inducement for the:

- ❖ Rehabilitation of commercial building facades within the Main Street and 7th Avenue Municipal Service Districts.
- ❖ Implementation of appropriate design standards for the rehabilitation of historic properties including the Secretary of the Interior's Standards for Rehabilitation (see Appendix A) and, as appropriate, the Historic Preservation Commission's Main Street Local Historic District Design Guidelines.
- ❖ Preservation of the unique architectural and commercial character of historic downtown Hendersonville.

Each year Hendersonville's Downtown Development Program and Historic Preservation Commission set aside limited funds for the Façade Improvement Program. Grants will be awarded for eligible projects on a funds-available basis. Those interested in the program can consult with the Downtown Economic Development Director to determine funding availability. The fiscal year for the program begins July 1 and ends on June 30.

■ What is a Façade?

A facade is defined as the exterior walls of a building which are adjacent to or front on a public street. Each storefront of a building can be considered a façade. The rear of a building may also be considered for a façade grant, with priority given to the front of a building.

■ Who is Eligible?

There are two primary districts which are eligible for Façade Grants in downtown Hendersonville, the Main Street Municipal Service District and the Seventh Avenue Municipal Service District. Properties in and around the Main Street Municipal Service District which fall into the Main Street Local Historic District are eligible for additional grant funding through the Historic Preservation Commission. A map of these areas is included at the end of this document and should be referenced to determine if the applicant is eligible for the Façade Grant Program.

- ❖ Any property owner or business tenant in the downtown Hendersonville Main Street or Seventh Avenue Municipal Service Districts and/or the Hendersonville Main Street Local Historic District is eligible.
- ❖ Only buildings whose current or historic use is commercial are eligible for the Façade Grant program.
- ❖ Only one application may be submitted for each façade. A property owner, a building's business tenant or an owner and tenant jointly, may submit a Façade Grant application.
- ❖ If a building has multiple facades, each tenant with a separate entrance may apply. Where a single tenant occupies multiple facades, the tenant is eligible for one application per façade.

■ What is Eligible?

Please note that the following lists are not intended to be all inclusive. Each project will be reviewed according to the project's location by the Main Street or Seventh Avenue Design Sub-Committee on its individual merits.

Activities **eligible** for a Façade Grant include:

- ❖ Removal of false fronts, metal canopies and other additions that detract from a building's historical and architectural character
- ❖ Safe cleaning of brick or wall surfaces – chemical stripping, scraping and water wash. Power washing is not recommended
- ❖ Exterior painting, including trim and previously painted surfaces
- ❖ Historic reconstruction – storefront, door or window repair or replacement, masonry repointing, etc
- ❖ Approved awning installation
- ❖ Approved exterior lighting
- ❖ Address information – numerals, building name, etc

Activities **not eligible** for a Façade Grant include:

- ❖ Installation or removal of signage
- ❖ Roof and Chimney repair
- ❖ Installation of any type of inappropriate material that interferes with the historic integrity of the building
- ❖ Sand blasting
- ❖ Removal of historic features
- ❖ Landscaping

■ Funding.

Funding for the Façade Grant Program is provided through the Main Street Municipal Service District, the Seventh Avenue Municipal Service District and the Historic Preservation Commission.

- ❖ Façade Grants will provide 50% of approved project costs.
- ❖ The minimum grant award is \$125; projects with total costs less than \$250 are not eligible for the grant. The maximum award is dependent on building location, see below for additional details.
- ❖ A maximum of up to \$3,000 per façade is available for all buildings located within the Main Street Municipal Service District and the Hendersonville Main Street Local Historic District.
- ❖ A maximum of up to \$2,500 per façade is available for buildings within the Main Street & Seventh Avenue Municipal Service Districts, but outside of the Hendersonville Main Street Local Historic District.
- ❖ A maximum of up to \$500 per façade is available for buildings within the Hendersonville Main Street Local Historic District, but outside the Main Street Municipal Service District.
- ❖ The final award amount is based on documentation of actual labor and material costs.

■ Application Guidelines.

Applications will be reviewed in accordance with the following guidelines.

- ❖ All façade design proposals shall:
 - Meet the applicable zoning and code requirements of the City of Hendersonville.
 - Adhere to the US Secretary of the Interior's Standards for Rehabilitation.
 - Receive Façade Application approval from the appropriate Design Subcommittee prior to beginning work, either Main Street or Seventh Avenue.
 - Include the property owner's signature.
- ❖ Applicants must receive a Certificate of Appropriateness from the Historic Preservation Commission if located within the Hendersonville Main Street Local Historic District prior to beginning work.
- ❖ Projects within the Hendersonville Main Street Local Historic District are required to comply with the district Design Guidelines.
- ❖ A property does not have to be occupied at the time a Façade Grant application is submitted.
- ❖ A building or rental unit may receive more than one grant award for the same façade. However no more than one grant award will be given to the same building or rental unit within one year.
- ❖ Only exterior façade renovations are eligible.

■ General Application Review Criteria.

All eligible exterior rehabilitation proposals will be considered for funding, however top priority will be given to projects which:

- ❖ Make highly visible and significant design contributions to historic downtown Hendersonville.
- ❖ Contribute significantly to the program goal of preserving the architectural, historic and commercial character of historic downtown Hendersonville.
- ❖ Comply with the guidelines above in letter and spirit.
- ❖ Take advantage of the design assistance available through the City of Hendersonville's Main Street Program.
- ❖ In the case of multiple applications, deliver the greatest value of work to the individual building and to Main Street overall.

■ Application Procedure.

The applicant should seek the assistance of the Downtown Economic Development Director for guidance in completing the following requirements:

- ❖ Submittal of a complete Façade Grant Application which includes the property owner's signature to the Downtown Economic Development Director.
- ❖ The application shall include:
 - "Before" photos (photos of the existing building condition)
 - Proposed Plan (sketch, specifications, color choices, etc.)
 - Two (2) estimates of project costs covering labor and material
 - Detailed written description of proposed project plan
- ❖ If the project is located in the Main Street Local Historic District a Certificate of Appropriateness (COA) application is also required.
- ❖ Applications will be reviewed by Main Street program staff for completeness before being forwarded to the appropriate Design Subcommittee for review.
- ❖ **The Design Subcommittee will review the proposed project at their regularly scheduled monthly meeting and decides whether to approve, approve with conditions, or deny the façade grant application.**
- ❖ If the project is located in the Main Street Local Historic District, the applicant must receive approval from the Historic Preservation Commission through the COA process before proceeding with work.
- ❖ Within (5) days of the grant decision the Downtown Economic Development Director will notify the applicant of the approval or denial of his/her grant application and of any permits required to complete the project.
 - If the project is approved with conditions, the applicant has 30 days from the date of the notification letter to modify the application.
 - If the project is approved without conditions, a contract form will be included with the notification letter. The applicant must return the contract form to the Downtown Economic Development Director within 30 days of the date of the notification letter. A signed contract must be on file before work can commence.

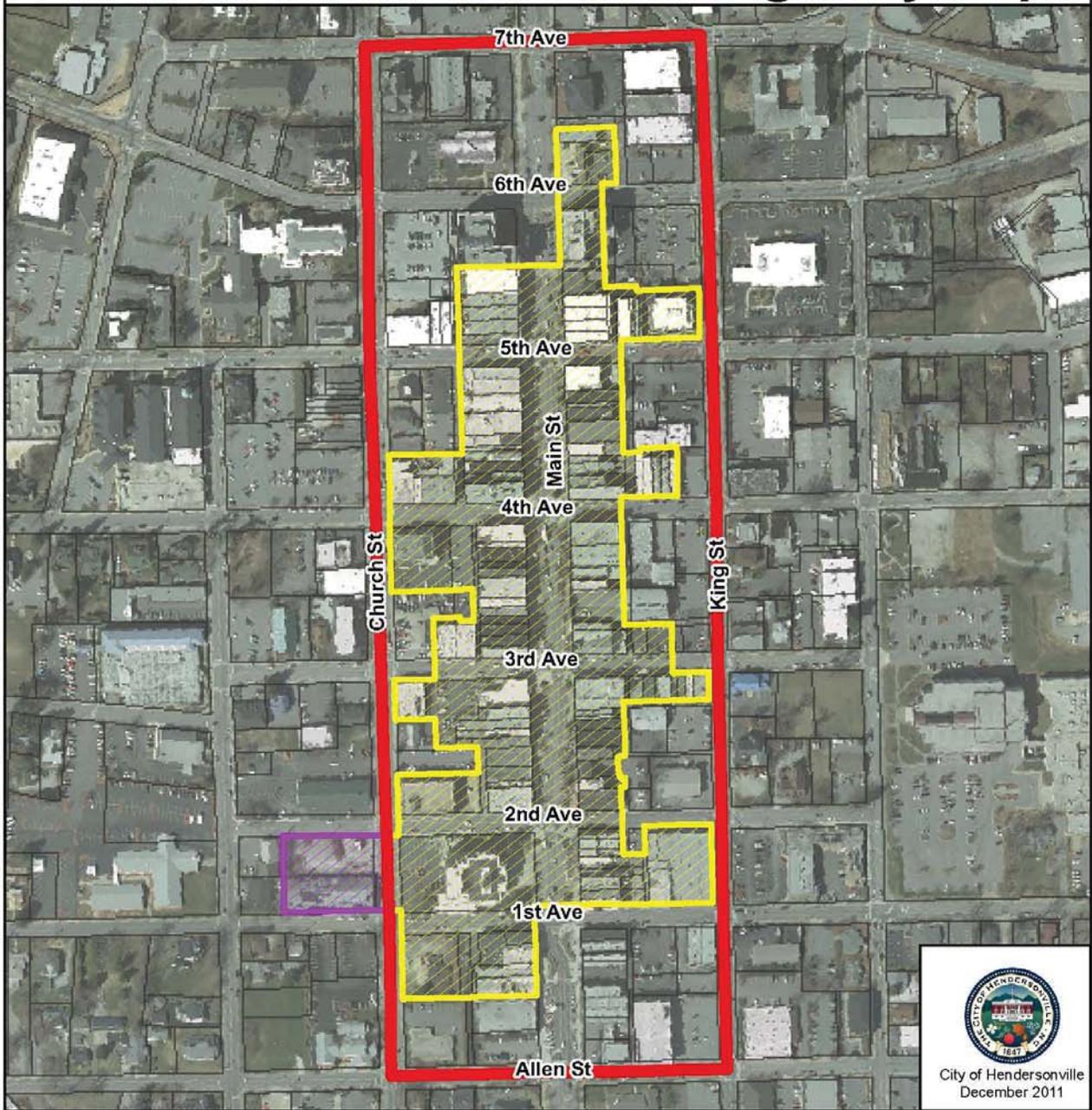
■ Post Approval.

Once a façade grant has been approved and the grant contract is signed, the following guidelines shall be followed to receive the grant award.

- ❖ All work must be completed in a good workmanship manner.
- ❖ All approved work must be completed within six (6) months of a signed Façade Grant contract.
- ❖ If additional time is needed, a written request shall be submitted to the Downtown Economic Development Director providing a compelling reason(s) for the extension. The Director, in consultation with the appropriate Design Sub-Committee Chair may grant a 30 day project extension at their discretion.
- ❖ The applicant is responsible for ensuring that the project is completed in accordance with the approved application, design guidelines provided in this procedure, and the signed contract. The Downtown Development Program reserves the right to deny payment if the completed work is inconsistent with the contents of the original application.
- ❖ Any deviations from the approved application must be submitted to the Downtown Economic Development Director prior to construction. The Director will forward the proposed alterations to the appropriate Design Subcommittee for review at their next scheduled meeting.
- ❖ Once the project has been completed, the applicant will provide proof of project costs and payment along with photos of the completed work to the Downtown Economic Development Director. Failure to submit the required documents within 6 weeks of the project completion date may result in termination of the contract.
- ❖ Façade Grants are paid only when the approved project is completed in accordance with the approved plans and specifications submitted with the application. The Downtown Economic Development Director will conduct a final on-site inspection and sign-off on completed work prior to issuance of a grant award and following the applicant's final project submission.
- ❖ Completed work that differs from the approved application will be disqualified for reimbursement.

All questions can be directed to:
The City of Hendersonville's Main Street Program
145 Fifth Avenue East
Hendersonville, NC 28792
Phone: 828-233-3216
Fax: 828-697-3014
www.cityofhendersonville.org
www.downtownhendersonville.org

City of Hendersonville
Historic Preservation Commission (HPC) & Main Street Program
Main Street Façade Grant Eligibility Map



-  Municipal Service District (MSD) - Only Main Street Program facade grants available
-  MSD & Local Historic District - HPC & Main Street Program facade grants available
-  Local Historic District - Only HPC facade grants available



APPENDIX A

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/14/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

The Seventh Avenue Advisory Committee has been searching for ways to encourage additional redevelopment on 7th Avenue. Several similar Downtown MSDs across the state have created and had some success with an economic development incentive programs for their districts. The Seventh Avenue Advisory Committee is requesting that City Council establish a tax incentive program for redevelopment or infill projects within the Historic Seventh Avenue Municipal Service District. They believe this will provide property owners additional incentive to make improvements to their properties.

Budget Impact: \$TBD _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

The incentives will be paid based on new taxes created after any development and the taxes are paid by owner.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City of Hendersonville establish a tax incentive program for redevelopment or infill projects within the Historic Seventh Avenue Municipal Service District.

Attachments:

Seventh Avenue Municipal Service District Tax Incentive Program

Seventh Avenue Municipal Service District Tax Incentive Program

Purpose

The Seventh Avenue Municipal Service District Incentive Program is intended to encourage the rehabilitation of buildings and/or promote infill growth with new development in the Seventh Avenue Municipal Service District. Anticipated benefits of the program include:

- Reduction in blighted buildings;
- Increases in property value of redeveloped properties;
- Support of locally owned businesses;
- Growth of a strong commercial district.

Qualifications for Tax Incentive Program

To qualify for the Seventh Avenue Municipal Service District Tax Incentive Program, a property owner or developer within the municipal tax district is expected to:

1. Submit a letter of interest with proposed development plans to the Hendersonville City Manager for review by the Seventh Avenue Advisory Committee and the City of Hendersonville Development Assistance Department.
2. The letter should include a statement from the developer stating the project would not have been considered had it not been for the Tax Incentive Program.
3. The developer must meet all other state and local development requirements.
4. Obtain the tax value of site or building as determined by the Henderson County Tax Assessor before renovation/construction begins. (tax value at time of application)
5. Obtain the tax value of site or building as determined by the Henderson County Tax Assessor after the renovations /construction is completed.
6. Developer pays full amount of newly appraised tax value on property annually.

7. City of Hendersonville “grants back” the amount of Hendersonville property and Municipal Service District tax paid by the property owner, minus the original tax value payment before the renovation/construction began.
8. This process will be followed for a grant period of five years or until the property is sold, whichever occurs first.
9. On the 6th and subsequent years, the developer will pay full amount of the newly appraised tax value of the property without grant.

Example:

Empty 1 acre of land or vacant building - \$50,000 tax value

.44 = \$220 Annual City of Hendersonville Tax

.12 = \$60 Annual Municipal Service District Tax

\$280 Total Annual Tax (Before Development)

Completed development - \$1,000,000 Construction / Development - \$750,000 tax value

.44 = \$3,300 Annual City of Hendersonville Tax

.12 = \$900 Annual Municipal Service District Tax

\$4,100 Total Annual Tax (After Development)

Grant Proposal

Under the above example, owner pays \$4,100 annually in City and MSD Taxes. Owner is then granted back annually \$3,820 (\$4,100 - \$280) for 5 years = \$19,100 Total Grant.

Please submit all inquiries regarding the Tax Incentive Program to :

Hendersonville City Manager

145 Fifth Avenue East

Hendersonville, NC 28792

(828) 233-3201

jconnet@cityofhendersonville.org



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/28/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

The South Mountains Regional Hazard Mitigation Plan has been developed in cooperation with Henderson, Polk, Rutherford and Transylvania Counties along with the municipalities within the region. The planning team has surveyed the community electronically and held two public meetings to solicit input for the plan. The plan has been reviewed and approved by North Carolina Emergency Management and the Federal Emergency Management Agency for compliance with the North Carolina Emergency Management Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act. An approved Hazard Mitigation Plan is required in order to receive state and federal disaster assistance.

The plan itself is a very large file and is a separate document in your Dropbox folder.

Budget Impact: \$ NA Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move the City Council approve the resolution to adopt the South Mountains Regional Hazard Mitigation Plan.

Attachments:

Proposed resolution

**RESOLUTION TO ADOPT THE
SOUTH MOUNTAINS REGIONAL HAZARD MITIGATION PLAN**

- WHEREAS, the City of Hendersonville is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and
- WHEREAS, the City of Hendersonville desires to seek ways to mitigate situations that may aggravate such circumstances; and
- WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and
- WHEREAS, it is the intent of the City of Hendersonville City Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and
- WHEREAS, it is also the intent of the City of Hendersonville City Council to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City; and
- WHEREAS, the City of Hendersonville in coordination with Flat Rock, Fletcher, Henderson County, Laurel Park, Mills River, Polk County, Columbus, Saluda, Tryon, Rutherford County, Bostic, Chimney Rock Village, Ellenboro, Forest City, Lake Lure, Ruth, Rutherfordton, Spindale, Transylvania County, Brevard and Rosman has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and
- WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the South Mountains Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures.

NOW, THEREFORE, BE IT RESOLVED that the City of Hendersonville City Council hereby:

1. Adopts the South Mountains Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on May 7, 2015.

Barbara G. Volk, Mayor
City of Hendersonville

ATTEST:

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/28/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 06a

Henderson County Robotics Team 1225 recently won the North Regional Competition and represented the State of North Carolina at the World Championships. We thought it was appropriate to recognize these Henderson County students for their efforts.

During the 2015 season Team 1225 placed third at the Palmetto Regional and first at the North Carolina Regional where they also won the Excellence in Engineering Award. The team also competed in the world championship in St. Louis with other teams from all over the United States and the world including Australia, Israel, Taiwan, and the United Kingdom.

Team 1225 is also active in the community. In 2013 they started a First Lego League in Henderson County and hosted the Western North Carolina FLL Tournament at BRCC with team members acting as referees. They also do demonstrations at the public library and local schools including Bruce Drysdale Elementary, Hendersonville Elementary, North Henderson High School and more.

Budget Impact: \$ none Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

None



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/28/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 4/7/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 07

The Service Excellence Design Team is asking all departments to focus on one of the Service Excellence Principles each month. I felt it was appropriate to introduce the Principle of the Month during staff reports at each City Council meeting. After presenting this month's principle, I will update the City Council on other Service Excellence activities.

Budget Impact: \$ NA Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

Principle of the Month

Employee Recognition Program Guidelines



PROACTIVE

Principle of the Month

May 2015

Here is the principle for May to be discussed with your department/team. Use this outline as a guide and feel free to customize it to fit your group. Make this a light hearted, brief, energetic and interactive meeting. Try to engage as many employees as possible.

Professionalism

- Lead by example
- Take pride in job & appearance
- Be competent & organized
- Apply policies evenly and fairly

Suggested questions/talking points:

1. How does being “professional” apply in your job?
2. How can you and your customers be positively impacted by your applying this principal?
3. Give examples of professionalism your department/team has demonstrated.



Service Excellence MVP Nomination Guidelines

MVP nomination cards are a part of the city-wide initiative meant to recognize and reward employees who show excellence in carrying out their day to day activities in their jobs and those who go “above and beyond”. The process for nominating is as follows:

Nomination cards will be available to all employees in all departments, including supervisors and department heads. Nomination cards will be completed by an employee and submitted as outlined below.

STEPS FOR RECOGNITION

Remember, share positive reinforcement as soon as possible!

Step 1: Employee completing the nomination gives the white copy directly to the employee being nominated and the remaining three copies (yellow, pink and gold) are submitted:

1. to any Design Team Member,
2. through interdepartmental mail and/or dropped off at the Design Team mailbox at City Hall, or
3. to their department head for submission to the Design Team.

Step 2: Design Team Member steps:

1. Check the City Hall Design Team mailbox weekly.
2. Contact MVP nominee’s department head to inform them of the nomination and provide them with the yellow copy.
3. Submit the pink copy to Human Resources for inclusion in the employees personnel file.
4. Submit the gold copy to the Recognition Committee for review and possible recognition.
5. Recognize nominees in the newsletter and at the employee picnic or Christmas luncheon.

Step 3: Department head steps:

1. Provide positive reinforcement! Recognize and congratulate the MVP nominee!
2. Keep the yellow copy for consideration during the employee’s performance review.

Step 4: The Recognition Committee is responsible for reviewing/discussing the MVP nominations at least monthly, being attentive to any possible false or “suspicious” nominations (i.e., people falsely nominating each other). The employee will receive an incentive gift (\$5 gift card, logo item, etc.) given to them by _____ (to be determined). There can be an infinite number of nominations.

The Recognition Committee will review nominations and choose three employees (a representative sample of departments if possible) to be recognized quarterly at a City Council meeting. The department head will introduce the employee at the City Council meeting and tell their “story”. These employees will also be invited to a Service Excellence recognition meal with their supervisor and department head that will be held on a quarterly basis.

The Recognition Committee will also review nominations and submissions by department heads and/or supervisors for an annual “MVP of the Year.” The MVP of the Year will receive recognition at a City Council meeting, a “Hendersonville Hero” certificate signed by the Mayor, and a reward (gift card). The annual MVP will be chosen from those who received a quarterly MVP recognition. The Recognition Committee may involve members of the respective departments, possibly including supervisors and/or department heads, to ensure actions are “above and beyond” their normal duties or expectations.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Lisa White

Department: Finance

Date Submitted: 04/27/15

Presenter: Lisa White

Date of Council Meeting to consider this item: 05/7/15

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 07a

The Customer Service division of the Finance Department undertook an immense project to make the billing and collection of Water bills more time and cost efficient. The Finance Director will provide some details on the project and recognize and thank staff members for helping with this project.

Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

No Action needed.

Attachments:

none



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: April 28, 2015

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: May 7, 2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 07b

I am requesting that the City Council recognize the following Police Officers: Cory Payne and Matt Capps; for their actions of service as noted below:

On April 16, Mrs. Joanne Fain's car stalled and became disabled on Four Seasons Boulevard in front of the Exxon station. Officer Matt Capps arrived to assist. Mrs. Fain told Capps that her husband was on the way to assist her. Mrs. Fain told officer Capps that she preferred to have her husband attend to their car in lieu of a wrecker towing it. Officer Cory Payne arrived on scene to assist Office Capps shortly thereafter. During typical heavy traffic that is experienced on Four Season's Boulevard, Officer Payne and Officer Capps pushed Mrs. Fain's car over to the Exxon Station out of harm's way. At least one of the officers stayed there with Mrs. Fain until her husband arrived on scene to assist her. Mrs. Fain's husband eventually was able to get the vehicle started. That saved the family the expense and inconvenience of having their car towed.

I believe that Officer Capps and Officer Payne exemplified the Service Excellence Initiative the city has embraced in their actions while assisting Mrs. Fain. For their service oriented approach to policing our city, they should be recognized.

Budget Impact: \$ No _____ Is this expenditure approved in the current fiscal year budget? Yes No, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Dorian Flowers

Department: Fire

Date Submitted: 4/23/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 07c

Recognize Deputy Fire Chief Joe Vindigni for completing his Executive Fire Officer Program through the National Fire Academy

The National Fire Academy's (NFA) Executive Fire Officer Program (EFOP) provides senior fire officers with a broad perspective on various facets of fire and emergency services administration. The courses and accompanying research examine how to exercise leadership when dealing with difficult or unique problems within communities.

Selection criteria for the EFOP is divided between two areas:

- Service requirement.
- Academic requirement.

Service requirement:

- Chief of Department or equivalent.
- Chief Officer or equivalent heading a major bureau or division within a fire department/emergency medical services organization. Examples of functions include suppression, emergency medical, prevention, emergency management and training.
- Battalion-level chief officer from metro-size fire organization.

Budget Impact: \$0.00 Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

None Required

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: April 29, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: May 7, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 08

File #P15-8-SUR

The City is in receipt of a Special Use Permit application from Ingles Markets to replace the existing 46,379 ft² Ingles grocery store located at 625 Spartanburg Highway with a new 72,000 ft² Ingles grocery store and a Gas Express. This project includes the following parcels:

Parcel # 9568-94-0252

Parcel # 9568-83-9870

Parcel # 9568-94-0455

Parcel # 9568-83-9764

An approximate .23 acre of Parcel # 9568-84-7009

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.

Budget Impact: \$0.00 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Not Applicable

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Suggested motions start on page nine.

Attachments:

Memo

M E M O R A N D U M

TO: Honorable Mayor and City Council
FROM: Susan Anderson
RE: Ingles # 77 Spartanburg Highway
FILE #: P15-8-SUR
DATE: April 29, 2015

PROJECT DESCRIPTION

The City is in receipt of a Special Use Permit application from Ingles Markets to replace the existing 46,379 ft² Ingles grocery store located at 625 Spartanburg Highway with a new 72,000 ft² Ingles grocery store and a Gas Express. This project includes the following parcels:

Parcel # 9568-94-0252
Parcel # 9568-83-9870
Parcel # 9568-94-0455
Parcel # 9568-83-9764
An approximate .23 acre of Parcel # 9568-84-7009

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 USES & ZONING

Two of the parcels currently have a 46,379 ft² grocery store with 254 parking spaces on 5.7 acres and are zoned C-3 Highway Business. All additional parcels to be included in the Special Use Permit are currently zoned C-3 Highway Business. There are two vacant buildings located on Parcel # 9368-83-9870. Parcel # 9568-83-9764 is vacant and Parcel # 9568-84-7009, of which a portion is to be added to this site, includes two buildings with personal services, offices and retail uses.

The proposed site will include the above mentioned parcels or portions thereof and have a total of 7.23 acres.

Surrounding zoning districts are shown on the "Zoning Map" on page 24.

COMPREHENSIVE PLAN CONSISTENCY

The parcels included in this project are classified as Neighborhood Activity Center on

the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are also classified as Neighborhood Activity Center.

The goal of the Neighborhood Activity Center is to "concentrate retail in dense, walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods."

Comprehensive Plan consistency is addressed under "E" on page seven. The Comprehensive Plan Future Land Use Map is located on page 25.

PLAN REVIEW

General

The site currently has a 46,379 ft² grocery store with 254 parking spaces on 5.7 acres. The applicant is proposing to replace the existing grocery store building and two other buildings with a 72,000 ft² grocery store and a Gas Express. The Gas Express will have a 5,418 ft² canopy that also includes a kiosk for the attendant. The proposed site will have a total of 7.23 acres.

Street Closing

On May 2, 2013, City Council adopted an Order to Permanently Close portions of Joel Wright Drive, Copper Penny Street and an unopened alley surrounding the Ingles grocery store. Also in May 2013, Gary and Cindy Jones, landowners of an adjacent property, filed a civil action against the City and Ingles. As it pertains to the City, the lawsuit asks the court to set aside the City's closing of the street. This lawsuit is scheduled for trial in June.

