

REQUEST FOR BOARD REVIEW

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: May 16, 2024

SUBJECT: Conditional Rezoning Application #R-2024-01-C The Orchards at Naples Rd Apartments

PRESENTER: Matt Champion, Zoning Administrator

ATTACHMENTS:

- 1.) Staff Report
- 2.) Neighborhood Compatibility Report Summary
- 3.) Application
- 4.) Sewer & Water Allocations Requests
- 5.) TIA Summary
- 6.) Master Plan

SUMMARY OF REQUEST:

Rezoning Application #R-2024-01-C was initiated on April 1, 2024, and requests that the County conditionally rezone approximately 10.07 acres of land from Regional Commercial (RC) to a Conditional District (CD-2024-01). The project contains all of PIN 9651-67-9318 that has direct access to Naples Rd (SR1534). The Orchards at Naples Rd, LLC are the current property owners. The applicant is Luis Graef. The agent for the application is Jared DeRidder.

The applicant is proposing a residential development with a total of 166 units within 7 structures. The development is required to be approved as a conditional rezoning due to the number of multi-family units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting was held on Thursday, May 2, 2024, in the King Street Meeting Room. A copy of the meeting report is included in the agenda item.

The Technical Review Committee (TRC) reviewed the application on May 7, 2024, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC are found in the staff report.

BOARD ACTION REQUESTED:

The Planning Board has 45 days from its first consideration to provide a recommendation to the Board of Commissioners or the request is forward with a favorable recommendation unless otherwise agreed upon by the applicant. Staff requests the Planning Board make a recommendation to the Board of Commissioners to approve, approve with modification or deny

the conditional rezoning application (#R-2024-01-C) to rezone the Subject Area to a Conditional District (CD-2024-01).

Suggested Motion:

I move that the Planning Board recommend the Board of Commissioners (approve, approve with conditions or deny) conditional rezoning application #R-2024-01-C to rezone the Subject Area to a Conditional District (CD-2024-01) based on the recommendations of the Henderson County Comprehensive Plan.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by:

Matt Champion, Zoning Administrator

APPLICATION #
R-2024-01-C

PLANNING BOARD MEETING DATE:
MAY 16, 2024

PROPERTY OWNER
Orchards at Naples Road LLC

PROPERTY LOCATION/ADDRESS
399 Naples Rd, Hoopers Creek Township

APPLICANT
Luis Graef
Jared DeRidder (Plan Preparer)

PIN:
9651-67-9318

SUMMARY OF REQUEST

A rezoning of the above referenced PIN (hereafter the subject area from **Regional Commercial (RC)** to **Conditional District (CD-2024-01)** for the Orchards at Naples Rd Apartments.

Existing Zoning	Regional Commercial (RC)
FLUM Character Area	Community Center
Existing Land Use	Vacant
Site Improvements	NA
Request Acreage	10.07 Acres (entire assessed acreage)

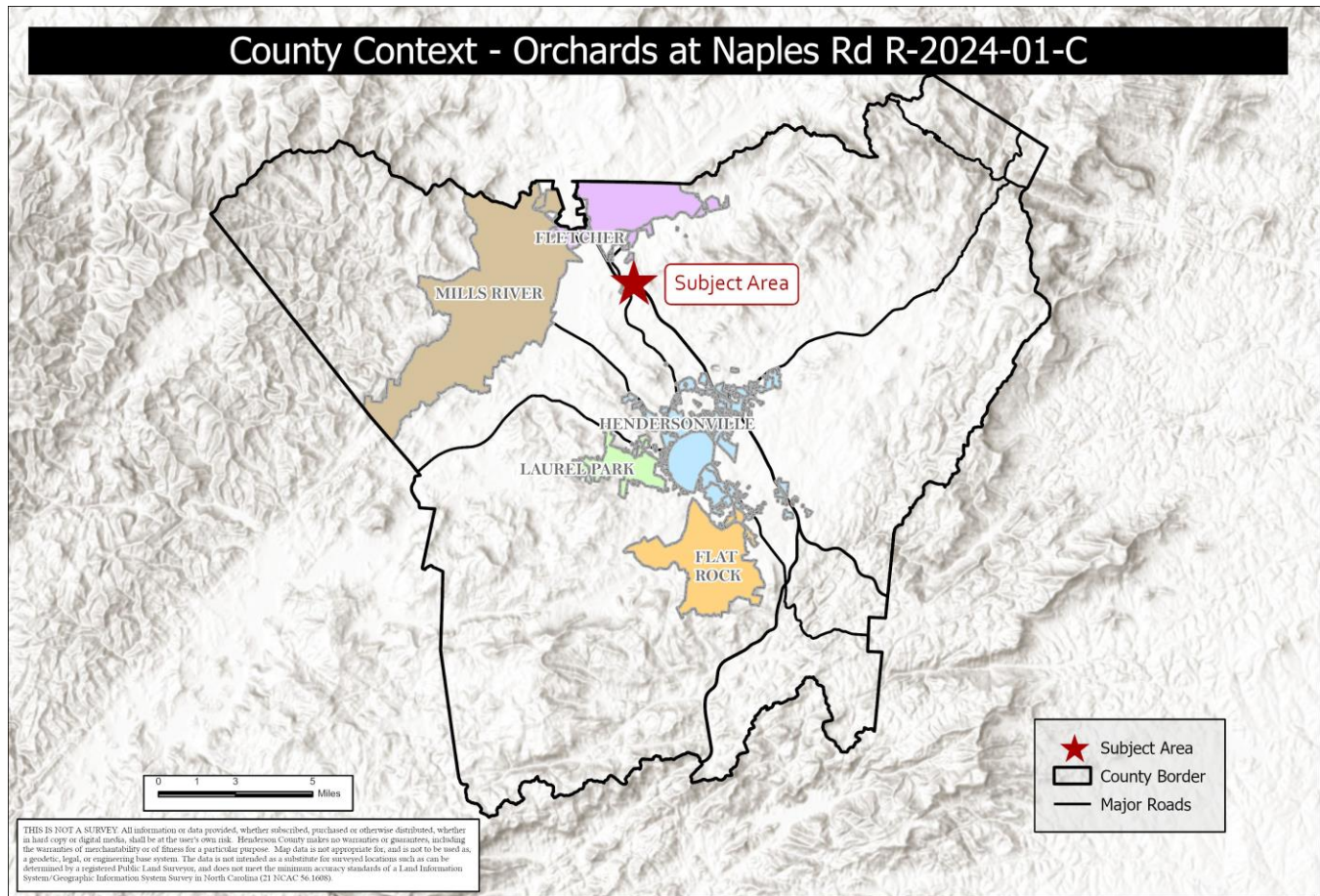
ADJACENT ZONING

North	I
East	RC, I
South	RC
West	RC, Fletcher (C-1)

USE OF LAND

I-26, Industrial, Residential
Commercial, Residential
Residential, Commercial
Residential, Commercial

Map A: County Context



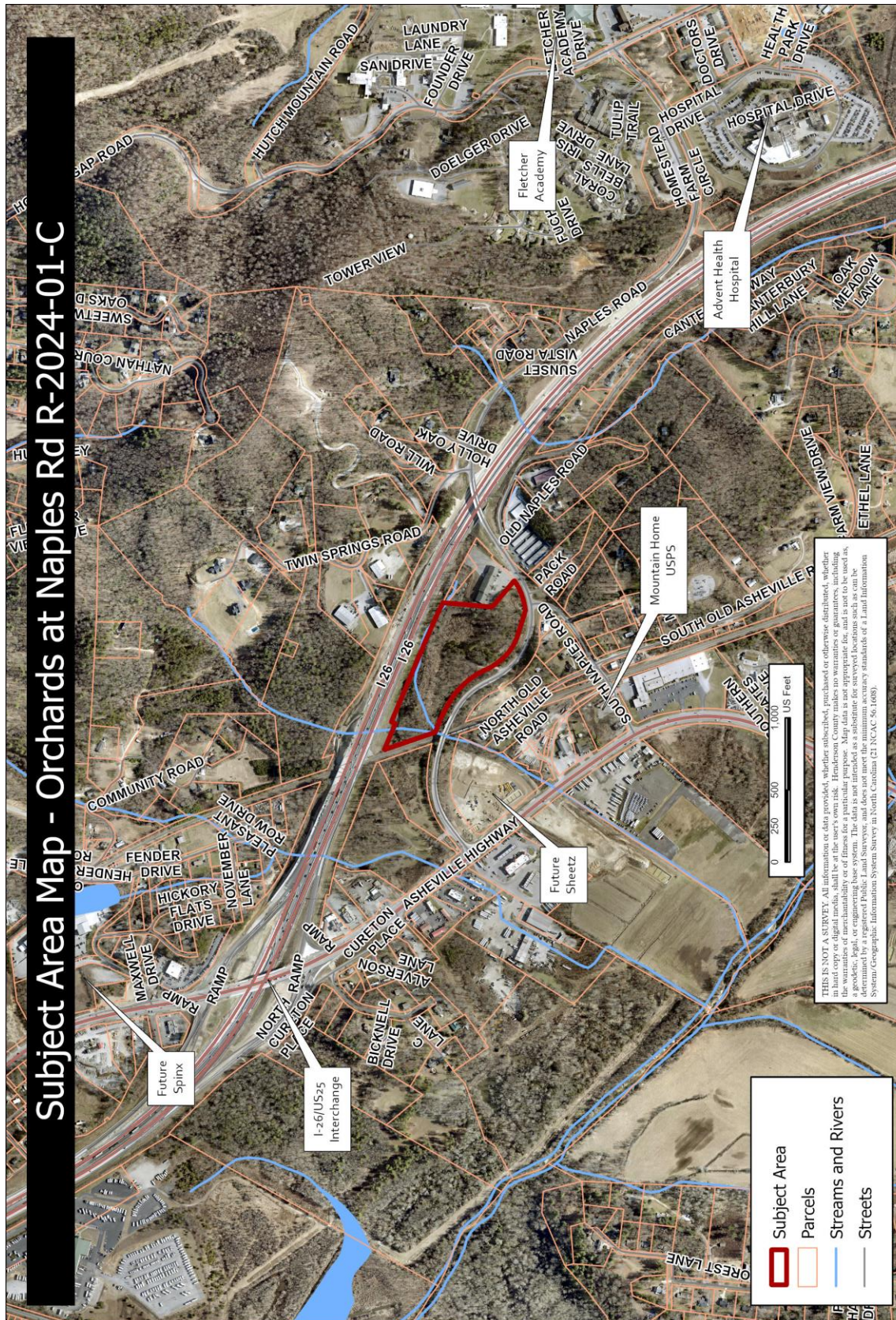
Property Owner: Orchards at Naples Rd, LLC Applicant: Luis Graef
 Assessed Acreage: 10.07 Acres PIN: 9651-67-9318
 Current Zoning: Regional Commercial (RC) Requested Zoning: Conditional District (CD)

