

## **REQUEST FOR BOARD ACTION**

### **HENDERSONCOUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** June 19, 2024

**SUBJECT:** Public Hearing for Conditional Rezoning Application #R-2024-01-C, The Orchards at Naples Rd Apartments, Regional Commercial (RC) to Conditional District (CD-2024-01)

**PRESENTER:** Matt Champion, Zoning Administrator  
Autumn Radcliff, Planning Director

**ATTACHMENTS:**

1. Staff Report
2. Neighborhood Meeting Summary
4. Application
5. Sewer & Water Allocation Requests
7. TIA Summary & Conclusions
6. Master Plan
8. Certification of Public Hearing Notification
9. Resolution of Consistency
10. Staff PowerPoint Presentation

#### **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.

The Planning Board reviewed the conditional rezoning request at its May 16, 2024, meeting. The Planning Board voted unanimously to forward a favorable recommendation.

**PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the June 19, 2024, public hearing regarding rezoning application #R-2024-01-C was published in the Hendersonville Lightning on June 5<sup>th</sup> and June 12<sup>th</sup>. The Planning Department sent notices of the hearing via first class mail to the owners of properties within 400 feet of the Subject Area on June 3, 2024, and posted signs advertising the hearing on June 3, 2024.

**BOARD ACTION REQUESTED:**

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

**Suggested Motion:**

I move that the Board (approve, approve with modifications, or deny) rezoning application #R-2024-01-C to rezone the Subject Area to a Conditional District (CD-2024-01) based on the recommendations of the 2045 Comprehensive Plan, and with any conditions stated in the staff report and additional conditions as discussed, and;

I move that the Board approve the attached resolution regarding the consistency with the 2045 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

**BOARD OF COMMISSIONERS MEETING DATE:**  
JUNE 19, 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.

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

---

### ADJACENT ZONING

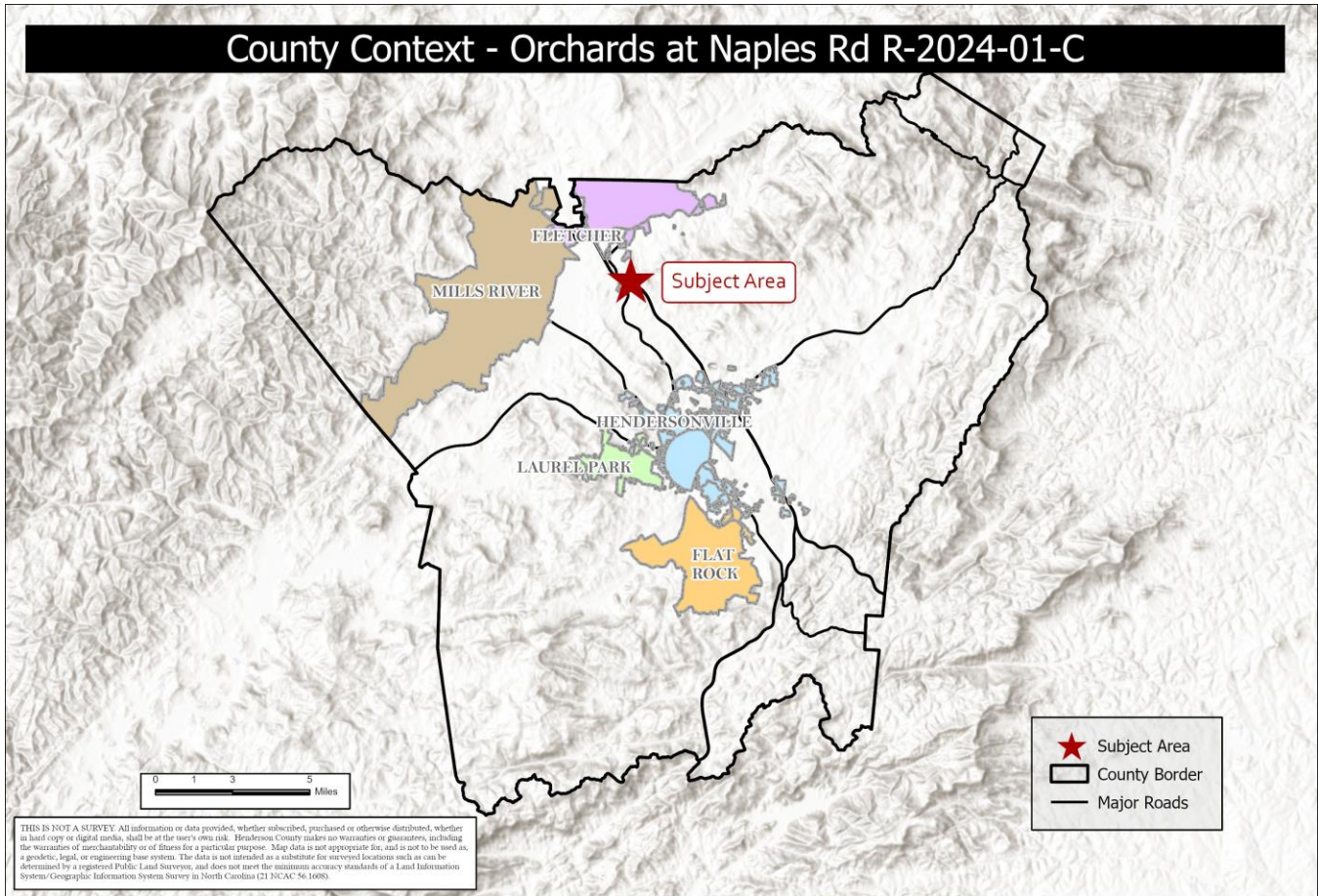
<b>North</b>	I
<b>East</b>	RC, I
<b>South</b>	RC
<b>West</b>	RC, Fletcher (C-1)

### PROPERTY CLASS

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)