Redevelopment in the Floodway and Special Flood Hazard Area

Section 17-2-4 of the Zoning Ordinance allows redevelopment to occur on existing developed sites which no longer function as natural flood plain and when such redevelopment will not result in any further loss of flood-plain functionality. This section states that "where feasible, redevelopment proposals should demonstrate an improvement in the site's functionality as a flood plain. In light of this intent, redevelopment of existing developed sites shall be permitted within the floodway and special flood hazard area only when the applicant has satisfactorily demonstrated the following:

- a)The proposal is to redevelop an existing developed site as of the date of this ordinance evidenced by substantial coverage of the site by buildings, fill, gravel or paved drives or parking areas or other impervious surfaces.
- b)There shall be no loss of flood storage capacity on the site as a result of the redevelopment.

c)The applicant, utilizing best management practices, shall reduce the post-redevelopment rate of stormwater runoff from the pre-redevelopment rate of runoff, if feasible. In any event, the post-redevelopment rate of runoff shall not be greater than the pre-redevelopment rate.

d)The project design, including any best management practices (BMPs) will result in a project which is consistent with the purposes of the Natural Resources Protection Ordinance as stated in Section 17-1. In this regard, the applicant shall demonstrate the following:

- 1) The project shall not degrade the quality of the water in creeks, streams, ponds and lakes that flow into and out of the City.
- 2) The project shall not contribute to future flooding problems.
- 3) The project preserves the water carrying capacity of watercourses and the natural water storage of the special flood hazard area.
- 4) The project protects land and watercourses from pollutants, sedimentation and erosion.
- 5) The project retains open spaces in order to protect their environmentally-sensitive character; and
- 6) The project protects and conserves significant natural resources from degradation due to urbanization.

e)The applicant shall comply with all relevant provisions of the Flood Damage Prevention Ordinance including obtaining a no-rise certificate, if needed.

Johnson Ditch

Johnson Ditch runs along the western border of three parcels and the eastern border of an additional parcel that relates to this special use permit request. Currently a portion of Johnson Ditch is in a culvert. The applicant has received approval and a permit from the US Army Corps of Engineers to replace 253 linear feet of existing culvert and to install 300 linear feet of new culvert which will result in an additional 300 feet of Johnson Ditch being underground.

Stormwater

The applicant will be improving the site's stormwater management meeting current Phase II stormwater management requirements.

Sidewalks

In addition to a sidewalk along the parcel boundary fronting Spartanburg Highway, there will be a sidewalk connecting Spartanburg Highway to the front of the building. There is also a sidewalk connecting a portion of the rear parking lot which travels along the western parcel boundary and connects to the front of the building. This sidewalk also connects the parcel intersections with Copper Penny Street and Joel Wright Drive. There are currently no sidewalks connecting Greenville Highway with the site along these streets.

A condition has been added to the List of Uses and Conditions for the applicant to provide a minimum five foot wide sidewalk meeting City standards connecting the site to Greenville Highway along Copper Penny Street, or equivalent location as agreed to by the City. Staff has reviewed this condition with the applicant and the applicant has agreed to coordinate with Public Works to construct this sidewalk.

Landscaping

In areas where no bufferyards are required, Zoning Ordinance Section 15-9 (b) requires a five foot wide planning strip between vehicular use areas and abutting properties. Those planting strips are shown on the preliminary site plan. Actual plantings are shown on landscaping plans that are submitted with the final site plan. The applicant is waiting on additional surveying results and will need to add the five foot wide planting strip between the proposed sidewalk and the western property boundary. This revision to the site plan is still pending.

Traffic Impact Analysis (TIA)

Zoning Ordinance Section 6-19 requires a traffic impact analysis whenever a development generates 100 peak hour or 1000 or more trips daily. A “trip” is a one-direction vehicle movement entering or exiting a site.

A traffic impact analysis (TIA) has been completed by Mattern & Craig and has been reviewed by Kimley-Horn & Associates, the traffic consultant for the city. This TIA was based on a store size of 77,427 ft². Based on the Institute of Transportation Engineers *Trip Generation* manual, a 77,427 ft² grocery store and 8 gas pumps is estimated to generate a total of 7,923 daily trips. Since the store is reduced in size, staff did not require that the TIA be amended to reflect a reduction in daily trips.

Since the development of that TIA, an additional change has occurred in the preliminary site plan. The change includes a full access right in right out driveway being modified to be a right-in only driveway. This proposed additional driveway on Spartanburg Highway, which the applicant has requested a variance to allow, was reviewed by Kimley- Horn & Associates and is addressed below under “Variance Requests.”

Variance Requests:

Parking

Table 6-5-2 of the Zoning Ordinance requires one space for each 200 ft² of gross floor area. Based on 72,000 ft², 360 parking spaces are required.

The applicant is requesting a variance from the parking requirements reducing the number of required parking spaces from 360 to 237. The applicant has supplied a parking analysis comparing actual parking needs at two other sites. Those sites include an Ingles store in Fletcher and an Ingles store in Arden. Based on that parking analysis, peak parking needs resulted in a parking ratio of one space for each 426 ft² of gross floor area. The requested variance results in a parking ratio of one space for each 304

ft² of gross floor area.

Driveway

Zoning Ordinance Entry Corridor Overlay Section 5-18-4.3 Driveways limits the number of driveways on any road frontage to not more than two and limits the total number of driveways serving a site to three. The purpose of this provision is to limit the number of curb cuts (driveways) along major highways in order to improve traffic flow.

The proposed site plan shows three driveway access points along Spartanburg Highway, one driveway access from Copper Penny Street and one driveway access from Joel Wright Drive. Currently, the site has two driveway access points along Spartanburg Highway, one driveway access from Copper Penny Street where Copper Penny Street dead ends at the parcel boundary and one driveway access from Joel Wright Drive where Joel Wright Drive dead ends at the parcel boundary.

The applicant is requesting a variance from Zoning Ordinance Section 5-18-4.3 to allow an additional driveway along Spartanburg Highway. A variance is also necessary to allow the project to exceed the maximum number of driveways which is currently limited to three total.

Section 5-18-4.3 allows that additional driveways may be permitted when they are necessary to improve traffic movement, increase sight distances or for other safety reasons. Kimley Horn & Associates has provided the following comments:

Considerations

The US 176 corridor remains one of the high accident corridors within the City of Hendersonville. Consistent efforts have been made by the City through development code requirements, small area plan studies, TIA ordinances and site plan review to improve the access management along the corridor. The purpose of these efforts has been to create a coordinated strategy for improved traffic operations and safety.

Findings

Based on direction provided in the City of Hendersonville Zoning Ordinance and the NCDOT Driveway Manual, the following points are offered for consideration in the evaluation of the proposed three driveways.

- The NCDOT Driveway Manual provides direction regarding the number and spacing of driveways along a corridor. US 176 is a corridor with heavy traffic volumes and a history of documented safety concerns. According to the Driveway Manual, a minimum of 1,000 feet should be provided between driveways. Currently, the site has approximately 400 feet of frontage along US 176.
- Under these circumstances, three driveways along US 176 is inconsistent with the City of Hendersonville Zoning Ordinance.

- The City of Hendersonville Zoning Ordinance sites reasons to consider a variance regarding the maximum number of driveways:
 - a) Traffic Operations – when the addition of a driveway is determined as needed to mitigate unfavorable traffic operations on the public street.
 - b) Safety - when the addition of the driveway is demonstrated to significantly improve a documented safety concern.

The current variance application has excluded information that would demonstrate how the proposed third driveway would address or enhance existing and proposed traffic operations and safety along US 176 corridor. Nor has the application documented the operational need for a third driveway. The traffic study performed for the proposed development only considered an access configuration that included the third driveway. The lack of analysis for conditions that exclude the third driveway eliminates the possibility of an objective comparison of operations and safety. Therefore, there is no evidence demonstrating that a third driveway is necessary to maintain adequate levels of service and there is no evidence presented suggesting that the addition of a third driveway enhances safety.

Building Setback Variance

Zoning Ordinance Section 5-15-4.1 Setbacks require that Planned Commercial Developments shall have a minimum setback of 25 feet from any exterior property line. The applicant is requesting a variance from this requirement to allow approximately 333 square feet of the northwest corner of the building to encroach into the 25 foot setback.

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.

Based on comments from Kimley Horn & Associates, the applicant has not shown any evidence that adding an additional right-in driveway on Spartanburg Highway is necessary to maintain adequate levels of service or enhance safety.

- (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.

The property is currently served by water and sewer.

- (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. Section 7-4-14 allows that City Council may authorize variances in specific cases from the dimensional and improvements standards of the Zoning Ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship.

The applicant is requesting the following variances:

#1 A variance from Zoning Ordinance Table 6-5-2, reducing the number of required parking spaces from 360 to 237.

#2 A variance from Zoning Ordinance Section 5-18-4.3 increasing the number of driveways a development parcel may have on any given road from two to three. A variance is also necessary to allow the project to exceed the maximum number of driveways which is currently limited to three total.

#3 A variance from Zoning Ordinance Section 5-15-4.1 Setbacks allowing 333 square feet of the northwest corner of the building to encroach 22 feet into the required 25 foot setback.

Variance request applications and justifications begin on Page 17.

- (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 March 16, 2015. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property.

Approximately 10 members of the general public attended the meeting. The general public asked questions regarding the following:

Access to the property	Brownfield contamination
Parking & the reduction of parking	Gas pumps
Location of the parking spaces	Stormwater
Deceleration lane	Johnson Ditch

A copy of the neighborhood compatibility report accompanies this memorandum.

- (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 Neighborhood Activity Center category is intended to "concentrate retail in dense, walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods."

The Comprehensive Transportation Plan does not indicate any improvements to Spartanburg Highway.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of April 13, 2015. The Planning Board made the following recommendations:

The Planning Board voted five in favor and one opposed to recommend City Council approve a variance from Zoning Ordinance Table 6-5-2, reducing the number of required parking spaces from 360 to 237 because of the need for Ingles in that area.

The Planning Board voted five in favor and one opposed to recommend City Council not approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any road from two to three due to safety reasons on this particular road.

The Planning Board voted unanimously to recommend City Council approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the maximum number of driveways a development parcel may have from three to four.

The Planning Board voted four in favor and two opposed to recommend City Council approve a variance from Zoning Ordinance Section 5-15-4.1 Setbacks allowing approximately 333 square feet of the northwest corner of the building to encroach 22 feet into the required 25 foot setback to allow construction of the new building.

The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel #'s 9568-94-0252, 9568-83-9870, 9568-94-0455, 9568-83-9764 and an approximate .23 acre portion of 9568-84-7009 from C-3 Highway Business to PCD Planned Commercial Development, as shown on Exhibit A, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the reason of a new Ingles. The Planning Board also voted unanimously to recommend that City Council approve the application of Ingles Markets 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

SUGGESTED MOTIONS

Variance Request #1

Approval: I move City Council to approve a variance from Zoning Ordinance Table 6-5-2, reducing the number of required parking spaces from 360 to 237.

[PLEASE STATE YOUR REASONS]

Denial: I move City Council to not approve a variance from Zoning Ordinance Table 6- 5-2, reducing the number of required parking spaces from 360 to 237.

[PLEASE STATE YOUR REASONS]

Variance Request #2a

Approval: I move City Council to approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any road from two to three.

[PLEASE STATE YOUR REASONS]

Denial: I move City Council to not approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any road from two to three.

[PLEASE STATE YOUR REASONS]

Variance Request #2b

Approval: I move City Council to approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the maximum number of driveways a development parcel may have from three to (four or five).

[PLEASE STATE YOUR REASONS]

Denial: I move City Council to not approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the maximum number of driveways a development parcel may have from three to (four or five).

[PLEASE STATE YOUR REASONS]

Variance Request #3

Approval: I move City Council to approve a variance from Zoning Ordinance Section 5-15-4.1 Setbacks allowing approximately 333 square feet of the northwest corner of the building to encroach 22 feet into the required 25 foot setback.

[PLEASE STATE YOUR REASONS]

Denial: I move City Council to not approve a variance from Zoning Ordinance Section 5-15-4.1 Setbacks allowing approximately 333 square feet of the northwest corner of the building to encroach 22 feet into the required 25 foot setback.

[PLEASE STATE YOUR REASONS]

Special Use Permit and Rezoning

Approval: I move City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel #'s 9568-94-0252, 9568-83-9870, 9568-94-0455, 9568-83-9764 and an approximate .23 acre portion of 9568-84-7009 from C-3 Highway Business to PCD Planned Commercial Development, as shown on 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:

[PLEASE STATE YOUR REASONS]

I further move City Council to approve the application of Ingles Markets 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.

Denial: I move City Council to not approve the application of Ingles Markets for issuance of a Special Use Permit.

[PLEASE STATE YOUR REASONS]

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

IN RE: Ingles # 77
(File # P15-8-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 # 9568-94-0252 from C-3 Highway Business to PCD Planned Commercial Development;

Rezone Parcel # 9568-83-9870 from C-3 Highway Business to PCD Planned Commercial Development;

Rezone Parcel # 9568-94-0455 from C-3 Highway Business to PCD Planned Commercial Development;

Rezone Parcel # 9568-83-9764 from C-3 Highway Business to PCD Planned Commercial Development;

Rezone an approximate .23 acre of Parcel # 9568-84-7009 as shown on Exhibit A from C-3 Highway Business to PCD Planned Commercial Development.

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

Adopted this 7th day of May 2015.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

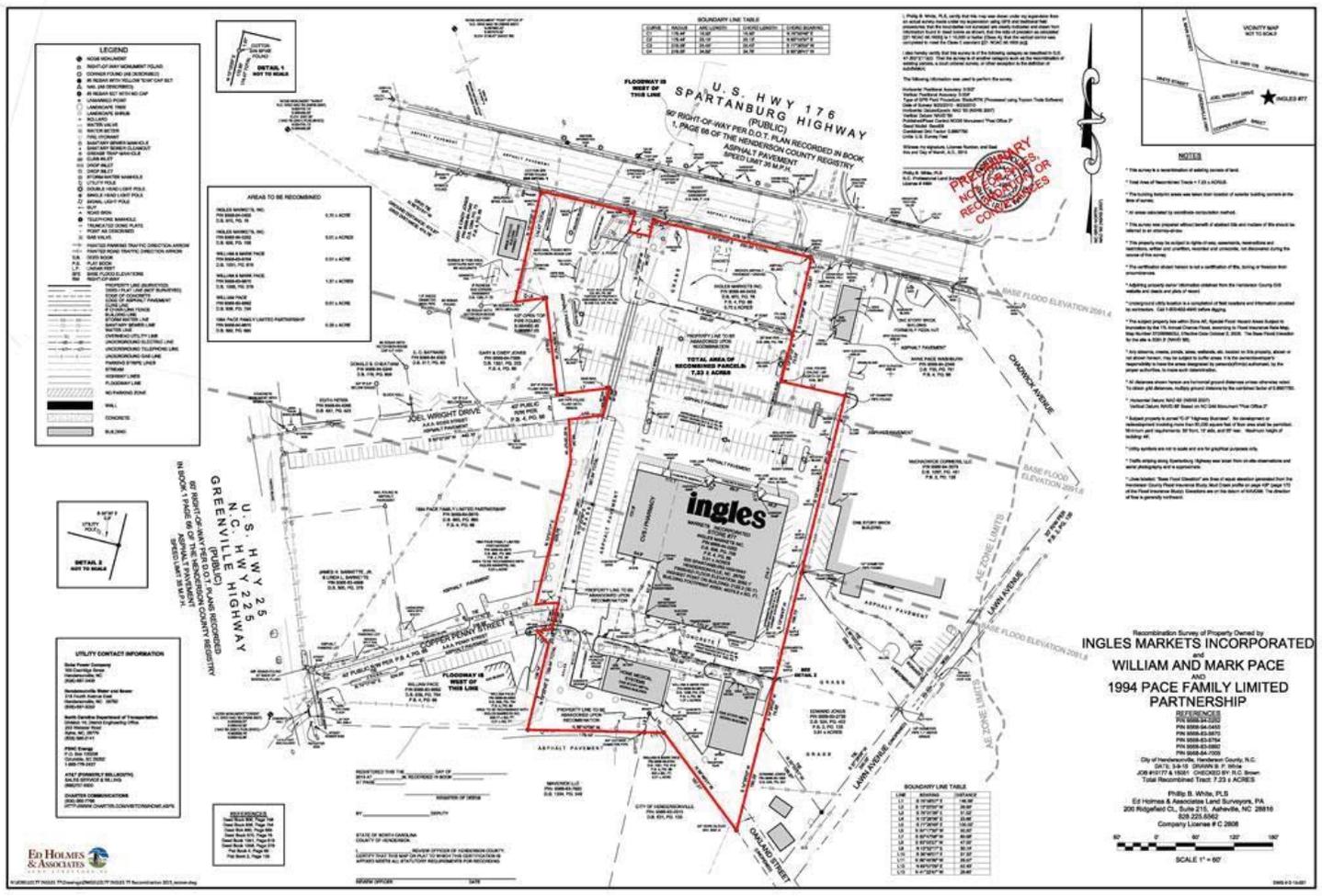


Exhibit A

IN RE: Ingles #77 (File # P15-8-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Retail Stores

II. Conditions:

(1) Shall Be Attached to the Special Use Permit and Satisfied Prior to Issuance of Final Site Plan Approval:

Add the five foot wide planting strip between the proposed sidewalk and the western property boundary.

Submittal and approval of a site plan for Parcel #9568-84-7009.

Recombination of all parcels or portions thereof included in this Special Use application.

(2) Shall Be Attached to the Special Use Permit:

Provide a minimum 5 foot wide sidewalk meeting City standards connecting the Ingles site to Greenville Highway along Copper Penny Street, or equivalent location as agreed to by the City, prior to issuance of a Certificate of Occupancy.

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance.

Ingles Markets

Signature: _____

Printed Name: _____

Date: _____

Planning Director's Report
 Neighborhood Compatibility Meeting
 Application for a Special Use Permit and Rezoning
 Ingles Spartanburg Highway File #P15-8-SUR
 Monday March 16, 2015 1:30 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:30 pm in the Assembly Room of the City Operations Center. The following were in attendance:

Name	Address	Name	Address
John Cox (applicant)	Lancaster SC	Preston Kendall (applicant)	Candler, NC
Robert Billings (applicant)	Mt. Holly, NC	Samia Coker (applicant)	Milton, GA
Dan Hicks (applicant)	Alpharetta , GA	Stephanie Ambrose (applicant)	Fairview, NC
Ken Youngblood	240 3 rd Ave. West	Gary & Cindy Jones	619 Spartanburg Hwy
Tony Baron	640 Greenville Hwy	Edward & Shirley Jones	323 Lawn Ave
Don Cheatham	173 Thrashing Rock Dr.	Sam Winfield	3675 Spartanburg Hwy
Alvin Bishop	629 Market Street	Ken Gordon	140 Sultana Drive
Sue Anderson	City of Hendersonville	Lu Ann Welter	City of Hendersonville

Ms. Anderson opened the meeting explaining this is the first step in a three step process. Minutes of this meeting will be forwarded to Planning Board and City Council.

Preston Kendall, with Ingles Markets said this is the second time this project has had a neighborhood compatibility meeting. He added that concerns brought up before have now been addressed so he hopes to have more answers for the public. He said a neighbor of the project has filed a lawsuit against Ingles and the City of Hendersonville so not all questions may be answered as there are legal concerns. Mr. Kendall then gave a slide presentation on the project site, elevations as compared with the Mills River store, floor plans, the look of the gas station, energy star rating system and the proposed site plan. He added they have now received a floodplain permit and permission from the Army Corp of Engineers to pipe the creek on the site.

Ms. Anderson added there are three variances requested with this application. The first is for encroachment into a side setback. The second is to reduce the number of parking spaces. The third variance is to add a third driveway from Spartanburg Highway as the

Entry Corridor requirements limit a site to two driveways.

Don Cheatham asked if access to his property on Joel Wright Street will change. John Cox, of Ingles, said no. Gary Jones disagreed saying Joel Wright Drive will now end at the store. Mr. Jones said he is opposed to the project as they are building a bigger store but proposing fewer parking spaces than they have now. He asked if they have planned for a Brownfield clean up on their property. Mr. Cox said the phase one study did not show evidence of contamination. Mr. Jones said he recently had to do a clean-up on his property which is adjacent to this site and is sure there will be problems. Mr. Jones asked about the water running to the Johnson Ditch. Mr. Cox said they will be required to use an adequate sized pipe to hold the water. Ms. Anderson clarified that all stormwater plans will be reviewed and approved as part of the final site plan process. Mr. Jones stated that Ingles is encroaching on his roadbed with their plans.

Ken Gordon asked about the parking reduction. Mr. Cox said they are asking to go from 250 spaces to 237. He said they have studied two other stores and, in comparing the numbers, figure they only need 186 at this store but are adding 40 more. Ms. Anderson clarified this site plan actually requires 360 parking spaces per the City's zoning ordinance and Ingles is proposing 237. Cindy Jones questioned how many parking spaces are actually in front of the store but not beyond the gas pumps. Mr. Cox said he did not know. Mr. Jones answered 145. Mrs. Jones said her concern all along has been the large amount of parking behind the building and beyond the gas pumps.

Mr. Gordon asked if the food Co-op up the road required a variance. Ms. Anderson said she did not think so but would have to check the file. Tony Baron of Century 21 asked if the current retention pond would be changed or reduced. Mr. Cox said there is no retention pond currently on the site but they will be adding one. Mr. Baron asked about covering the creek. Mr. Cox said those plans will be reviewed.

Mr. Jones asked if a certain percentage of parking can be reduced through a variance. Ms. Anderson said City Council reviews each project on its own and can approval or deny a variance request. Mr. Baron asked where the determination of parking space requirements comes from. Mr. Cox said parking studies are done nationwide giving numbers to certain uses and size buildings. Cities then review these numbers and make their own parking space requirements. He went on to say the trend for many years has been very large parking lots in which most spaces were not in use but once or twice a year. Ingles does a review of their needs and that's what they are asking for. He added they don't want to have too few spaces or people will go elsewhere.

Mr. Baron asked if the gas pumps are in the middle of the front parking lot. Mr. Cox said they are closer to Spartanburg Highway with parking beyond. Mr. Jones asked if there will be a deceleration lane turning into the site. Mr. Cox said no. Mr. Jones asked the parking ratio at the Mills River store. Mr. Cox said one space to 300 sq. ft. of store. Mr. Jones commented with the one access from Joel Wright and Copper Penny, there are really five entrances. Mr. Jones asked about fire access. Mr. Cox said they have met

with the fire marshal and a plan is worked out.

Mr. Baron said currently from his office on Greenville Highway, he can cut up Copper Penny or Joel Wright and get out to Spartanburg Highway without going thru the red lights. Will that still be possible? Mr. Cox said yes but thru the Ingles site.

With no further comments or questions, Ms. Anderson closed the meeting at 2:12.

Print Form



CITY OF HENDERSONVILLE PLANNING DEPARTMENT

145 Fifth Avenue East ~ Hendersonville, NC ~ 28792-4328

Phone (828) 697-3088 ~ Fax (828) 697-3014

www.cityofhendersonville.org

APPLICATION FOR A VARIANCE WITH SPECIAL USE PERMIT Section 7-4-14 City Zoning Ordinance

The following are required to constitute a complete application for a variance:
~ This form including the property owner(s) signature(s).
~ Special Use Permit Application
~ Supporting documents, if applicable.
~ Photographs, optional.

Date Feb 19, 2015 Project Name Ingles #77

Applicant Ingles Markets, Inc.

Address P.O. Box 6676, Asheville, NC 28816

Phone 828-669-2941 Fax 828-669-3680 Email pkendall@Ingles-Markets.com

If different from above:

Property Owner: Name

Address

TO THE CITY COUNCIL:

I, PRESTON KEMMALL (OWNER/AGENT), hereby petition the City Council for a variance from the literal provisions of the Zoning Ordinance of the City of Hendersonville.

I request a variance from the following provisions of the ordinance (cite section numbers).

Section 5-15-4.1 Setbacks
We request allowance to construct the proposed Ingles Markets grocery store encroaching a maximum of 21.8 feet and including 333 square feet of building area within the side setback on the western side of the property.

Official Use:
DATE RECEIVED: 2/26/15 BY LAW

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):

For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvements standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

FINDINGS OF FACT (Section 7-4-10.1) No special use permit shall be approved by City Council unless each of the following findings is made.

The burden of establishing these findings of fact shall lie upon the applicant. In addressing the issue of compatibility, as required, the applicant must demonstrate compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification shall not give rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

(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 building has been located to ensure optimum pedestrian and vehicle accessibility as well as health, safety, and 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.

There are and will be adequate water supply, wastewater capacity and roadway systems to serve this use and development.

(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.

Other than the applied for variances, all regulations will be met based on the Zoning Ordinances regulations and standards.

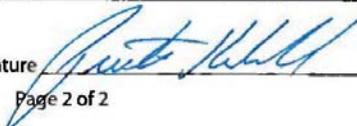
(D) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

The development is located, designed and proposed to be compatible with the surrounding neighborhood and properties. The use of the property will not change.

(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the *Land Development Plan* and the *Thoroughfare Plan*.

The development does conform to the general plans for the physical development of the city.

Signature





Print Form

CITY OF HENDERSONVILLE PLANNING DEPARTMENT
145 Fifth Avenue East ~ Hendersonville, NC ~ 28792-4328
Phone (828) 697-3088 ~ Fax (828) 697-3014
www.cityofhendersonville.org

APPLICATION FOR A VARIANCE WITH SPECIAL USE PERMIT
Section 7-4-14 City Zoning Ordinance

The following are required to constitute a complete application for a variance:
~ This form including the property owner(s) signature(s).
~ Special Use Permit Application
~ Supporting documents, if applicable.
~ Photographs, optional.

Date Feb 19, 2015 Project Name Ingles #77

Applicant Ingles Markets, Inc.

Address P.O. Box 6676, Asheville, NC 28816

Phone 828-669-2941 Fax 828-669-3680 Email pkendall@Ingles-Markets.com

If different from above:

Property Owner: Name

Address

TO THE CITY COUNCIL:

I, PRESTON KENDALL (OWNER/AGENT), hereby petition the City Council for a variance from the literal provisions of the Zoning Ordinance of the City of Hendersonville.

I request a variance from the following provisions of the ordinance (cite section numbers).

Section 6-5 Off Street Parking
We request a reduction of required parking from 388 required parking spaces to the 237 spaces provided. This is a reduction of 151 spaces.

Official Use:
DATE RECEIVED: 2/24/15 BY AKU

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):

For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvements standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

FINDINGS OF FACT (Section 7-4-10.1) No special use permit shall be approved by City Council unless each of the following findings is made.

The burden of establishing these findings of fact shall lie upon the applicant. In addressing the issue of compatibility, as required, the applicant must demonstrate compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification shall not give rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

(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 proposed design is designed to maintain and promote public health, safety and the general welfare of the public. Based on a parking study that was performed at several similar local stores the parking shown is adequate for the proposed facility.

(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.

There are and will be adequate water supply, wastewater capacity and roadway systems to serve this use and development.

(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.

Other than the applied for variances, all regulations will be met based on the Zoning Ordinances regulations and standards.

(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 development is located, designed and proposed to be compatible with the surrounding neighborhood and properties. The use of the property will not change.

(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the *Land Development Plan* and the *Thoroughfare Plan*.

The development does conform to the general plans for the physical development of the city.

Signature

Page 2 of 2



Print Form

CITY OF HENDERSONVILLE PLANNING DEPARTMENT
145 Fifth Avenue East ~ Hendersonville, NC ~ 28792-4328
Phone (828) 697-3088 ~ Fax (828) 697-3014
www.cityofhendersonville.org

APPLICATION FOR A VARIANCE WITH SPECIAL USE PERMIT
Section 7-4-14 City Zoning Ordinance

The following are required to constitute a complete application for a variance:

- ~ This form including the property owner(s) signature(s).
- ~ Special Use Permit Application
- ~ Supporting documents, if applicable.
- ~ Photographs, optional.