**BACKGROUND:**

The applicant, Luis Graef, managing member of Orchards at Naples Rd LLC, is seeking to rezone one parcel from Regional Commercial (RC) to a Conditional District (CD-2024-01). The subject area is approximately 10.07 acres. The attached Master Plan is proposing a total of 166 residential units within 7 structures no greater than 50' in height, with an amenity area for the residents. By comparison, Advent Health Hospital is 72' tall.

The subject area referenced in the map below originally contained 2 residential dwellings. On the parcel, the residential structure at 333 Naples Rd was removed in late 2011 and the residential structure at 399 Naples Rd was removed in late 2015. The subject area has been vacant since the last residential structure was removed.

Map B: Subject Area



Property Owner: Orchards at Naples Rd, LLC Applicant: Luis Graef
Assessed Acreage: 10.07 Acres PIN: 9651-67-9318
Current Zoning: Regional Commercial (RC) Requested Zoning: Conditional District (CD)

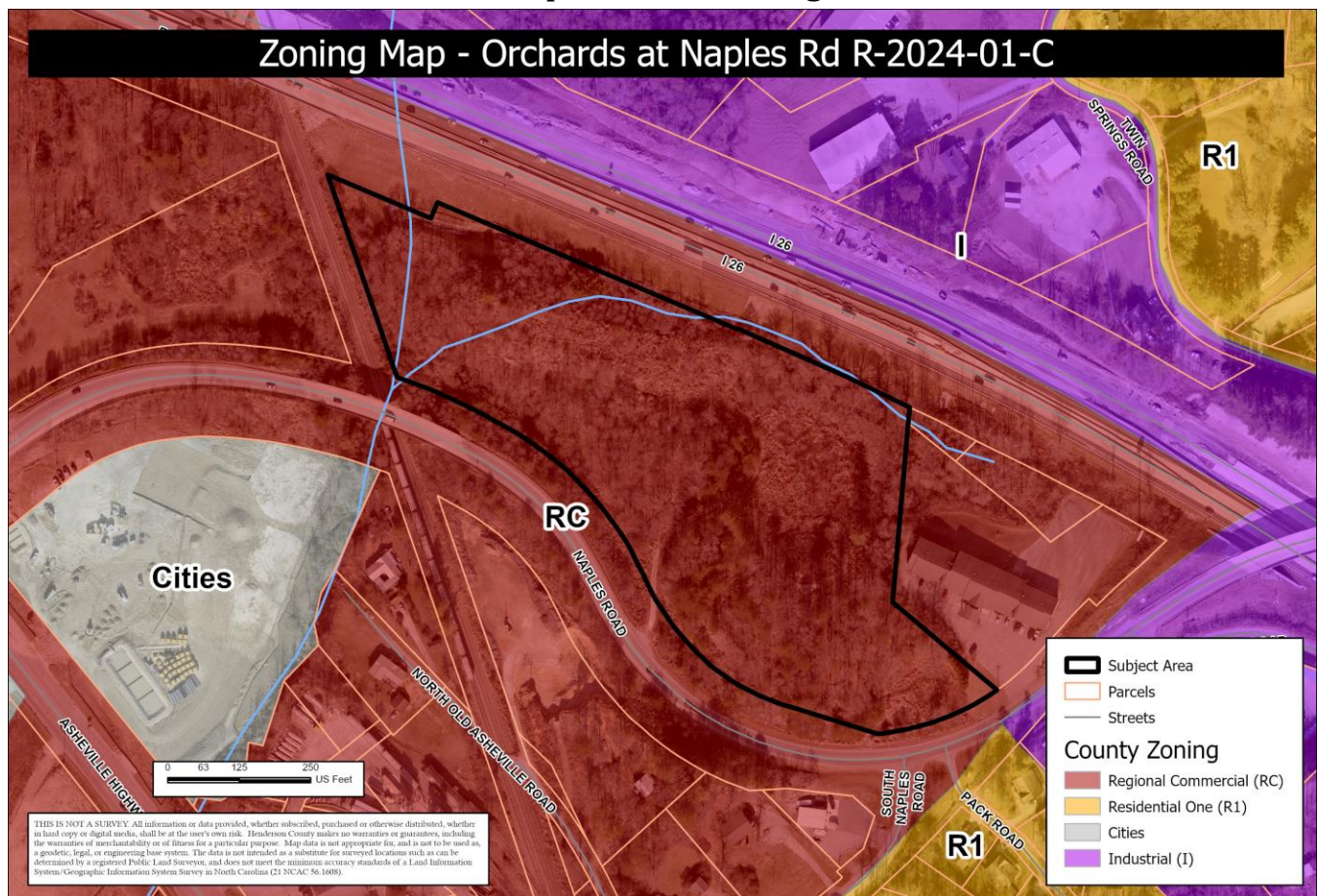
SUBJECT AREA & ADJACENT PROPERTIES:

West: The property to the west of the subject area contains vacant land and the future Sheetz convenience store and gas station. The future Sheetz site is located within the Town of Fletcher's incorporated limits.

South: South of the subject area are several residential structures and one commercial garage off S Naples Rd. To the east of the subject area contains a mixture of commercial structures including the Mountain Inn & Suites hotel and a self-storage facility. Within walking distance is Advent Health hospital, which is a major employer in the County.

East: Fletcher Academy is located east of the subject area further down Naples Rd.

North: To the north of the subject area, across I-26, are several commercial buildings and a residential structure. The right-of-way shown for I-26 does reflect the expanded right-of-way necessary for the I-26 widening project.

Map C: Current Zoning

Property Owner: Orchards at Naples Rd, LLC Applicant: Luis Graef

Assessed Acreage: 10.07 Acres PIN: 9651-67-9318

Current Zoning: Regional Commercial (RC) Requested Zoning: Conditional District (CD)



District Comparison:

Regional Commercial (RC): “The purpose of the Regional Commercial (RC) zoning district is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development that includes a variety of retail sales and services, public and private administrations, offices, and all other uses done primarily for sale or profit on the local, community, and regional level. This general use district is meant to be in the Utility Service Area (USA) as defined in the *Comprehensive Plan*.” Residential density in Regional Commercial is 16 units per acre, a maximum impervious surface allowance of 80%, and a maximum height of 50’ (LDC §42-28). The subject area has been zoned Regional Commercial (RC) since the adoption of the Henderson County Land Development Code in September of 2007.