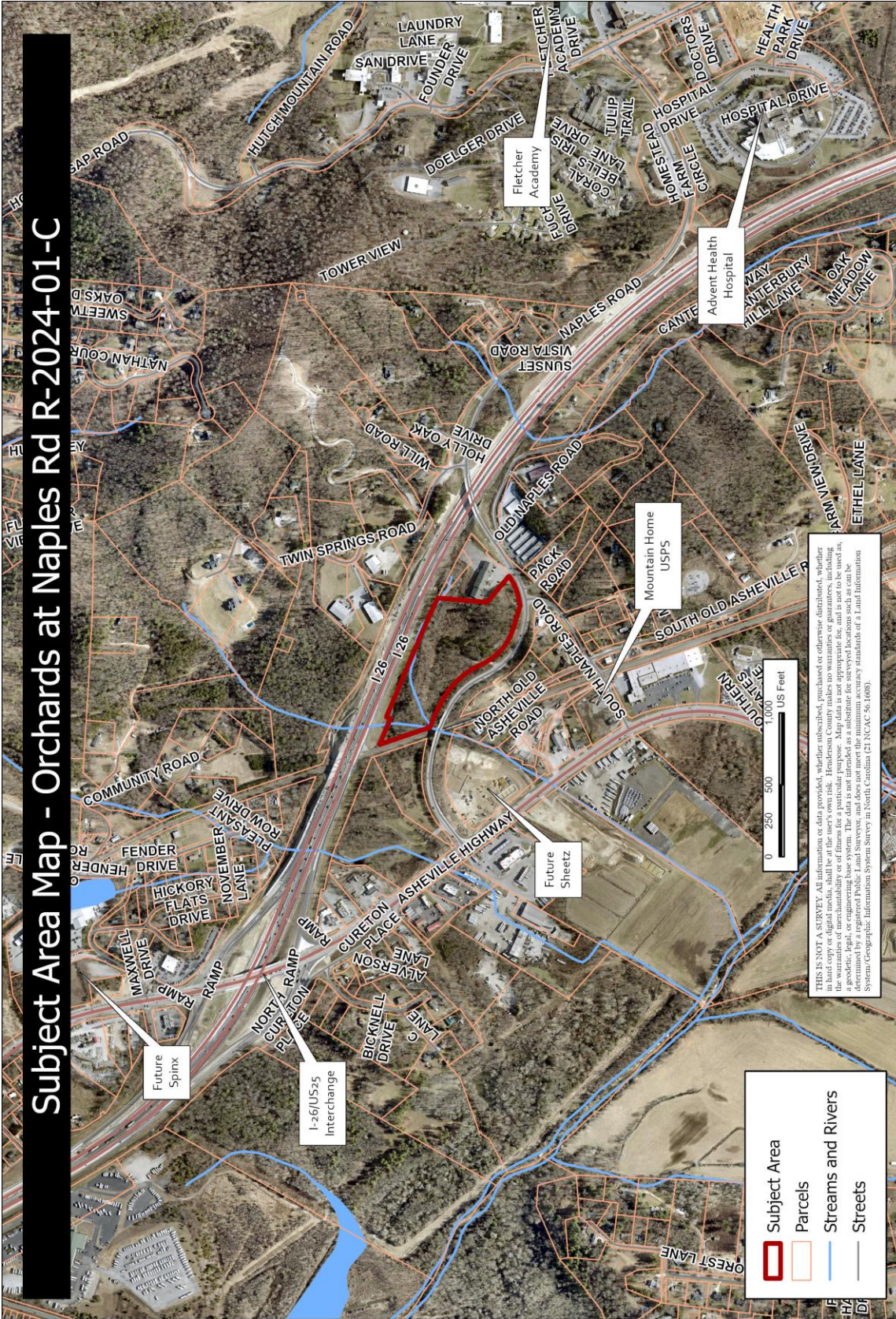
**BACKGROUND:**

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:**

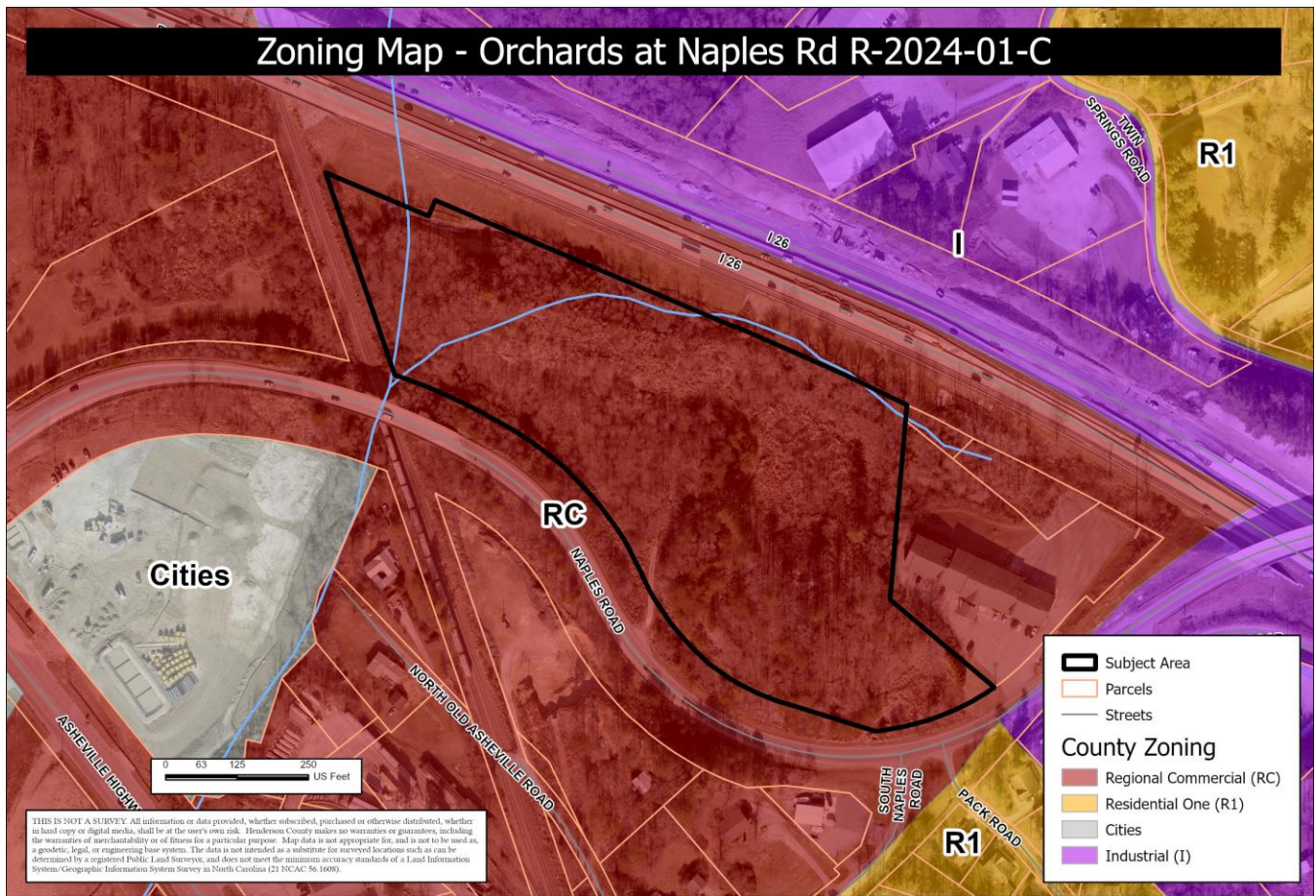
**West:** The property to the west of the subject area contains vacant land and the future Sheetz convenience store and gas station. The future Sheetz site is located within the Town of Fletcher’s incorporated limits.

**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.

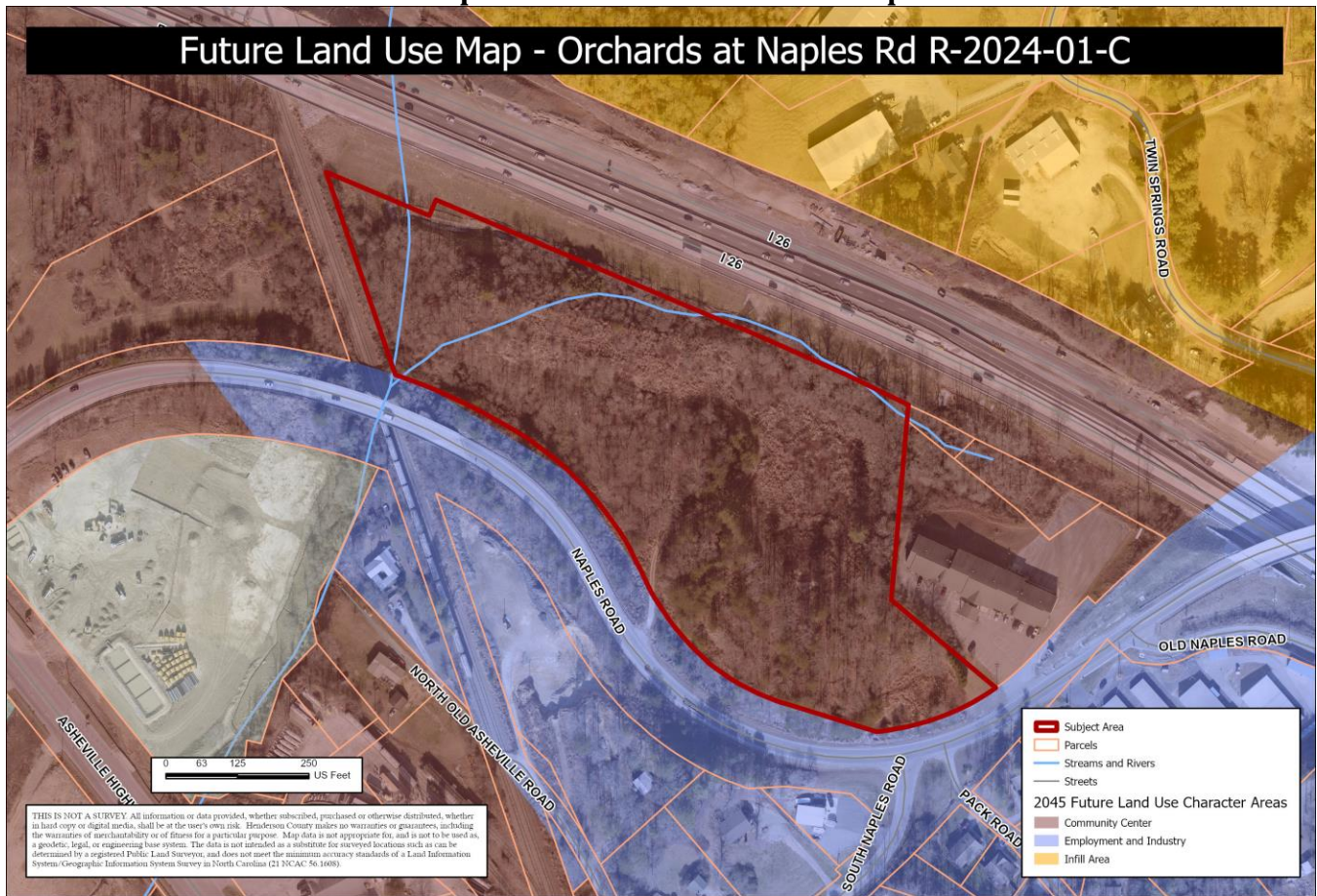
**Similar Projects:**

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)

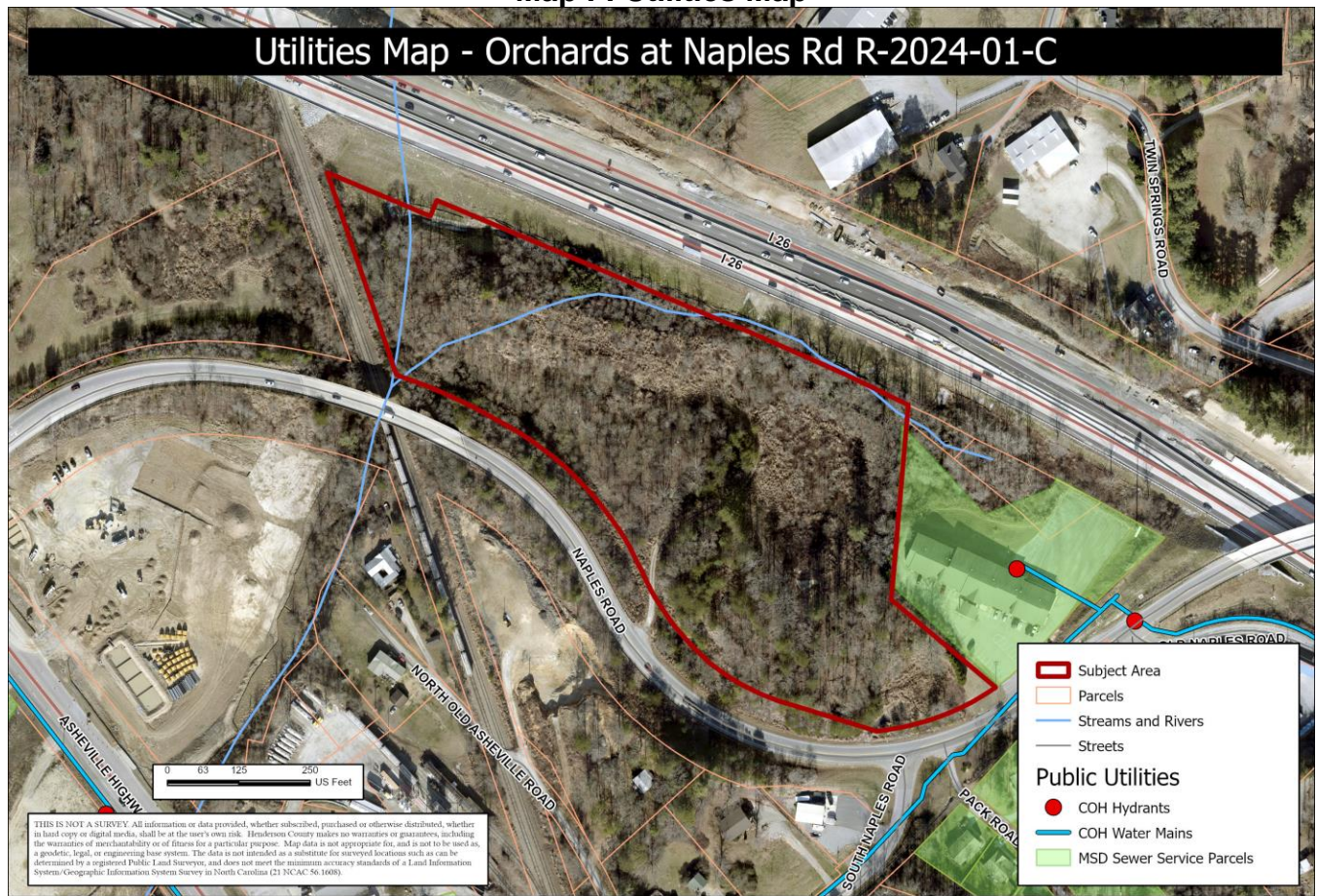
- **Utility Access:** Typically served by water and potentially sewer. (This property is served by both water and sewer)

**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**

The Planning Board met on May 16, 2024, to review the conditional rezoning application. The Planning Board voted unanimously to forward the application to the Board of Commissioners with a favorable recommendation.