Date March 2, 2015

Project Name Ingles #77

Applicant Ingles Markets, Inc.

Address P.O. Box 6676, Asheville, NC 28807

Phone 828-669-2941

Fax 828-669-3680

Email pkendall@ingles-markets.com

If different from above:

Property Owner: Name

Address

TO THE CITY COUNCIL:

I, PRESTON KENDALL (OWNER/AGENT), hereby petition the City Council for a variance from the literal provisions of the Zoning Ordinance of the City of Hendersonville.

I request a variance from the following provisions of the ordinance (cite section numbers).

Driveways (5-18-4.3)

Official Use:

DATE RECEIVED: 3/2/2015 BY JK

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE (Section 7-4-14):

For applications undergoing special use review, City Council may authorize variances in specific cases from the dimensional and improvements standards of the zoning ordinance upon finding that a literal enforcement of such standards will result in practical difficulty or unnecessary hardship and so long as the granting of such variance or variances will not result in a use or development which would violate the findings of fact required by Section 7-4-10. Variances may not be granted with regard to uses or to intensity.

FINDINGS OF FACT (Section 7-4-10.1) No special use permit shall be approved by City Council unless each of the following findings is made.

The burden of establishing these findings of fact shall lie upon the applicant. In addressing the issue of compatibility, as required, the applicant must demonstrate compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification shall not give rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

(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.

Two full access driveways have been proposed and are essential for providing appropriate vehicular access to the Ingles grocery store. An additional right-in only driveway has been proposed for access to the Gas Express station. This will improve access and traffic flow within the site.

(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.

The proposed right-in driveway will give additional access to the Ingles site, decreasing the potential for queuing on Spartanburg Highway.

(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.

Appropriate crosswalks and sidewalks have been proposed.

(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.

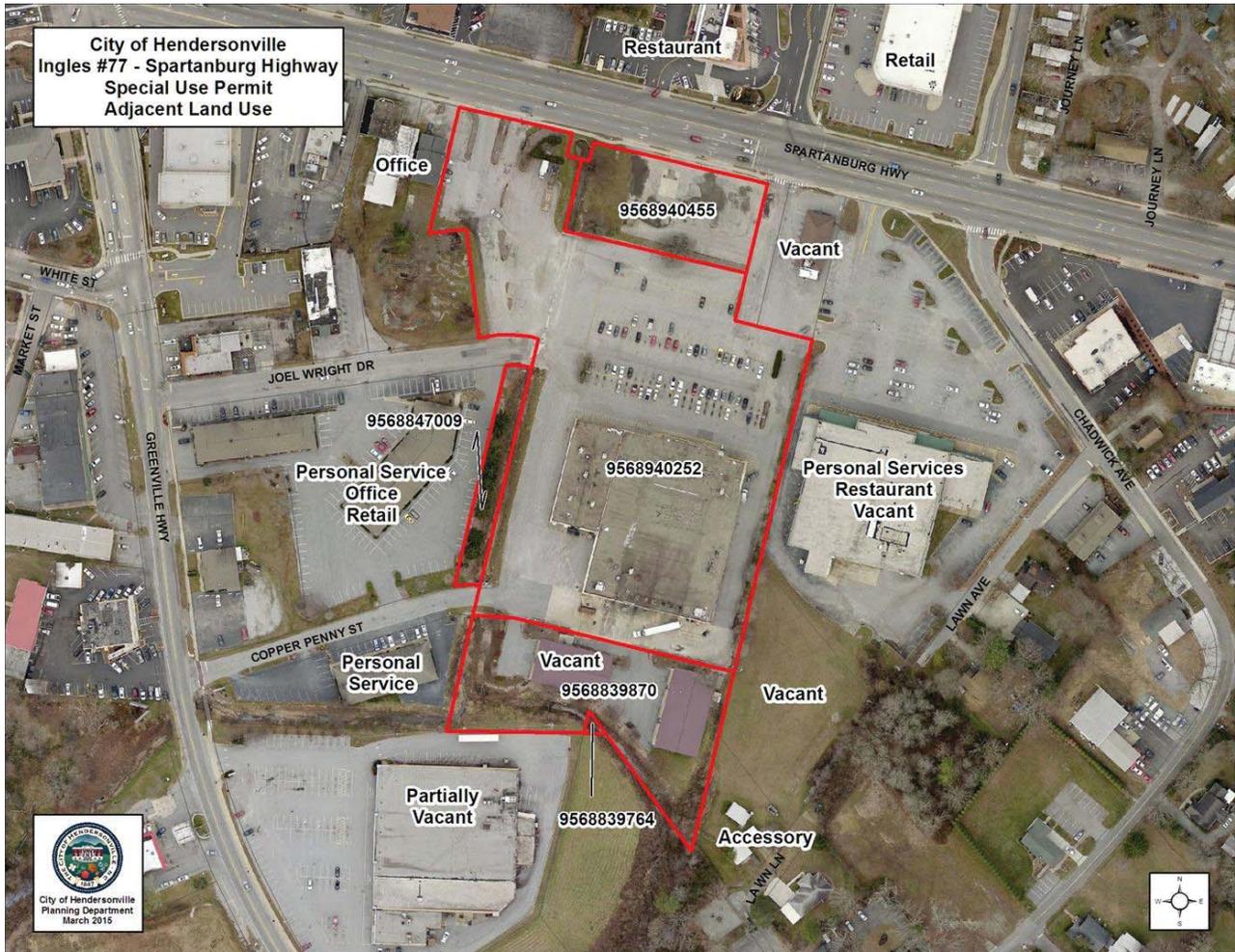
The development complies with all required regulations and standards of the Zoning Ordinance with the exception of Driveways, for which a variance is requested.

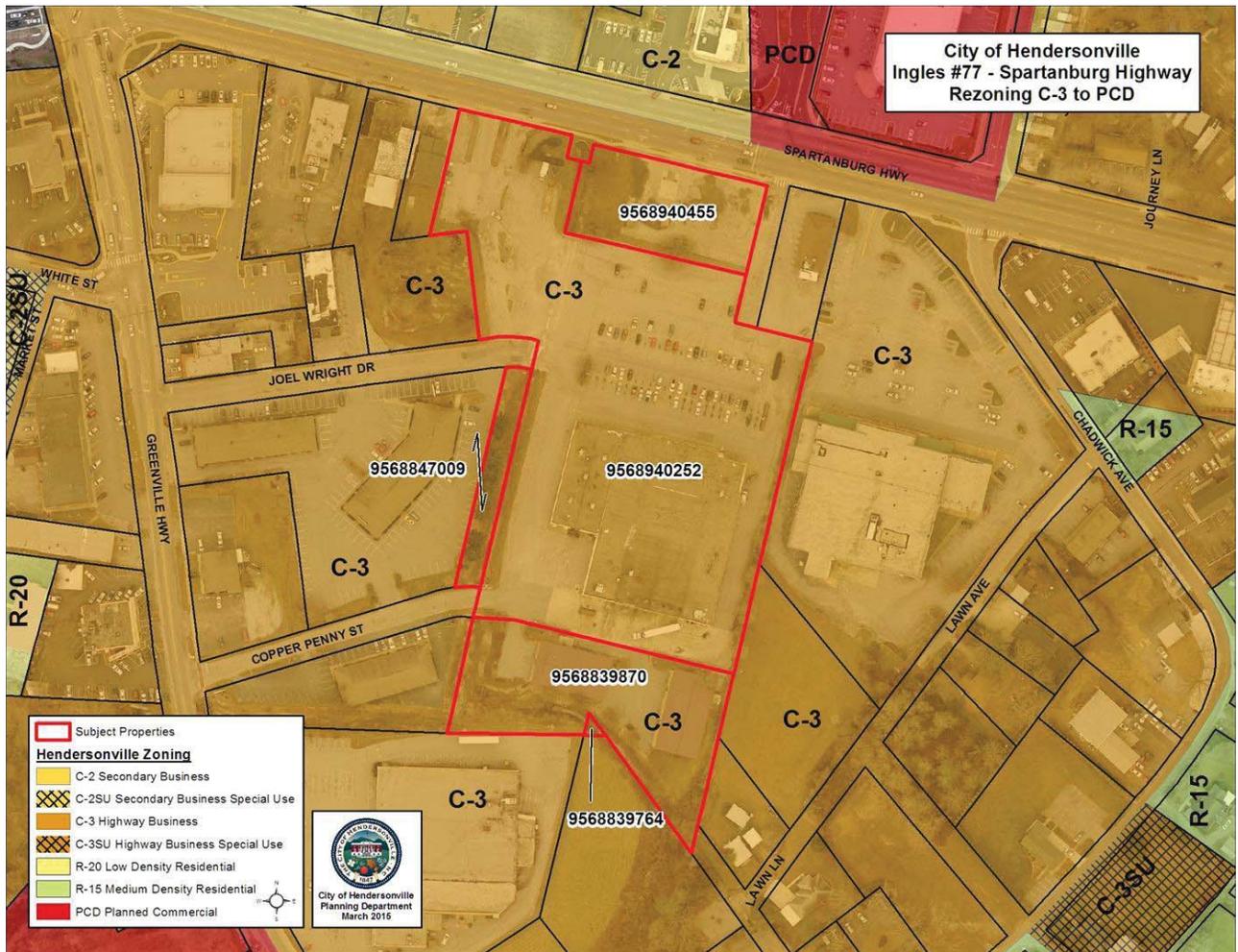
(E) The use or development conforms with the general plans for the physical development of the City as embodied in this Ordinance and in the *Land Development Plan* and the *Thoroughfare Plan*.

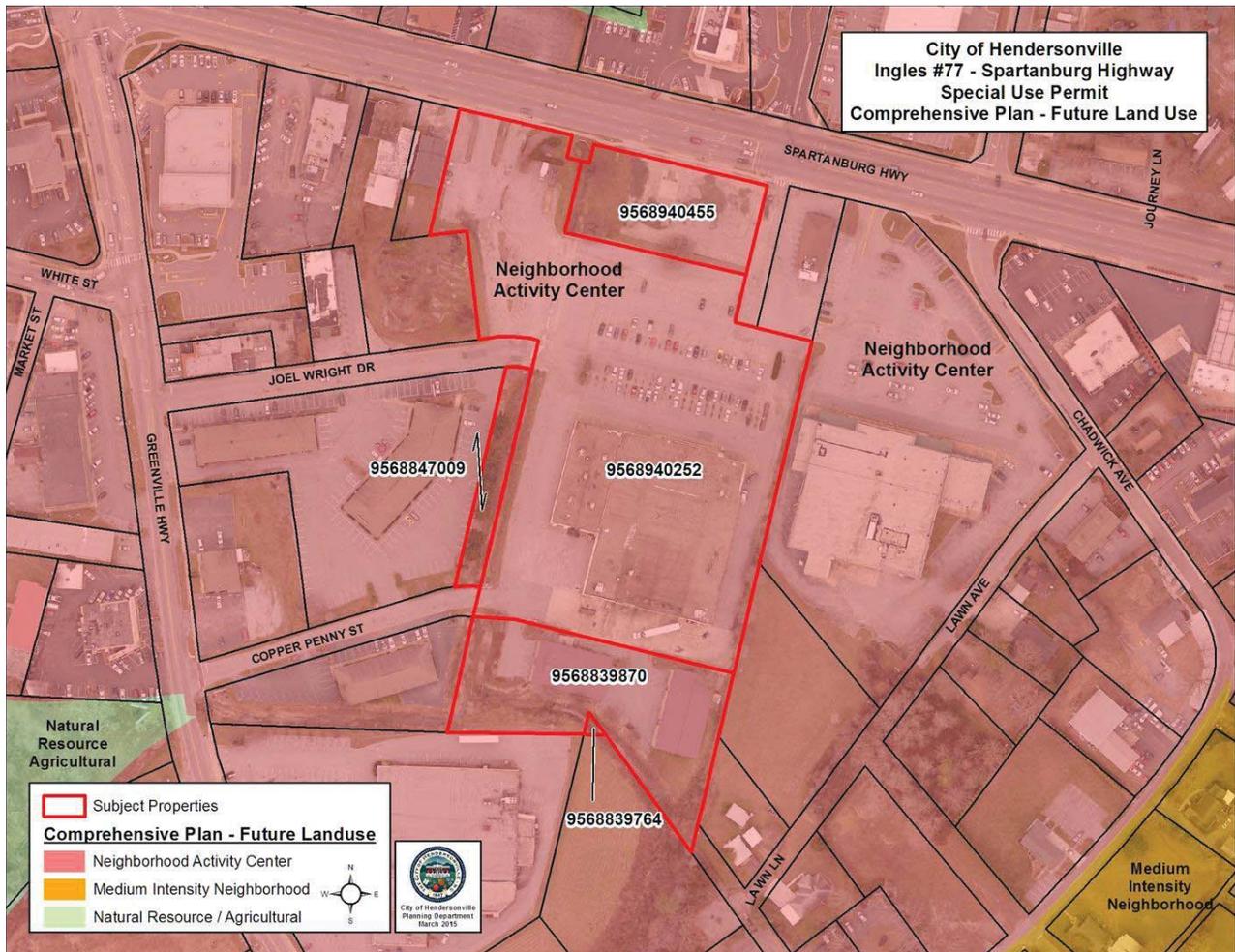
The development is an existing facility located in a commercial zone.

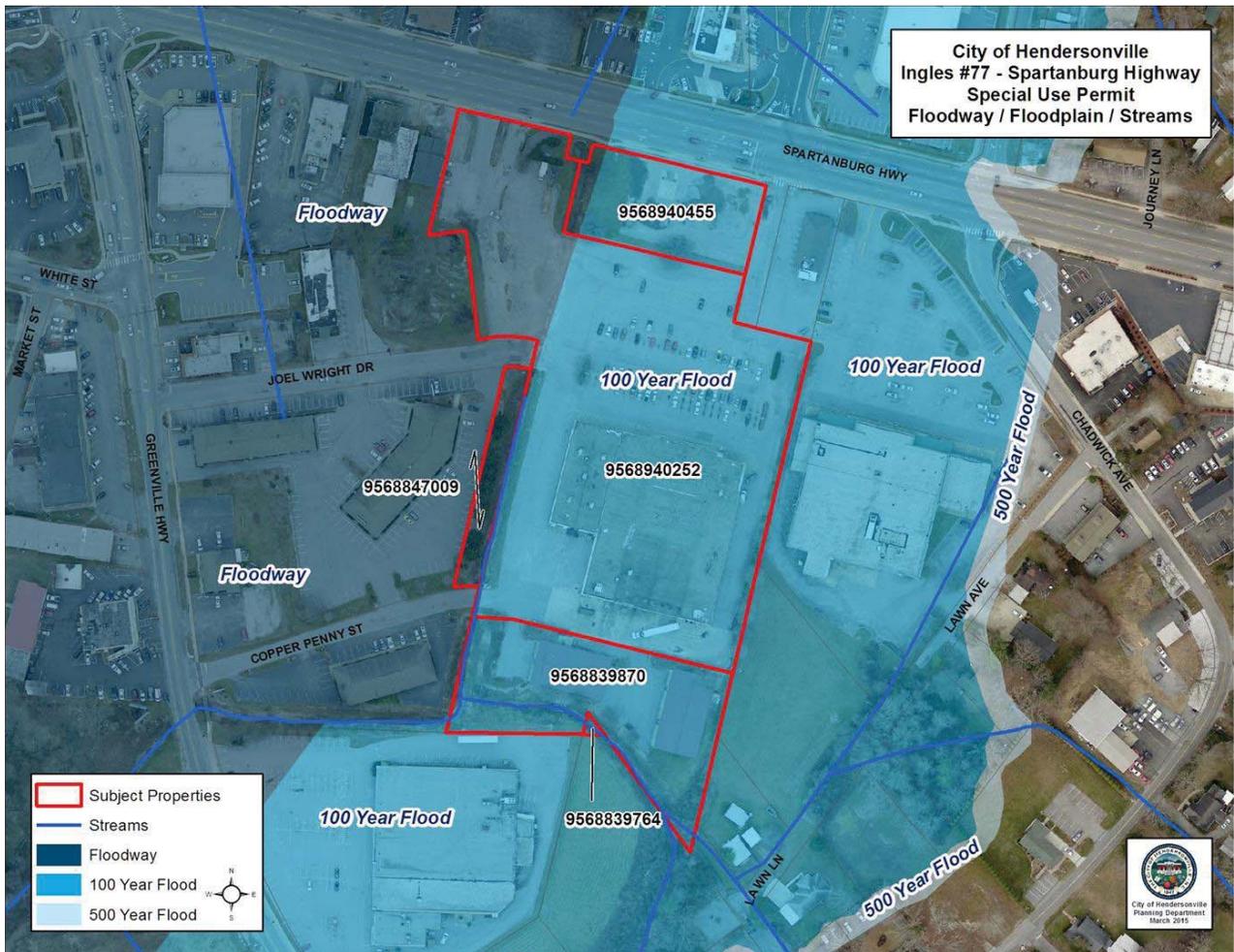
Signature

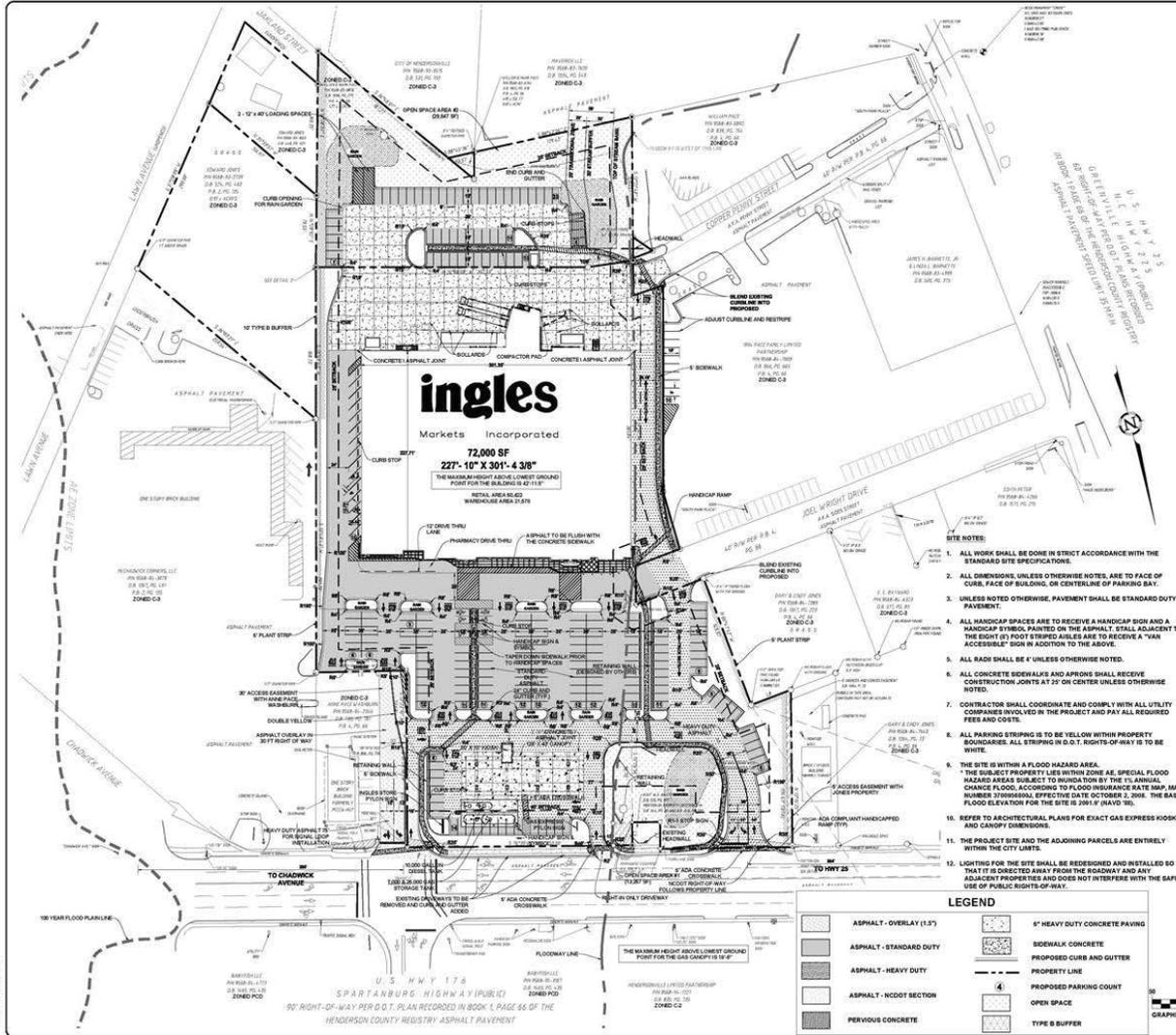












LOCATION MAP
N.T.S.

SITE ANALYSIS

PROPERTY OWNERS
INGLES MARKETS
P.O. BOX 6816
ASHEVILLE, NC 28716
WILLIAM A. PAGE & HEARSH & PACE
818 OLD SPARTANBURG HWY
HENDERSONVILLE, NC 28532

CIVIL CONTACT
JOHN COX, P.E.
LAND PLANNING ASSOCIATES OF NC, INC.
110 WEST 1ST AVENUE, SUITE A
EASLEY, SC 29640
864-342-8272

SURVEYOR
ROBERT C. BROWN, PLS
ED HOLMES & ASSOCIATES LAND SURVEYORS, PA
P.O. BOX 17333 ASHEVILLE, NC 28814
828-225-8542
COMPANY LICENSE # C 2386

ARCHITECT
SAMA COOKER
ROBERTSON COA FLOOR PC
3449 PRESTON RIDGE ROAD SUITE #275
ALPHARETTA, GA 30005
770-674-2606

LANDSCAPE ARCHITECT
CLAY MOONEY
DESIGN ASSOCIATES
1293 HENDERSONVILLE RD.
ASHEVILLE, NC 28833
828-277-7410

PROJECT NAME
INGLES #77 - HWY 17S
SPARTANBURG HWY.

PROJECT LOCATION
625 SPARTANBURG HWY
HENDERSONVILLE, NC

PH NUMBER
866-84-2532 (INGLES)
866-84-8455 (INGLES)
866-84-8873 (PACE)
866-84-8764 (PACE)
866-84-7008 (PACE)

REF. DEED AND PAGE
DB 376, PG 878 (PACE)
DB 308, PG 738 (INGLES)
DB 1055, PG 618 (PACE)
DB 584, PG 685 (PACE)

ZONING
EXISTING BUILDING 44,379 S.F. / 18.1%
PROPOSED BUILDING 72,000 S.F. / 22.3%
PROPOSED GAS EXPRESS 400 S.F.
PROPOSED GAS (UNDER CANOPY) 7965 S.F.
PROPOSED TOTAL SQUARE FOOTAGE 79,865 S.F.
EXISTING PARKING 254 SPACES
EXISTING PARKING RATIO 5.48 SPACES/MSF
REQUIRED PARKING RATIO 1 SPACES/100 GSF
REQUIRED PARKING 360 SPACES
PROPOSED PARKING 237 SPACES
PROPOSED PARKING RATIO 3.29 SPACES/MSF
BICYCLE PARKING N/A
EXISTING SITE AREA 5.718 ACRES
PROPOSED SITE AREA 7.236 ACRES
REQUIRED COMMON OPEN SPACE 6,772 ACRES
PROPOSED COMMON OPEN SPACE 9.818 ACRES
EXISTING VEHICULAR USE AREA 175,822 SF / 73.6%
PROPOSED VEHICULAR USE AREA 156,384 SF / 68.7%
FRONT SETBACK (REQUIRED) 40'
SIDE SETBACK (REQUIRED) 25'
REAR SETBACK (REQUIRED) 25'

* CURRENT ZONING IS C3. INGLES REQUESTS TO BE REZONED TO PCD - PLANNED COMMERCIAL DEVELOPMENT. SETBACKS ARE FRONT 40', SIDE AND REAR 25' FOR PCD.

COMMON OPEN SPACE
COMMON OPEN SPACE AREA 1 13,207 SF
COMMON OPEN SPACE AREA 2 28,847 SF
COMMON OPEN SPACE TOTAL 42,054 SF

LEGEND

- ASPHALT - OVERLAY (1.5")
- ASPHALT - STANDARD DUTY
- ASPHALT - HEAVY DUTY
- ASPHALT - HCDOT SECTION
- PERVIOUS CONCRETE
- 6" HEAVY DUTY CONCRETE PAVING
- BIDENALK CONCRETE
- PROPOSED CURB AND GUTTER
- PROPERTY LINE
- PROPOSED PARKING COUNT
- OPEN SPACE
- TYPE B BUFFER

GRAPHIC SCALE (HORIZONTAL)
1" = 50' HOR.

REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	10/21/17	MARK PLAN WORKSHEET	PCB
2	12/01/17	REVISED PER CITY COMMENTS	PCB
3	1/16/18	REVISED PER CITY COMMENTS	PCB
4	3/31/18	BLACK REDLINE	PCB
5	5/17/18	REVISED PER CITY OF HENDERSONVILLE COMMENTS	ACM
6	2/26/18	BLACK REDLINE	PCB
7	3/27/18	REVISED PER CITY OF HENDERSONVILLE COMMENTS	PCB

PRELIMINARY
NOT FOR CONSTRUCTION

LAND PLANNING ASSOCIATES
INCORPORATED

DBA
LAND PLANNING ASSOCIATES OF NC, INC.
110 WEST 1ST AVENUE - SUITE A
EASLEY, SC 29640
864-342-8272 FAX 208-738-8214
lpa@lpa-nc.com

ingles
Markets Incorporated
STORE #77
625 SPARTANBURG HWY.
HENDERSONVILLE, NC

PROPERTY INFORMATION:
TAX MAP NUMBER: 866-84-0232
REFERENCE D.B. & PG: D.B. 308, PG. 738
P.B. & PG. 68

ADDITIONAL INFO:

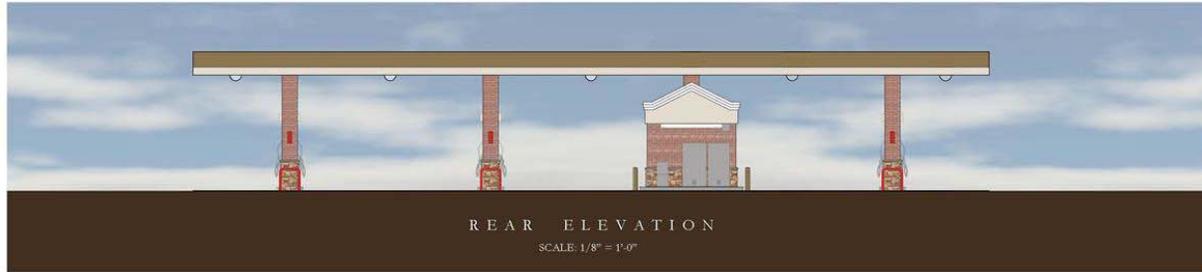
ISSUE FOR CONSTRUCTION:

PRINT DATE: _____
JOB NUMBER: _____
JOB NUMBER: 18.027

PRELIMINARY SITE PLAN

C-104
STORE #77
HENDERSONVILLE
NORTH CAROLINA





Project in Charge: Dana E. Lewis, RA
Project Manager: ...
Drawn by: ...