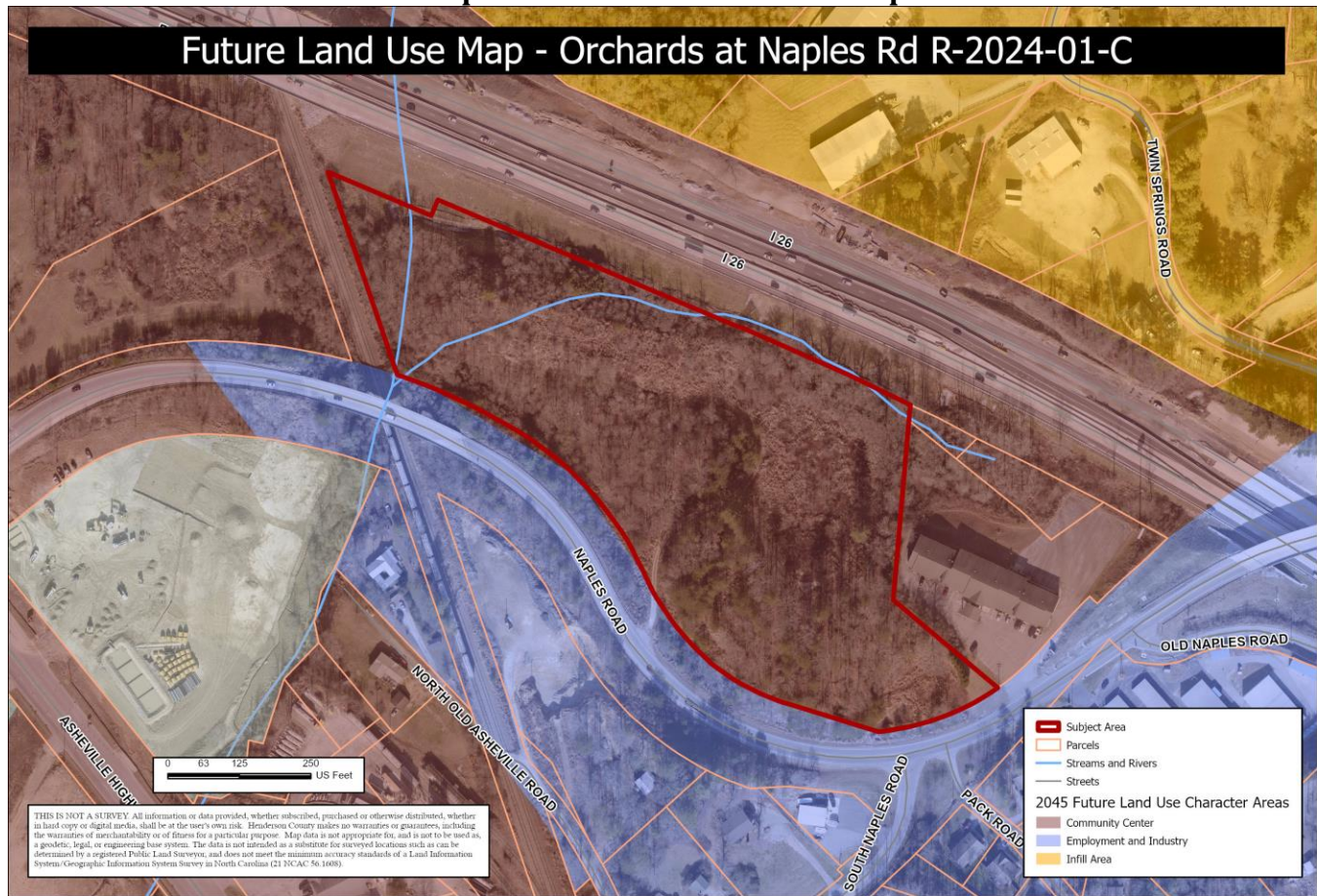
Conditional District (CD): “Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning” (Chapter 42, Land Development Code §42-45). Conditions may be imposed in the furtherance of the purpose of the LDC and the recommendations of the County Comprehensive Plan. The corresponding Conditional District (CD) applies to instances where certain types of uses would not be allowed due to their innovative and unique natures and allows for special conditions to create compatibility in surrounding zoning districts. Due to the Land Development Code regulations for multiple residential unit developments, a conditional rezoning is required.

Similar Projects:

The Farmhouse at Tap Root, CD-2023-02, was approved by the Board of Commissioners on April 3, 2023. The proposed residential development was originally located within the Regional Commercial (RC) zoning district that consisted of 19.12 acres. The project proposed 306 residential units within 12 structures. Ultimately, the Board of Commissioners approved the conditional rezoning for 270 residential units within 12 structures.

Conditional Zoning Approval: If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district’s category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property.

Map D: 2045 Future Land Use Map



Property Owner: Orchards at Naples Rd, LLC Applicant: Luis Graef
 Assessed Acreage: 10.07 Acres PIN: 9651-67-9318
 Current Zoning: Regional Commercial (RC) Requested Zoning: Conditional District (CD)



2045 Comprehensive Plan Compatibility

The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the **Community Center** character area.

Community Center: From Part 2 page 46, "Community Centers are larger commercial nodes that serve broader geographic areas than Neighborhood Anchors. These areas typically have higher concentrations of nonresidential uses and commercial services that contribute to the tax base.

However, mixed-use development is also encouraged, especially to offer multi-story units that provide commercial use on the bottom and residential units or office space above." (The proposed use fits within the defined uses for the Community Center character area)

- **Where:** Typically found at intersections of State Roads or thoroughfares in areas near residential development that can be served by the commercial uses. (This property is accessed off US25 and Naples Rd and is within easy access to I-26)
- **Uses:** Medium to large-scale retail, services, restaurants, some offices, businesses, light industry, and institutional uses. Mix of housing including single-family homes, townhomes,

and apartments. (This property, a proposed apartment, fits the mix of housing and is surrounded by many varied uses including commercial, light industry, residential, and even Advent Health Medical Complex)

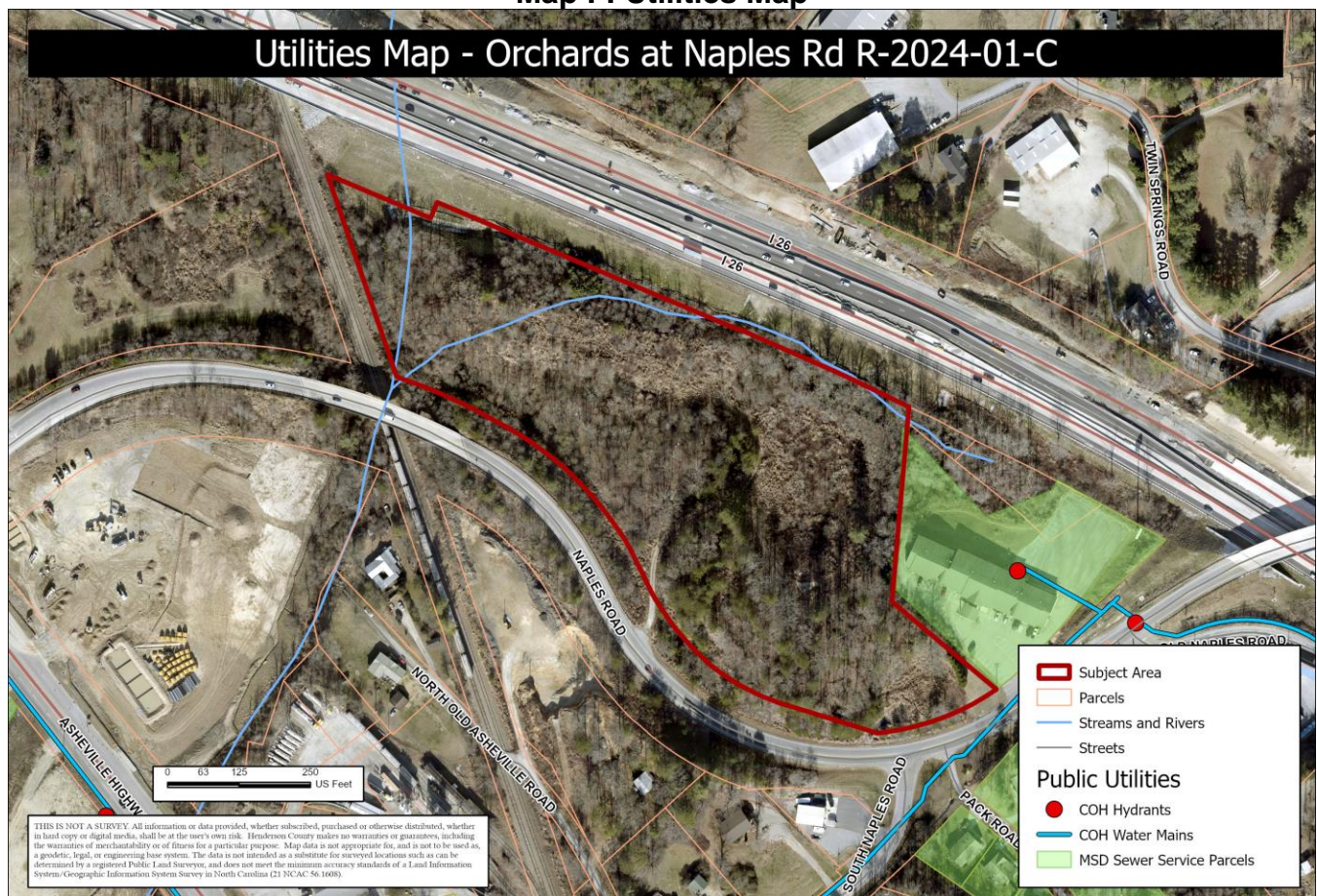
- **Utility Access:** Typically served by water and potentially sewer.
(This property is served by both water and sewer)

Plan Outcomes & Goals:

Of the three outcomes described in the Comprehensive Plan, this project will help to accomplish the outcome of Connectivity due to its ideal location for future residents to live and work in a walkable and transit accessible area.

The 2045 Comprehensive Plan describes the need for Henderson County to allow for more types of housing to accommodate a wider range of occupants, especially *Middle Housing* options (see page 88). Goal 7 of the plan states specifically to “diversify housing choices and increase availability”. This project would help to accomplish this goal.

Map F: Utilities Map



Property Owner: Orchards at Naples Rd, LLC Applicant: Luis Graef
Assessed Acreage: 10.07 Acres PIN: 9651-67-9318
Current Zoning: Regional Commercial (RC) Requested Zoning: Conditional District (CD)



Water and Sewer

The applicant is proposing connections to Metropolitan Sewerage District (MSD) public sewer and City of Hendersonville public water, which are located on the adjacent parcel. Staff has received allocation letters from both the City of Hendersonville and MSD.

Existing Roads and Easements

The subject area currently has two original access points along Naples Rd (SR 1534) serving the former residential structure. The master plan shows that Naples Rd will serve as the primary access to the proposed development. The subject area's west boundary is encumbered by an existing 200' railroad right-of-way.

Proposed Conditional District (CD-2024-01) Development

As part of the rezoning application, the applicant has submitted a master plan of the proposed development. The applicant is proposing to use the site for a residential development with on-site amenities for the residents. Based on the total number of units, the applicant must undergo a conditional rezoning as required by the Land Development Code. Any development proposing 10 or more units requires a conditional rezoning. The Conditional District allows the Board of Commissioners to place conditions or restrictions on the property that binds this specific development and location. Below is an overview of the proposed development.