**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-about. 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 16<sup>th</sup> 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:

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 126<sup>th</sup> 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 infrastructure 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](mailto: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](mailto: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:**

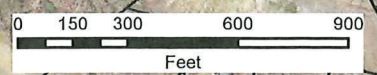
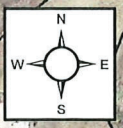
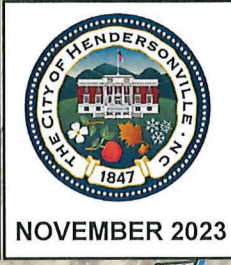
Kevin Waldrup, Henderson County Fire Marshal



**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



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](#)

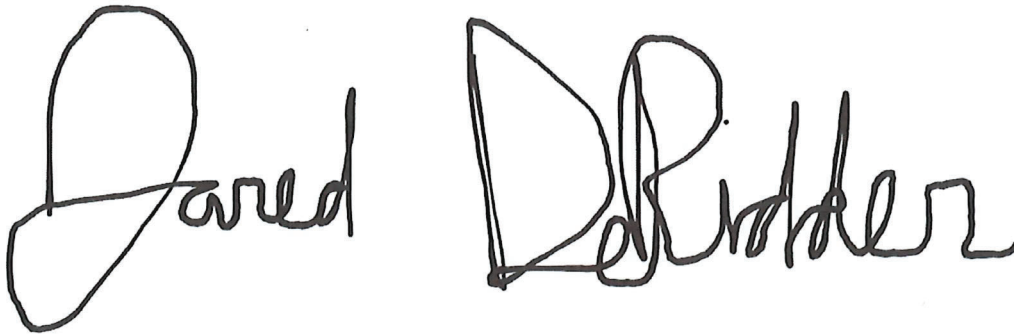
*The City of Hendersonville reserves the right, in its sole discretion, to approve or decline any availability request. Connections and extensions shall be in accordance with all applicable laws, ordinances, rules and requirements of the City of Hendersonville Water and Sewer and Engineering Departments. **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**

A handwritten signature in black ink, reading "Jared DeRudder". The signature is written in a cursive style with a large, looped initial "J" and a stylized "D" for "DeRudder".

**FOR CITY OF HENDERSONVILLE USE ONLY**

**COH Project Tracking #**

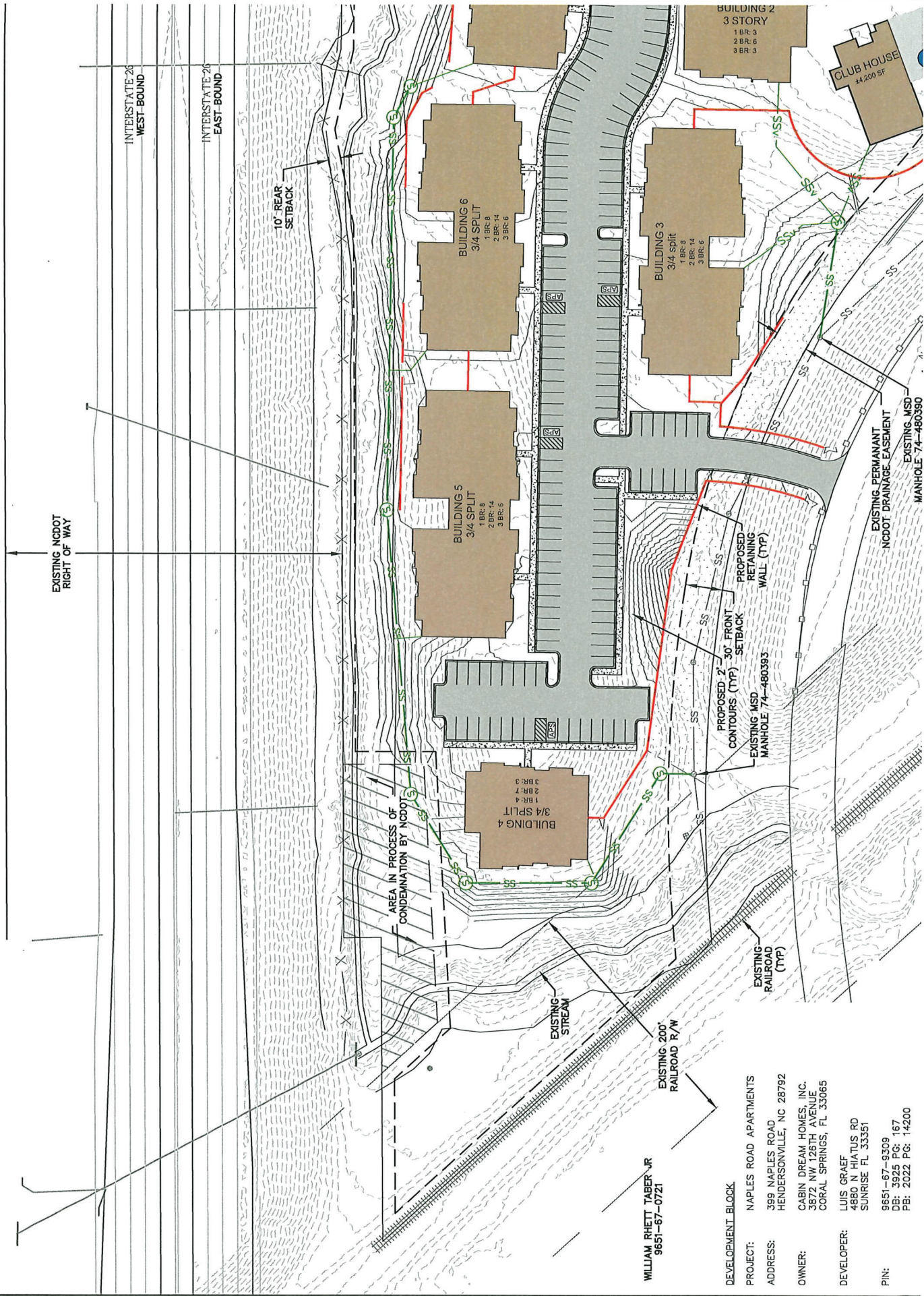
23,124

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

**If yes, which lift station?**

**Staff Comments**



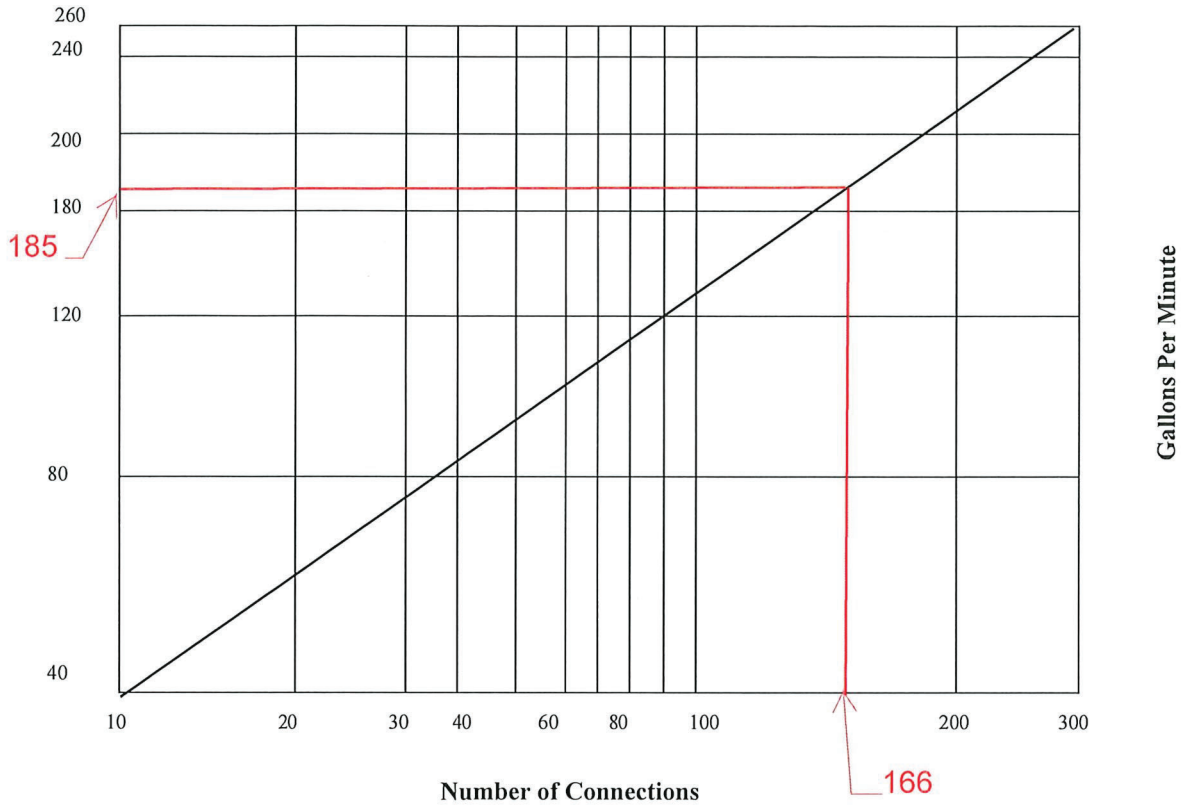


WILLIAM RHETT TABER JR  
9651-67-0721

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_IqaURDioA30tkXx4zTARZe

## "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](mailto: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

<b>Trip Generation - Unadjusted Volumes During a Typical Weekday</b>			
Based on appropriate methodology outlined in the <i>ITE Trip Generation Manual, 11<sup>th</sup> Ed.</i>			
	IN	OUT	TOTAL
AM Peak Hour	18	56	74
PM Peak Hour	58	34	92
Daily Trips			1140