PROJECT NAME:	INGLES GAS EXPRESS #77 Hendersonville, NC
DESCRIPTION:	EXTERIOR ELEVATIONS

PROJECT NUMBER:	
DATE:	03.12.15
REFERENCE:	
DATE OF DRAWING:	

APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Ingles #77 Spartanburg Highway
Application for Rezoning and Issuance of Special Use Permit

File Number: P15-8-SUR

Variance Request #1

Approval – Recommend City Council approve a variance from Zoning Ordinance Table 6-5-2, reducing the number of required parking spaces from 360 to 237.

Denial – Recommend City Council not approve a variance from Zoning Ordinance Table 6-5-2, reducing the number of required parking spaces from 360 to 237.

Variance Request #2a

Approval – Recommend City Council approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any road from two to three.

Denial – Recommend City Council not approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any road from two to three.

Variance Request #2b

Approval – Recommend City Council approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the maximum number of driveways a development parcel may have from three to (four or five).

Denial – Recommend City Council not approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the maximum number of driveways a development parcel may have from three to (four or five).

Variance Request #3

Approval – Recommend City Council approve a variance from Zoning Ordinance Section 5-15-4.1 Setbacks allowing approximately 333 square feet of the northwest corner of the building to encroach 22 feet into the required 25 foot setback.

Denial – Recommend City Council not approve a variance from Zoning Ordinance Section 5-15-4.1 Setbacks allowing approximately 333 square feet of the northwest corner of the building to encroach 22 feet into the required 25 foot setback.

Special Use Permit and Rezoning

Approval – The application is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

Approval With Conditions – The application is not fully consistent with all of the objectives and policies for growth and development of the City of Hendersonville’s Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan, so the following conditions are recommended in order to make it fully consistent.

Denial – The application is not consistent with all of the objectives and policies for growth and development of the City of Hendersonville’s Zoning Ordinance 2030 Comprehensive Plan and Comprehensive Transportation Plan.

This report reflects the recommendation of the Planning Board, this the 13th day of April, 2015.

Attest:


Planning Board Chair



Planning Director





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: April 15, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: May 7, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 09

File # P15-5-SUR

The City is in receipt of a Special Use Permit application from Hollis Fitch of Flatiron Partners for the development of 80 multi-family residential units on 10 acres. The project is proposed on a portion of Parcel # 9579-29-5777. The proposed parcel will have frontage on Francis Road, Lakewood Road and Highlands Square Drive. The density for this project is 7.54 units per acre. The applicant is also requesting to rezone a portion of this parcel from I-1 Industrial to PRD Planned Residential Development.

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.

Budget Impact: \$ 0 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Not Applicable

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

See page five of the attached memo for the suggested motions.

Attachments:

Memo

M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Susan Anderson

RE: Cedar Terrace

FILE #: P15-5-SUR

DATE: April 15, 2015

PROJECT DESCRIPTION

The City is in receipt of a Special Use Permit application from Hollis Fitch of Flatiron Partners for the development of 80 multi-family residential units on 10 acres. The project is proposed on a portion of Parcel # 9579-29-5777. The proposed parcel will have frontage on Francis Road, Lakewood Road and Highlands Square Drive. The density for this project is 7.54 units per acre. The applicant is also requesting to rezone a portion of this parcel from I-1 Industrial to PRD Planned Residential Development.

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

Parcel # 9579-29-5777 is currently zoned I-1 Industrial and is vacant. The parcel to the north across Highlands Square Drive is zoned PCD Planned Commercial Development and includes Sam's Club. The parcel located to the east is zoned PRD Planned Residential Development and includes the Cedar Bluff Apartments with 64 units. Parcels to the south across Francis Road are zoned C-2 Secondary Business and include residential uses. Surrounding zoning districts are shown on the "Zoning Map" on page 14.

COMPREHENSIVE PLAN CONSISTENCY

The parcel included in this application and parcels located to the north, east and south are classified as Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the Regional Activity Center classification is to "meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects."

The parcel located to the west is classified as Business Center and Natural Resource/ Agricultural. The goal of the Business Center classification is to "create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination and to create a campus like mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities." 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 Regional Activity Center lists multi-family residential as a secondary use. The Comprehensive Plan recommends that secondary uses such as this one may be permitted through the planned development and special use procedures. This project is a planned development and is being processed through the special use permit procedures.

The 2030 Comprehensive Plan’s Future Land Use Map is located on page 15. Comprehensive Plan consistency is addressed under “E” on page three.

PLAN REVIEW

Buildings

The site plan includes the following:

- Five two story multi-family buildings with a total of 80 units
- A 2,091 ft² Community Building
- Common areas including an playground and gazebo

The site plan and an elevation drawing are included with this memorandum. The elevation drawing shows proposed façades.

Parking

The site plan shows 160 parking spaces for the proposed multi-family residential development. The minimum required by the Zoning Ordinance based on number of bedrooms is 132.

Stream

Allen Branch runs within the property boundary along Highlands Square Drive. Adjacent to and to the west of Allen Branch is a steep bank that rises approximately 30 feet. The site plan does show the required 30 foot stream buffer and 20 foot transition zone.

Greenway

When the Wal-Mart project was approved by City Council in 2000, a condition was placed on that project that stated “dedication of a thirty-foot right-of-way along Allen Branch for the purpose of developing a public greenway.” Staff has added a condition to this Special Use request for an easement for the continuation of that greenway alignment and the site plan has a note stating “greenway easement for continuation of greenway easement by Wal-Mart along Allen Branch.”

Stormwater

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

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 are 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.

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 February 13, 2015. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance.

Approximately seven people representing the general public attended the meeting. The public raised concerns about the traffic and trucks on Francis Road, driveway location, criminal activity in the area, income level of tenants, property maintenance, site lighting and construction time frame.

A copy of the neighborhood compatibility report accompanies this memorandum.

- (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 Regional Activity Center classification is intended to “meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.”

The Regional Activity Center lists multi-family residential as a secondary use. The Comprehensive Plan recommends that secondary uses such as this one may be permitted through the planned development and special use procedures. This project is a planned development and is being processed through the special use permit procedures. Therefore, this proposed development is consistent with the 2030 Comprehensive Plan’s Land Use and Development recommendations.

The Comprehensive Transportation Plan does not indicate any improvements to Francis Road or Lakewood Road. Highlands Square Drive is a private road and is not included in the Comprehensive Transportation Plan.

TREE BOARD

The Tree Board met on April 7th to review this project. The Tree Board did not have any recommendations or additional comments for the project.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting of March 9, 2015. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of a portion of Parcel # 9579-29-5777 from I-1 Industrial to PRD Planned Residential Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest to provide more affordable housing.

The Planning Board also voted unanimously to recommend City Council approve the application of Flatiron Partners 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.

SUGGESTED MOTIONS

Special Use Permit and Rezoning

Approval: I move City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of a portion of Parcel # 9579-29-5777 from I-1 Industrial to PRD Planned Residential Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE YOUR REASONS]

I further move City Council to approve the application of Flatiron Partners 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.

[ADD, IF APPLICABLE, "AND THE FOLLOWING ADDITIONAL CONDITIONS"]

Denial: I move City Council to not approve the application of Flatiron Partners for rezoning and issuance of a special use permit.

[PLEASE STATE YOUR REASONS]

IN RE: Cedar Terrace (File # P15-5-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Residential Dwellings Multi-family

II. Conditions:

(1) Shall Be Attached to the Special Use Permit and Satisfied Prior to Issuance of Final Site Plan Approval:

Recorded subdivision plat creating this parcel

Annexation application for this parcel for sewer extension

Dedication and recordation of a thirty-foot easement along Allen Branch for the purpose of developing a public greenway

(2) Shall Be Attached to the Special Use Permit:

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance.

Cedar Terrace

Signature: _____

Printed Name: _____

Date: _____

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

IN RE: Cedar Terrace
(File # P15-5-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 a portion of Parcel # 9579-29-5777, as shown in Exhibit A, from I-1 Industrial to PRD Planned Residential Development.

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

Adopted this 7th, day of May 2015.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Director's Report
Neighborhood Compatibility Meeting
Application for a Special Use Permit and Rezoning
Cedar Terrace Apartments File #P15-5-SUR
Friday February 13, 2015 3:00 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 3:00 pm in the Council Room of City Hall. The following were in attendance:

Name	Address	Name	Address
Hollis Fitch (applicant)	Charlotte NC	Paul Fitch (applicant)	Hendersonville
Bobby Bennett	Sam's Club	David & Jayne Cohen	104 Dublin Lane
Clint Case	129 Francis Road	Mr. & Mrs. Shannon McMinn	125 Francis Road
Fabiola Hernandez Garcia	119 Francis Road	Sue Anderson	City Hall
Lu Ann Welter	City Hall		

Ms. Anderson opened the meeting explaining this is the first step in a three step process. Minutes of this meeting will be forwarded to Planning Board and City Council. Ms. Anderson said this project could go before the Planning Board March 9 and City Council could hold a public hearing on it April 2.

Hollis Fitch of Flatiron Properties of Charlotte explained the proposed housing development will be the third they have done in western North Carolina with the closest of these on Old Hendersonville Highway in Brevard. This project will have 80 units in five, two-story buildings.

David Cohen asked is these would be low income housing. Mr. Fitch said yes explaining this will receive money from a federal program, not HUD, that gives incentives to private investors toward affordable housing. Mr. Fitch said the apartments would be available to citizens that make less than 60% of the area medium income, or less than \$30,000. Shannon McMinn asked if there would be management on site 24 hours a day. Mr. Fitch said typically management will be there 40 hours a week. Clint Case, 129 Francis Road, said he has major traffic concerns as Francis Road is already a very busy street with cut-thrus to Sam's Club and Wal Mart, speeders that live in Cedar Bluff and tractor trailers going to the post office facility. He added the crime and drug problems are major factors as well. Mr. Fitch said a Traffic Impact Analysis has not been done but could be. Ms. Anderson said the trips generated do not warrant a study.

Wanda McMinn asked about the entrance. Mr. Fitch said it would be on Francis Road. Ms. McMinn agreed there is already too much traffic on Francis Road and theft from people walking. Also, the car lights from this project would go right into her house. She asked if the entrance could be on Lakewood Drive. Mr. Fitch said that is a possibility. Mr. McMinn said the drug problems from Cedar Bluff Apartments cause a lot of problems in the area. Mr. Fitch commented that by developing this land, the higher visibility could help the crime problems. Mr. Case said he was told by a sheriff's deputy they call this area

cocaine alley.

Mr. Fitch said a TIA could give suggestions on improving the traffic problems. He asked about calling the management at Cedar Bluff. Mr. Cohen said he only gets an answering machine. Mr. Case said Francis Road was a dead end when he moved there thirty or so years ago and he never would have bought there if he knew they were going to open it up for the post office facility.

Mr. Fitch said housing is needed here and it has to go somewhere. Ms. McMinn asked about the creek along the edge as it is a nice creek area. Ms. Anderson said the City has a 50 foot stream buffer that limits the disturbance in that area. Mr. Fitch said they would plan to leave that as a buffer except where they may need to run the sewer line. Mr. Case asked if this land would be annexed. Mr. Fitch said yes to hook up to the sewer. Mr. Case said when there are crime or drug problems, he can't get the city or county law enforcement to come out as they each say it's the other's jurisdiction. Ms. Anderson said she would follow up with the chief on the situation.

Mr. Cohen expressed more concern with this income element coming in with drugs and crime and asked if his real estate taxes would go up to pay for this housing. Mr. Fitch said no, this money comes from private investors that get a tax benefit. Bobby Bennett, Sam's Club, agreed there is crime in this area and some people use the trails through these woods. Mr. Fitch said at the Brevard housing project, they worked with the police and installed a video system to help with protecting the neighbors' concerns. Mr. Fitch explained they do a full credit and criminal background checks on all applicants. He said they are very thorough. A current resident cannot add someone without that person going through the process. If drugs are found, immediate eviction and the units are inspected quarterly. The buildings are no smoking and there are other tenant restrictions. Mr. Case asked the impact on his property taxes. Ms. Anderson said there is no way of knowing. Mr. Cohen expressed concern of them bringing in a certain element of people that won't be breaking in those units but in houses in the neighborhood.

Ms. McMinn asked how long they will be managing the property. Mr. Fitch said this is a federal program and money is set aside each year for physical maintenance of the property and buildings. He added there is a third party management company that deals with the tenants. Mr. McMinn asked if the units would have sprinklers. Mr. Fitch said yes. Mr. Cohen asked if they would consider having this property be for people 55 and older with no children. Mr. Fitch said they are looking to fill a vital need of housing for limited income people.

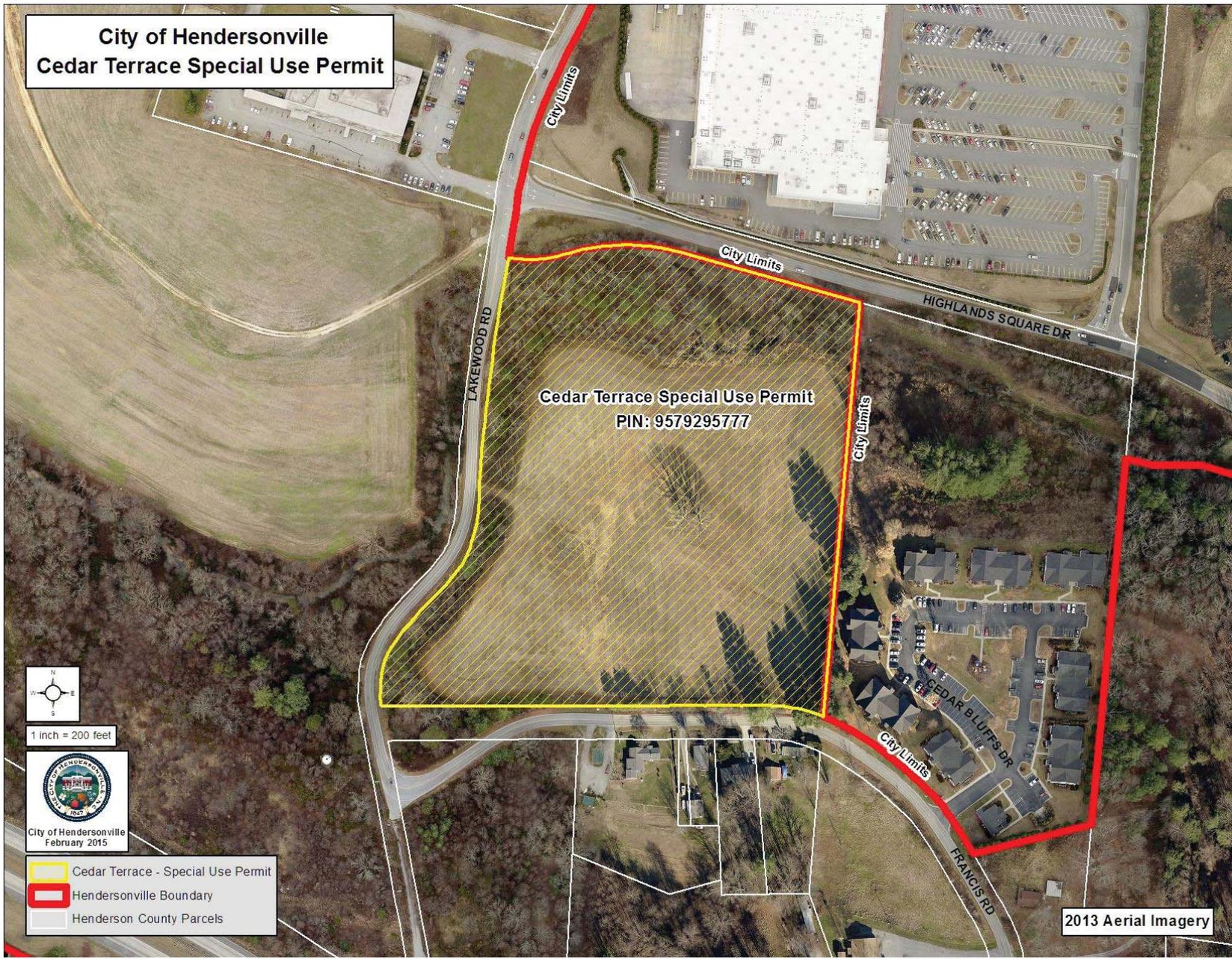
Ms. McMinn reiterated that her big concern is with the traffic. Mr. Fitch asked if it would be better to have the driveway come off Lakewood Drive instead of Francis Road. (There was a some consensus that it would.) Ms. Anderson added that a drive from either road would require a driveway permit from NCDOT.

Mr. Fitch said the complex lighting would be full, cut-off lighting so it won't shine off the

site. It was asked when construction would begin. Mr. Fitch said if all the approvals come through, April 2016 with one year of construction. Mr. McMinn asked if there would be a construction entrance. Mr. Fitch said they usually use the main entrance. Ms. McMinn asked if they could put up a fence or buffer. Mr. Fitch said a fence would be too expensive but buffer plantings would be possible.

With no further comments or questions, Ms. Anderson closed the meeting at 3:39.

**City of Hendersonville
Cedar Terrace Special Use Permit**



Cedar Terrace Special Use Permit
PIN: 9579295777



1 inch = 200 feet

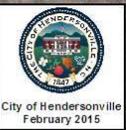
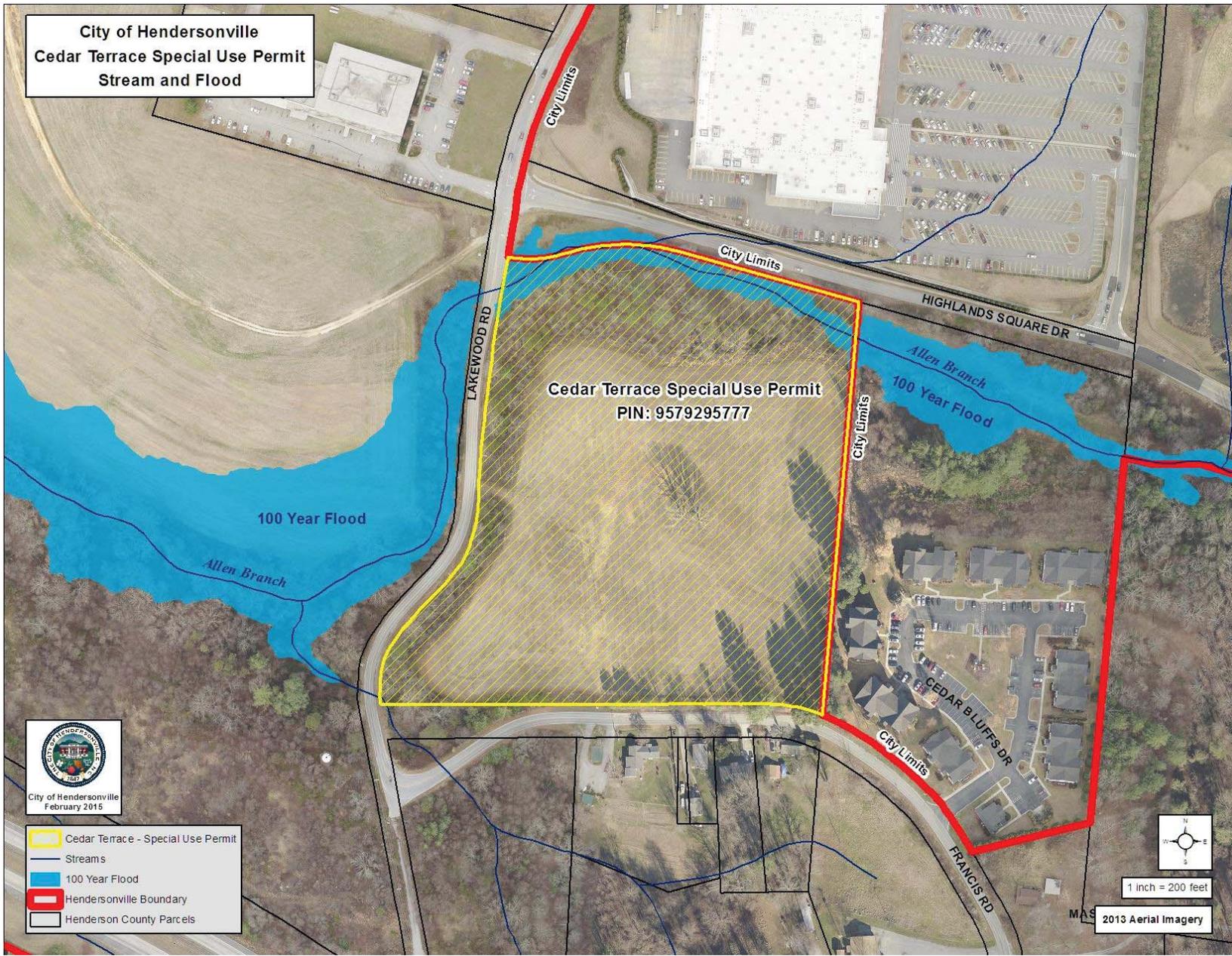


City of Hendersonville
February 2015

- Cedar Terrace - Special Use Permit
- Hendersonville Boundary
- Henderson County Parcels

2013 Aerial Imagery

**City of Hendersonville
Cedar Terrace Special Use Permit
Stream and Flood**



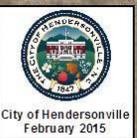
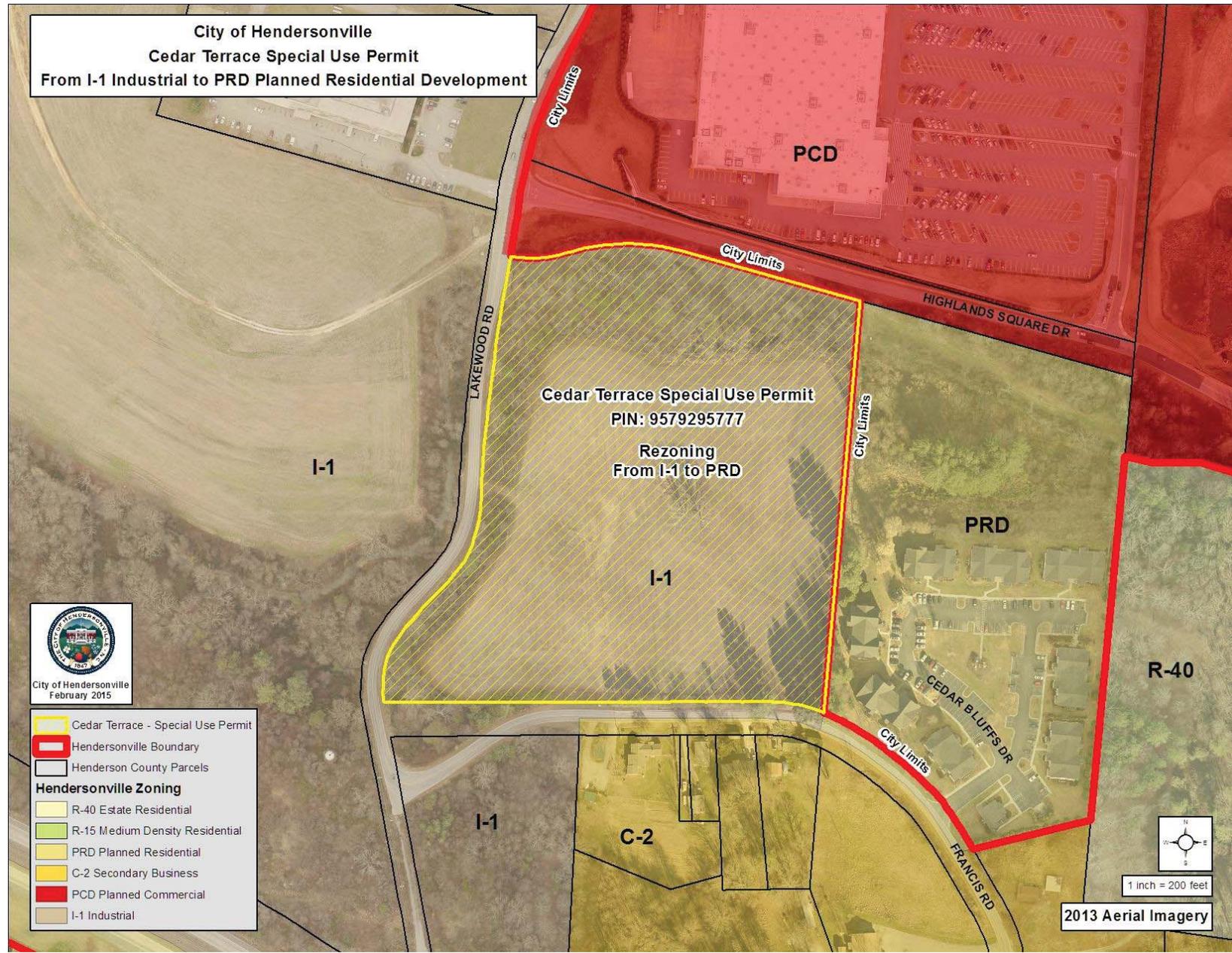
- Cedar Terrace - Special Use Permit
- Streams
- 100 Year Flood
- Hendersonville Boundary
- Henderson County Parcels



1 inch = 200 feet

2013 Aerial Imagery

City of Hendersonville
Cedar Terrace Special Use Permit
From I-1 Industrial to PRD Planned Residential Development

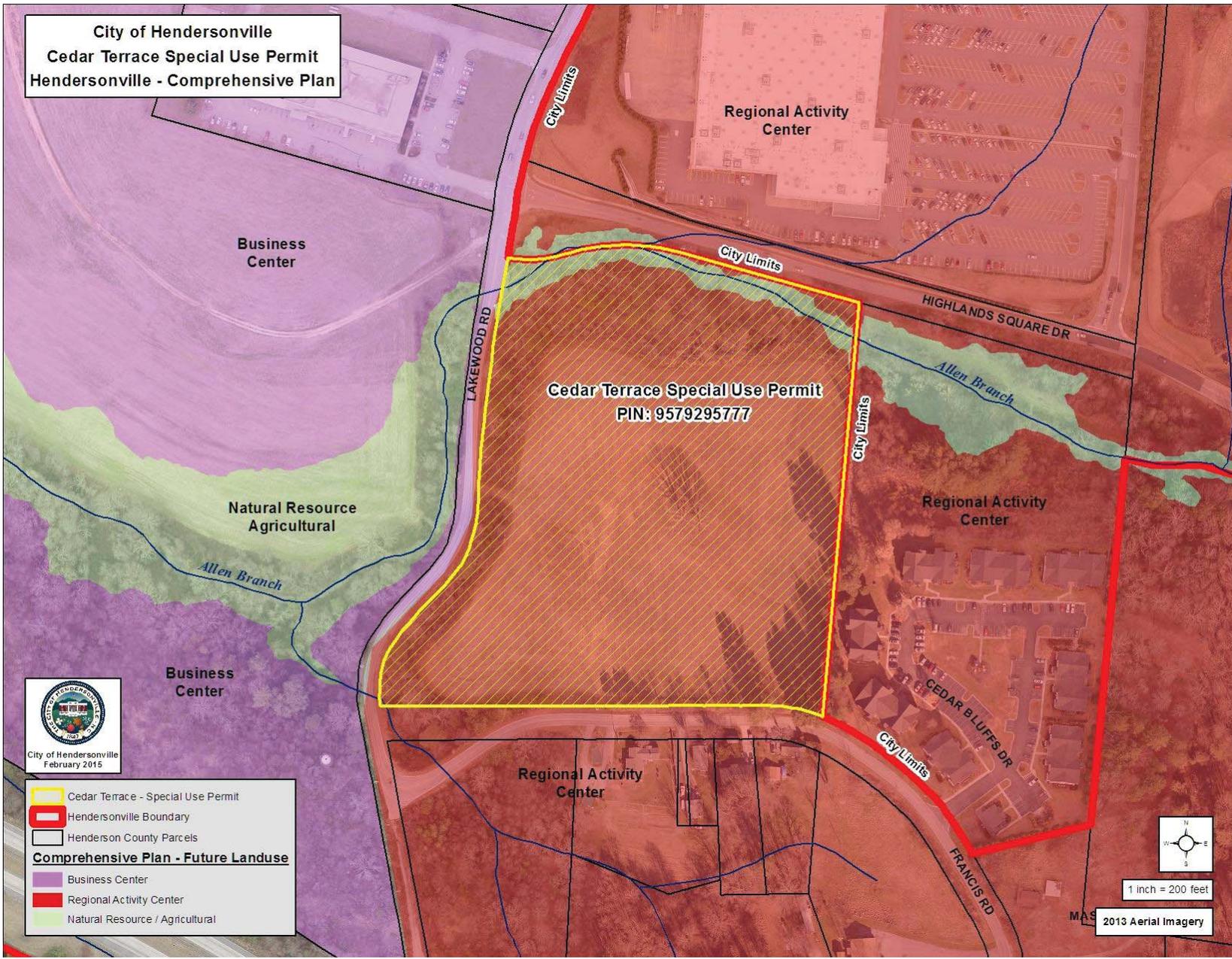


- Cedar Terrace - Special Use Permit
 - Hendersonville Boundary
 - Henderson County Parcels
- Hendersonville Zoning**
- R-40 Estate Residential
 - R-15 Medium Density Residential
 - PRD Planned Residential
 - C-2 Secondary Business
 - PCD Planned Commercial
 - I-1 Industrial