- 166 total residential units
 - Mixture of 1, 2, and 3 bedroom units
 - Proposed density of 16.48 units/acre
 - NCDOT required additional right-of-way along I-26 that reduced the subject area's original proposal of 16 units/acre
- 7 total residential structures with a maximum height of 50'
 - Six (6) 3/4 split story structures
 - One (1) 3-story structure
- Amenities
 - Clubhouse
 - 5' sidewalks throughout development
 - Garage collection area
 - Proposed parking lot landscaping
 - Existing vegetative buffer along I-26 to remain intact
 - Potential placement of Apple Country Transit shelter
- 271 total parking spaces
 - 9'X19' standard parking space
 - 7 ADA accessible parking spaces
- 1,533LF of private roadway
 - 26' wide drive isles throughout site
- Approximately 8.23 acres of disturbance
 - 4.74 acres of impervious surfaces post development (47%)
 - 5.33 acres of pervious surfaces post development (53%)
 - 29.9% Open Space (3.01 acres)

- 10% Common Space (1.07 acres)

Traffic Impact Analysis (TIA)

The Traffic Impact Analysis (TIA) was submitted and reviewed by NCDOT as required. The NCDOT required a TIA due to the State's threshold for traffic generation associated with the proposed use. The applicant worked with NCDOT to determine which intersections to be studied, the peak hours for traffic counts, and any other potential impacts of the development. Any required road improvements identified in the TIA, and as approved and required by NCDOT, will be included as a county condition if the rezoning is approved.

Neighborhood Compatibility Meeting

A neighborhood compatibility meeting will be held on Thursday, May 2, 2024. A summary of the meeting will be attached as part of the application for Planning Board and the Board of Commissioners.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee met on May 7, 2024, to review the conditional rezoning application. The TRC moved to forward the application to the Planning Board with the following conditions: soil erosions and sedimentation control permit, stormwater control permit, commercial pool permit, NCDOT driveway permits, NCDOT utility encroachment agreements, and complete NCDOT TIA.

Planning Board Recommendations

TBD

Board of Commissioners Public Hearing

TBD



Neighborhood Compatibility Meeting
Conditional Zoning Request #R-2024-01-C (Naples Road)
May 2, 2024, at 11:00 a.m.
King Street Meeting Room located at 100 N. King Street, Hendersonville, NC

Letters about the meeting were mailed to property owners within 400 feet of the proposed development. Both County staff and the applicant(s) agent were present at the meeting. There were approximately two neighboring property owners that attended the meeting.

Ms. Autumn Radcliff opened the meeting and provided a welcome and introductions. She stated that the purpose of the meeting is for nearby neighbors to learn about the proposed project and ask questions of the applicant prior to formal review by the Planning Board and Board of Commissioners (BOC). She stated that the applicant would provide an overview of the proposed project and offer an opportunity for attendees to ask questions about the proposed development.

Project Overview by the Applicant: Jarred DeRidder project engineer with WGLA Engineering, and John Hernandez, the applicant's agent, were present at the meeting to provide an overview and answer questions. The project is proposing an apartment complex with 7 buildings and a total of 166 units located off Naples Road. It is bounded by I-26 to the north, the railroad to the west, and Naples Road to the south and east, and is in close proximity to Advent Health Hospital. Parking will be spread out within the development layout. The project will include a clubhouse and pool for residents, along with 5-foot sidewalks, garbage collection, parking lot landscaping, existing vegetative buffer along I-26. The project is also incorporating space for a possible Apple Country Transit shelter. The site will have 53% pervious surface and 29.9% open space. NCDOT driveway permits are required, and a TIA has been submitted. The NCDOT is reviewing the current alignment and traffic and is discussing what improvements are needed and which of those might be required of this development. The project will be served by the City of Hendersonville water and MSD sewer. Allocation letters for both the water and sewer service have been received by staff.

The property owner recently purchased land next door from Mountain Inn and Suites to correct some current alignment of driveway access and parking lots. There were 2 abandoned homes that were a nuisance case in 2018/2019.

Questions and Answer Discussion: Below is a list of questions or comments asked or stated by the adjacent residents that attended the meeting followed by the applicant's response/explanation.

1. There is a concern with the current alignment of the roads and existing traffic on Naples Road that includes ambulance and hospital traffic. The applicants engineer stated that NCDOT has discussed issues with the road and intersection that currently exist and are considering a round-a-bout. It is unclear if this would be appropriate at this location. NCDOT does want some improvements at S. Naples and Naples Road to deal with the traffic that cuts through.
2. When would this project be started? It will first need to go through the entire process for approval. The project would then proceed to full engineering design. It would be spring of 2025 before construction would start, and the summer of 2026 before it opened.

3. We would like to see something done on Naples Road since there is a lot of traffic and more cut through traffic because of I-26 congestion. I-26 is expected to be completed within the next year. Once construction is completed on I-26, congestion should be alleviated.
4. The Applicant asked what the day-to-day traffic looks like. The residents stated there was a lot of dump trucks and everyone is going too fast. They said that it was typically very heavy traffic. It was stated that the ambulances come up S. Naples Road and turn right onto Naples Road to access the hospital when coming from Hendersonville on 25 N. One of the attendees stated there is a lot of industrial vehicles on Naples Road going to Howard Gap Road.
5. A nearby business owner stated that he owned the industrial business across I-26. He said they were excited about the additional housing option in proximity for their employees. They have a total of 30 employees at this location, 300 employees overall at all their locations, and plans for expansion in the next year as they are a tech company. Many of their employee at this location commute from Buncombe and Transylvania Counties.
6. It was noted that the current zoning is RC (Regional Commercial) and there are other planned commercial businesses under construction like the new gas station and Dunkin Doughnuts. The proximity to the truck stop and I-26 exit was noted.
7. It was asked if these will be luxury apartments? The applicant said they are planning for a more affordable option to support workforce housing needs and those with young children. It was stated that these will not be section 8 housing or a low-income housing development seeking tax credits.
8. It was stated that there is an issue with homeless folks living under the bridge that use this property.
9. It was stated that one attendee was excited about the project. They stated that the typical income for their employees is over \$100,000 since these are tech jobs. Other tech facing companies are looking at this area as well.
10. The question was asked if the county would consider any sewer extension to the industrial park? It was noted that fiber optic, sewer and internet were most important to businesses like this locating to the area. Staff stated that was not being considered as part of this project request, but that water and sewer infrastructure does exist in this area of Naples Road and to the hospital. Staff stated that they would provide the contact information for MSD and COH to the attendees.
11. The question of buffers was asked. The applicants engineer stated that there would be buffers along I-26.
12. There was a comment about the potential of future Apple Country Transit (ACT) stop and shelter. Staff stated that the LDC requires new developments along an existing route to propose a possible shelter location. The ACT route currently goes to the hospital and there could be a new stop at the proposed development. It could provide access to the transit system and potential workforce housing for the hospital. One attendee stated that some employees come from other countries like India and don't drive, so transit access could be valuable.
13. One resident asked if there would be sidewalks along Naples Road. Staff stated that the county does not require sidewalks along the road frontage to be constructed, but the applicant is required to have pedestrian access within the development. The sidewalk within the development would connect to the transit shelter if constructed.

14. There was a question asked about what the development would look like. The applicants engineer showed a sketch of a typical multi-unit building. The structures would be constructed from wood with a shingled roof. They will look very similar to Britney Place.
15. One attendee wanted to know what they could do to support the development and request. Staff noted that they should consider attending the Planning Board meeting and or attend the public hearing to state their support of the project.
16. One resident said they were still concerned with the current traffic on the road. The applicant's engineer stated that the TIA is required per NCDOT. NCDOT will have the final say on improvements required to Naples Road and S. Naples Road, and if those will be at the expense of the developer or of NCDOT, due to the existing issues. The developer is not required to fix current issues but must address any issues because of the proposed development. NCDOT does have this area on their radar already.

Next Steps: The Planning Board will review this application at its May 16th meeting and make a recommendation to the BOC. The BOC will hold a public hearing before acting on the application most likely at the first meeting or the mid-month meeting in June. Ms. Radcliff stated that property owners within 400 ft of the project will receive a mailed notice of both the Planning Board and the BOC meetings. The public hearing will be advertised in the Hendersonville Lightning and the property will be posted. The BOC has the final approval authority on the project.

With no further comments or questions the meeting was concluded at 11:45 p.m.



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

MAP AMENDMENT APPLICATION FORM

GENERAL INFORMATION

Date of Application: 4-1-2024

Previously Submitted: ☐ Yes ☒ No

Date of Pre-Application Conference: March 5, 2024

Type of Map Amendment (Circle One): ☐ Rezoning ☒ Conditional Zoning ☐ Special Mixed Use/Conditional

Site Plan Attached: ☒ Yes ☐ No

Permission to acquire aerial footage of subject area: ☒ Yes ☐ No

PARCEL INFORMATION*

PIN: 9651-67-9318 Deed Book/Page: 4068/207 Tract Size (Acres): 10.07

Zoning District: RC Fire District: Fletcher Fire Watershed: NA Floodplain: NA

Location of property to be developed:

399 Naples Road, Hendersonville, NC 28792

*If subject area contains multiple PIN's please attach a list and the above parcel information for each tract or individual PIN.

REZONING REQUEST

Attached is:

x A description of the property in question sufficient to unequivocally describe and identify said property. Such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines.