<b>Requested Access Points</b>		
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

Location:  
4142 HAYWOOD ROAD  
MILLS RIVER, NC 28759

Website: [www.ncdot.gov](http://www.ncdot.gov)

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 1534 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](mailto: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 #	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

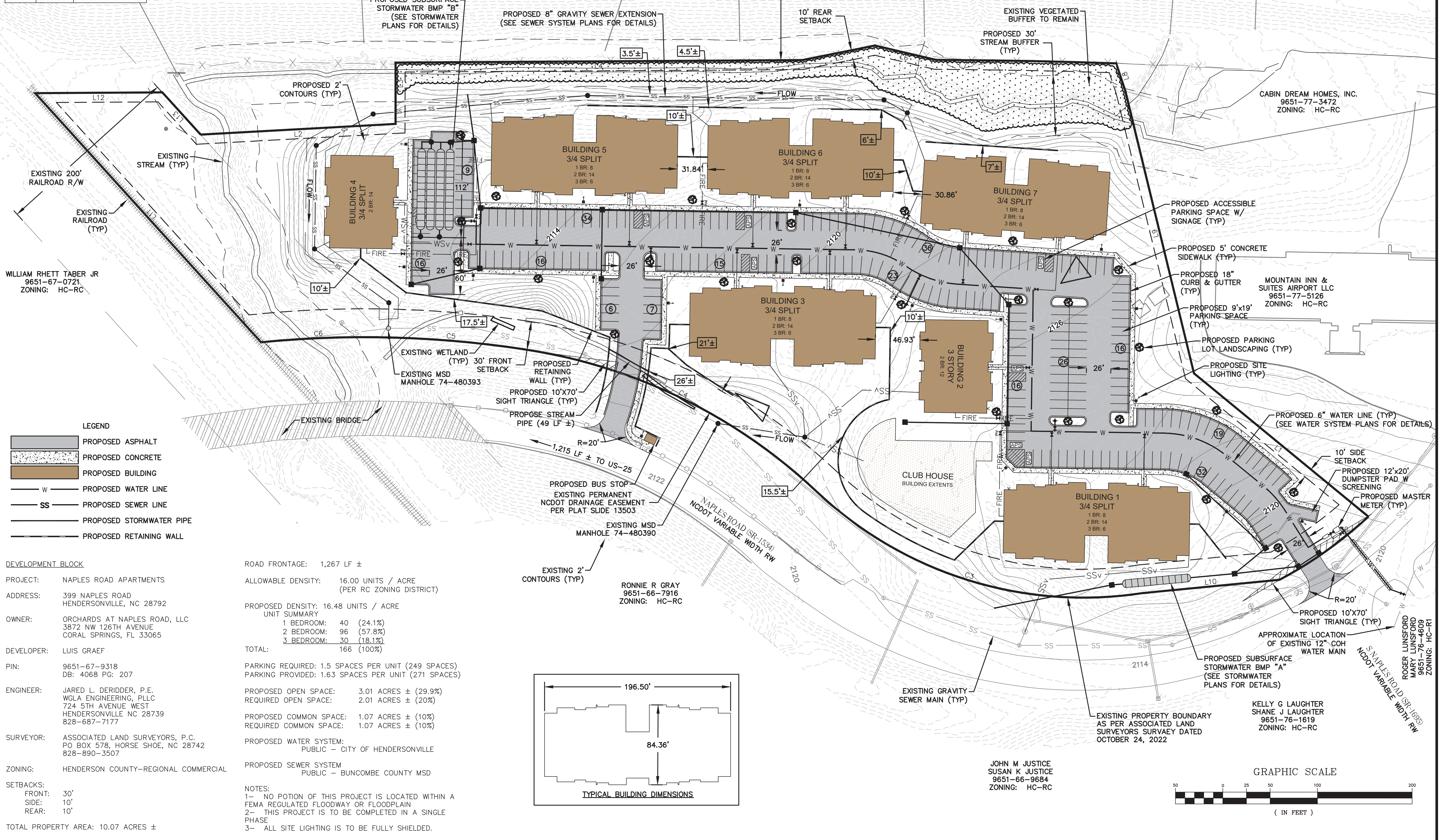
Curve #	Length	Radius	Delta
C1	132.492	5913.686	1.2837
C2	115.532	442.909	14.9455
C3	373.494	410.103	52.1811
C4	348.682	573.974	34.8064
C5	157.146	1112.993	8.0897
C6	122.093	1115.496	6.2711

**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



WILLIAM RHETT TABER JR  
9651-67-0721  
ZONING: HC-RC

CABIN DREAM HOMES, INC.  
9651-77-3472  
ZONING: HC-RC

MOUNTAIN INN & SUITES AIRPORT LLC  
9651-77-5126  
ZONING: HC-RC

RONNIE R GRAY  
9651-66-7916  
ZONING: HC-RC

KELLY G LAUGHTER  
SHANE J LAUGHTER  
9651-78-1619  
ZONING: HC-RC

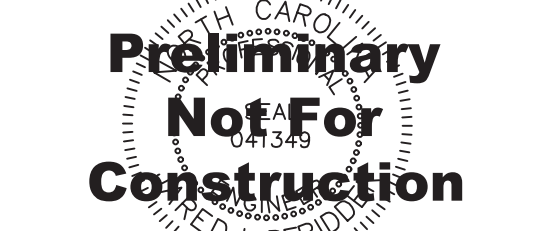
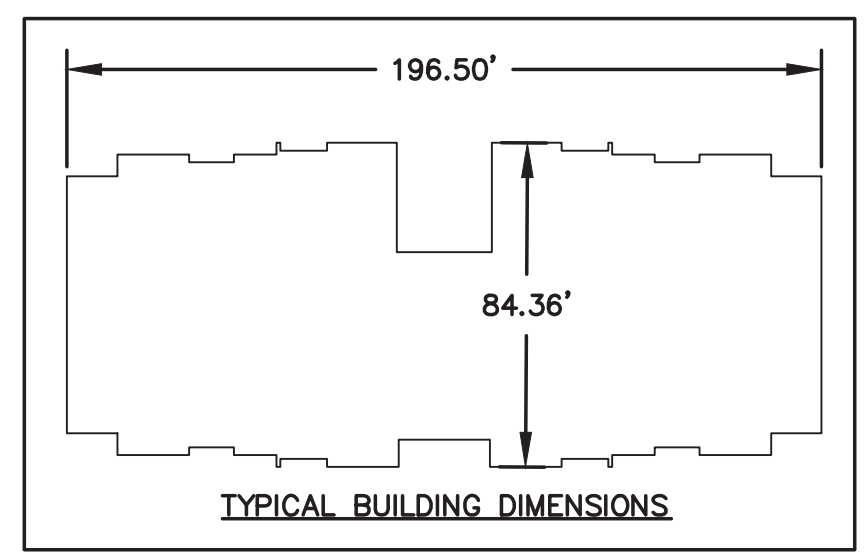
JOHN M. JUSTICE  
SUSAN K. JUSTICE  
9651-66-9684  
ZONING: HC-RC

- LEGEND**
- PROPOSED ASPHALT
  - PROPOSED CONCRETE
  - PROPOSED BUILDING
  - PROPOSED WATER LINE
  - PROPOSED SEWER LINE
  - PROPOSED STORMWATER PIPE
  - PROPOSED RETAINING WALL

**DEVELOPMENT BLOCK**

PROJECT: NAPLES ROAD APARTMENTS  
ADDRESS: 399 NAPLES ROAD, HENDERSONVILLE, NC 28792  
OWNER: ORCHARDS AT NAPLES ROAD, LLC, 3872 NW 126TH AVENUE, CORAL SPRINGS, FL 33065  
DEVELOPER: LUIS GRAEF  
PIN: 9651-67-9318, DB: 4068 PG: 207  
ENGINEER: JARED L. DERIDDER, P.E., WGLA ENGINEERING, PLLC, 724 5th AVENUE WEST, HENDERSONVILLE, NC 28739, 828-687-7177  
SURVEYOR: ASSOCIATED LAND SURVEYORS, P.C., PO BOX 578, HORSE SHOE, NC 28742, 828-890-3507  
ZONING: HENDERSON COUNTY-REGIONAL COMMERCIAL  
SETBACKS: FRONT: 30', SIDE: 10', REAR: 10'  
TOTAL PROPERTY AREA: 10.07 ACRES ±

ROAD FRONTAGE: 1,267 LF ±  
ALLOWABLE DENSITY: 16.00 UNITS / ACRE (PER RC ZONING DISTRICT)  
PROPOSED DENSITY: 16.48 UNITS / ACRE  
**UNIT SUMMARY**  
1 BEDROOM: 40 (24.1%)  
2 BEDROOM: 96 (57.8%)  
3 BEDROOM: 30 (18.1%)  
TOTAL: 166 (100%)  
PARKING REQUIRED: 1.5 SPACES PER UNIT (249 SPACES)  
PARKING PROVIDED: 1.63 SPACES PER UNIT (271 SPACES)  
PROPOSED OPEN SPACE: 3.01 ACRES ± (29.9%)  
REQUIRED OPEN SPACE: 2.01 ACRES ± (20%)  
PROPOSED COMMON SPACE: 1.07 ACRES ± (10%)  
REQUIRED COMMON SPACE: 1.07 ACRES ± (10%)  
PROPOSED WATER SYSTEM: PUBLIC - CITY OF HENDERSONVILLE  
PROPOSED SEWER SYSTEM: PUBLIC - BUNCOMBE COUNTY MSD  
**NOTES:**  
1- NO PORTION OF THIS PROJECT IS LOCATED WITHIN A FEMA REGULATED FLOODWAY OR FLOODPLAIN  
2- THIS PROJECT IS TO BE COMPLETED IN A SINGLE PHASE  
3- ALL SITE LIGHTING IS TO BE FULLY SHIELDED.