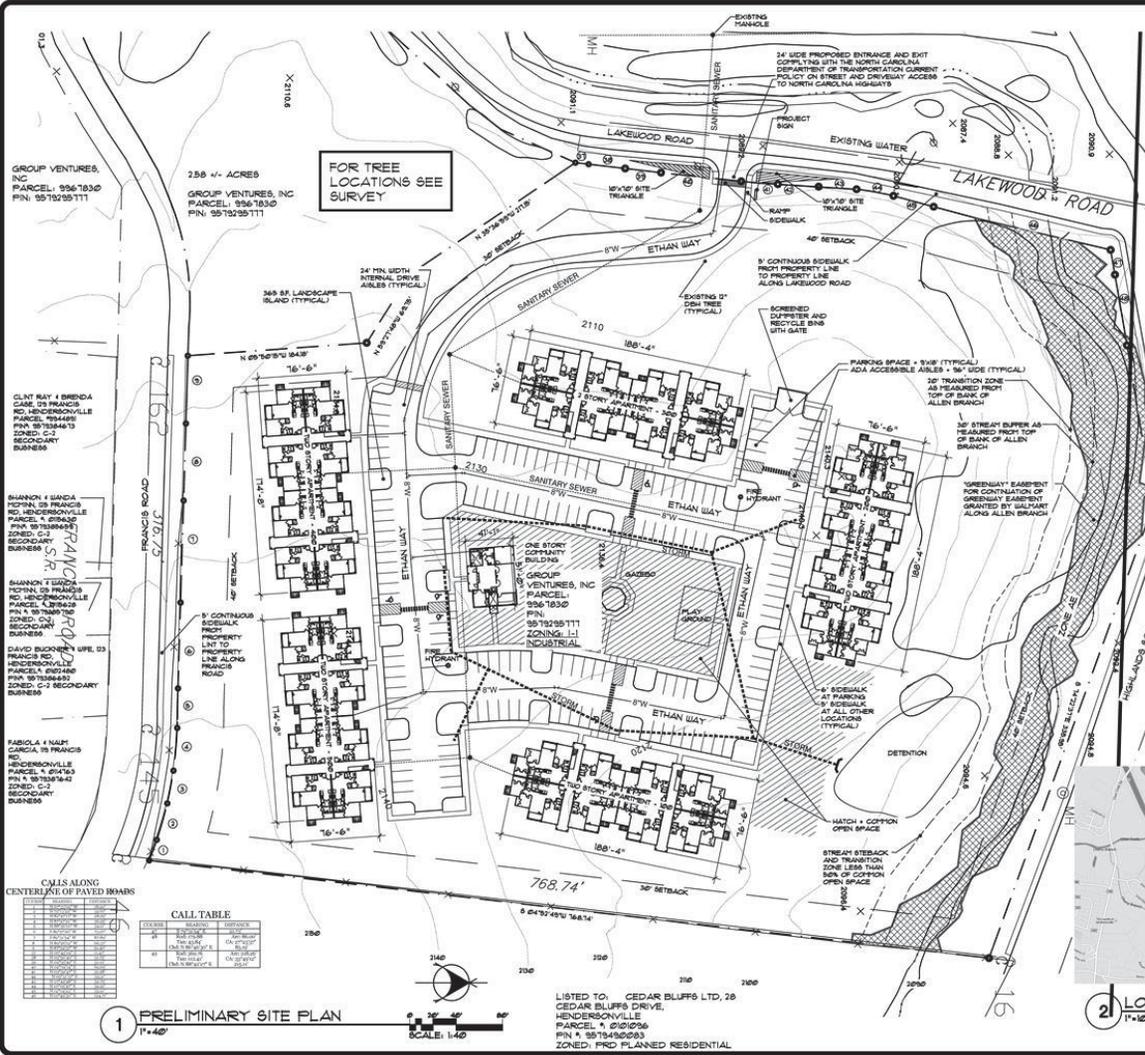


1 inch = 200 feet

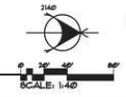
2013 Aerial Imagery



PLOTTED: 3/25/2015 4:50:55 PM - BRANING PLOTTER BY: 031 HERNDONVILLE, NC PRELIMINARY SEE PRELIMINARY 04-041-STEELWAVE - PLOTTED BY: KATE HANSEN - COPYRIGHT 2015



1 PRELIMINARY SITE PLAN
1"=40'



LISTED TO: CEDAR BLUFFS LTD, 28 CEDAR BLUFFS DRIVE, HENDERSONVILLE PARCEL # 2702096 PIN # 9979492083 ZONED: PFD PLANNED RESIDENTIAL

SITE INFO

- SITE IS CURRENTLY 11.13 +/- ACRES
- THE PROJECT IS SINGLE PHASED.
- THE PROJECT IS NOT WITHIN THE CITY LIMITS.

PARKING

PARKING REQUIRED 2.0 SPACES PER UNIT

160 SPACES REQUIRED
160 SPACES PROVIDED

AMENITIES :

- PLAYGROUND
- COVERED PICNIC AREA
- COMMUNITY ROOM
- COVERED PATIO WITH SEATING
- EXERCISE ROOM (W/ NEW EQUIPMENT)
- RESIDENT COMPUTER CENTER (MIN. 2 COMPUTERS)

DEVELOPER:

THE FLATRINO GROUP, INC.
1511 SHOPTON ROAD; SUITE H
CHARLOTTE, NC 28217-329

CURRENT OWNER:

GROUP VENTURES, INC
PARCEL: 9967830
PIN: 9579295777

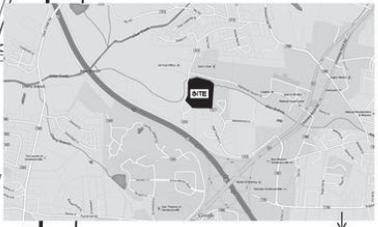
	UNIT MIX				TOTAL UNITS
	100	200	300	400	
2BR / 2 BA - B	8	8	8	8	32
3BR / 2 BA - C	8	8	8	8	32
TOTALS	16	16	16	16	64

	BUILDING INFORMATION			
	100	200	300	400
DEVELOPER	100	200	300	400
TOTAL FLOOR AREA	23,086	23,086	23,086	23,086
BUILDING HEIGHT	20'-4"	20'-4"	20'-4"	20'-4"
NUMBER OF FLOORS	TWO	TWO	TWO	TWO

	SITE INFORMATION	
	AMOUNT	PERCENT
TOTAL PROJECT AREA	1,041,842	462,171.61
BLDG FOOTPRINT	13,542	13,542.00
TOTAL FLOOR AREA	23,086	23,086.00
OPEN SPACE	338,522	79.25%
STREETS	42,522	9.20%
PARKING	23,086	4.99%
TOTAL	462,171	100.00%

COMMON OPEN SPACE	
AMOUNT	11,600

LISTED TO: 84M'S REAL ESTATE BUSINESS TRUST, 300 HIGHLANDS SQUARE, HENDERSONVILLE PARCEL # 9967831 PIN # 9979399933 ZONED: PCD PLANNED COMMERCIAL



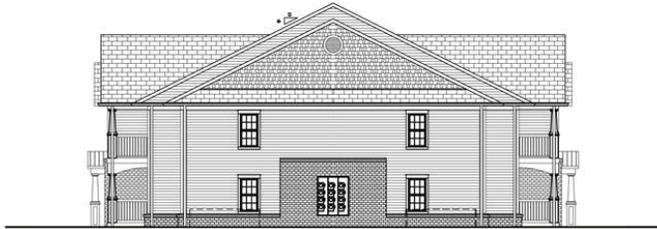
2 LOCATION MAP
1"=1000'

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-4047-2000
CEDAR TERRACE HENDERSONVILLE, NORTH CAROLINA

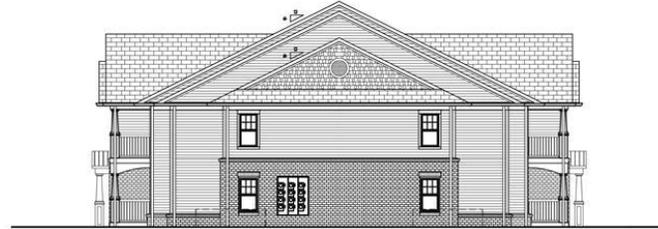
SAI

NOT RELEASED FOR CONSTRUCTION

PLOTTED: 1/22/2015 2:05 PM - DRAWING: PARTIAL REV:2014-061 HENDERSONVILLE, NC PRELIM:2015-REV: REF: PRELIM:2014-061 ASILING - PLOTTED BY: LEE FLY - COPYRIGHT 2015



4 BUILDING 400/500 RIGHT SIDE ELEVATION
 SCALE: 1/16" = 1'-0" (LEFT SIDE SIMILAR)



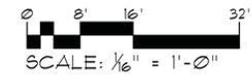
3 BUILDING 100/200/300 RIGHT SIDE ELEVATION
 SCALE: 1/16" = 1'-0" (LEFT SIDE SIMILAR)



2 BUILDING 400/500 FRONT ELEVATION
 SCALE: 1/16" = 1'-0" (BACK ELEVATION MIRRORED)



1 BUILDING 100/200/300 FRONT ELEVATION
 SCALE: 1/16" = 1'-0" (BACK ELEVATION MIRRORED)



NO.	DATE	BY	CHKD

MARTIN RILEY ASSOCIATES - ARCHITECTS, PC
 25 CHURCH STREET, SUITE 200, DECATUR, GEORGIA 30030-3339 404-377-2800
 CEDAR TERRACE
 HENDERSONVILLE, NORTH CAROLINA



A3.1

NOT RELEASED FOR CONSTRUCTION

APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Cedar Terrace
Application for Rezoning and Issuance of a Special Use Permit

File Number: P15-5-SUR

Special Use Permit and Rezoning

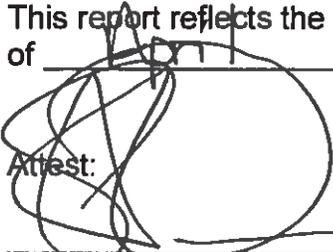
Approval – The application is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

Approval With Conditions – The application is not fully consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan, so the following conditions are recommended in order to make it fully consistent.

Denial – The application is not consistent with all of the objectives and policies for growth and development of the City of Hendersonville's Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

This report reflects the recommendation of the Planning Board, this the 13th day of April, 2015.

Attest:



Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: April 15, 2015

Presenter: Sue Anderson

Date of Council Meeting to consider this item: May 7, 2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 10

File # P14-49-T

Based on comments received from the Business Advisory Committee, a number of staff members have met with John Connet, City Manager, to discuss possible revisions to the Zoning Ordinance and other City regulations in order to streamline the City permitting process.

Originally, staff looked at modifying both the site plan review process and the Special Use review process. On March 9, 2015, the Planning Board reviewed the proposed text amendments. After some discussion regarding the Business Advisory Committee and limiting public input, City Manager John Connet suggested the Planning Board meet with the Business Advisory Committee to further discuss these changes. The Planning Board voted unanimously to continue this item to the next meeting so Planning Board members can meet with the Business Advisory Committee at their March 23 meeting.

PLANNING BOARD

The Planning Board continued this matter at its regular meeting of April 13, 2015. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending City of Hendersonville Zoning Ordinance Article VII for the reason to streamline the approval process.

Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Not Applicable

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Approval: I move the City Council to adopt an ordinance amending City of Hendersonville Zoning Ordinance Article VII.

[PLEASE STATE YOUR REASONS]

Attachments:

Memo

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Planning Department
RE: Streamlining Permit Process
FILE #: P14-49-T
DATE: April 15, 2015

PROJECT HISTORY

Based on comments received from the Business Advisory Committee, a number of staff members have met with John Connet, City Manager, to discuss possible revisions to the Zoning Ordinance and other City regulations in order to streamline the City permitting process.

Originally, staff looked at modifying both the site plan review process and the Special Use review process. On March 9, 2015, the Planning Board reviewed the proposed text amendments. After some discussion regarding the Business Advisory Committee and limiting public input, City Manager John Connet suggested the Planning Board meet with the Business Advisory Committee to further discuss these changes. The Planning Board voted unanimously to continue this item to the next meeting so Planning Board members can meet with the Business Advisory Committee at their March 23 meeting.

Site Plan Review

The Planning Board reviews all commercial, industrial or institutional development 10,000 square feet or greater in floor area. These types of projects are also subject to the public notice requirements in Section 7-3-3.3 which includes the following:

- Notice of the date, time and place of the meeting is published in a newspaper not less than five nor more than 15 days prior to the date of the hearing.
- Notice of the date, time and place of the meeting is mailed to the owner of the property and the owners of all parcels of land adjacent to the property.

The proposed change is to increase the minimum square footage of projects subject to Planning Board review from 10,000 ft² to 20,000 ft² or greater in floor area. With this change, any commercial, industrial or institutional development that is less than 20,000 square feet in area is subject to staff review and approval only and is not subject to the public notice requirements above. This change will eliminate Planning Board review and approval for these smaller projects and potentially result in a quicker turn-around time for approval.

Special Use Review

Currently, the Planning Board reviews and gives recommendations to the City Council on all Special Use Review projects. Special Use Review projects include a site specific plan coupled with a rezoning request. These types of projects are generally larger residential and commercial developments. The Special Use Review process involves a Neighborhood Compatibility meeting, Planning Board review and recommendation and a public hearing before City Council. Staff considered removing the Planning Board review process and having the Special Use Review include only a Neighborhood Compatibility meeting and a public hearing with City Council.

According to General Statue 160A-361, Planning Boards may be established by ordinance to perform the following duties:

1. Make studies of the area within its jurisdiction and surrounding areas;
2. Determine objectives to be sought in the development of the study area;
3. Prepare and adopt plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
5. Advise the council concerning the use and amendment of means for carrying out plans;
6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
7. Perform any other related duties that the council may direct.

General Statue 160A-387 also requires that once zoning is established, "...all proposed amendments to the zoning ordinance or zoning map shall be submitted to the planning board for review and comment." Therefore, for Special Use Review, the Planning Board is required to review, at a minimum, the rezoning request.

On March 23, 2015, the Business Advisory Committee met with four members of the Planning Board. Planning Board members included Planning Board Chairman Steve Orr, Jay Thorndike, Steve Johnson and Ray Mundy.

There was consensus that the threshold for Planning Board review on site plans be changed from 10,000 ft² and above to 20,000 ft² and above. Additionally, in order to preserve public notice of these projects, it was agreed that commercial and industrial projects between 10,000 ft² and 20,000 ft² will have a public notice posted at the site once staff has approved these projects. City Staff will be responsible for posting these notices.

Regarding establishing a Technical Review Committee, it was agreed upon that a meeting with the Technical Review Committee should be conducted within two weeks unless the applicant/developer requests a different time frame. The Technical Review Committee may be established either as a policy that staff follows or can be added to the Zoning Ordinance. The text amendment below does not include language to add a

Technical Review Committee to the Zoning Ordinance. Staff can bring another text amendment to City Council if the Council wishes to add the establishment of a Technical Review Committee and their required duties to the Zoning Ordinance.

TEXT & POLICY COMMITTEE

The Text and Policy Committee is made up of four members of the Planning Board. Due to the nature of these text amendments, staff felt it prudent for any discussion to include the entire Planning Board.

SUGGESTED TEXT AMENDMENTS

Listed below are the areas of site plan review that are being recommended for revision. Additions are underlined and deletions are struck through.

The following change is to clarify the specifications for preliminary site plan and final site plan.

7-3-1 Applications. There are two types of site plan review, preliminary and final, as described below. All applications for site plan approval shall be made to the Planning Director on forms prescribed by the Planning Director. Applications shall include, without limitation, the name and address of the applicant, the name and address of the owner of all the property involved, the relationship of the applicant and property owner(s) in connection with the application, and a site plan conforming to the specifications of Subsection 7-3-3 for a preliminary site plan and Subsection 7-3-4 for a final site plan. If the applicant is other than the record owner of the property, the consent of the record owner to the application shall be noted on the application or in some other fashion acceptable to the Planning Director. The application shall also designate an agent for the project to whom notice may be given by the City. The Planning Director shall prescribe any other material that may reasonably be required to determine compliance with this article and shall require sufficient copies for necessary referrals and records.

Based on the discussion at the Business Advisory Committee meeting, Staff has added language for the posting of properties. Please note that the language below addresses the square footage of projects exempt from Planning Board review.

7-3-3 Review of Preliminary Site Plans. Review of preliminary site plans applies to larger projects where the costs of developing detailed final plans can be substantial. It is designed to provide the applicant an opportunity to obtain at a reasonable cost binding authorization to develop property in a certain fashion. Review of preliminary plans is a function of the Planning Board. Preliminary plan review is required of all development undergoing site plan review except for the following:

- a) Any commercial, industrial or institutional development consisting of less than ~~40,000~~ 20,000 ft² of floor area;

- b) Addition of not more than 30 parking spaces;
- c) Any development which has already received preliminary site plan approval;
- d) Any development for which a special use permit has been issued; and
- e) Any minor planned residential development consisting of less than nine dwelling units.

For development projects under a) above, notice of approval decisions for commercial or industrial development between 10,000 ft² to less than 20,000 ft² of floor area shall be provided in the following manner. The City shall prominently post a notice of the approval decision on the site or on an adjacent public street or highway right-of-way. The notice shall be a minimum of 18 inches by 24 inches in size and shall identify the means to contact an official for information about the decision. The notice shall be posted within 10 days of the decision and remain on the site or on an adjacent public street or highway right-of-way for a minimum of 30 days.

Approval of a preliminary site plan by the Planning Board does not entitle the applicant to develop property, but it does entitle the applicant to final site plan approval pursuant to Subsection 7-3-4, below, upon submittal of an application for final site plan approval, payment of the applicable fee and submittal of a final site plan conforming to the preliminary site plan approval, including any conditions attached thereto.

PLANNING BOARD

The Planning Board continued this matter at its regular meeting of April 13, 2015. The Planning Board voted unanimously to recommend City Council adopt an ordinance amending City of Hendersonville Zoning Ordinance Article VII for the reason to streamline the approval process.

AN ORDINANCE AMENDING ARTICLE VII DEVELOPMENT REVIEW OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE PERTAINING TO THE PLANNING BOARD

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances; and

WHEREAS, the City of Hendersonville desires to amend those regulations in order to streamline the permit approval process.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. Article VII Development Review, Subsection 7-3-1 Applications is hereby amended to include the following addition:

7-3-1 Applications. There are two types of site plan review, preliminary and final, as described below. All applications for site plan approval shall be made to the Planning Director on forms prescribed by the Planning Director. Applications shall include, without limitation, the name and address of the applicant, the name and address of the owner of all the property involved, the relationship of the applicant and property owner(s) in connection with the application, and a site plan conforming to the specifications of Subsection 7-3-3 for a preliminary site plan and Subsection 7-3-4 for a final site plan. If the applicant is other than the record owner of the property, the consent of the record owner to the application shall be noted on the application or in some other fashion acceptable to the Planning Director. The application shall also designate an agent for the project to whom notice may be given by the City. The Planning Director shall prescribe any other material that may reasonably be required to determine compliance with this article and shall require sufficient copies for necessary referrals and records

2. Article VII Development Review, Subsection 7-3-3 Review of Preliminary Site Plans is hereby amended to include the following deletions and additions:

7-3-3 Review of Preliminary Site Plans. Review of preliminary site plans applies to larger projects where the costs of developing detailed final plans can be substantial. It is designed to provide the applicant an opportunity to obtain at a reasonable cost binding authorization to develop property in a certain fashion. Review of preliminary plans is a function of the Planning Board. Preliminary plan review is required of all development undergoing site plan review except for the following:

- a) Any commercial, industrial or institutional development consisting of less than ~~40,000~~ 20,000 ft² of floor area;
- b) Addition of not more than 30 parking spaces;
- c) Any development which has already received preliminary site plan approval;
- d) Any development for which a special use permit has been issued; and
- e) Any minor planned residential development consisting of less than nine dwelling units.

For development projects under a) above, notice of approval decisions for commercial or industrial development between 10,000 ft² to less than 20,000 ft² of floor area shall be provided in the following manner. The City shall prominently post a notice of the approval decision on the site or on an adjacent public street or highway right-of-way. The notice shall be a minimum of 18 inches by 24 inches in size and shall identify the means to contact an official for information about the decision. The notice shall be posted within 10 days of the decision and remain on the site or on an adjacent public street or highway right-of-way for a minimum of 30 days.

Approval of a preliminary site plan by the Planning Board does not entitle the applicant to develop property, but it does entitle the applicant to final site plan approval pursuant to Subsection 7-3-4, below, upon submittal of an application for final site plan approval, payment of the applicable fee and submittal of a final site plan conforming to the preliminary site plan approval, including any conditions attached thereto.

- 3. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
- 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
- 5. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
- 6. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

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

Adopted this _____ day of _____, 2015

Barbara Volk, Mayor

Attest:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Text Amendment of Article VII Development Review of the Zoning Ordinance of the City of Hendersonville pertaining to the Planning Board.

File Number: P-14-49-T

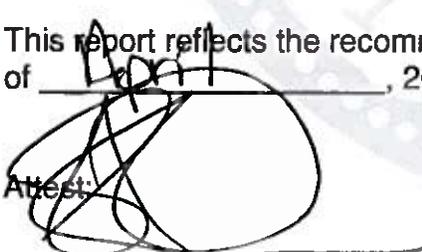
Approval – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance and 2030 Comprehensive Plan.

Approval With Amendment – The text amendment is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance and 2030 Comprehensive Plan. The Planning Board recommends the following amendment(s):

Denial – The text amendment is not consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance and the 2030 Comprehensive Plan.

This report reflects the recommendation of the Planning Board, this the 13th day of April, 2015.

Attest:



Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 04.27.15

Presenter: Kim Bailey, Mac Brackett

Date of Council Meeting to consider this item: 05.07.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 11

The Tree Board, chaired by Mac Brackett, and the Environmental Sustainability Board, chaired by David Allen, have been working jointly with Tom Wooten, Public Works Director, and numerous other community partners to submit an application for Hendersonville to be certified as a Bee City USA.

The Bee City USA program encourages city leaders to celebrate the vital roles bees and other pollinators play and raise awareness about ways to sustain them. It is modeled after the Tree City USA program which recognizes cities for their excellence in urban forestry management. Hendersonville is one of 3400 communities currently designated as a Tree City USA and now seeking to become the 7th Bee City USA certified community.

In order to accomplish this, the Tree Board, Environmental Sustainability Board, and Public Works Department are asking the City Council to pass a resolution articulating the City's commitments to designate the Public Works Department as the municipality's Bee City USA sponsor and assign facilitation of the local Bee City USA program to the Tree Board; work with partners to annually offer educational events, pollinator habitat plantings, and/or issue proclamations that showcase the City's efforts to enhance pollinator health and habitat; publicly acknowledge the City's designation by installing at least one authorized Bee City USA street sign (artwork will be provided at no cost) in a prominent location and posting Bee City USA updates on the appropriate pages of the city's website.

Budget Impact: \$ N/A Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council to adopt the Resolution ...

Attachments:

Resolution

RESOLUTION DESIGNATING THE CITY OF HENDERSONVILLE, NC A *BEE CITY USA*®

WHEREAS, the goal of *BEE CITY USA* is to promote healthy, sustainable habitats and communities for bees and other pollinators; and

WHEREAS, thanks to the tremendous diversity of wild native bees, along with the honey bees that were brought here from Europe in the 1700s, we have very diverse dietary choices rich in fruits, nuts and vegetables: *"One in every three bites of food we eat is courtesy of insect pollination. Even our meat and milk trace back to insects that pollinate the alfalfa and other feed for beef cattle and cows"* (Mace Vaughan, Pollinator Program Director for the Xerces Society for Invertebrate Conservation); and

WHEREAS, bees and other pollinators around the globe have experienced dramatic declines due to a combination of habitat loss, use of pesticides, and the spread of pests and diseases, with grave implications for the future health of flora and fauna; and

WHEREAS, cities and their residents have the opportunity to support bees and other pollinators on both public and private land; and

WHEREAS, supporting pollinators fosters environmental awareness and sustainability, and increases interactions among community stewards such as commercial and backyard beekeepers, farmers, children, educators, Master Naturalists, Master Gardeners, plant nurseries, municipalities, neighborhoods, and garden suppliers and clubs; and

WHEREAS, the economic benefits of (native and honey) bee-friendliness are:

- Healthy ecosystems--insect pollinators are required for pollination and reproduction of about 85% of flowering plants globally, plants that: 1) are vital for clean air and water; 2) provide food, fiber and shelter for people and wildlife; and 3) support the very insects that pollinate our crops and form the basis of food webs.
- Increased vegetable and fruit crop yields due to bee pollination.
- Increased habitat for natural enemies of crop pests and therefore reduced need for and costs associated with pesticides.
- Increased demand for pollinator-friendly plant materials from local nurseries and growers.
- Income earned by beekeepers and others through the sale of bee products, beekeeping equipment and supplies, and hive rentals for pollination; and, heightened prestige and premium asking prices for place-based honey, which enhances the visibility and reputation of its community of origin; and

WHEREAS, HENDERSONVILLE, NC should be certified a *BEE CITY USA* community because:

- The City of Hendersonville is committed to preserving natural resources. In support of this goal, the Hendersonville Tree Board educates the public about the economic, environmental, and aesthetic benefits of trees and shrubs. Hendersonville has been recognized as a Tree City USA for 24 years and is one of only 11 Sterling Tree Communities out of 78 total certified Tree City USA communities in the state. Sterling Communities are regarded as leaders in community forestry and are often looked upon as innovators. In addition, the Hendersonville Environmental Sustainability Board encourages local collaboration on projects that promote environmental education and sustainable practices including conserving and creating habitats for pollinators.
- In order to strengthen and support the vitality and productivity of local flora with the help of pollinators, the City of Hendersonville's Oklawaha Greenway landscape plan has been designed to include plantings of approximately 500 native trees and 1.3 acres of flowering mix meadows.