Current Zoning District: Regional Commercial Requested Zoning District: Conditional Zoning

CONTACT INFORMATION

Property Owner:

Name: Orchards at Naples Road LLC

Phone: (954) 963-9331

Address: 3872 NW 126th Avenue

City, State, and Zip: Coral Springs, FL 33065

Applicant:

Name: Luis Graef

Phone: (954) 963-9331

Address: 4880 N Hiatus Rd

City, State, and Zip: Sunrise, FL 33351



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

Contact Information

Property Owner:

Name: Orchards at Naples Road LLC
Email: lgraef@etiflorida.com

Phone: 954-963-9331
Address: 3872 NW 126th Avenue, Coral Springs, FL 33065

Agent:

Name: Luis Graef
Email: lgraef@etiflorida.com

Phone: 954-963-9331
Address: 3872 NW 126th Avenue, Coral Springs, FL 33065

Plan Preparer:

Name: WGLA Engineering, PLLC (Jared DeRidder P.E.)
Email: jderidder@wgl.com

Phone: 828-687-7177
Address: 7245 5th Avenue West, Hendersonville, NC 28739

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

[Signature]
Print Applicant (Owner or Agent)

3/8/2024
Date

Signature Applicant (Owner or Agent)

Date

COUNTY STAFF ONLY

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Community Planning Area: _____

Date Current Zoning Applied: _____

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JEFF MILLER

CITY OF HENDERSONVILLE

The City of Four Seasons

ENGINEERING DEPARTMENT
Brendan V. Shanahan, PE
City Engineer

OFFICERS:
JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

Applicant: Luis Graef
3872 NW 126th Ave
Coral Springs, FL 33065

Date: March 15, 2024

Project Name: Orchards at Naples Rd Apartments
Project Number: 23124
PIN(s): 9651679318

Availability Approval

We received your request dated 11/27/2023 for public water availability for the above referenced property located in unincorporated Henderson County in the Fletcher Fire District. The project consists of new construction of a 166 unit apartment complex. The parcel does not have frontage that abuts a public water main and will require an extension of water infrasture for service.

Water Availability Approval: 66,400 GPD
185 GPM

Extension and Connection to Public Water:

1. The location of existing public water is an 12-inch water main located along Naples Rd east of the property. The Applicant shall extend public water from the point of connection to serve the proposed project.
2. This approval does not guarantee flows and residual pressures for fire protection. In the event the Public System does not meet the Applicant's fire requirement, it is the responsibility of the Applicant to reduce the fire requirement through building design modifications or by completing any necessary improvements to the existing Public System to meet the fire flow requirement.
3. Industrial, commercial, fire, irrigation or any other water connection that poses a potential hazard to the Public System at the discretion of the City is required to install an approved backflow prevention device. Contact the City's Environmental Compliance Coordinator for specific information regarding the type and location of the backflow prevention device if the proposed extension will include connections of this type.

Please submit water plans and supporting documentation to the Engineering Department, attention Deborah Sholl at engineering@hvlnc.gov. All public water or sewer extensions must be designed and constructed by a North Carolina licensed Utility Contractor in accordance with the North Carolina Division of Environmental Quality's (NCDEQ) Rules Governing Public Water Systems and O2T Rules, respectively. Extensions and connections to the City's Public System(s) must also abide by the City's Code of Ordinances, City Extension Policy, and Construction Standards and Specifications. Review of non-residential connection and plumbing plans may also be required. Refer to the City's Water and Sewer Fee Schedule for applicable fees, which may include but are not limited to engineering review, connection and/or construction inspection (per linear foot of extension). Fees will be assessed in accordance with the Fee Schedule in effect at the date the services are rendered.

This approval verifies availability of the City's Public System(s) to the subject parcel(s) as described herein. It is **not** an approval for any extension of or connection to the City's Public System(s). The attached plans were provided by the applicant and are for conceptual purposes only. City Staff have used the best information available at the time of the request to determine water and sewer availability for the aforementioned project. However, the City does not warrant or

guarantee that any information is accurate or current. This information is undertaken at the Applicant's sole risk and the City will not be held liable for issues that may arise based upon the reliance or interpretation of this information. Field verification is recommended to confirm the location and size of the existing infrastructure.

This availability approval will expire on **March 15, 2025** if an approval of engineered plans is not issued by the City. An increase in the water or sewer demands from this approval may require a new availability request at the sole discretion of the City.

Sincerely,

CITY OF HENDERSONVILLE

Brendan Shanahan

Brendan Shanahan, PE

City Engineer

(828) 233-3237

bshanahan@hvlnc.gov

Attachments: *Infrastructure System Map*
Availability Request Form

Cc: **City of Hendersonville:**

Ben Allamong, GIS Technician

Alan Bowen, Locator

Chris Conard, Construction Manager

Brent Detwiler, Public Service Director

Bradley Duncan, Utility System Supervisor

Gracie Erwin, Environmental Compliance Coordinator

Chad Freeman, Operations Manager

Adela Gutierrez Ramirez, Civil Engineer

Matthew Herman, Utilities System Supervisor

Will Hutchinson, GIS Technician

Keith Lynch, Locator

Travis Penland, GIS Administrator

Devin Owen, Utilities Engineer

Matt Manley, Planning Division Manager

Tim Sexton, Utility System Supervisor

Deborah Sholl, Project Coordinator

Adam Steurer, Utilities Director

Paul Williams, Utility Production Specialist

Henderson County:

Matt Champion, Development Project Planner

Crystal Lyda, Building Services Director

Autumn Radcliff, Planning Director

Fire Official:

Kevin Waldrup, Henderson County Fire Marshal

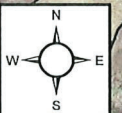
CITY OF HENDERSONVILLE
UTILITY AVAILABILITY
Orchards at Naples Rd Apartments

Orchards at Naples Rd Apartments
PIN: 9651679318
Fletcher Fire Department

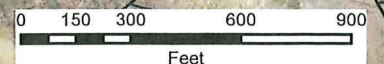
- Sewer Layers**
Gravity Main
— Proposed Gravity Main
— Public Gravity Main
— Abandoned
- Water Layers**
Fire Hydrants
— City Fire Hydrant
- Water Main**
— City Water Main
— Private Fire Line
— Abandoned Water Main



NOVEMBER 2023



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





Availability Request Form

An availability request form is required for all utility extensions. Non-residential connections meeting the criteria listed below require formal water and/or sewer availability and connection/utility plan approvals before a tap application can be submitted. Proposed non-residential connections that do not meet the criteria listed below may submit a [non-residential tap application](#) without formal water and/or sewer availability and connection/utility plan approvals.

- Connections with meters sized 1.5-inch and larger
- Any connection with a fire line connection
- Any connection to a private system

In order for a non-residential connection to be approved, either of the following must be satisfied. If either of the following criteria is not satisfied, an extension of water and/or sewer is required for service.

- Property frontage to an existing public water and/or sewer main
- Property within 300 feet of an existing public water and/or gravity sewer main and crossing only one other private property with acquisition of a private-party utility easement agreement

Project Contact Information

Project Name:

Orchards at Naples Rd Apartments

Submittal Date:

11/27/2023

Applicant (Primary Contact Person)

Luis Graef

Phone:

(954) 963-9331

Applicant's Email:

lgraef@etiflorida.com

Applicant Address:

3872 NW 126th Ave, Coral Springs, Florida 33065

PIN(s) or PID(s):

9651-67-9318

Developer:

Luis Graef

Email:

lgraef@etiflorida.com

Property Owner:

Orchards at Naples Road, LLC

Email:

lgraef@etiflorida.com

Engineer:**Email:**

Jared DeRidder, PE

jderidder@wgl.com

Billing Information

Business Name

Orchards at Naples Road, LLC

Business Contact

Luis Graef

Business Phone Number

(954) 963-9331

Billing Email

lgraef@etifl.com

Billing Address

3872 NW 126th Ave, Coral Springs, Florida 33065

Required Project Information

1

1. Project Type:

Water Extension

Water Connection

2

2. Project is:

New Construction

3

3. Type of proposed development/uses: (describe below)

Extension of proposed 8-inch DIP/CL-350 water main to service an 166 unit apartment complex.

Will parcel(s) be subdivided?

No

Will development remain under single ownership?

Yes

Water Demand

[Estimated Water Demands \(15 NCAC 18C .0409 Service Connections\)](#)

Estimated Demand Per Day

66,400

Estimated Peak Demand

185

Required Attachments

4. Required Attachments

Required Demand Calculations

Attach estimated water/wastewater demand calculations

Demand Attachments
Water Demand Chart.pdf

Additional Attachment

Required Site Concept Plan
Attach a site concept plan showing property/properties to be served

Site Plan Attachments
C-200 Site Plan 10-5-23.pdf

ADDITIONAL INFORMATION

5

5. Will the project include \geq 6-inch private sewer line(s) serving multiple buildings?
No

6

6. Will the project include \geq 2-inch private water line(s) serving multiple buildings?
Yes

7

7. Will the project include a \geq 2-inch water meter?
Yes

8

8. Is a fire line proposed?
Yes

9

9. Will the project include a separate irrigation meter(s)?
No

Connections that are Industrial/Commercial and/or involve Food Service, Fermented Beverage Production, Industrial Waste:

[Backflow Assembly Requirement for Industrial/Commercial Water Connections:](#)

Contact Environmental Compliance Coordinator for hazard and cross-connection control assessment.
Backflow preventer required for facilities determined to have cross-connections, possible cross-

connections, and potential hazard to the public potable water system.