**REVISIONS**

DATE	DESCRIPTION

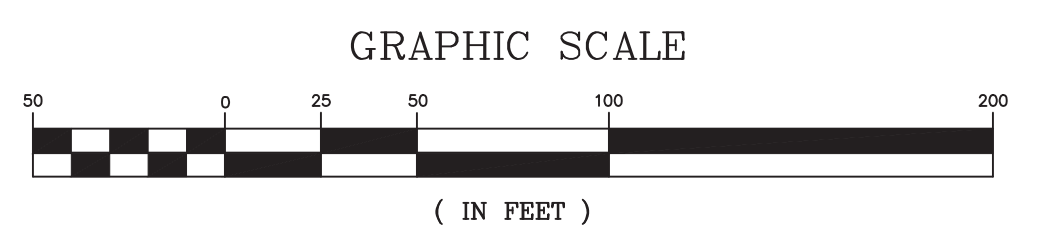


PROJECT NUMBER: 23150  
DATE: 3-15-24

**SITE PLAN**

**C-200**

SCALE: 1"=50'






**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-343 the Planning Department certifies notice of the June 19, 2024 hearing regarding Rezoning Application #R-2024-01-C were:

1. Submitted to the Hendersonville Lightning on May 30, 2024 to be published on June 5, 2024 and June 12, 2024 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on June 3, 2024 by Matt Champion;
3. Sent, via first class mail, to the property owner on June 3, 2024 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on June 3, 2024 by Matt Champion.

The signatures herein below indicate that such notices were made as indicated herein above:

1. 

STATE OF   NORTH CAROLINA  

COUNTY OF   HENDERSON  

I,   Toby Linville  , a Notary Public, in and for the above County and State, do hereby certify that

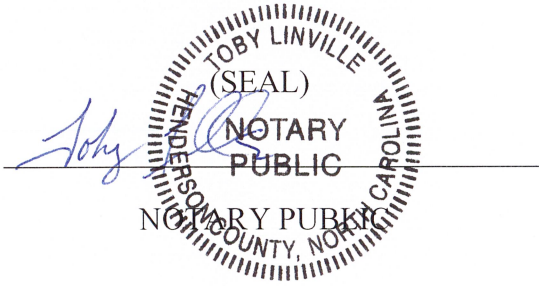
  Matt Champion  

personally appeared before me this day.

WITNESS my hand and notarial seal, this the   3<sup>rd</sup>   day of   June  , 20  24  .

My commission expires:

  6/29/26  





**BOARD OF COMMISSIONER ENACTMENT 2024- \_\_\_\_\_**

**RESOLUTION OF CONSISTENCY WITH THE 2045 COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2024-01-C; and

**WHEREAS**, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice, and the Board held the required public hearing on June 19, 2024; and

**WHEREAS**, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the 2045 Comprehensive Plan;

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2024-01-C The Orchards at Naples Rd Apartments) and determined that it is reasonable, in the public interest, and it is consistent with the 2045 Comprehensive Plan located therein because:
  - The subject area is located within the Community Center character area,
  - The Community Center character area encourages mixed-use development, especially multi-story units,
  - The Community Center character area land uses include a mix of housing, like apartments,
  - The 2045 Comprehensive Plan describes the need for additional types of housing and to diversify housing choices, and
  - The application will address connectivity that was identified as one of the three outcomes in the 2045 Comprehensive Plan;
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

**THIS**, the 19<sup>th</sup> day of June 2024.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Rebecca McCall, Chairman**

**ATTEST:**

**[COUNTY SEAL]**

\_\_\_\_\_  
**Denisa Lauffer, Clerk to the Board**



# Rezoning #R-2024-01-C The Orchards at Naples Rd Apartments



Board of Commissioners  
June 19, 2024

*Henderson County Planning Department*

1

## Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on June 5<sup>th</sup> and June 12<sup>th</sup>
- The property was posted on June 3<sup>rd</sup>
- Letters were mailed to property owners within 400 feet of the Subject Area on June 3<sup>rd</sup>

*Henderson County Planning Department*

2

## Conditional Districts

Conditional rezoning's are:

- Legislative decisions
- Require a site-specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

*Henderson County Planning Department*

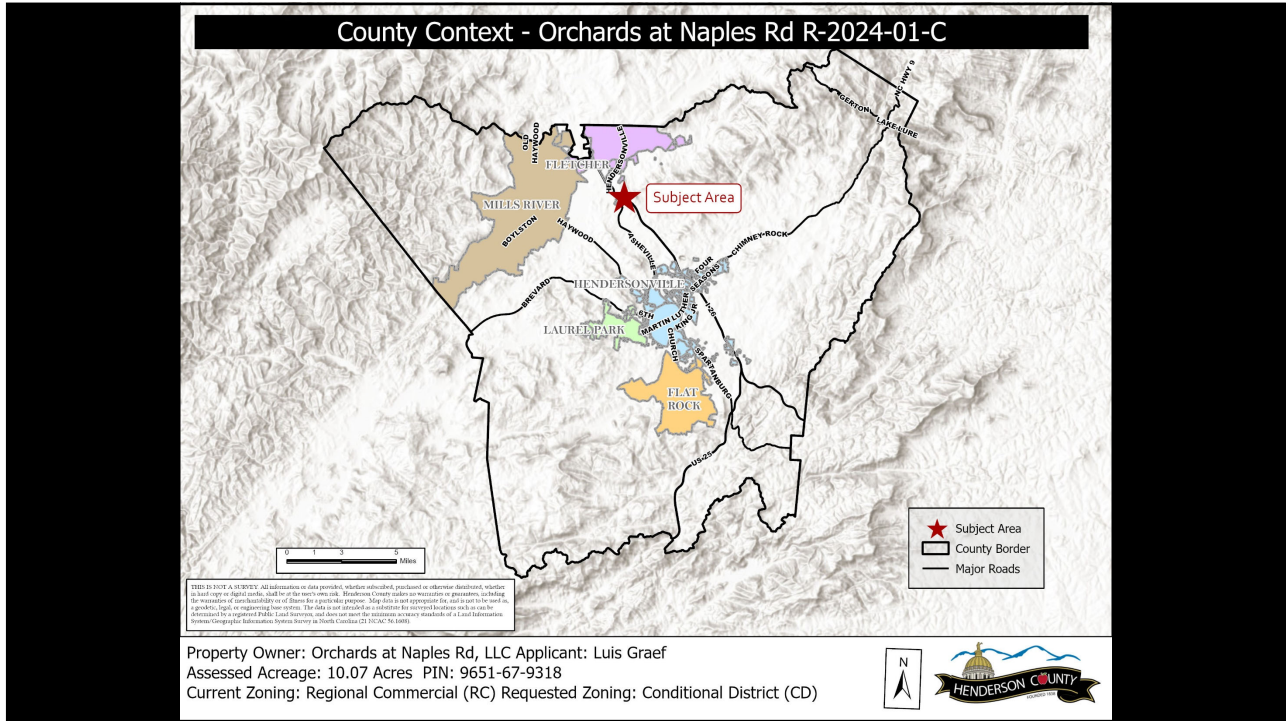
3

## Application Summary

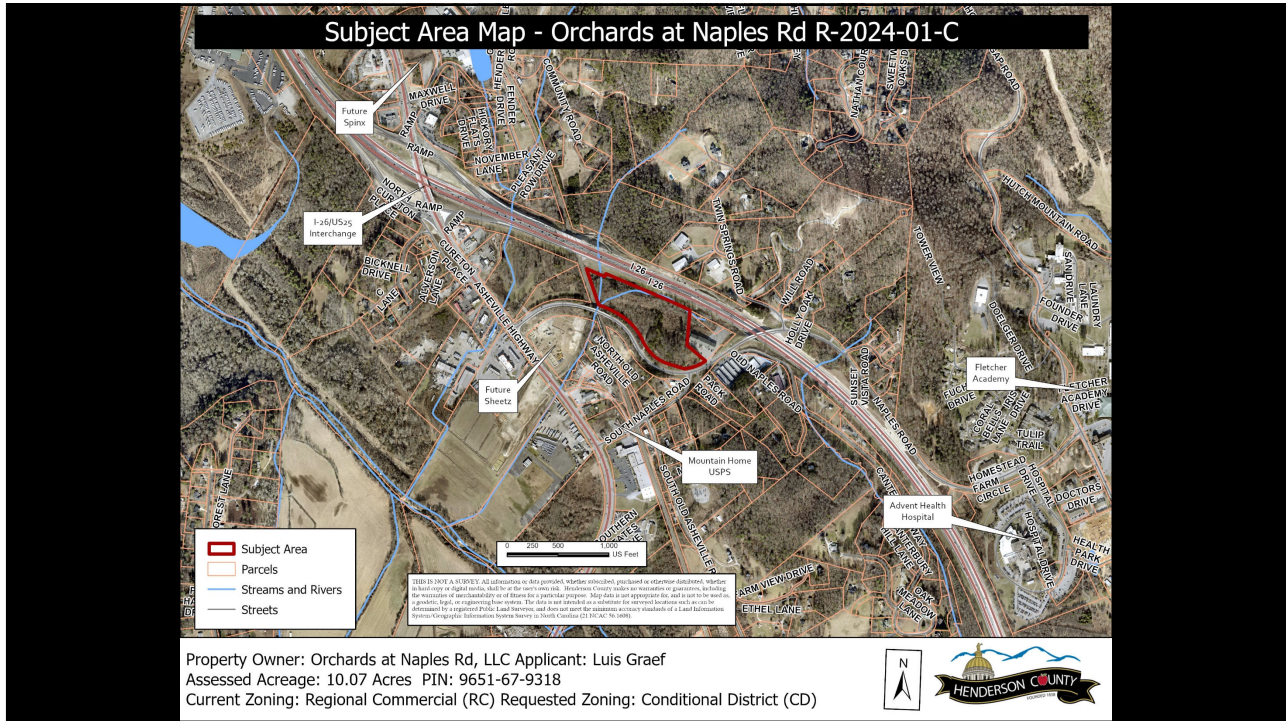
- Conditional Rezoning Request: R-2024-01-C
- Owner(s): The Orchards at Naples Rd, LLC
- Applicant(s): Luis Graef
- Agent: Jared DeRidder
- Property Location: 399 Naples Rd
- PIN: 9652-12-2330
- Conditionally rezone from a Regional Commercial (RC) Zoning District to a Conditional District (CD-2024-01)
- Approximately 10.38 acres