- The City of Hendersonville's participation in the America in Bloom program promotes beautification through education and community involvement. Pollinator friendly plantings by municipal, commercial, community, and residential sectors also supports Hendersonville's annual America in Bloom award application through urban tree plantings, environmental sustainability efforts, and the use of native plants in landscaped areas.
- Historic Hendersonville is the official home of the North Carolina Apple Festival, a four-day celebration founded in 1947 to honor the North Carolina Apple; Garden Jubilee, one of the most spectacular and largest gardening shows in the Western North Carolina; and Farm City Day, an affair begun in 1955 to highlight the dependency of farm people and city people on each other for products and services essential to modern living. These annual events provide abundant opportunities to teach both residents and visitors how they can help make the world safer for pollinators.
- Home to approximately 150 apple growers and 5000+ acres of apple trees, Henderson County is the largest apple-producing county in North Carolina and grows over 85 percent of the apples in the state. A continued productive apple harvest is dependent on healthy populations of bees.
- The Henderson County Beekeepers Association meets monthly to promote improved beekeeping management methods among beekeepers. The Association also offers an annual beginners' bee school where the fundamentals of beekeeping are taught.
- A partnership between Henderson County Education Foundation and Henderson County Public schools, Historic Johnson Farm educates the children of Henderson County about rural Appalachian life at the turn of the 20th century. Bee hive demonstrations are included in field trips and summer camp experiences. Throughout the Farm's 15-acre landscape, a volunteer gardening crew also maintains gardens that provide diverse flora to support the hives.
- A partnership of NC Cooperative Extension, Henderson County Education Foundation, and Henderson County Public Schools, Bullington Gardens maintains a diversity of flora in its gardens and natural areas and a specific pollinator garden to host butterflies and other pollinators. Educational programs highlighting the essential role of pollinators in our ecosystem and in crop production are offered to elementary school children.
- North Carolina Cooperative Extension and the Extension Master Gardener Volunteers (EMGVs) of Henderson County work collaboratively to provide research-based, unbiased information to educate the public about proper selection, placement, and maintenance of plants to support pollinators. The EMGVs also maintain educational gardens at the Flat Rock Playhouse and the Bountiful Harvest Community Garden in Jackson Park which include many pollinator friendly plants.
- Carolina Mountain Land Conservancy has invested substantial time and resources partnering with the Hendersonville Tree Board and Bee City USA to encourage the planting of native flowering species and the eradication of non-native species that crowd out our native nectar sources.
- Henderson County currently has 11 habitats certified as Monarch Waystations by the University of Kansas Monarch Watch program. These habitats, located at home gardens, schools, businesses, nonprofit organizations, faith-based organizations and on public lands, provide milkweed host plants essential for monarch reproduction plus nectar sources to sustain adult butterflies and other pollinators. In addition, two Henderson County landowners have been selected by the Pollinator Partnership to participate in the inaugural U.S. Bee Buffer Project. This initiative, sponsored by the Burt's Bees® Greater Good Foundation, creates foraging habitat of pollen and nectar sources in agricultural areas.

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant nectar and pollen from plants blooming in succession.
- Provides clean water for drinking, nest-building, cooling, diluting stored honey, and butterfly puddling.
- Is pesticide-free or has pesticide use carried out with least ill effects on pollinators.

- Is comprised of mostly, if not all, native species of annual and perennial wildflowers, shrubs, trees, and grasses because many native pollinators prefer or depend on the native plants with which they co-evolved.
- Includes, where possible, designated pollinator zones in public spaces with signage to educate the public and build awareness.
- Provides for safe and humane removal of bees when required.
- Provides undisturbed spaces (leaf and brush piles, un-mowed fields or field margins, fallen trees and other dead wood) for nesting and overwintering for native pollinators; and

WHEREAS, in order to enhance understanding among municipal staff and the public about the vital role that pollinators play and what each of us can do to sustain them, HENDERSONVILLE, NC agrees to meet the following commitments required of all *BEE CITY USA* communities:

1) Pass this *BEE CITY USA* **resolution** (which articulates these commitments).

2) Designate a municipal department as the municipality's Bee City USA sponsor and an employee from that department as the Bee City USA "**liaison**;" and **assign facilitation of the local Bee City USA program** either to a) a new or existing city commission or b) a non-profit organization, to encourage and coordinate local pollinator habitat and awareness activities. This body will serve as the intermediary between the citizenry and the municipality on matters of enhancing pollinator awareness, health and habitat, fulfilling the following commitments:

- **Annually celebrate** National Pollinator Week (third full week of June) or some other appropriate occasion with educational events, pollinator habitat plantings or restoration, proclamations or promotions that showcase the municipality's commitment to enhancing pollinator health and habitat.
- Annually **apply for renewal** of the community's designation and submit a report of the previous year's *BEE CITY USA* activities following the format provided.

3) **Publicly acknowledge** the community's commitment by agreeing to a) install/maintain at least one authorized *BEE CITY USA* street sign in a prominent location, and b) create/maintain links on appropriate pages of the municipal website which includes, at minimum, links to a PDF of this signed Resolution and the national *BEE CITY USA* website, contact information for the municipality's *BEE CITY USA* liaison and designated "facilitator commission or non-profit organization committee," and reports of the pollinator-friendly activities the municipality has accomplished the previous year(s).

NOW, THEREFORE, BE IT RESOLVED BY THE HENDERSONVILLE CITY COUNCIL THAT:

The HENDERSONVILLE CITY COUNCIL accepts the designation and commits to the standards of *BEE CITY USA*.

Read, approved, and adopted this seventh day of May, 2015.

Barbara G. Volk
Mayor

Attest:

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/28/2015

Presenter: John F. Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 12

City Manager John Connet will provide an update regarding moving forward with the Downtown Parking Study recommendations.

Budget Impact: \$ TBD Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:
None at this time



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/17/2015

Presenter: John Connet

Date of Council Meeting to consider this item:

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 13

Councilmen Stephens and Miller had requested that City staff provide the City Council with examples of tethering ordinances, so the City Council could discuss whether or not you wanted to outlaw tethering. We have provide Hendersonville's current tethering ordinance, as well as ordinances from Asheville, Lexington, Greenville, SC, Cary, Raleigh and Charlotte. Staff will available to address and questions and discuss current enforcement habits.

Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

Examples of Tethering Ordinances from other jurisdictions.

CITY COUNCIL:
BARBARA G. VOLK
Mayor
RON STEPHENS
Mayor Pro Tem
STEVE CARAKER
JERRY A. SMITH, JR.
JEFF MILLER

CITY OF HENDERSONVILLE
The City of Four Seasons

POLICE DEPARTMENT
Herbert Blake, Chief of Police

OFFICERS:
JOHN F. CONNETT
City Manager
SAMUEL H. FRITSCHNER
City Attorney
TAMMIE K. DRAKE
City Clerk

HENDERSONVILLE POLICE DEPARTMENT

MEMORANDUM

TO: JOHN CONNETT/CITY MANAGER

FROM: CHIEF HERBERT BLAKE HB

DATE: APRIL 13, 2015

SUBJECT: TETHERING ORDINANCES

As requested, the Hendersonville Police Department staff complied and reviewed a handful of various city ordinances that address tethering and animal safety and welfare. We went further and we studied our calls for service concerning canine welfare calls over the last two years.

Since January 2013 we have 19 documented complaints into our dispatch about dogs being improperly restrained or chained. None of these calls were found to be in violation of the current city ordinance. To add more during this same time period our officers have seized five dogs for dog bites; and four dogs due to neglect as prohibited by our city ordinance.

After reviewing our calls for service and reviewing our responses to these calls, we believe our current city ordinance is appropriately written and serves our city well. I have enclosed the ordinances that we reviewed as attachments for your review.

HB

H-v:1/2

- **Sec. 10-151. - Definitions.**

As used in this article, the following terms have the meanings here provided.

Adequate food shall mean the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foods shall be served in a receptacle, dish, or container that is physically clean.

Adequate water shall mean the ready availability to the domestic animal at all times of clean, fresh water.

Domestic animal shall mean any mammal or bird kept as a pet, and shall also include any animals including all dogs and cats owned or kept by a person, which animals are members of the genus Felidae or the genus Canidae.

Tether means a metal chain or coated metal cable used to restrain a domestic animal.

Tethering refers to the practice of securing a domestic animal to a stationary object by means of a metal chain, coated steel cable keeping the animal restrained. This does not refer to periods when animals are being walked on a leash or for temporary grooming or other professional services.

(Ord. No. 10-0409, § 1, 4-1-10; Ord. No. 10-1148, § 1, 11-4-10. Ord. No. 11-0312, § 1, 3-3-11)

- **Sec. 10-152. - Mistreatment of animals prohibited.**

(a)

It shall be unlawful for any person to deprive or cause to be deprived any domestic animal of adequate food, water, necessary medical attention and adequate shelter.

(1)

Adequate food and water, as defined herein, must be provided for all domestic animals.

(2)

Necessary medical attention. No person owning or responsible for any domestic animal shall fail to supply the animal with necessary medical attention when the animal suffers from illness, injury, or disease.

(3)

Adequate shelter, protection from the weather and humanely clean conditions. No persons owning or responsible for any domestic animal shall fail to provide the animal with appropriate shelter, protection from the weather and humanely clean conditions as prescribed in this section.

(b)

When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.

(c)

Tethering. Domestic animals may be tethered to a stationary object only if all of the conditions numbered (1) through (9) [below] are followed:

(1)

A tether must be equipped with a swivel on both ends.

(2)

A tether must be a minimum of ten feet in length and be made of either metal chain or coated steel cable.

(3)

Tethers must be attached to a collar or harness worn by the domestic animal and under no circumstances shall the tether be placed directly around the domestic animal's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch-style collars.

(4)

The weight of the tether must not exceed ten percent of the total body weight of the domestic animal but shall be of sufficient strength to prevent breakage.

(5)

The tether by design and placement must allow the domestic animal a reasonable and unobstructed range of motion without the possibility of entanglement.

(6)

The domestic animal must be four months of age or older to be tethered.

(7)

Only one domestic animal may be attached to a single tether.

(8)

Pulley systems, running lines, and trolley systems cannot be used in conjunction with training collars such as choke or pinch-style collars. The attached tether may not be made of rope, twine, cord or similar material.

a.

Pulley, running line or trolley systems shall be at least ten feet in length and no more than seven feet above ground.

b.

The attached tether shall be no less than ten foot in length.

(9)

No tether shall be affixed to a stationary object which allows a domestic animal to come within five feet of any property line.

(10)

An animal control officer may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety and welfare of the domestic animal.

(11)

Exemptions. Citizens residing in townhomes, apartments, condos or similar multi-family housing units with lot sizes insufficient to meet the length and property lines requirements specified in subsections (c)(2), (8) and (9) above, may only tether domestic animals for temporary exercise and relief.

(d)

Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

(Ord. No. 10-0409, § 1, 4-1-10; Ord. No. 10-1148, § 1, 11-4-10; Ord. No. 11-0312, § 1, 3-3-11)

Ashville

- (a) It shall be unlawful for any owner to fail to provide his/her animals with sufficient food, water, shelter and protection from the weather, veterinary care and with humane care and treatment.
- (b) It shall be unlawful for any person to willfully or intentionally beat, injure, endanger, wound, torture, torment, disfigure, poison, overdrive, overload or otherwise abuse any animal.
- (c) It shall be unlawful for any person to cause, instigate, permit, organize or attend any dogfight, cockfight or other combat involving animals.
- (d) No person may transport any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle, or in a truck or the back of a truck, in such a way as to cause pain, suffering, possible pain or death to the animal. Provided, however, there shall be no prohibition against the humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported.
- (e) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal control officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not immediately removed.
- (f) It shall be unlawful to trap a wild animal in the city limits without a permit and/or license as required by the North Carolina Wildlife Resources Commission or successor agency. Live animals known to transmit the rabies virus, including but not limited to foxes, coyotes, skunks, bobcats, beavers, ground hogs and bats, shall not be trapped, handled, kept, transported or destroyed except by animal control officers or other authorized persons.
- (g) Any person injuring or killing a domesticated animal by striking it with an automobile or other vehicle shall make reasonable and immediate efforts to notify the owner of said animal. If the owner cannot be contacted and the animal is still alive, reasonable measures must be taken to notify animal control.
- (h) It shall be unlawful for any person to sponsor, promote, or train a wild or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed or

displayed in such a way that the animal is abused or harmed. This section shall in no way apply to zoological parks, animal exhibitions or circuses.

(i)

It shall be unlawful for an owner to leave a dog unattended and restrained by tether while outdoors.

(j)

It shall be unlawful for any person to abandon any animal.

(k)

It shall be unlawful for any person to auction, sell or trade any dog or cat in a public place without a valid permit from the N.C. Department of Agriculture. In addition it shall be unlawful to adopt any animal in a public place within the city unless the entity placing the animal is an active North Carolina non-profit corporation whose principal place of operation is located in Buncombe County, the animal is spayed or neutered prior to adoption and the animal has all of its necessary vaccinations as set forth by state law.

(l)

It shall be unlawful for anyone to give away, sell or adopt any dog, cat, or rabbit under the age of eight weeks old without accompanying its mother.

(m)

It shall be unlawful for any person to give away any live animal as a prize or as an inducement to enter any contest, game or other competition.

(Ord. No. 3731, § 1, 4-28-09; Ord. No. 3795, § 2, 9-22-09)

EXHIBIT A

Greenville, S.C.

Sec. 4-5. - Animal care generally.

(a)

No owner or keeper shall fail to provide such person's animals with sufficient wholesome food; clean, fresh water; proper shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane treatment. An owner or keeper of animals shall at all times maintain a clean shelter and living area, free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any waste or debris.

(b)

Proper shelter includes a structure appropriately sized for the animal to stand or lie in a normal manner. The structure must adequately protect animal from harsh weather; at a minimum, it shall have a roof, four sides, and an opening for ingress and egress.

(c)

~~Any chain, leash, or similar device for animal restraint shall be designed and placed to prevent choking or injury to the animal. The restraining device shall be at least ten feet in length and placed on a swivel or on a chain run.~~

(c)

It shall be unlawful for a responsible party to tether an animal while outdoors, except when all of the following conditions are met:

(1) The animal must be over the age of six months.

(2) The animal is in visual range of the responsible party and the responsible party is located outside with the animal.

(3) The animal is not tethered more than 2 hours in any continuous 12 hour period.

(4) The tether is connected to the animal with a buckle type collar or a body harness made of nylon or leather not less than one inch in width and is one inch greater in diameter than the animal's neck or torso.

(5) The tether has the following properties:

a. A minimum twelve foot length,

b. A swivel type termination at both ends,

c. Is not made of chain,

d. Total weight does not exceed ten percent of the animal's body weight, and

e. Is fabricated of a material that prevents tangles.

(6) The animal is not outside during extreme weather including, but not limited to, extreme heat, temperatures below 36 degrees Fahrenheit, snow, hail, tornadoes, thunderstorms, tropical storms or hurricanes.

(7) The animal is tethered so as to prevent injury, strangulation, or entanglement.

(8) The animal has access to water, food and shelter.

(9) The animal is not tethered where any object may interfere or impede free movement of the tether.

(10) The animal is not sick or injured.

(11) The animal is not tethered in such proximity to any other tethered animal that would allow entanglement.

(12) The animal is not tethered on any property with an unoccupied dwelling to include, but not limited to, abandoned or condemned buildings.

(13) Any pulley, running line or trolley system to which a tether is attached shall be no less than fifteen feet in length and no more than seven feet above ground.

Cary, N.C.

Tethering

On June 1, 2012, a new ordinance went into effect prohibiting the unattended tethering of dogs in the Town of Cary. Under this ordinance you may not leave a dog tethered (chained to a stationary object) without remaining outside and supervising your dog. Alternatives to tethering as a primary means of keeping your dog are to bring the dog into your home, fencing in your yard, or constructing a pen. There are some restrictions to pen size that are required by the ordinance. For a dog weighing less than 20 pounds the pen may be no smaller than 100 square feet. A dog weighing 20 pounds or more is required to have an enclosure no smaller than 200 square feet.

You should also take note of the basic requirements associated with keeping a pet in an outdoor enclosure. The pet must be provided clean water, food and proper shelter. Proper shelter is defined of at least three solid sides, a roof and a floor with bedding be ventilated and have sufficient room for an animal to move about freely and lie down comfortably.

Raleigh, N.C

- **Sec. 12-3007. - RUNNING AT LARGE PROHIBITED.**

(a)

It shall be unlawful for the owner of any domesticated animal to allow such animal to be at-large within the corporate limits of the City or on any City property.

(b)

No person shall tether a dog to a tree, fence, post, dog house, or other stationary object for more than three (3) hours total in any twenty-four-hour period. Any device used to tether shall be at least ten (10) feet long and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with other objects. A cable trolley system may be used to tether for the allowed period so long as the stationary cable is at least ten (10) feet long and the dog can perpendicularly move at least ten (10) feet away from the stationary line. The line should be attached to the dog with a buckle type collar or a body harness. The device used to tether shall weigh no more than ten (10) percent of the animal's body weight and must allow the dog access to food and water. In addition to being a misdemeanor, a violation of this section is subject to a civil penalty of one hundred dollars (\$100.00) per day for each day of violation.

(Code 1959, §1-7, Ord. No. 1982-941, §1, 7-20-82; Ord. No. 2009-552, §2, 3-3-09, eff. 7-1-09)

- **ARTICLE B. - D**

Charlottesville, N.C.

shall only be utilized indoors. This requirement shall not apply to the housing of dogs whose primary purpose is hunting activities.

(b) *Convictions.* If a person has been criminally convicted twice of a violation of this section or of G.S. 14-360, G.S. 14-361, G.S. 14-361.1, G.S. 14-362 or G.S. 14-363 and any two such convictions have both occurred within the last five years preceding a request by such person for an animal license or permit, the animal license or permit request shall be refused. In that situation, the person shall be eligible to apply for an animal license permit five years after the date of the last criminal conviction.

(c) *Euthanizing exception.* Nothing in this section shall be construed to prohibit the bureau or veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner; nor to prohibit slaughterhouses or medical facilities from the proper, humane and lawful carrying out of their activities or duties.

(d) *Pet shops.* Animal control officers shall have the authority to conduct inspections of pet stores, to the extent not preempted by state law, in order to determine if there is any abuse of animals. Pet shops shall also be subject to the county ordinance for the control of rabies and other zoonoses as administered and enforced by the county health department. Abuse of animals shall include any act described in this section or any other act that is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or pet store owner to violate this section.

Section 4: Section 3-71 of the City Code is amended to read as follows:

Sec. 3-71. Restraint of animals.

(a) *Physical restraint.* It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep such animal on his own premises or off the premises, unless such animal is under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and to controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.

(b) *Tethering.* Dogs may be tethered to a stationary object only if conditions 1-9 are met:

Formatted: Font: 12 pt

(1) A tether shall be equipped with a swivel on both ends.

Formatted: Indent: First line: 0.5"

Formatted: Font: 12 pt

(2) A tether shall be a minimum of ten (10) feet in length and shall be made of either metal chain or coated steel cable.

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt

(3) Tethers shall be attached to a buckle-type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars.

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5"

(4) The weight of the tether shall not exceed ten percent (10%) of the total body weight of the dog but shall be of sufficient strength to prevent breakage.

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt

(5) The tether by design and placement shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation or other injury. The tether shall allow the dog access to adequate food, water and shelter.

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5"

(6) A dog must be four (4) months of age or older to be tethered.

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt

(7) Only one dog shall be attached to a single tether.

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt

(8) Pulley systems, running lines, and trolley systems may be used in conjunction with a tether.

Formatted: content1, Indent: Left: 0.5"

Formatted: Font: 12 pt

(9) Pulley systems, running lines or trolley systems shall be at least ten (10) feet in length and no more than seven (7) feet above the ground.

Formatted: Indent: Left: 0.5"

(a) The line of the pulley system, running line or trolley system to which the tether is attached shall be made of coated steel cable.

Formatted: Indent: Left: 1"

(b) No tether shall be affixed to a stationary object which would allow a dog to come within 5 feet of any property line.

Formatted: content1

Formatted: Font: 12 pt

(10) An Animal control officer may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety or welfare of a dog.

Formatted: content1, Indent: Left: 0.5"

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font: 12 pt

(11) Exemptions. Citizens residing in townhomes, apartments, condos or similar multi-family housing units with lot sizes insufficient to meet the length and property line requirements specified in sections 2, 8 and 9 above, may only tether dogs for temporary exercise and relief.

Formatted: content1, Indent: Left: 0.5"

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font color: Auto

Formatted: content1

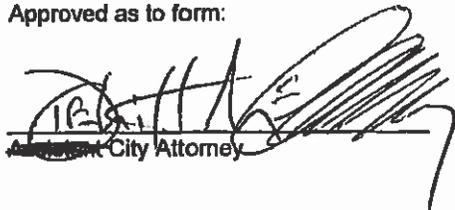
(bc) *Adult with animal on premises.* If a responsible adult is physically outdoors, and immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, this section shall not apply during the duration of the time the animal is in the company and under the control of that adult and the animal is on the premises. An adult is defined as a person 18 years of age or older.

(ed) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody, or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash, except while in designated off-leash areas, in accordance with the rules and regulations pertaining to such off-leash areas. This subsection shall not apply to the following:

- (1) Parks that have been designated as leash-free parks by the governmental agency responsible for the park.
- (2) Guide and hearing-aid dogs that are in the company of blind or deaf persons or being trained for such purposes.
- (3) Dogs employed or hired by law enforcement agencies or by the governmental agency responsible for the park to perform a governmental purpose within the park.

Section 5: This ordinance shall become effective on March 1, 2011.

Approved as to form:


Assistant City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 13th day of September, 2010, the reference having been made in Minute Book 130, and recorded in full in Ordinance Book 56, Pages (737-745).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of September, 2010.


Stephanie C. Kelly, CMC, City Clerk





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/14/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 14

The June 2014 UNC School of Government Report on the Historic 7th Avenue District recommended the expansion of the current Municipal Service District. Prior to expanding the service district, the City Council must receive a report from staff regarding the expansion and provision of service. The City Council must also conduct a public hearing. City staff will present the draft report for the City Council's information and then ask the City Council to call for a public hearing on the Seventh Avenue MSD expansion at the June 4, 2015 City Council meeting.

Budget Impact: \$6,000 +/- _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Additional revenue from MSD expansion

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council schedule a public hearing on June 4, 2015 to receive comments from the public regarding the expansion of the Seventh Avenue Municipal Service District.

Attachments:

Draft MSD Expansion Report

Draft

**A REPORT SUPPORTING THE EXPANSION OF
THE SEVENTH AVENUE MUNICIPAL SERVICE
DISTRICT**

APRIL 13, 2015

**Prepared by the Seventh Avenue Advisory
Committee of the City of Hendersonville,
North Carolina**

Introduction

On December 30, 1975, the City of Hendersonville adopted a resolution that established the downtown municipal service district that is bounded by First and Seventh Avenues, and King and Church Streets. This action was taken pursuant to the adoption of “A Report for Establishing a Municipal Service District for the City of Hendersonville” on November 28, 1975.

On April 9, 1998, the City of Hendersonville adopted a resolution to establish a second municipal service district in the Seventh Avenue area of the downtown. This municipal service district (MSD) encompasses 31 acres, 11 block commercial corridor, including the commercial properties along both sides of Seventh Avenue from Mud Creek to Grove Street.

In June 2014, the City of Hendersonville received a report from the UNC School of Government (SOG) entitled “Historic 7th Avenue District: Recommendations for Revitalization”. One of the recommendations of this report was to expand the MSD boundaries “to incorporate additional commercial corridors that contribute to the Historic Seventh Avenue Historic District. Expanding the size of the current MSD will increase the number of businesses invested in the HSAD and include emerging leadership amongst district stakeholders not currently included. (SOG Report, June 2014).” A full copy of the SOG Report is appended to this report as further justification for the expansion.

The North Carolina General Statutes that gives municipalities the authority to establish such districts is known as “The Municipal Service District Act of 1973, “ enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973 . A local government’s governing board may establish a service district by taking the following action:

1. Prepared a report on the proposed district extension containing the following:
 - a. Create a map of the proposed extension, showing each additional parcel being annexed;
 - b. Prepare a statement attesting that the properties included within the expansion are in need of one or more of the authorized functions or service to a demonstrably greater extent than the rest of the unit and meets other required statutory standards; and
 - c. Develop a plan for providing one or more of the authorized functions or services in the proposed district.
2. Make the report available for public inspection in the municipal or county clerk’s office at least four weeks before holding a public hearing on establishing the district.
3. Publish notice that a public hearing will be held on establishing the district at least one week before the date of the hearing, and mail notice to all property owners in the proposed district at least four weeks before the date of the hearing.
4. Hold a public hearing on establishing the district.
5. Adopt a resolution establishing the district, to take effect at the beginning of a future fiscal year.

The purpose of this report is to meet both the intent and letter of the Municipal Service District Act of 1973.

1a. Boundary Description and Map Delineating the Proposed Municipal Service District

The map appended to this report, entitled “Proposed 7th Ave. MSD Extension – Phase 1” depicts the proposed district and its proposed boundaries. The boundary is described by reference to the map and by the following description:

Add property description

1b. Statement Showing that the Proposed Municipal Service District Meets the Standards Set Out in Subsection (a) of G.S. 160A-537.

The City must find the proposed district is in need of one or more services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the City.

The buildings, streets and sidewalks serving the concentration of commercial development situated within the proposed district are in need of physical and aesthetic upgrading. The goal of the program is to revitalize the area, increase its economic vitality, make it more appealing for new businesses to establish there, and to encourage existing businesses to remain and upgrade their properties. If this area experiences the expected stabilization and upgrading, crime and societal problems will be reduced.

The physical and visual conditions of the proposed district are such that routine maintenance of public rights of way, as currently provided other areas of the city will not meet the goals of the Seventh Avenue improvement Program. Enhanced streetscaping, promotion and development activities are needed to meet program goals.

Additionally, this program will facilitate the coordination of public and private actions to improve the economic well-being of the Seventh Avenue MSD and further the public health, safety, welfare and convenience.

1c. Plan for Providing Services to the District

The Municipal Service District Act lists service that may be provided. The list includes, but is not limited to, improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements therefor, the construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street, and other improvements intended to relieve traffic congestion in the area, improve pedestrian and vehicular access thereto, reduce the incidence of crime therein, and generally to further the public health, safety, welfare and convenience by promoting the economic health of the area. In addition, a revitalization project may, in order to revitalize a downtown area and further the public health, safety, welfare and convenience, include a provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city. A downtown revitalization project may also include promotion and developmental activities (such as sponsoring festivals and markets in the area, promoting business investment in the area, and developing and issuing marketing information on the area) designed to improve the economic well-being of the area and further the public health, safety, welfare, and convenience.

During the initial year following the establishment of the district, marketing, promotions and redevelopment incentives will be the primary focus. Over a period of time, some or all of the following services or improvements will be provided within the district:

- a. Sidewalks, replaced and/or repaired

- b. Planters and landscaping
- c. Tree planting
- d. Decorative street lighting
- e. Signage
- f. Replacement of curbs and gutters
- g. Maintenance of facilities with public rights of way
- h. Promotional activities
- i. Additional Law Enforcement

The City of Hendersonville may provide services, facilities, functions or promotional and developmental activities in this service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof.