[Backflow Prevention Assembly Installation Application and Guidelines](#)

Food Service Establishments:

[Waste Survey/Permit Application - Food Service Establishments](#)

Breweries Cideries, Wineries and Distilleries:

[Brewery/Winery/Cidery/Distilled Spirits Survey](#)

Industrial Waste

[Industrial Waste Survey Short Form](#)

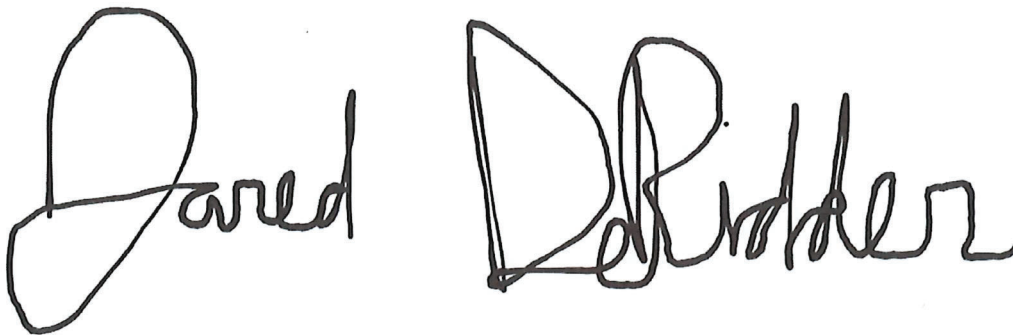
*The City of Hendersonville reserves the right, in its sole discretion, to approve or decline any availability request. Connections and extensions shall be in accordance with all applicable laws, ordinances, rules and requirements of the City of Hendersonville Water and Sewer and Engineering Departments. **NOTE:** Water and wastewater availability are valid for one year from the date of approval.*

[**For assistance with the availability request form please contact the Project Coordinator.**](#)

This Section

I have read and acknowledge the information above.

Acknowledgement

Two handwritten signatures in black ink. The first signature, on the left, is 'Jared' written in a cursive style. The second signature, on the right, is 'D. R. Riddler' also in a cursive style.

FOR CITY OF HENDERSONVILLE USE ONLY

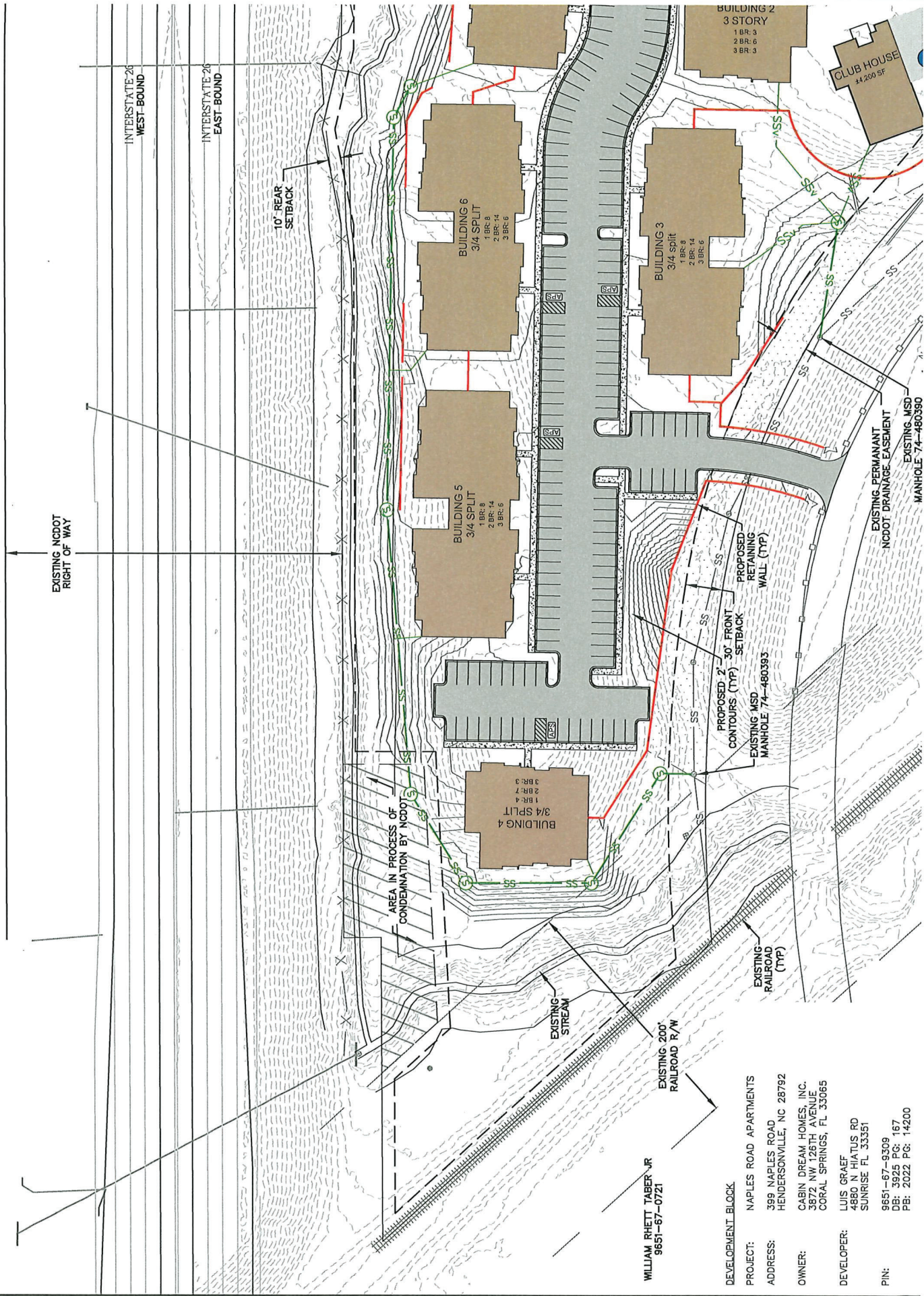
COH Project Tracking #

23,124

Does WW flow transmit through existing COH sewer lift station(s)?

If yes, which lift station?

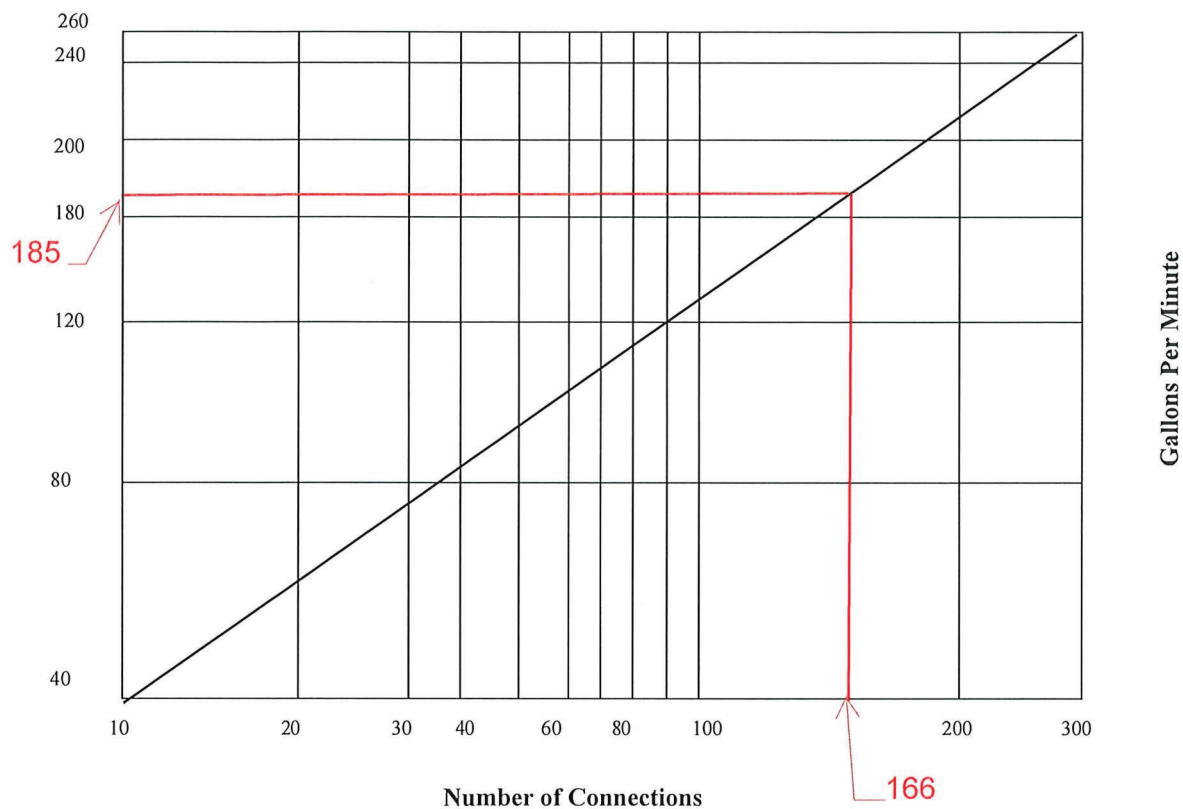
Staff Comments



WILLIAM RHETT TABER JR
9651-67-0721

DEVELOPMENT BLOCK
PROJECT: NAPLES ROAD APARTMENTS
ADDRESS: 399 NAPLES ROAD
HENDERSONVILLE, NC 28792
OWNER: CABIN DREAM HOMES, INC.
3872 NW 126TH AVENUE
CORAL SPRINGS, FL 33065
DEVELOPER: LUIS GRAEF
4880 N HIATUS RD
SUNRISE FL 33351
PIN: 9651-67-9309
DB: 3925 PG: 167
PB: 2022 PG: 14200

PEAK DEMAND FOR RESIDENTIAL COMMUNITY WATER SYSTEMS
(Number of Connections vs Gallons per Minute)



166 connections at 400 gal/day/connection = 66,400 gal/day






20240315-AvILtrExt-23124

Final Audit Report

2024-03-15

Created:	2024-03-15
By:	Deborah Sholl (dsholl@hvlnc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA8jFPnjKgy_IqaURDioA30IkXx4zTARZe