*Henderson County Planning Department*

4

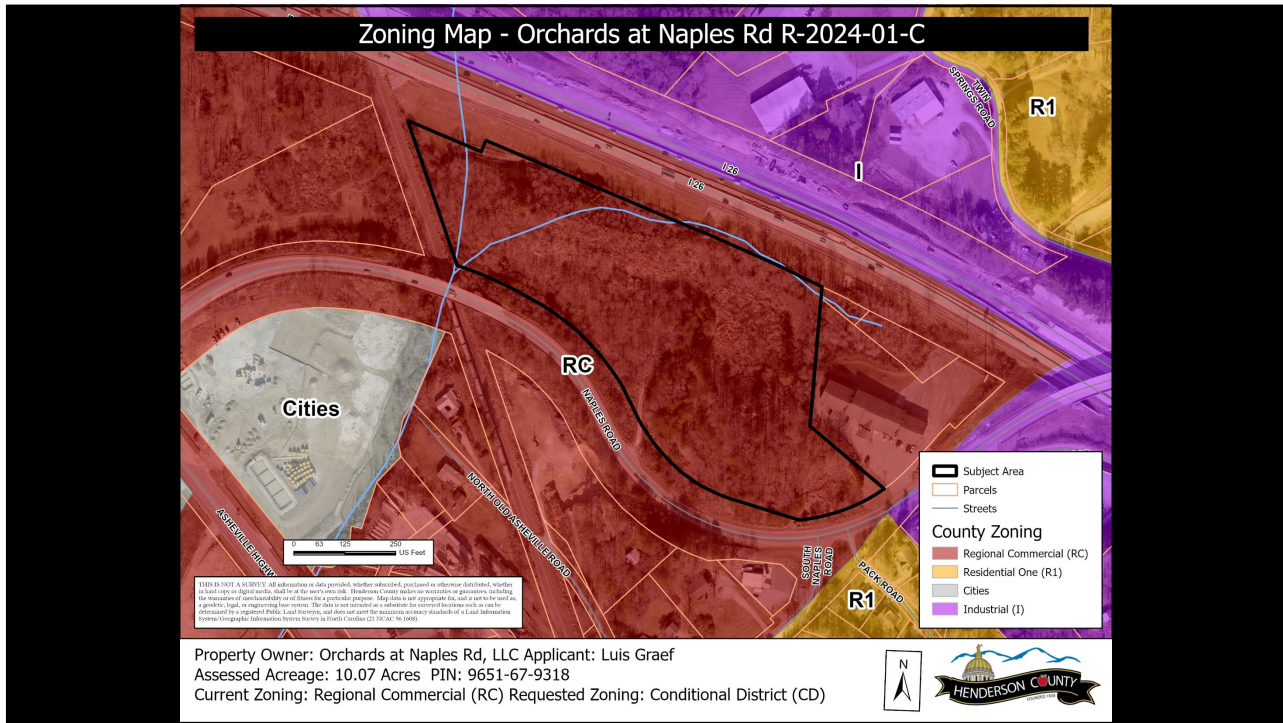


5

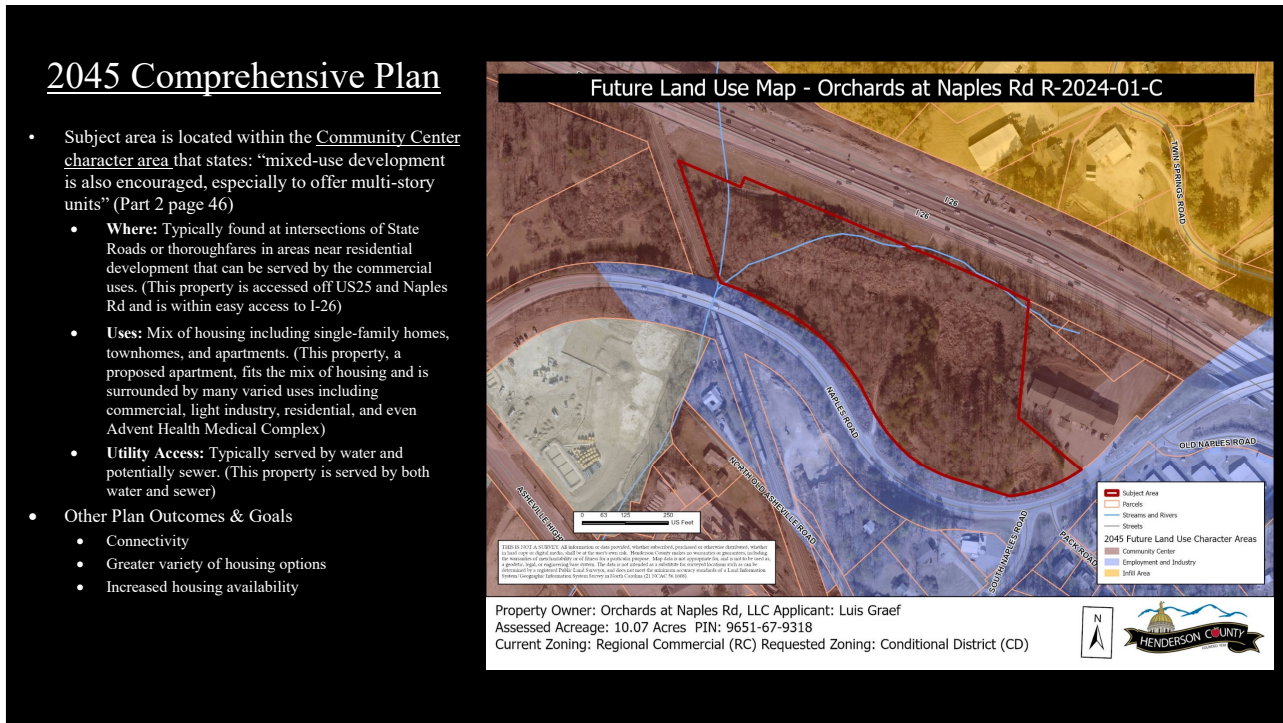


6





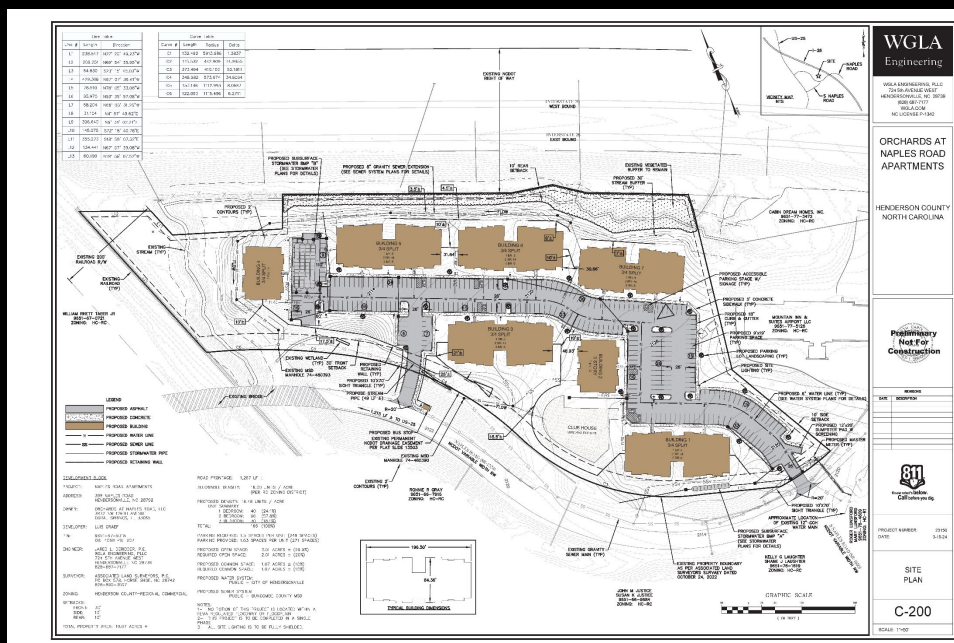
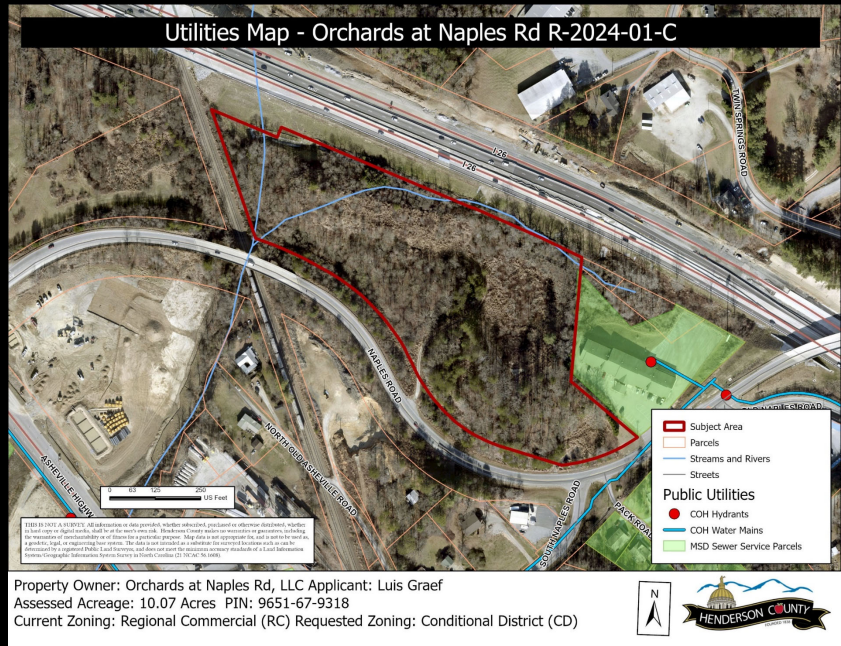
7



8

# Public Utilities

- The applicant is proposing connections to City of Hendersonville public water and MSD public sewer
- The application included allocation requests to both public utility providers