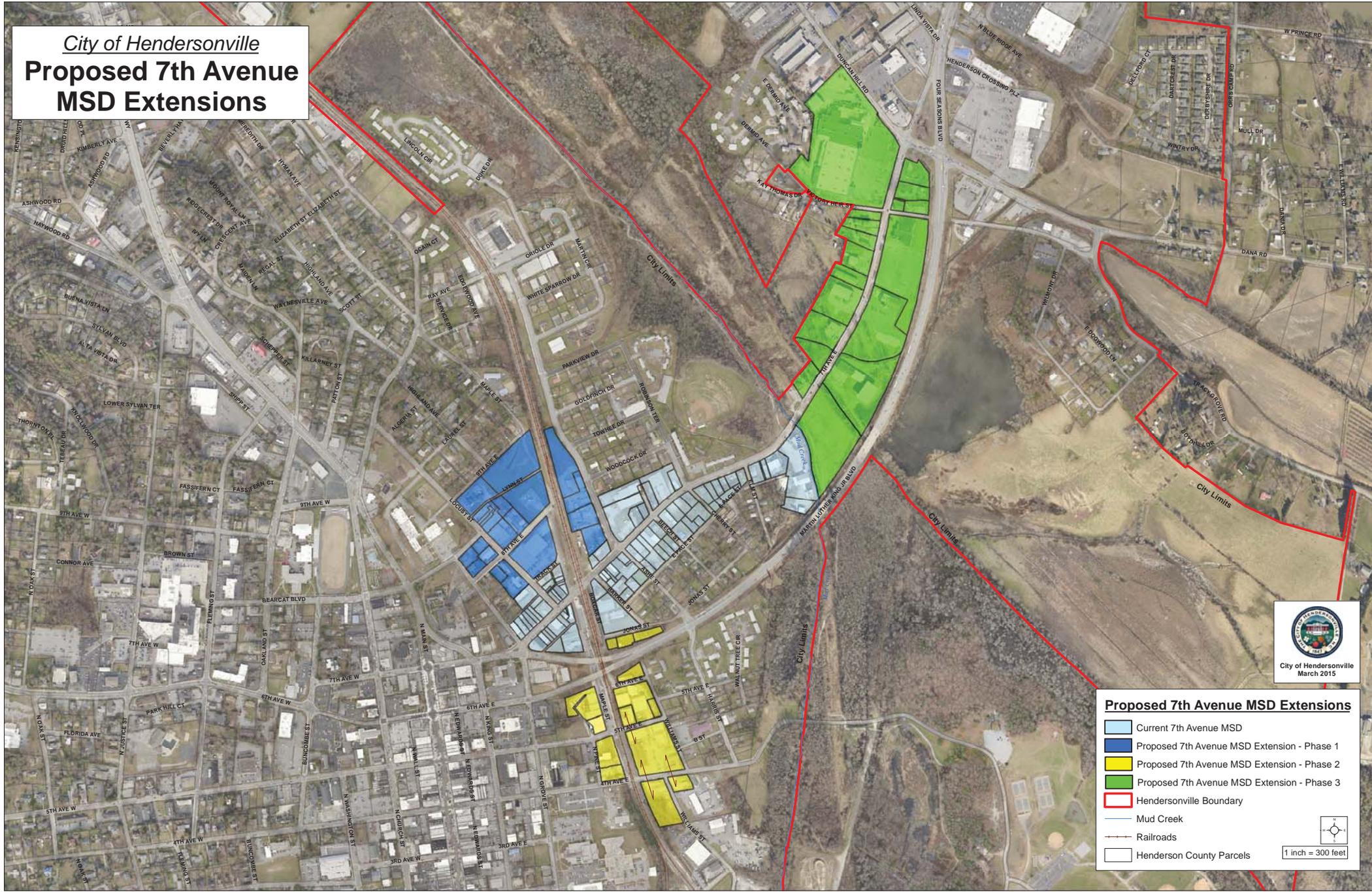
It is proposed that the implementation of the program begin during the first quarter of FY 2015-16 (beginning July 1, 2015).

It is proposed that the Seventh Avenue MSD Extension – Phase 1 be financed through a tax levy of \$0.12 per \$100.00 valuation on all real and personal property within the proposed municipal service district as herein described. The tax levy may change during subsequent fiscal years. The expansion of the MSD is expect to generate approximately \$6,000. The following chart shows an estimated impact to individual property owner based on current real property values.

PROPOSED MSD EXPANSION - INDIVIDUAL PROPERTY EFFECTS

Owner	Address	Value	Estimated Payment
1 Hunter Creek Associates LLC	0 Locust St.	\$54,900	\$66
2 Asheville Temporary Services	790 North Grove St.	\$13,900	\$17
3 Caruso, Karen M.	305 8th Avenue	\$152,100	\$183
4 Edney, Faye Lance	801 Locust St.	\$112,500	\$135
5 Hills, Jerry	0 No Address Assigned	\$54,900	\$66
6 Hills, Jerry	322 8th Avenue	\$367,500	\$441
7 Locust Street Properties	806 Locust St.	\$782,100	\$939
8 Dunlap, Dennis	415 8th Avenue East	\$130,900	\$157
9 Hunting Creek Associates	822 300 Locust St.	\$123,800	\$149
9 Hunting Creek Associates	822 200 Locust St.	\$207,200	\$249
9 Hunting Creek Associates	A NN LL CO - 822 100 Locust St.	\$146,800	\$176
9 Hunting Creek Associates	822 400 Locust St.	\$105,700	\$127
9 Hunting Creek Associates	822 Locust St.	\$100	\$0
9 Hunting Creek Associates	0 No Address Assigned	\$61,000	\$73
10 Hunting Creek Associates	0 No Address Assigned	\$78,400	\$94
11 Locust Street LLC	824 100 Locust St.	\$368,000	\$442
12 Breck Holding LLC	824 200 Locust St.	\$112,600	\$135
13 Hunting Creek Associates	824 300 Locust St.	\$129,300	\$155
14 Hunting Creek Associates	824 Locust St.	\$273,200	\$328
15 Miller	826 Locust St.	\$469,700	\$564
16 Miller, C.D.	No Address	\$5,400	\$6
17 Hitch Towers LLC	425 Tower 8th Avenue East	\$355,700	\$427
18 JH Reaben Oil	0 Unknown	\$296,600	\$356
19 Waddell, J.	753 Ashe St.	\$250,100	\$300
20 Henderson Oil	745 Ashe St.	\$353,600	\$424
21 Henderson Oil	0 No Address Assigned	\$165,800	\$199
Sub-Total		\$5,171,800	\$6,206
Propert Tax Rev. at \$0.12 per \$100 value		\$6,206	

City of Hendersonville
**Proposed 7th Avenue
 MSD Extensions**



Proposed 7th Avenue MSD Extensions

- Current 7th Avenue MSD
- Proposed 7th Avenue MSD Extension - Phase 1
- Proposed 7th Avenue MSD Extension - Phase 2
- Proposed 7th Avenue MSD Extension - Phase 3
- Hendersonville Boundary
- Mud Creek
- Railroads
- Henderson County Parcels

1 inch = 300 feet



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 4/28/15

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 5/7/15

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 15

Mr. William Harper, owner of Harper Cycle and Marine at 1108 Spartanburg Highway, has stated his concerns to Henderson County (County), the City of Hendersonville (City) and to the North Carolina Department of Transportation (NCDOT) regarding flooding at his property. During the public comment period at the February 5, 2015 City Council meeting, Mr. Harper described his flooding issue and expressed his opinion that a sidewalk installed by the County during the construction of the Human Services Building (HSB) at 1200 Spartanburg Highway has caused his property to flood.

The respective County and City Engineering Departments were subsequently instructed to investigate Mr. Harper's concerns. The attached memo is a summary of that investigation. Brent Detwiler and Brendan Shanahan are available to answer any questions. City staff requests further direction, if any, from the City Council.

Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

Joint Response on Harper Cycle and Marine Drainage Compliant

City of Hendersonville and Henderson County Engineering Departments

Memorandum To: John Connet and Steve Wyatt
City and County Manager

From: Brent Detwiler, PE and Marcus Jones, PE
City and County Engineer

Subject: Joint Response on Harper Cycle and Marine Drainage Compliant

Date: April 23, 2015

Mr. William Harper, owner of Harper Cycle and Marine at 1108 Spartanburg Highway, has stated his concerns to Henderson County (County), the City of Hendersonville (City) and to the North Carolina Department of Transportation (NCDOT) regarding flooding at his property. During the public comment periods at the Henderson County Board of Commissioners' February 2, 2015 meeting and at the City of Hendersonville City Council February 5, 2015 meeting, Mr. Harper described his flooding issue and expressed his opinion that a sidewalk installed by the County during the construction of the Human Services Building (HSB) at 1200 Spartanburg Highway has caused his property to flood. Mr. Harper's property is adjacent and to the west of the HSB (see attached aerial photo). The sidewalk in question was installed as part of the HSB development in 2005 and is on the north side of the site along Old Spartanburg Highway (OSH). The sidewalk was a requirement of the zoning permit from the City of Hendersonville and was installed under an encroachment agreement with the NCDOT. Mr. Harper requested that the County petition the City to remove the sidewalk to relieve the flooding on his property. The respective County and City Engineering Departments were subsequently instructed to investigate Mr. Harper's request.

Mr. Harper's concerns, and the focus of the reviews by the NCDOT, Henderson County and the City of Hendersonville involved three items: 1) impact to his property due to the 2005-2006 construction of the engineered stormwater system of the HSB, 2) impact to his property due to the installation of the HSB sidewalk along Old Spartanburg Highway and/or 3) the routing of off-site runoff through his property.

The following items are the result of a detailed investigation into the history, design, permitting and construction of the drainage on the Harper Cycle and Marine and Human Services parcels:

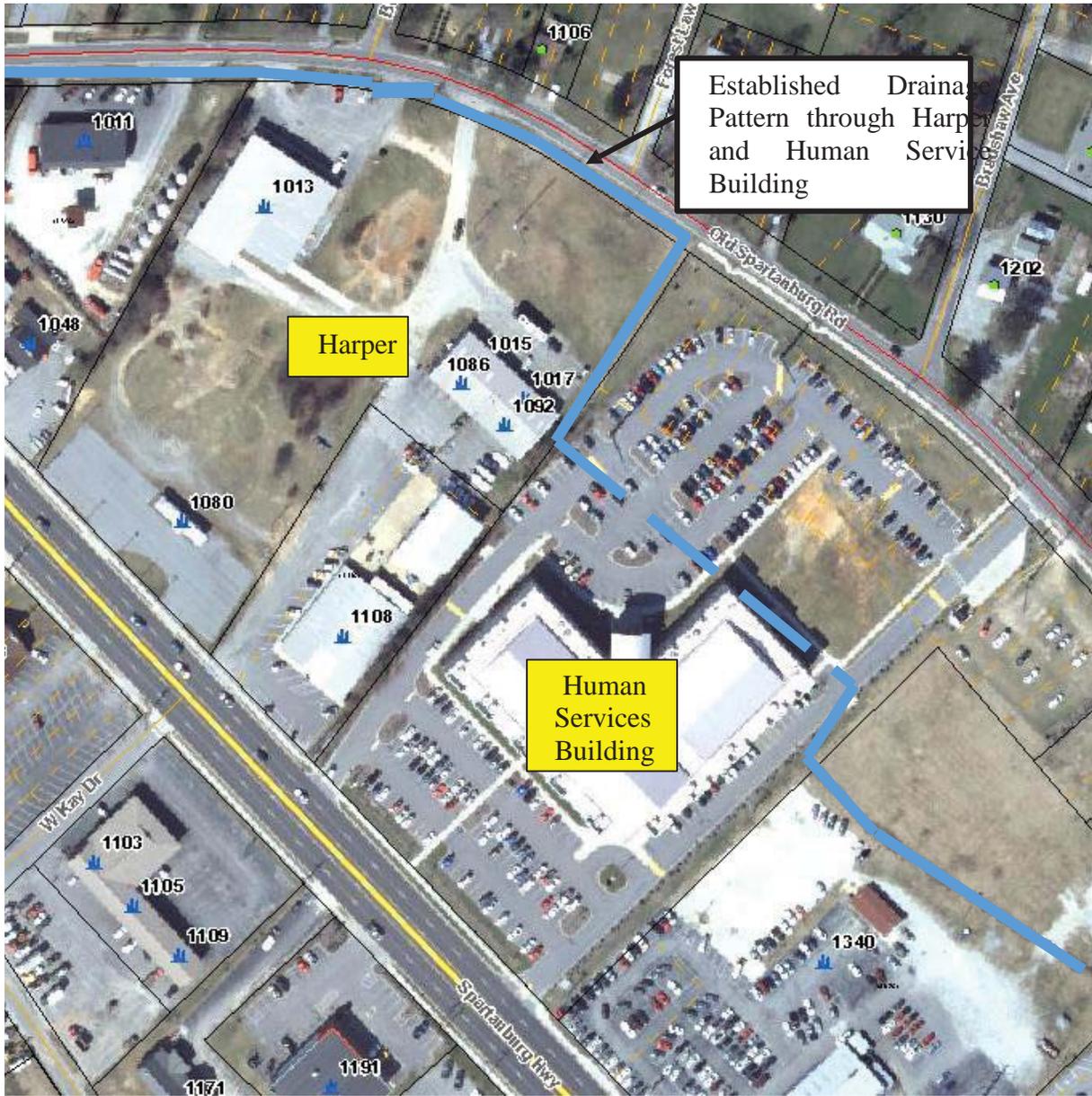
- County Maintenance Staff report that the Harper Cycle and Marine parcel flooded prior to the 2005 construction of the HSB. This indicates drainage problems on Harper Cycle and Marine parcel prior to the construction of the HSB and the sidewalk.

- The stormwater system for the HSB was engineered by McGill Associates to comply with applicable regulations. The design was then reviewed and approved by the City of Hendersonville Engineering Department on May 18th, 2005. The original 2005 survey of the existing conditions for the HSB project did not indicate a drainage feature (swale or pipe) flowing from Harper Cycle and Marine along OSH onto the HSB parcel. During a recent conversation with the design engineer for the HSB, Bill Roark, PE with McGill Associates, Mr. Roark indicated that there may have been a small swale that did not get picked up on the survey. However Mr. Roark continued, due to the elevations between Harper Cycles and the HSB, the swale would have been small and not capable of carrying a significant amount of water. Mr. Roark reported that his survey and his subsequent design identified the ditch from OSH as the established drainage pattern for stormwater from OSH. This ditch flows from OSH onto Harper cycles then onto the HSB parcel.
- Mr. Roark, PE is a licensed Engineer with the State of North Carolina and fully qualified to design the HSB drainage system. The design was also reviewed and permitted by the City's licensed Engineer for the Stormwater Permit. Additionally, the sidewalk and drainage system along OSH was approved by NCDOT under the Encroachment Agreement.
- The drainage along OSH is comprised of a ditch along Mr. Harper's property which "T's near the boundary with HSB. The ditch continues heading southeast along OSH, where it transitions into a 15" corrugated metal pipe (CMP) approximately 20 feet in length. The CMP is not connected to any other stormwater structure or ditch. There is however, a drop inlet approximately 40 feet further along OSH, which pre-dates the 2005 project. In NCDOT's letter dated September 11, 2013 from the District Engineer, Steve Cannon, PE, he states: "Our surveys indicate the drop inlet has never had any provisions (openings, etc.) to accept water from this ditch line [the ditch line along Mr. Harper's property] and that the 15" driveway pipe is graded such that flow through the pipe is towards [Mr. Harper's] property rather than towards the drop inlet". Therefore, there is nothing to indicate that the construction of the sidewalk has had a negative impact on drainage through Mr. Harper's property or has interfered with any pre-existing drainage pattern. Mr. Cannon further states that NCDOT concluded a connection to the drop inlet on OSH would be a change in the drainage pattern, and NCDOT will not permit any such change in the drainage pattern as Mr. Harper has requested. Mr. Cannon did state in his letter that Mr. Harper could connect the stormwater on his property to the nearest catch basin on Spartanburg Highway, which has capacity.
- Mr. Harper's concerns are not to be discounted and are certainly sincere but they are not supported by the drainage history of the parcels, surveys or engineered information available for review. At this point, Mr. Harper has not presented any surveys or engineering information supporting his request to remove the sidewalk.

- The best course of action would seem to be that Mr. Harper obtain the services of an engineer to study possible solutions to his issues. Any such study should include a detailed survey and condition assessment of Mr. Harper's existing drainage system (catch basins, pipe sizes and locations). This information would be critical in engineering possible options to solve his drainage concerns.

In summary, based upon these findings of fact, the County and City Engineering Departments do not find justification for expenditure of public funds to address Harper Cycle and Marine, private property flooding concerns. The County has developed the Human Services Building in accordance with State and Local laws and within the established Engineering principals for drainage design.

Aerial Photo of Harper and Human Services Parcels:





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted:

Presenter: Lee Smith

Date of Council Meeting to consider this item: May 7, 2015

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 16

The sewer collection (low pressure) system and pump station, located adjacent to Hebron Rd., are currently the responsibility of the homeowners association while the City owns and operates the pressure line from the pump station to its point of discharge in Laurel Park. Each homeowner owns and maintains an individual pump station (single pump) that discharges "gray water" into the low-pressure sewer collection system which is ultimately collected at the pump station serving the development. From this pump station, the "gray water" is pumped into the line owned and operated by the City.

At the request of the Somersby Park HOA, staff has been in discussions for over a year with said homeowners group and with the Town of Laurel Park regarding the possibility of the City taking over the sewer collection system and pump station serving Somersby Park. The pump station was originally designed to pump "gray water", not domestic sewer, due to the large amount of elevation change between Somersby Park and Laurel Park.

The City commissioned WGLA to prepare a preliminary engineering report (attached) describing what would be needed in order for the City to own and operate the sewer collection system and pump station. The end result of this PER was the need to construct two-pump stations required to pump domestic sewer at a cost of approximately \$800,000. Since this report, we have received a request from the HOA (letter attached) to establish an equitable distribution of cost for the construction of these two pump stations and a letter from Laurel Park (attached) supporting this plan in concept only at this point in the process. With this information, staff respectfully requests direction from City Council in how they would like for staff to proceed from this point.

Budget Impact: \$0 _____ Is this expenditure approved in the current fiscal year budget? No If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

N/A

Attachments:

Letter from Somersby Park HOA

Letter from Town of Laurel Park

Preliminary Engineering Report



A Distinctive Mountain Community

To: Lee Smith, Utilities Director, and City of Hendersonville
Alison Melnikova, Manager, Town of Laurel Park

From: Jerry Maier, President, Somersby Park HOA

Date: April 15, 2015

RE: Inclusion of the Somersby Park Septic System in the City of Hendersonville sewage system in conjunction with expansion of the City of Hendersonville sewer system supporting properties along the sewer line.

As an outcome of our meeting today, the Somersby Park Home Owners Assn. is recommending that we move to the next step of this project. As we understand the scope of this project, we see future benefit to all three parties. We have analyzed what we think Somersby Park can cobble together between use of reserves, loans, and possible assessment that would support approximately 47% of the currently estimated cost.

It is our understanding that you plan to review this recommendation with your perspective councils which should be complete by May 7, 2015. If all parties are in agreement, project design can then begin.

A final proposed plan will require approval by Somersby Park property owners.

CC: SP Board of Directors

Town of Laurel Park

J. CAREY O'CAIN, Mayor
ROBERT O. VICKERY, Commissioner
and Mayor Pro Tem
DONA M. MENNELLA, Commissioner
A. PAUL HANSEN, Commissioner
GEORGE W. BANTA, Commissioner

ALISON L. MELNIKOVA, Town Manager
KIMBERLY B. HENSLEY, CMC, Town Clerk
BOBBIE K. TROTTER, Chief of Police
ANDREW D. GRIFFIN, Public Works Superintendent
MONICA GILLETT-STALLINGS, Town Attorney

April 27, 2015

Lee Smith
Utilities Director
City of Hendersonville

Dear Lee,

As discussed in our meeting on April 15th, I recently updated the Laurel Park Town Council on the Somersby Park sewer project, and need for continued commitment from the Town for the project to proceed to the next phase.

At the Council Work Session on April 16, 2015 the Council agreed that the Town will continue to support the development of the detailed engineering documents required for bidding and construction. We currently have \$5,000 committed for the engineering costs, if required.

At this time the Town is *not* making a commitment to actual construction costs, as the amount needed from each party has yet to be calculated. It is understood that the City and Town will quantify the number of households potentially served by the second pump station to determine a proportionate share of the construction costs, exclusive of the Somersby Park HOA share.

Thank you for your time and willingness to work with the residents of Somersby Park and the Town of Laurel Park in resolving their long-term sewer needs.

Sincerely,



Alison Lee Melnikova
Town Manager

cc: Jerry Maier, President Somersby Park HOA
Will Buie, WGLA

PRELIMINARY ENGINEERING REPORT

FOR

Somersby Park

Pump System Evaluation

CITY OF HENDERSONVILLE
Henderson County, North Carolina



PREPARED BY:

WGLA Engineering, PLLC
CONSULTING ENGINEERS
214 N. KING STREET
HENDERSONVILLE, NORTH CAROLINA

February 2015

**Somersby Park
Pump System Evaluation**

Table of Contents

- Preliminary Engineering Report
- Location Map
- Proposed Pump Stations Location Map
- Preliminary Cost Estimate
- Preliminary Pump Calculations

**Somersby Park
Pump System Evaluation**

Preliminary Engineering Report

Somersby Park Pump Station Study/Evaluation

Introduction:

In 2000/2001, Somersby Park was being planned as a residential subdivision located in Laurel Park, North Carolina. The original developers of the property negotiated an agreement with the City of Hendersonville to accept wastewater generated by the subdivision. The developers had a lower pressure sewer collection system designed and permitted in conjunction with a main pump station and force main to transport wastewater to the Hendersonville collection system. The pump station is owned and maintained by the Somersby Park Home Owners Association and the force main is owned and maintained by the City of Hendersonville.

Recently, representatives of the Somersby HOA contacted the City of Hendersonville and the Town of Laurel Park about the possibility of turning over the complete sewer system to the City of Hendersonville. While Hendersonville staff was comfortable with the existing lower pressure collection system, there were concerns that the existing pump station would not meet the City of Hendersonville standards.

WGLA Engineering, PLLC was engaged by the City of Hendersonville to provide an engineering evaluation of the existing pumping system. Further, this study was to determine what upgrades would be necessary to bring the system into compliance with current City of Hendersonville standards. The analysis is limited to the pumping system and does not consider any conversion or upgrade of the Somersby Park collection system.

Background:

The Somersby Park sewer collection system was designed as a septic tank effluent (or STEP) system. With a STEP system, each home is provided with a septic tank to collect solids. Effluent from the septic tank is then pumped into a system of small diameter force mains which transport the effluent to the main pump station that serves Somersby Park. This main pump station transports the effluent wastewater from Somersby Park back to the City of Hendersonville system for treatment and disposal. This system was permitted by the NCDENR Division of Water Resources in August 2000. While STEP systems are accepted method for sewer collection systems, they are not common in Western North Carolina.

One of the key components of the system is the pump station transferring wastewater back to Hendersonville. The Somersby pump station is located at elevation 2,470' +/- . Based on the design pumping rate of the pumps and hydraulic calculations, the total head required to overcome is approximately 360 – 370 feet at a pumping rate of 140 gallons per minute. Most of this head is related to the elevation from the Somersby station to the high point along the force main route.

The basis of the successful design of the Somersby Park sewer system was the use of a STEP collection system. The septic tanks installed for each home removed the solids associated with typical domestic wastewater. The resulting effluent from the STEP collection system could be pumped back to Hendersonville against very high head conditions using effluent pumps. These pumps can operate against the very high head conditions due to the removal of solids in the septic tanks.

Conversion to Hendersonville Standards:

As noted in the Introduction of this report, the purpose of this study is to analyze the Somersby pumping system to determine upgrades necessary to meet the City of Hendersonville standards. The first standard considered is a conversion of the existing Somersby Park pump station to a City of Hendersonville pump station. Based on our review of the station on site, there were a number of items that would not meet Hendersonville's standards as summarized below:

- Lack of access for boom trucks or other equipment
- Limited wet well capacity
- Lack of a separate valve vault

In addition to these items, the station would have to be provided with an on-site stand by generator and be added to the Hendersonville telemetry system.

Based on this review, it would be impractical to upgrade the existing pump station to Hendersonville standards. The construction of a new pump station in close proximity to the existing station would be more reasonable. This would allow the existing station to continue to operate and provide service while the new station was constructed.

The second standard considered is a conversion from pumping effluent to typical domestic wastewater including solids. This is an important consideration as this conversion would allow other potential users to connect to the Somersby pumping system without installation of septic tanks.

WGLA first evaluated the original design conditions for the pumping system. The length of the force main and elevations along the route were confirmed. With this information, WGLA prepared independent calculations of the total dynamic head for the pumps system. These calculations confirmed the original design head for the system was accurate.

Secondly, WGLA considered a lower pumping rate for the system as we understand the build out for Somersby Park was less than anticipated with the original design. Even considering a pumping rate of 50 gallons per minute, the total dynamic head was still calculated to be 303 feet.

With this information, WGLA contact two pump suppliers who regularly work with the City of Hendersonville. Both suppliers were provided with the revised pumping conditions of 50 gallons per minute at 303 feet of total dynamic head. Both suppliers made recommendations for pumps; however they could only supply effluent pumps. Typical solids handling or grinder pumps meeting Hendersonville's standards could not meet the very high head requirements of this system.

Based on this analysis and with feedback from the pump suppliers, a second or intermediate pump station would have to be constructed along the force main route to reduce the total head required for pumping conventional domestic wastewater. Reviewing existing topographic data along the force main route, the most likely location for an intermediate pump station would be near the intersection of Hebron Road and Finley Cove Road at Jones Gap. The existing force main is adequate for the system. The force main could simply be routed into the new pump station. Piping from the new pump station could then be connected back to the existing force main. The advantage of this second or intermediate pump station is that it could provide sewer service to an area currently not served by public sewer.

Estimated Costs:

Based on the scope of the project WGLA has provided a detailed cost estimate for the installation of two new pump stations, conversion of the force main piping and other project components. The estimate also provides recommended budgets for permitting, engineering and design and contingencies. The total recommended budget for this project is approximately \$800,000.00.

The estimate does not include a recommended budget for land acquisition and legal costs. It is difficult to estimate this cost since a specific site for the pump station has not been identified. There may be minimal cost associated with this activity if a property owner is in need of sewer service and is willing to donate a site for the pump station. Typically a pump station can be located on an area as small as 50 feet by 50 feet.