"20240315-AvILtrExt-23124" History

-  Document created by Deborah Sholl (dsholl@hvlnc.gov)
2024-03-15 - 7:49:58 PM GMT
-  Document emailed to Brendan Shanahan (bshanahan@hvlnc.gov) for signature
2024-03-15 - 7:50:12 PM GMT
-  Email viewed by Brendan Shanahan (bshanahan@hvlnc.gov)
2024-03-15 - 8:25:57 PM GMT
-  Document e-signed by Brendan Shanahan (bshanahan@hvlnc.gov)
Signature Date: 2024-03-15 - 8:26:55 PM GMT - Time Source: server
-  Agreement completed.
2024-03-15 - 8:26:55 PM GMT



Metropolitan Sewerage District

of Buncombe County, North Carolina

Allocation Approval

**This approval is not to be used to obtain a building permit
and is for gravity sewer extension only.**

Applicant:	JARED DERIDDER	Reviewed & Approved by: SAMUEL GETTLEMAN on 12/18/2023
Company:	WGLA ENGINEERING, PLLC	
Mailing Address:	724 5TH AVENUE WEST, HENDERSONVILLE, NC 28792	
Phone:	828-687-7177 (C)	
Project #:	2023232	
Project Name:	ORCHARDS AT NAPLES ROAD APARTMENTS	
Project Location:	NAPLES ROAD (399)	
PIN:	9651679318	

MSD of Buncombe County has approved your request for 24,175 GPD

The connection point (manhole #) will be 74-480393 & 74-480390

The project will consist of (166) APARTMENTS

Your final approval is contingent upon compliance of the items below:

- An 8-inch Public Gravity Sewer Extension is required. Please consult the Sewer Extension Manual for Developers and Sewer Extension Policy. Submit plans for review and permitting by creating an account using the Online Permitting on the MSD website at <http://www.msdbc.org/development.php>. If you have questions, please contact Kevin Johnson at kevinj@msdbc.org.
- A 3-Party NCDOT Encroachment Agreement will be required for sections of the extension located in the NCDOT Right-of-Way.
- No permanent foundations are allowed in the Public Sewer System Easement area. Retaining walls planned for the entrance roadway should be addressed during plan review.
- Please complete and submit a Sewer Service Application and MSD staff will contact you with the applicable fees.

Comments:

- * Sewer Service Applications will not be processed nor will building permits be released until Sewer Extension Permit has been issued. C.O.s will be on "HOLD" until sewer closeout is complete.
- * The fully executed NCDOT Encroachment Agreement is required prior to the issuance of the Sewer Extension Permit.
- * Building Permit will be on hold until Sewer Service Application has been processed and applicable fees paid.

The North Carolina Department of Environmental Quality (NCDEQ) requires MSD to issue this approval based on line condition/capacity of the receiving sewer and remaining plant capacity.

This allocation approval will expire on 12/18/2024 if no construction has started.

If you have any questions, please contact MSD.



Kevin Johnson
MSD Planning and Development



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

April 4, 2024

James B. Voso, P.E.
Mattern & Craig, Inc.
Engineers – Surveyors
12 Broad Street
Asheville, NC 28801

Reference: Naples Road Apartments Traffic Impact Analysis

Dear Mr. Voso,

The Traffic Impact Analysis (TIA) submitted to the North Carolina Department of Transportation (NCDOT) for the development titled as the Naples Road Apartments project is summarized as follows:

Proposed Development

According to the TIA, the proposed Naples Road Apartments project is to be located on SR 1534 (Naples Road) east of US 25 BUS (Asheville Highway) in Naples, Henderson County. The TIA states the development is to be built out in 2025 and is to consist of the following:

Land Use	Land Use Code	Size
Low-Rise Apartments	220	166 DU

Trip Generation - Unadjusted Volumes During a Typical Weekday

Based on appropriate methodology outlined in the *ITE Trip Generation Manual, 11th Ed.*

	IN	OUT	TOTAL
AM Peak Hour	18	56	74
PM Peak Hour	58	34	92
Daily Trips			1140

Requested Access Points

Driveway	Public Roadway	Access Type
1	SR 1534 (Naples Road)	All-Movement
2	SR 1534 (Naples Road) and SR 1695 (S. Naples Road)	All-Movement

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 14 / DISTRICT 1 FIELD OFFICE
4142 HAYWOOD ROAD
MILLS RIVER, NC 28759

Telephone: (828) 891-7911
Fax: (828) 891-5026
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
4142 HAYWOOD ROAD
MILLS RIVER, NC 28759

Using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 11th Edition, an unadjusted total of 1140 Daily Trips are expected to be generated by Land Use Code (LUC) 220. With 1140 Daily Trips, the development did not meet the 3000 daily trip threshold for a TIA, but does meet the 1000 daily trips/100 residential unit threshold for Henderson County and a TIA was required by Henderson County Code 42-135.

- The TIA Screening document was submitted on 10/27/2023 and approved on 10/30/2023.
- The TIA Scoping document was submitted on 11/20/2023 and approved on 12/6/2023.
- The full TIA was submitted on 2/7/2024 and deemed complete on 3/6/2024.
- Full review comments on the TIA are due on or before 4/4/2024.
- All statutory time frames as written in **NCGS 136-93.1A** have been met.

The Naples Road Apartments TIA is accepted by the NCDOT on this date with the following comments and required mitigations:

It should be noted that the approved Screening/Scoping Documents were not included in the full TIA submittal as required. The Screening/Scoping Documents that were included in Appendix B did not have signatures from Henderson County or NCDOT. NCDOT had provided Mattern & Craig an Approved Scoping Document Packet on 12/6/2023 and had maintained a copy.

Also to be noted, the site plan will need to be updated to meet the minimum standards for site plans by the NCDOT Policy On Street And Driveway Access to North Carolina Highways (NCDOT Driveway Manual) prior to an Application for a Driveway Permit. The provided site plan/map appears to show what is the Right of Way line as a Permanent Drainage Easement. All Right of Way, Permanent Drainage Easements and Utility Easements should be verified and reconciled with NCDOT TIP Project I-2001, 8.1950602.

The issues noted above could have been enough for NCDOT to reject the TIA. NCDOT decided not to reject the TIA due to the fact that these discrepancies are not expected to significantly alter the analysis as conducted.

The TIA states that Naples Road (SR 1534) is a two-lane collector road that runs east-west from its connections with US 25 BUS to the west and Howard Gap Road (SR 1006) to the east. The French Broad River Metropolitan Planning Organization's Comprehensive Transportation Plan shows SR 1354 as an existing "Minor Thoroughfare". The AADT for SR 1534 is listed as 5300-5700, depending on which reference is used. The posted speed limit on SR 1534 in the vicinity of the project site is 45mph.

The NCDOT I-4400 project for I-26 is currently on track to be substantially complete by the fall of 2024. The nearby Sheetz and AdventHealth projects are currently under construction and have stated intentions of both being complete by early 2025.

Chapter 5, Section J, of the NCDOT Driveway Manual states:

The applicant shall be required to identify mitigation improvements to the roadway network if at least one of the following conditions exists when comparing base network conditions to project conditions:

- the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same level of service,
- the Level of Service degrades by at least one level,
- or Level of Service is "F."

In the TIA, both the Executive Summary and the Conclusions point out a drop in Level of Service (LOS) at the intersection of Naples Road and Hospital Drive/Homestead Farm Circle and the intersection of Asheville Highway and S. Naples Road. The TIA dismisses both as a border case or a minimal increase in delay. The intersection of Naples Road, S. Naples Road, and Site Drive #1 is mentioned as an overall drop in LOS due to the Site Drive #1 being the worst performing leg and minimal changes in performance to the other three approaches.

While the data on those intersections shows an overall intersection LOS drop and/or increased delay, the NCDOT Driveway Manual does not indicate an overall intersection LOS degradation is needed to require mitigation. The data for the other two intersections that currently exist also show at least one approach with a LOS drop and/or increased delay. The TIA does not identify any improvements meant to mitigate these potential problems as required by the NCDOT Driveway Manual.

Chapter 5, Section J, of the NCDOT Driveway Manual also states:

For turning lanes, mitigation improvements shall be identified when the analysis indicates that the 95th percentile queue exceeds the storage capacity of the existing lane.

While the TIA calls out two instances of “Relatively Large Increase in Queue Length (Compared to Background Condition)”, the data shows there are multiple approaches with more than a 45% increase in queue length that were not identified. In the TIA, no reference to the 95th percentile queue was located.

NCGS 136-18(29) states, in part “The Department of Transportation may require the construction and public dedication of acceleration and deceleration lanes, and traffic storage lanes and medians by others for the driveway connections into any United States route, or North Carolina route, and on any secondary road route with an average daily traffic volume of 4,000 vehicles per day or more.” Naples Road (SR 1534) is a North Carolina secondary route and the published data states the roadway carries an average daily traffic volume of more than 4,000 vehicles per day.

NCDOT Individual Intersection Mitigation Requirements (In order as numbered in the TIA)

Howard Gap Road (SR 1006) and Naples Road (SR 1534)/Church Entrance
Mattern & Craig recommends no changes to this intersection.

NCDOT requires no mitigation at this intersection.

Naples Road (SR 1534) and Hospital Drive/Homestead Farm Circle
Mattern & Craig recommends no changes to this intersection.

NCDOT requires no mitigation at this intersection.

Naples Road (SR 1534) and S. Naples Road (SR 1695)/Site Drive #1
Mattern & Craig recommends no changes to this intersection.

As provided for in NCGS 136-18(29), NCDOT requires roadway improvements at this intersection. With the Site Drive #1 approach entering on the inside of the curve, turn lanes are not advisable due to vertical and horizontal alignments. The site drive, as shown, would have sight distance issues in a 45mph speed zone. The sight distance issue would be compounded as the drivers exiting the drive would have to look behind in both directions to see oncoming traffic.

For safety and mobility, a roundabout is the preferred mitigation at this intersection. Other types of reduced conflict intersections may be considered.

The NCDOT has the authority and the responsibility to require a sufficient length of protected stem (beyond the right-of-way limits) within the site for operational and safety needs of the adjacent roadway system. An Internal Protected Stem with a minimum storage of 100', measured from the near edge of the right of way line is the requirement per the NCDOT Driveway Manual.

Site Drive #1 on SR 1534 is to have one inbound lane and one outbound lane. Each lane is to be a maximum of 12' wide, not including any curb and gutter proposed.

Asheville Highway (US 25 BUS) and Naples Road (SR 1534)
Mattern & Craig recommends no changes to this intersection.

NCDOT requires no mitigation at this intersection.

Asheville Highway (US 25 BUS) and S. Naples Road (SR 1695)
Mattern & Craig recommends no changes to this intersection.

NCDOT requires no mitigation at this intersection.

Naples Road (SR 1534) and Site Drive #2
Mattern & Craig recommends no changes to this intersection.

As provided for in NCGS 136-18(29), NCDOT requires roadway improvements at this intersection. The Site Drive #2 approach, as shown, enters SR 1534 approximately 150' off the bridge over the railroad. This approximate distance was scaled and not labeled on the site plan. This location is not advisable for a full access drive due to vertical and horizontal alignments in relation to the bridge and the 45mph speed zone.

NCDOT requires Site Drive #2 to be right-in/right-out access stop control. A raised concrete island is required with the right-in/right-out access. This channelization island is required to be sufficiently shaped on the right-out to physically prevent improper or illegal turns into and out of Site Drive #2 or SR 1534.

The NCDOT has the authority and the responsibility to require a sufficient length of protected stem (beyond the right-of-way limits) within the site for operational and safety needs of the adjacent roadway system. An Internal Protected Stem with a minimum storage of 100', measured from the near edge of the right of way line is the requirement per the NCDOT Driveway Manual.

Site Drive #2 on SR 1534 is to have one inbound lane and one outbound lane. Each lane is to be a maximum of 12' wide, not including any curb and gutter proposed.

If any disturbance occurs to the surface of the travel lanes, as provided for in the NCDOT Driveway Manual, SR 1534 will be required to be resurfaced 100' outside of the outer limits of disturbance. Resurface to milled headers with 1" Asphalt Surface Course to provide a consistent surface for effective striping, improved ride-ability and maintainability, and improved night and wet pavement lane visibility.

Any resurfacing on SR 1534 is required to be fully restriped, and all pavement markings reinstalled 200' beyond the limits of resurfacing. Pavement markings and striping material and dimensions are to be approved by the NCDOT Division 14 Traffic Engineer.

James B. Voso, P. E.
Naples Road Apartments Traffic Impact Analysis
4/4/2024
Page 5

If any traffic signals should need to be retimed and/or coordinated with the corridor, signal work is to be coordinated and approved through the NCDOT Division 14 Traffic Engineer.

Any proposed curb and gutter within NCDOT right of way is to be 2'6" wide and comply with NCDOT Standard 640.01.

All required improvements are to have NCDOT approved roadway plans.

All required driveway permits and/or encroachment agreements are to be approved prior to construction.

All improvements to the NCDOT system will be bonded prior to construction.

The developer is encouraged to explore different design options that meet current NCDOT design standards. NCDOT is willing to review alternatives.

If you have any questions, please let me know by email at rh darnell@ncdot.gov or by phone at 828-891-7911.

Sincerely,

DocuSigned by:

E3DD5A4810424B2...

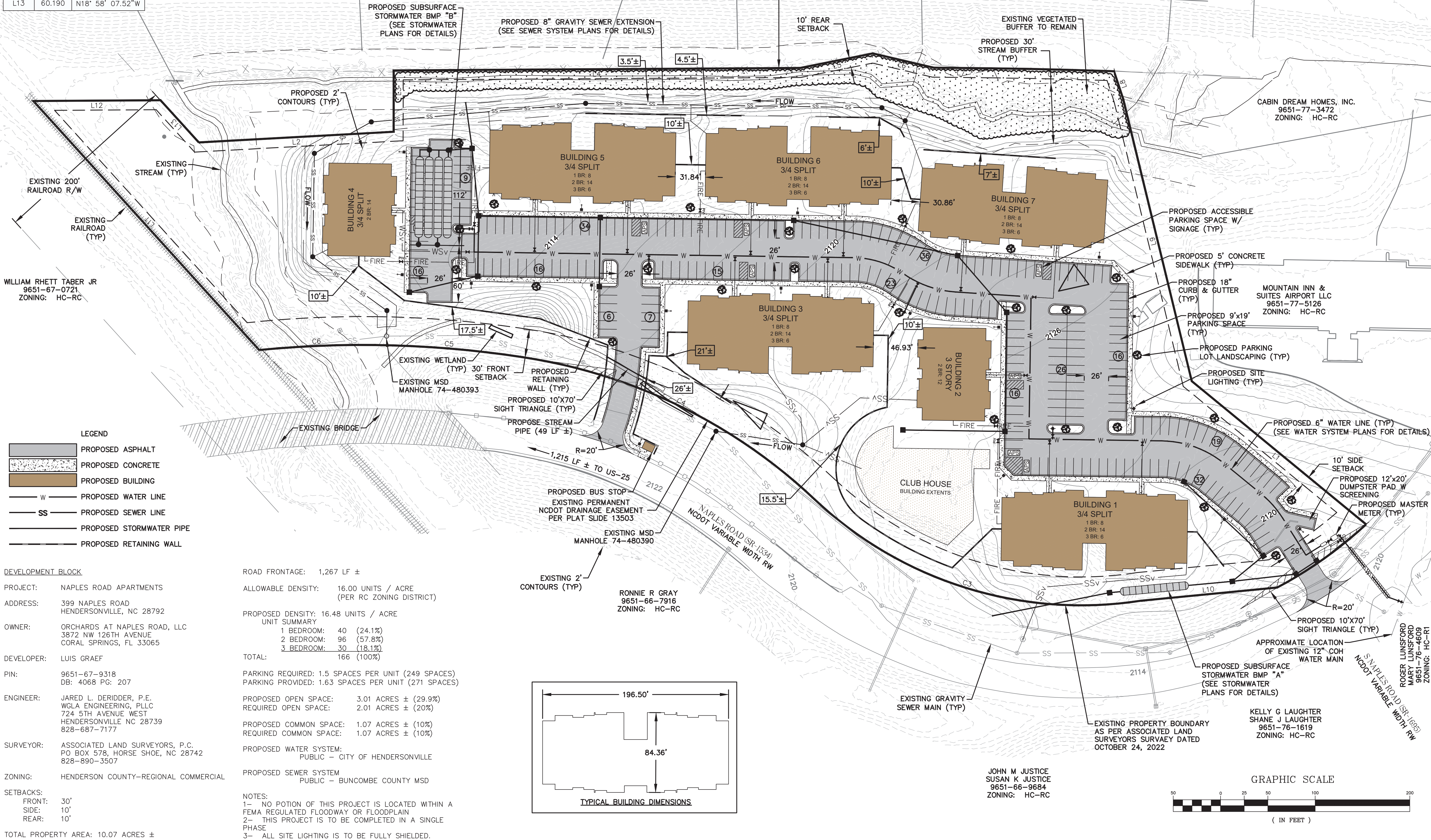
R.H. Darnell
Assistant District Engineer

RHD/rhd

CC: Troy S. Wilson, PLS, NCDOT District Engineer
Michael P. Reese, PE, CPM, NCDOT Congestion Management Regional Engineer
Wanda H. Payne, PE, CPM, NCDOT Division Engineer
Wesley T. Grindstaff, PE, NCDOT Deputy Division Engineer
Steven M. Buchanan, NCDOT Division Traffic Engineer
Scott M. Collier, PE, NCDOT Western Regional Field Operations Engineer
Autumn Radcliff, Henderson County Planning Director
Matt Champion, Henderson County Code Services Director and Zoning Administrator

Line Table		
Line #	Length	Direction
L1	238.547	N27° 20' 49.23"W
L2	206.251	N69° 54' 35.95"W
L3	64.830	S23° 15' 45.03"W
L4	429.306	N67° 07' 39.41"W
L5	78.510	N78° 05' 33.08"W
L6	65.970	N53° 35' 57.08"W
L7	58.204	N66° 05' 31.25"W
L8	31.104	N4° 57' 49.62"E
L9	306.640	N9° 34' 02.21"E
L10	145.075	S72° 18' 40.78"E
L11	355.273	S18° 58' 07.52"E
L12	134.441	N67° 07' 39.08"W
L13	60.190	N18° 58' 07.52"W

Curve Table			
Curve #	Length	Radius	Delta
C1	132.492	5913.686	1.2837
C2	115.532	442.909	14.9455
C3	373.494	410.103	52.1811
C4	348.682	573.974	34.8064
C5	157.146	1112.993	8.0897
C6	122.093	1115.496	6.2711



WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

ORCHARDS AT NAPLES ROAD APARTMENTS

HENDERSON COUNTY
NORTH CAROLINA

Preliminary
Not For
Construction

REVISIONS	
DATE	DESCRIPTION

811
Know what's below.
Call before you dig.

PROJECT NUMBER: 23150
DATE: 3-15-24

SITE PLAN

C-200

SCALE: 1"=50'