# Project Summary

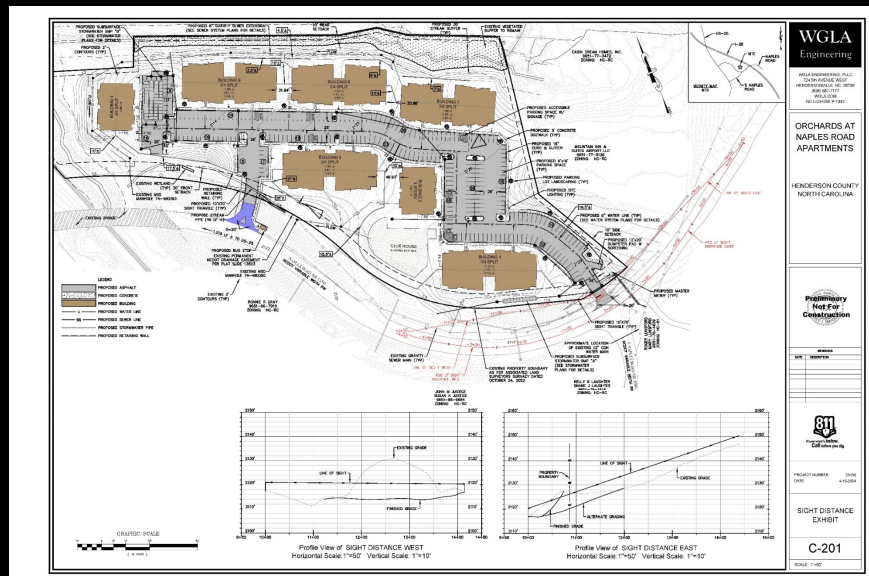
- 166 multi-family units
  - Mixture of 1-, 2-, and 3-bedroom units
- 7 total residential structures
  - Six 3/4 split-story structures
  - One 3-story structures
    - 6 garage spaces and 3 dwelling units per structure
- Amenities including clubhouse with mailroom, pool, dog park, 5' sidewalks, garbage collection, and area reserved for an Apple Country Transit shelter
- 271 parking spaces with 7 ADA accessible spaces
- 26' wide drive isles
- 29.9% open space
- 10% common space

Henderson County Planning Department

11

# Traffic Impact Analysis

- NCDOT required a TIA due to the number of trips the project would generate
- The applicant submitted a TIA prepared by Mattern & Craig, Inc. on February 7, 2024
- NCDOT accepted the TIA on April 4, 2024
- The applicant will continue to work with NCDOT on the necessary improvements



12



## Conditional Rezoning's

- Conditions required by the LDC and additional conditions recommended for consideration and requests made by the TRC and Planning Board are found in the staff report.

*Henderson County Planning Department*

13

## 2045 Comprehensive Plan Consistency

- A draft resolution of consistency with the 2045 Comprehensive Plan is included as an attachment
- The resolution addresses the consistency and reasonableness with the Community Center character area and other goals and outcomes of the 2045 Comprehensive Plan

*Henderson County Planning Department*

14

**Rezoning #R-2024-01-C  
The Farmhouse at Tap Root**

**Questions**



*Henderson County Planning Department*

15

0 3 4 4

16

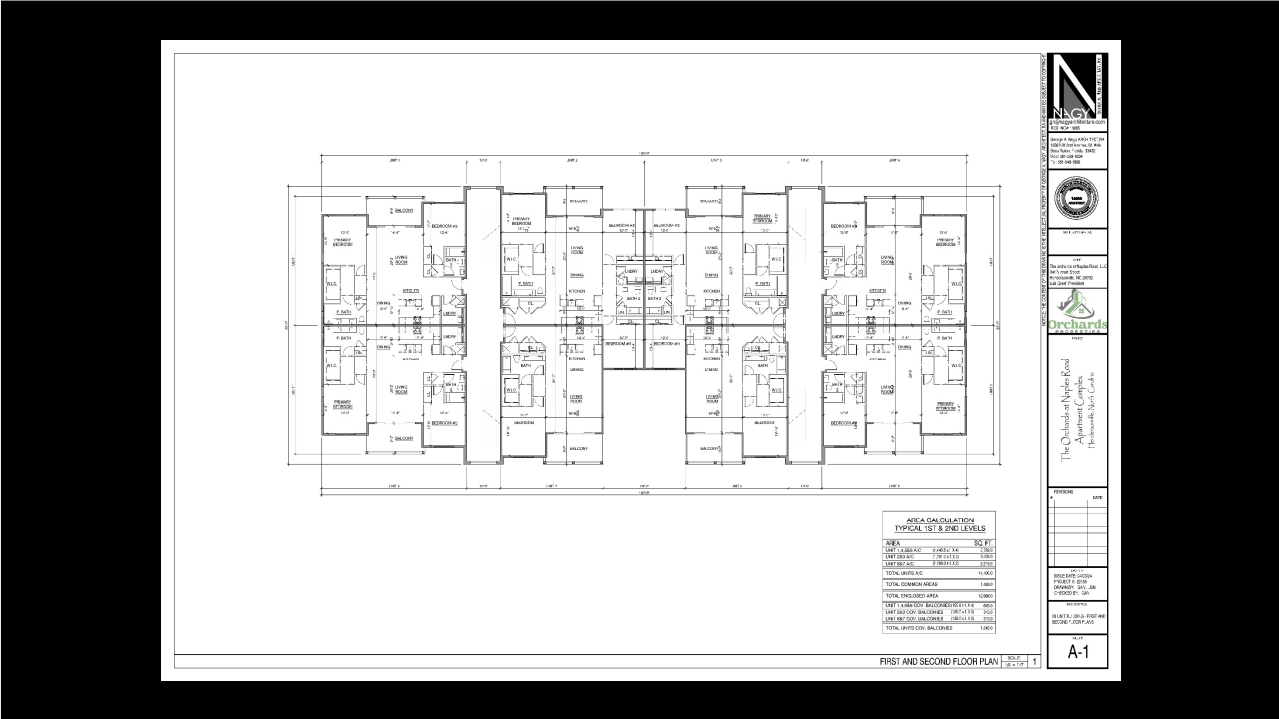


17

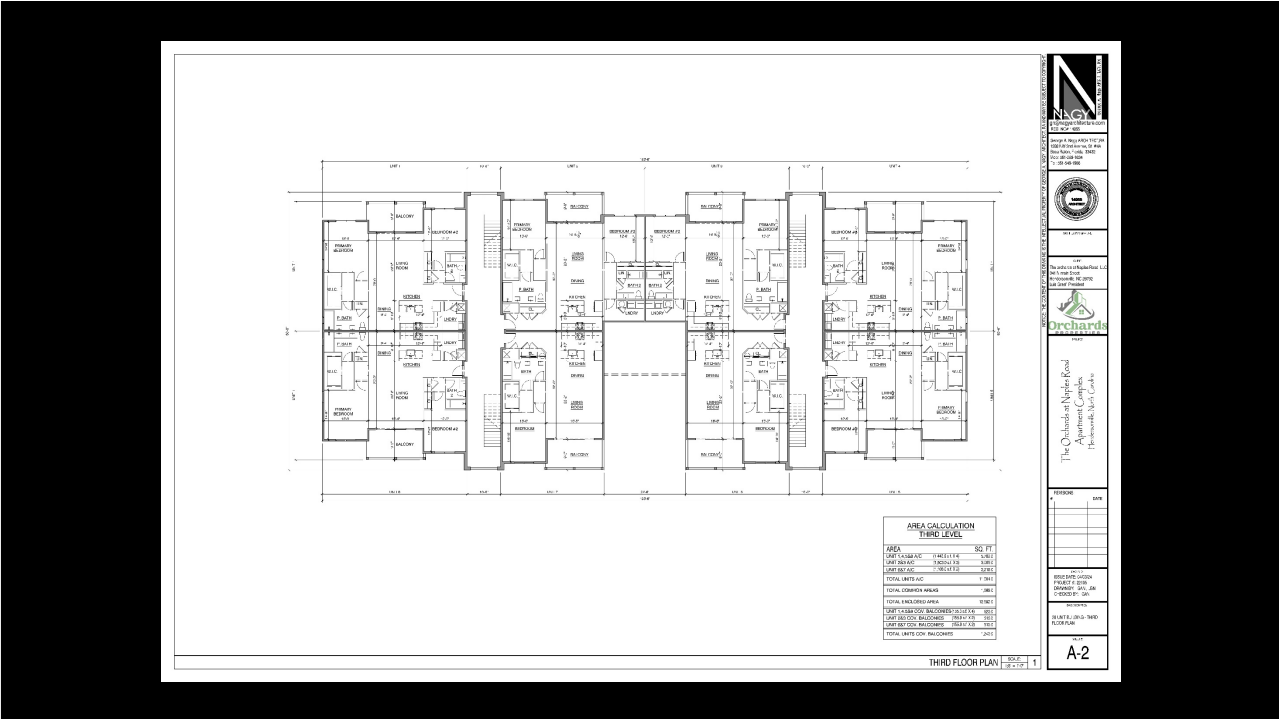


18

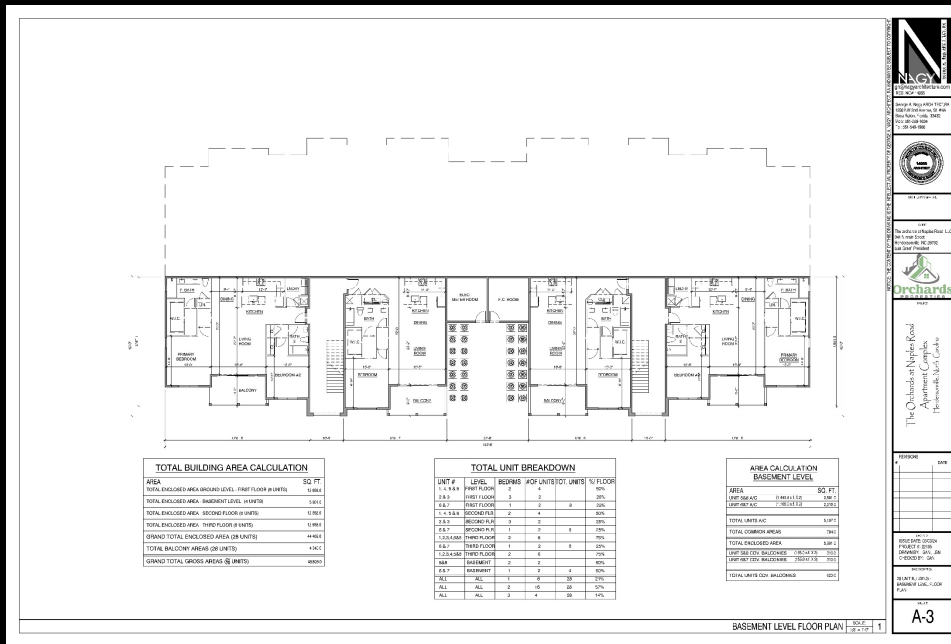




19



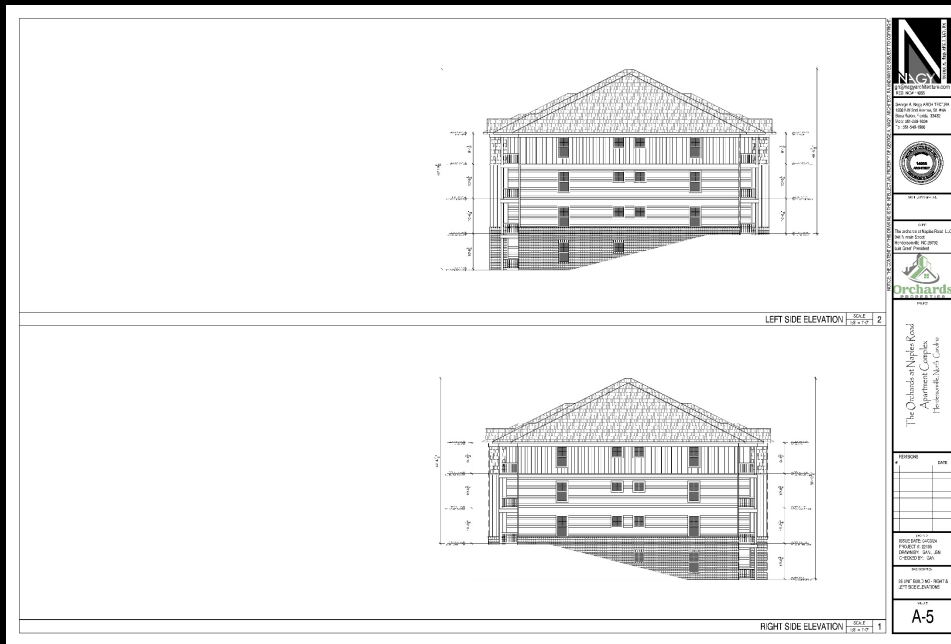
20



21



22



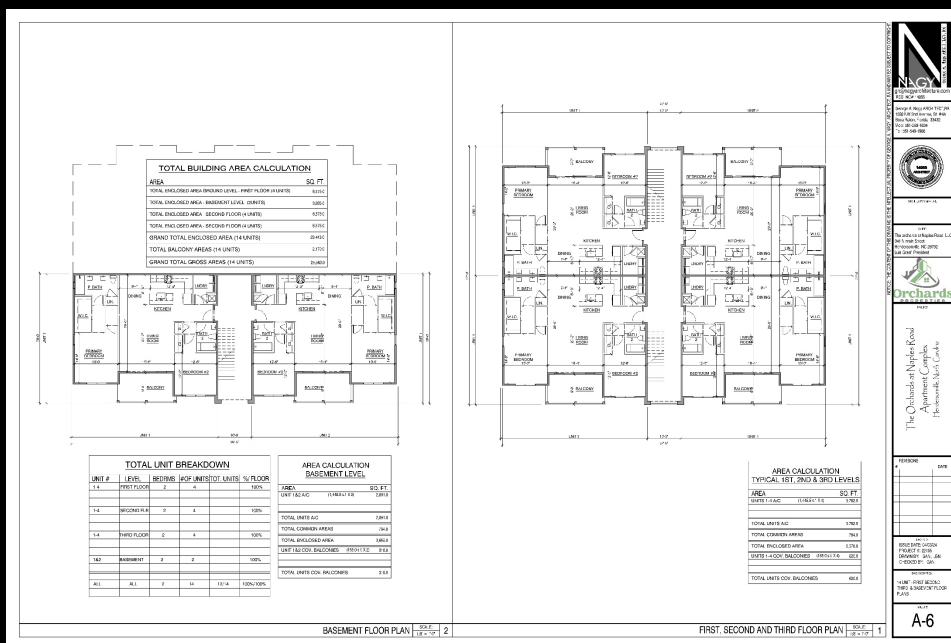
**N**  
NORTH

ORCHARDS  
The Orchard at Naylor Road  
Apartment Complex  
Petersborough, North Carolina

DATE: 08/14/14  
DRAWN BY: JAS  
CHECKED BY: JAS  
PROJECT NO: 14-00000000

A-5

23



**N**  
NORTH

ORCHARDS  
The Orchard at Naylor Road  
Apartment Complex  
Petersborough, North Carolina

DATE: 08/14/14  
DRAWN BY: JAS  
CHECKED BY: JAS  
PROJECT NO: 14-00000000

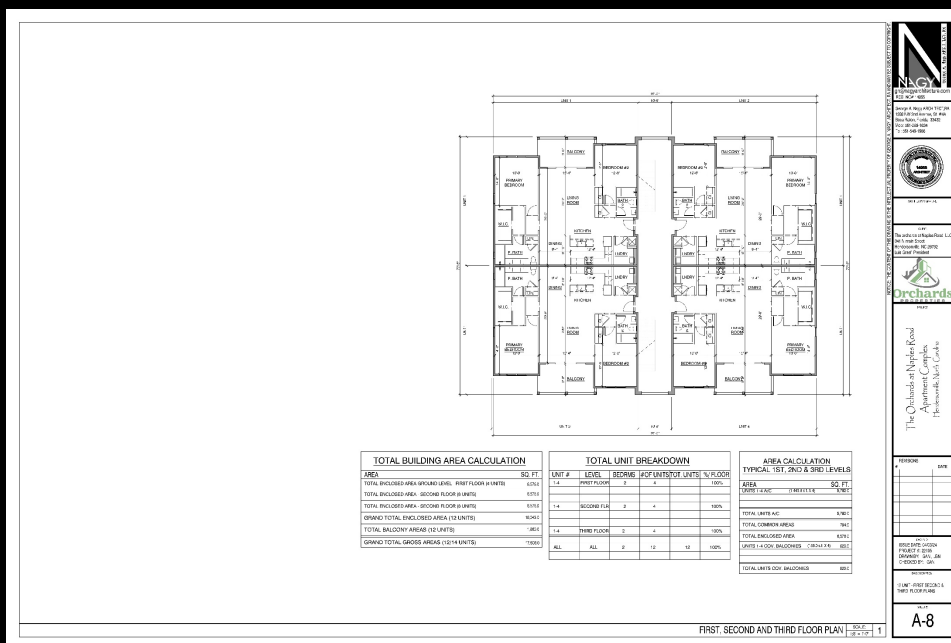
A-6

24





25



26



27



28



LARGER BUILDING TYPE CONCEPTUAL VIEW FROM MAIN ROAD RENDERING

**NGC**  
 NORTH CAROLINA GEOTECHNICAL CONSULTANTS  
 1000 W. HARRIS STREET, SUITE 100  
 WILSON, NORTH CAROLINA 27157  
 TEL: 919.241.1111 FAX: 919.241.1112  
 WWW.NGC-NC.COM

**WGLA**  
 WGLA ENGINEERING, PLLC  
 1000 W. HARRIS STREET, SUITE 100  
 WILSON, NORTH CAROLINA 27157  
 TEL: 919.241.1111 FAX: 919.241.1112  
 WWW.WGLA-NC.COM

**Orchards**  
 The Orchards at Naples Road  
 Apartment Complex  
 Hendersonville, North Carolina

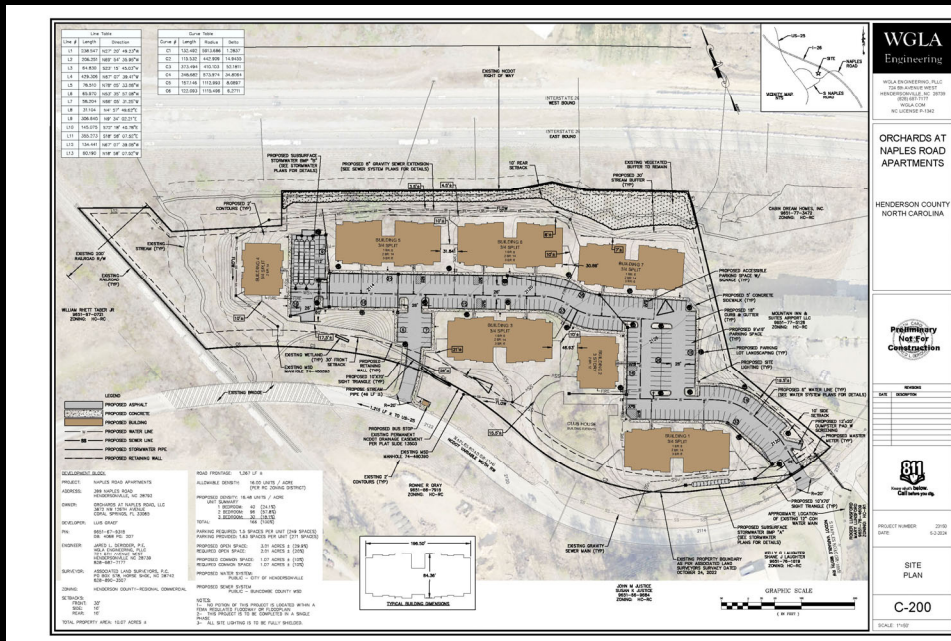
DATE: 10/15/10  
 SHEET: 1 OF 1

SCALE: 1/8" = 1'-0"

PROJECT: THE ORCHARDS AT NAPLES ROAD APARTMENT COMPLEX  
 LOCATION: HENDERSON COUNTY, NORTH CAROLINA  
 DRAWN BY: J. W. WILSON  
 CHECKED BY: J. W. WILSON  
 DATE: 10/15/10

**A-11**

29



30