Permitting and Easements:

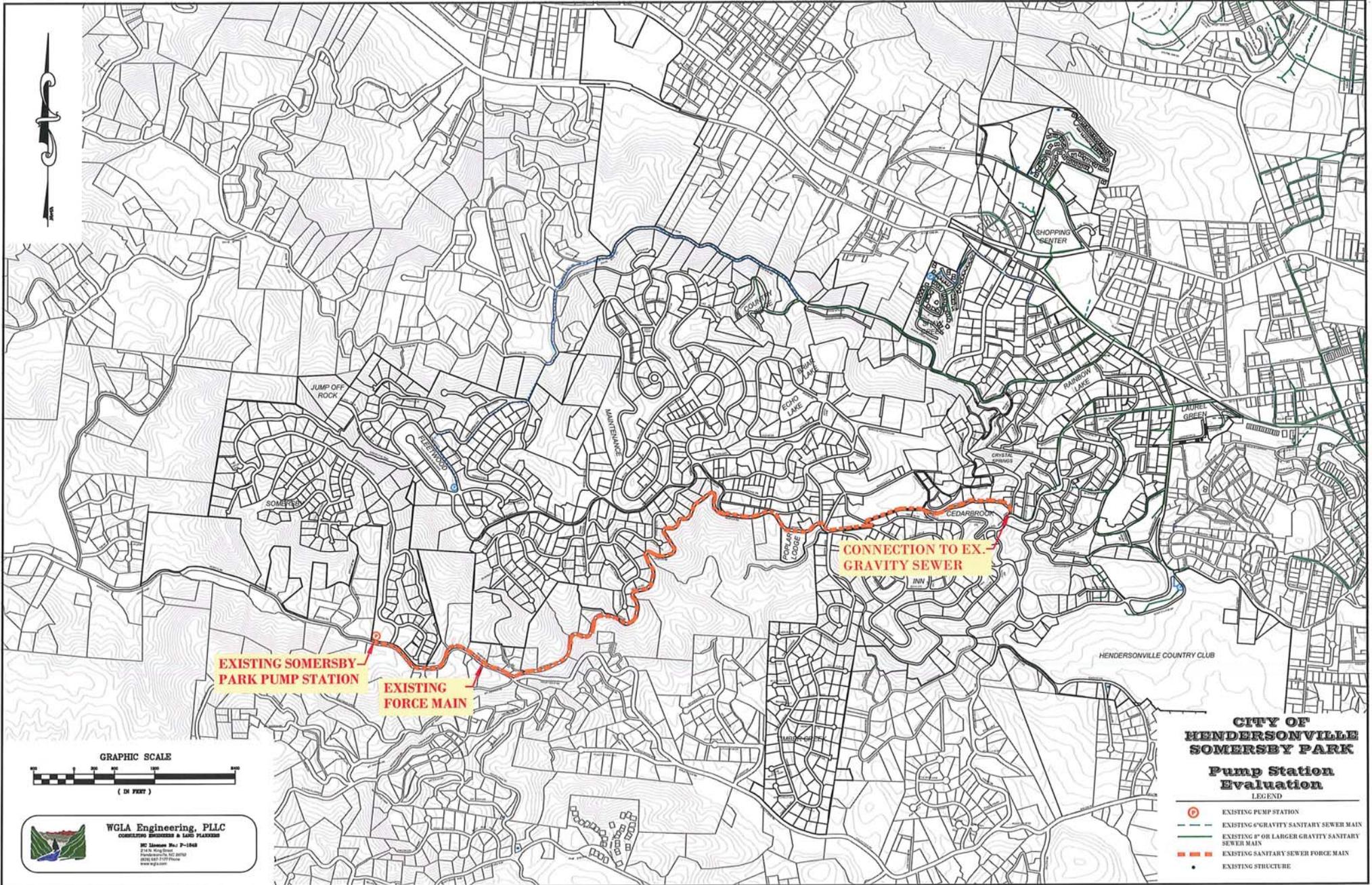
There are a number of permits that would be required for this project. The modification of the existing pumping system and addition of a new pump station would require a permit from NCDENR – Division of Water Resources. Any work on the existing force main located inside the NCDOT right of way would require an encroachment agreement. Other permits that might be required include a sedimentation and erosion control permit if more than one acre of ground was disturbed. If any streams or wetland are to be impacted during construction, a permit from the US Army Corps of Engineers and NC Division of Water Resources might be required.

Summary and Conclusions:

Based on our analysis of the existing Somersby Park pumping system, an upgrade of the system to meet Hendersonville standards would require construction of a new pump station at Somersby Park as well as construction of a second intermediate pump station near Jones Gap. The upgrades would be necessary since the existing pump station does not provide a separate valve vault, emergency generator, SCADA, proper access and the ability to work on the pumps in a safe environment. Further, this upgrade would provide the ability to pump conventional domestic wastewater (not effluent only), and to provide sewer service to areas beyond Somersby Park. The current system would be limited to providing service for effluent wastewater only.

**Somersby Park
Pump System Evaluation**

Location Map



**EXISTING SOMERSBY
PARK PUMP STATION**

**EXISTING
FORCE MAIN**

**CONNECTION TO EX-
GRAVITY SEWER**

**CITY OF
HENDERSONVILLE
SOMERSBY PARK
Pump Station
Evaluation**

- LEGEND
-  EXISTING PUMP STATION
 -  EXISTING 6" GRAVITY SANITARY SEWER MAIN
 -  EXISTING 8" OR LARGER GRAVITY SANITARY SEWER MAIN
 -  EXISTING SANITARY SEWER FORCE MAIN
 -  EXISTING STRUCTURE

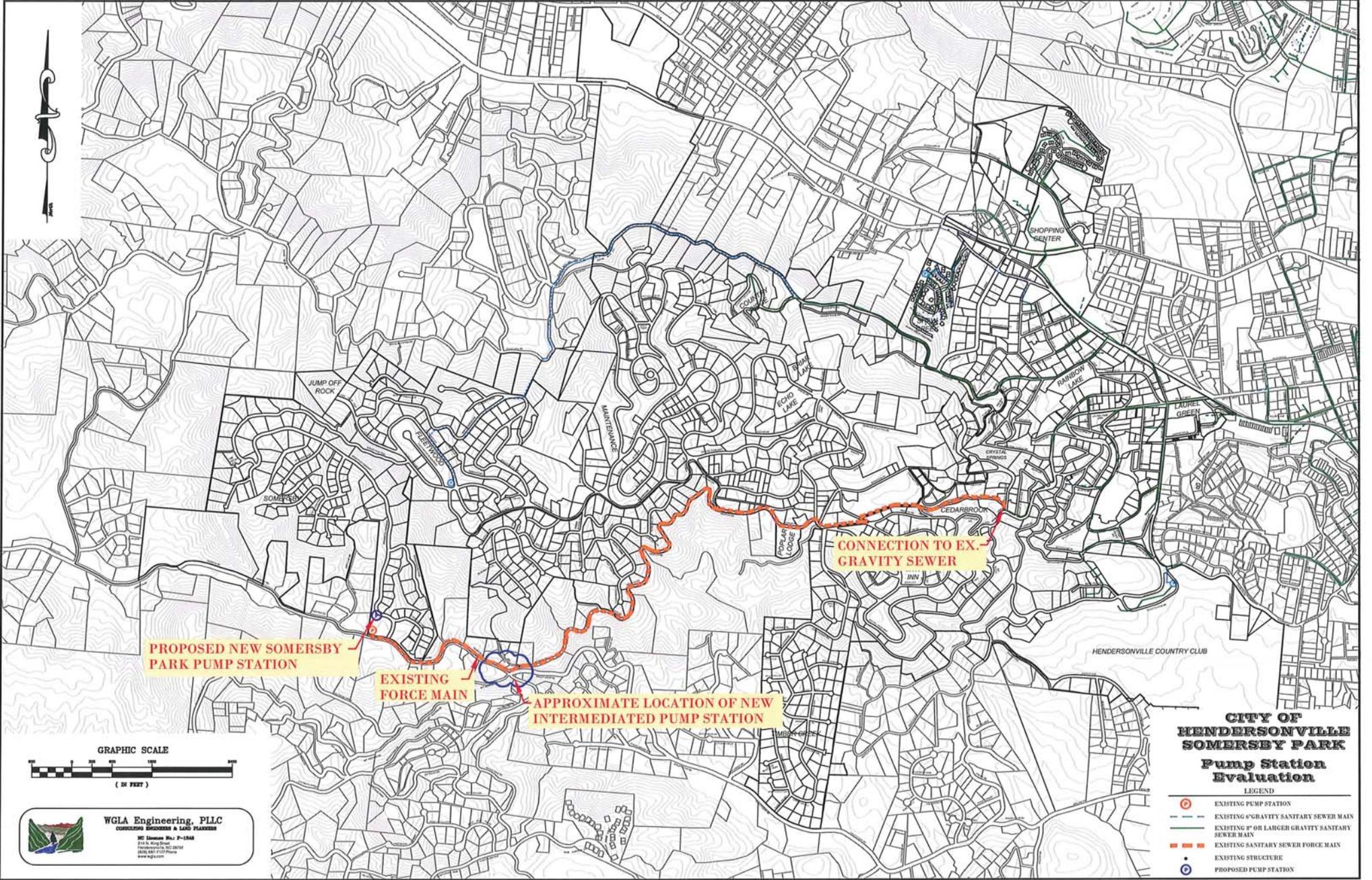
GRAPHIC SCALE
(IN FEET)

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS

300 Shuman Blvd. P-1048
27410, King's Mountain, NC 28040
800.647.7177 Phone
www.wgla.com

**Somersby Park
Pump System Evaluation**

Proposed Pump Station Location Map



PROPOSED NEW SOMERSBY PARK PUMP STATION

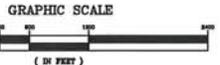
EXISTING FORCE MAIN

APPROXIMATE LOCATION OF NEW INTERMEDIATED PUMP STATION

CONNECTION TO EX. GRAVITY SEWER

**CITY OF HENDERSONVILLE
SOMERSBY PARK
Pump Station
Evaluation**

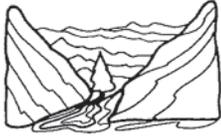
- LEGEND
-  EXISTING PUMP STATION
 -  EXISTING 6" GRAVITY SANITARY SEWER MAIN
 -  EXISTING 8" OR LARGER GRAVITY SANITARY SEWER MAIN
 -  EXISTING SANITARY SEWER FORCE MAIN
 -  EXISTING STRUCTURE
 -  PROPOSED PUMP STATION




WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS

300 Lawson Blvd., P-1040
714 N. King Street
Hendersonville, NC 28754
(800) 461-7111 Phone
www.wgla.com

**Somersby Park
Pump System Evaluation
Preliminary Cost Estimate**



WGLA Engineering, PLLC
Consulting Engineers and Land Planners

Preliminary Cost Estimate (REVISED)
City of Hendersonville - Somersby Park Sewer Improvements

Date: 03/06/16

Project #: 14174

Sanitary Sewer Improvements

<u>Item</u>	<u>Quan.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Price</u>
Somersby Park Pump Station (inc. site grading, generator, etc)	1	LS	\$300,000.00	\$300,000.00
Intermediate Pump Station (location to be determined)	1	LS	\$350,000.00	\$350,000.00
Reconfiguration of Force Main Piping	1	LS	\$7,500.00	\$7,500.00

TOTAL ESTIMATED CONSTRUCTION COST

\$657,500.00

Contingency (10%)

\$65,750.00

Surveying

\$5,000.00

Engineering, Design & Permitting

\$35,000.00

Bidding Assistance & Construction Observation

\$18,500.00

Legal and Administrative

\$15,000.00

TOTAL ESTIMATED PROJECT COST

\$796,750.00

NOTE: Land acquisition cost for the new pump station site has not been included with this estimate.



WGLA Engineering, PLLC
Consulting Engineers and Land Planners

Preliminary Cost Estimate
City of Hendersonville - Somersby Park Sewer Improvements

Date: 01/16/15

Project #: 14174

Sanitary Sewer Improvements

<u>Item</u>	<u>Quan.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Price</u>
Somersby Park Pump Station (inc. site grading, generator,etc)	1	LS	\$275,000.00	\$300,000.00
Intermediate Pump Station (location to be determined)	1	LS	\$325,000.00	\$350,000.00
Reconfiguration of Force Main Piping	1	LS	\$7,500.00	\$7,500.00

TOTAL ESTIMATED CONSTRUCTION COST				\$657,500.00
Contingency (10%)				\$65,750.00
Surveying				\$5,000.00
Engineering, Design & Permitting				\$35,000.00
Bidding Assistance & Construction Observation				\$18,500.00
Legal and Administrative				\$15,000.00
TOTAL ESTIMATED PROJECT COST				\$796,750.00

NOTE: Land acquisition cost for the new pump station site has not been included with this estimate.

**Somersby Park
Pump System Evaluation**

Preliminary Pump Calculations



Project _____

Project No _____

Sheet No _____ of _____

Calculated By TWT Date _____

Checked By WEB Date 2/21/15

SOMERSET PARK Pump Station.

ASSUMING: 80 HOMES @ BUILDOUT (3 BEDROOMS EACH)

$$80 \text{ HOMES} \times \frac{360 \text{ GALLONS}}{\text{DAY}} = 28,800 \text{ GPD}$$

$$\frac{28,800 \text{ GALLONS}}{1 \text{ DAY}} \times \frac{1 \text{ DAY}}{1440 \text{ MIN}} = 20 \text{ GPM ADF}$$

$$20 \text{ GPM} \times 2.5 \text{ PEAK} = 50 \text{ GPM (PEAK FLOW)}$$

FORCEMAIN LENGTH = 13,330 LF ± (4" Ø)
(FROM CON GIS FILE)

HIGH POINT ELEV. = 2714' ± (LOCATION & ANV'S)
(FROM CON GIS FILE & NCDOT LIDAR FILE.)

Pump Station Elev. = 2458' ± (LOCATION FROM CON GIS FILE)
(ELEVATION FROM NCDOT LIDAR FILE)

(ASSUMING Pump Station IS 15' DEEP & FITTING LOSS OF
10' & FORCEMAIN DIP, Pump Station 5' Ø)

(NO FLOW FROM UP ACCOUNTED FOR)

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS



NC License No: P-1342
214 N. King Street
Hendersonville, NC 28792
(828) 687-7177
wglA.com

Project _____

Project No _____

Sheet No _____ of _____

Calculated By _____ Date _____

Checked By _____ Date _____

Somersby Park Twin Pump Station

EX. PS = 2453' TO 2586' ± = 123'

FM = 1,770 LF ±

NEW PS BELOW CHURCH = 2586' ± TO 2714' = 128'

FM = 12,110 LF ±

PUMP STATION DESIGN WORKSHEET

PROJECT: Somersby Park Pump Station
LOCATION: Henderson County, North Carolina
PROJECT NO.: 00000
DATE: 10-Sep-14

SYSTEM CURVE

			FLOW	VEL HD	FRICT HD	TDH
			(GPM)	(FT)	(FT)	(FT)
DESIGN PARAMETERS						
AVERAGE DAILY FLOWRATE =>	20.00	(GPM)	0	0.000	0.00	271
PEAK FLOWRATE =>	50.00	(GPM)	5	0.000	0.45	271
FORCE MAIN LENGTH =>	13880	(FT)	10	0.001	1.61	273
MAX FORCE MAIN SIZE =>	3.20	(IN)	15	0.002	3.40	274
SELECTED FORCE MAIN SZ. =>	4	(IN)	20	0.004	5.80	277
FLUID HP AT 50% EFF. =>	8	(HP)	25	0.006	8.76	280
			30	0.009	12.27	283
			35	0.012	16.33	287
SYSTEM WORKS						
MAX ELEVATION =>	2714.00	(ELEV)	40	0.016	20.90	292
MIN ELEVATION =>	2458.00	(ELEV)	45	0.020	25.99	297
STATIC LIFT =>	256	(FT)	50	0.025	31.58	303
FITTING LOSS =>	10	(FT)	55	0.031	37.67	309
STATION LOSS =>	15	(FT)	60	0.036	44.25	315
EQUIV. LENGTH OF PIPE =>	13911	(FT)	65	0.043	51.31	322
FRICITION COEFF. =>	125	(DIP)	70	0.050	58.85	330
			75	0.057	66.87	338
			80	0.065	75.35	346
PUMP SELECTION						
PUMP TYPE =>	Hydromatic		85	0.073	84.29	355
PUMP SIZE =>	40.00	(HP)	90	0.082	93.69	365
IMPELLER SIZE =>	12.00	(IN)	95	0.091	103.55	375
DIST. FROM INV. TO INTAKE =>	12	(IN)	100	0.101	113.85	385
			105	0.112	124.61	396
			110	0.122	135.81	407
FLOAT SETTING						
WET WELL DIA =>	5	(FT)	115	0.134	147.45	419
WET WELL INV =>	2443.00	(ELEV)	120	0.146	159.52	431
PUMP OFF =>	2444.00	(ELEV)	125	0.158	172.04	443
CYCLES PER HOUR =>	5	(EA)	130	0.171	184.99	456
CURVE PUMP RATE =>	50	(GPM)	135	0.184	198.36	470
ACTUAL MAX FRC. MAIN SZ. =>	3.20	(IN)	140	0.198	212.17	483
NECESSARY CAPACITY =>	80	(GAL)	145	0.213	226.40	498
EMERGENCY CAPACITY =>	9600	(GAL)	150	0.228	241.05	512
PUMP ON TIME =>	5.87	(MIN)	155	0.243	256.13	527
PUMP OFF TIME =>	5.87	(MIN)	160	0.259	271.62	543
CYCLE TIME =>	11.74	(MIN)	165	0.276	287.53	559
			170	0.293	303.86	575
			175	0.310	320.60	592
ELEVATION SUMMARY						
WET WELL INV =>	2443.00	(ELEV)	180	0.328	337.75	609
PUMP OFF =>	2444.00	(ELEV)	185	0.346	355.31	627
LEAD ON =>	2446.00	(ELEV)	190	0.365	373.28	645
LAG ON =>	2447.00	(ELEV)	195	0.385	391.66	663
ALARM =>	2448.00	(ELEV)	200	0.405	410.44	682
RIM =>	2458.00	(ELEV)	205	0.425	429.62	701
STA. EMERGENCY CAP. =>	2056	(GAL)	210	0.446	449.21	721
NECES. LENGTH OF 8" LINE=>	2889	(FT)	215	0.468	469.19	741

PUMP STATION DESIGN WORKSHEET

PROJECT: Somersby Park Pump Station #1 (Twin Design)
LOCATION: Henderson County, North Carolina
PROJECT NO.: 00000
DATE: 10-Sep-14

SYSTEM CURVE

			FLOW (GPM)	VEL HD (FT)	FRICT HD (FT)	TDH (FT)
DESIGN PARAMETERS						
AVERAGE DAILY FLOWRATE =>	20.00	(GPM)	0	0.000	0.00	143
PEAK FLOWRATE =>	50.00	(GPM)	5	0.000	0.06	143
FORCE MAIN LENGTH =>	1770	(FT)	10	0.001	0.21	143
MAX FORCE MAIN SIZE =>	3.20	(IN)	15	0.002	0.44	143
SELECTED FORCE MAIN SZ. =>	4	(IN)	20	0.004	0.75	144
FLUID HP AT 50% EFF. =>	4	(HP)	25	0.006	1.13	144
			30	0.009	1.59	145
			35	0.012	2.11	145
SYSTEM WORKS						
MAX ELEVATION =>	2586.00	(ELEV)	40	0.016	2.71	146
MIN ELEVATION =>	2458.00	(ELEV)	45	0.020	3.36	146
STATIC LIFT =>	128	(FT)	50	0.025	4.09	147
FITTING LOSS =>	10	(FT)	55	0.031	4.88	148
STATION LOSS =>	15	(FT)	60	0.036	5.73	149
EQUIV. LENGTH OF PIPE =>	1801	(FT)	65	0.043	6.64	150
FRICITION COEFF. =>	125	(DIP)	70	0.050	7.62	151
			75	0.057	8.66	152
PUMP SELECTION						
PUMP TYPE =>	Hydromatic		80	0.065	9.75	153
PUMP SIZE =>	40.00	(HP)	85	0.073	10.91	154
IMPELLER SIZE =>	12.00	(IN)	90	0.082	12.13	155
DIST. FROM INV. TO INTAKE =>	12	(IN)	95	0.091	13.41	156
			100	0.101	14.74	158
			105	0.112	16.13	159
FLOAT SETTING						
WET WELL DIA =>	5	(FT)	110	0.122	17.58	161
WET WELL INV =>	2443.00	(ELEV)	115	0.134	19.09	162
PUMP OFF =>	2444.00	(ELEV)	120	0.146	20.65	164
CYCLES PER HOUR =>	5	(EA)	125	0.158	22.27	165
CURVE PUMP RATE =>	50	(GPM)	130	0.171	23.95	167
ACTUAL MAX FRC. MAIN SZ. =>	3.20	(IN)	135	0.184	25.68	169
NECESSARY CAPACITY =>	80	(GAL)	140	0.198	27.47	171
EMERGENCY CAPACITY =>	9600	(GAL)	145	0.213	29.31	173
PUMP ON TIME =>	5.87	(MIN)	150	0.228	31.21	174
PUMP OFF TIME =>	5.87	(MIN)	155	0.243	33.16	176
CYCLE TIME =>	11.74	(MIN)	160	0.259	35.17	178
			165	0.276	37.23	181
			170	0.293	39.34	183
ELEVATION SUMMARY						
WET WELL INV =>	2443.00	(ELEV)	175	0.310	41.51	185
PUMP OFF =>	2444.00	(ELEV)	180	0.328	43.73	187
LEAD ON =>	2446.00	(ELEV)	185	0.346	46.00	189
LAG ON =>	2447.00	(ELEV)	190	0.365	48.33	192
ALARM =>	2448.00	(ELEV)	195	0.385	50.71	194
RIM =>	2458.00	(ELEV)	200	0.405	53.14	197
STA. EMERGENCY CAP. =>	2056	(GAL)	205	0.425	55.62	199
NECES. LENGTH OF 8" LINE =>	2889	(FT)	210	0.446	58.16	202
			215	0.468	60.74	204

PUMP STATION DESIGN WORKSHEET



PROJECT: Somersby Park Pump Station #2 (Twin Design)
LOCATION: Henderson County, North Carolina
PROJECT NO.: 00000
DATE: 10-Sep-14

SYSTEM CURVE

			FLOW	VEL HD	FRICT HD	TDH
			(GPM)	(FT)	(FT)	(FT)
DESIGN PARAMETERS						
AVERAGE DAILY FLOWRATE =>	20.00	(GPM)	0	0.000	0.00	143
PEAK FLOWRATE =>	50.00	(GPM)	5	0.000	0.39	143
FORCE MAIN LENGTH =>	12110	(FT)	10	0.001	1.40	144
MAX FORCE MAIN SIZE =>	3.20	(IN)	15	0.002	2.97	146
SELECTED FORCE MAIN SZ. =>	4	(IN)	20	0.004	5.06	148
FLUID HP AT 50% EFF. =>	5	(HP)	25	0.006	7.65	151
			30	0.009	10.71	154
			35	0.012	14.25	157
SYSTEM WORKS						
MAX ELEVATION =>	2714.00	(ELEV)	40	0.016	18.24	161
MIN ELEVATION =>	2586.00	(ELEV)	45	0.020	22.68	166
STATIC LIFT =>	128	(FT)	50	0.025	27.56	171
FITTING LOSS =>	10	(FT)	55	0.031	32.88	176
STATION LOSS =>	15	(FT)	60	0.036	38.62	182
EQUIV. LENGTH OF PIPE =>	12141	(FT)	65	0.043	44.78	188
FRICITION COEFF. =>	125	(DIP)	70	0.050	51.37	194
			75	0.057	58.36	201
			80	0.065	65.76	209
PUMP SELECTION						
PUMP TYPE =>	Hydromatic		85	0.073	73.56	217
PUMP SIZE =>	40.00	(HP)	90	0.082	81.77	225
IMPELLER SIZE =>	12.00	(IN)	95	0.091	90.37	233
DIST. FROM INV. TO INTAKE =>	12	(IN)	100	0.101	99.37	242
			105	0.112	108.75	252
			110	0.122	118.53	262
FLOAT SETTING						
WET WELL DIA =>	5	(FT)	115	0.134	128.69	272
WET WELL INV =>	2571.00	(ELEV)	120	0.146	139.23	282
PUMP OFF =>	2572.00	(ELEV)	125	0.158	150.15	293
CYCLES PER HOUR =>	5	(EA)	130	0.171	161.45	305
CURVE PUMP RATE =>	50	(GPM)	135	0.184	173.12	316
ACTUAL MAX FRC. MAIN SZ. =>	3.20	(IN)	140	0.198	185.17	328
NECESSARY CAPACITY =>	80	(GAL)	145	0.213	197.59	341
EMERGENCY CAPACITY =>	9600	(GAL)	150	0.228	210.38	354
PUMP ON TIME =>	5.87	(MIN)	155	0.243	223.54	367
PUMP OFF TIME =>	5.87	(MIN)	160	0.259	237.06	380
CYCLE TIME =>	11.74	(MIN)	165	0.276	250.95	394
			170	0.293	265.20	408
			175	0.310	279.81	423
ELEVATION SUMMARY						
WET WELL INV =>	2571.00	(ELEV)	180	0.328	294.78	438
PUMP OFF =>	2572.00	(ELEV)	185	0.346	310.10	453
LEAD ON =>	2574.00	(ELEV)	190	0.365	325.79	469
LAG ON =>	2575.00	(ELEV)	195	0.385	341.82	485
ALARM =>	2576.00	(ELEV)	200	0.405	358.21	502
RIM =>	2586.00	(ELEV)	205	0.425	374.96	518
STA. EMERGENCY CAP. =>	2056	(GAL)	210	0.446	392.05	535
NECES. LENGTH OF 8" LINE=>	2889	(FT)	215	0.468	409.49	553



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 04.27.15

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 05.07.15

Nature of Item: Council Action

Summary of Information/Request:

Item # 19

Appointments: None

Vacancies: SEVENTH AVENUE ADVISORY COMMITTEE: There are two vacancies on this Committee: one "in-district" position and one "at large" position. The applications that were submitted last year are in your Dropbox folder under "City Council Agendas and Reports\2015\Board Applicants\ Seventh Ave Adv Committee". No new applications have been received.

ENVIRONMENTAL SUSTAINABILITY BOARD: The ESB consists of five City residents and up to four additional members residing outside the City may be appointed for their particular areas of expertise. The ESB has three vacant City representative positions. We were recently informed that Mr. Jim Kane has resigned from the Board. You have one application from Rhonda Brissie (inside-City) who was also recently appointed to the Business Advisory Committee. The application is in your Dropbox folder under: "City Council Agendas and Reports\2015\Board Applicants\ Environmental Sustainability Bd".

EAST FLAT ROCK COMMUNITY PLAN ADVISORY COMMITTEE: The Henderson County Board of Commissioners invited the City to appoint a non-voting liaison to this committee. This was advertised by PIO Tara Ledbetter. We have not received any applications to date.

ABC Board: The term of Marcie Kane will expire June 30, 2015. She is willing to serve another term on the Board. Also attached is a letter from Mr. English requesting her reappointment. We have no other applications on file at this time for the ABC Board.

Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

Submitted By: John Connet

Department: Administration

Date Submitted: 4/28/2015

Presenter: John Connet

Date of Council Meeting to consider this item: 5/7/2015

Nature of Item: Council Action

Summary of Information/Request:

Item # 21

I am requesting a Closed Session in accordance with NCGS 143-318.11(a) (5) to discuss the price and other material terms of a contract for the acquisition of property on owned by Ron Delbuono on 7th Avenue and Hall Sam's at 630 Ashe Street.

Budget Impact: \$ _____ Is this expenditure approved in the current fiscal year budget? Yes If no, describe how it will be funded.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that City Council enter Closed Session pursuant to NCGS 143-318.11(a) (5) to discuss the acquisition of property on 7th Avenue and Ashe Street.

Attachments: