

Community Development Staff Report

TO: Honorable Mayor and City Council

FROM: Community Development Department- Planning Division

RE: Fleming Street Medical Office Building Rezoning

FILE #: P20-41-CZD

DATE: March 4th, 2021

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Carleton Collins of Carleton Collins Architecture and CCP Fleming LLC for the development of a 3 story 13,536 square foot medical office on approximately 0.86 acres. The subject property is identified as parcel numbers 9569-60-1341 and 9569-60-1454 is currently vacant. The applicant is requesting to rezone the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District. The Planning Board has recommended 5 conditions for this conditional rezoning application.

PREVIOUSLY APPROVED SPECIAL USE PERMIT

On August 6th, 1998, City Council at its regular meeting rezoned the subject property from R-6 High Density Residential to MIC-SU Medical, Institutional, Cultural, Special Use to allow the property owner to operate a professional office or medical facility in the existing single-family structure. The rezoning was approved By City Council with the following conditions: 1) The existing structure to remain subject to renovation and expansion per NC building code. 2) one-way entrance to the rear parking from Fleming Street. 3) one-way exit from rear parking lot from Fassifern Court. 4) No on street parking is specified. 5) the submittal of a storm water management plan that meet the City's requirements. 6) shall have a sign that does not exceed 30 square feet.

The minutes from the City Council meeting concerning this item is Appendix A in your memo.

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning this application was held on November 24th, 2020. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by the Zoning Ordinance.

Several people representing the public attended the meeting virtually. They had questions concerning height of the building, buffering, stormwater runoff and flooding. A copy of the neighborhood compatibility report accompanies this memorandum as Appendix C.

CHANGES TO THE PLAN BETWEEN NEIGHBORHOOD COMPATIBILITY AND PLANNING BOARD

The applicant submitted an updated site plan on December 3rd, 2020. The applicant proposed the revisions after comments received at the Neighborhood Compatibility meeting. The site plan that was presented at Neighborhood Compatibility is listed as Appendix I and Appendix J.

The following changes were made between the November 3rd and December 2nd submissions:

- 13 Green Giant and 9 Norway Spruce were added to the rear of the property, in addition to the already proposed type B buffer.
- The new plan shows the building 25' from the rear property line. The previous plan showed the building 20' from the rear property line.
- The new site plan shows building approximately 2 feet closer to the southern property line.

PLANNING BOARD

The Planning Board took this matter up at its regular meeting on December 14th, 2020. The Planning Board voted 5-1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville. Changing the zoning designation of the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District based on the site plan submitted and subject to the limitations and conditions stipulated on the published list of uses and conditions, finding that the rezoning is consistent with the Comprehensive Plan, and that the rezoning is reasonable and in the public interest.

The list of conditions reviewed and recommended for adoption by the Planning Board are listed below:

1. That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan's guidance to use a "minimal front setback" and limit parking to the "rear and side only."
2. That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City's zoning ordinance.
3. That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.
4. That site lighting be dark sky compliant.

TREE BOARD REVIEW

The Tree Board directed Mark Madsen and Pat Christie to evaluate the existing buffers on the site. Mark and Pat are both members of the Tree Board as well as ISA Certified Arborists. Their review comments are below. The tree survey for this project is appendix K. Photos of the current vegetation can be found as appendix L.

"We paid close attention to the request for and intent to provide screening along the west property line. Currently, there is heavy cover with hemlocks, Leyland cypress, bamboo and holly, all in reasonably good condition. The developer stated his intent to preserve as much existing vegetation as possible along the west property line. After walking the site, we were curious whether the landscape designer for the property was even aware of that intent. No existing plantings show as remaining in the new landscape, even though many of them could be quite suitable in the effort to provide vegetative screening.

A retaining wall will obviously be required along the west property line. The plan indicates that but does not indicate the height or length of such a wall. Some desirable existing plantings could be at risk, depending on the addition of much fill soil for final grading."

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City’s Zoning Ordinance, the following factors shall be considered prior to adopting or disapproving an amendment to the City’s Official Zoning Map:

- 1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.
- 2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
- 3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
- 4. **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
- 5. **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
- 6. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands, and wildlife.

Rezoning Request Analysis

EXISTING LAND USE & ZONING

The subject property is currently zoned MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use and is currently vacant.

Parcels to the north are zoned MIC-SU, PID, Planned Intuition Development and R-6. Parcels to the east are zoned MIC, PID-CZD and R-6 and contain Hendersonville High School. Parcels to the south are zoned MIC, and PCD, Planned Commercial Development and contain Pardee Hospital. Parcels to the west are zoned R-6, MIC and R-15, Medium Density Residential. Surrounding land uses and zoning districts are shown in Appendix D “Existing Land Use Map” and Appendix E “Existing Zoning Map”.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as Urban Institutional on the 2030 Comprehensive Plan’s Future Land Use Map. The goal of the Urban Institutional classification is to “Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown.”

The recommended primary and secondary land use in Urban Institutional are as follows:
Recommended Primary Land Uses:

- Public and institutional uses
- Offices
- Structured or underground parking

Recommended Secondary Land Uses:

- Single-family attached residential
- Multi-family residential
- Live-work units
- Limited retail and services

Development guidelines:

- Similar development standards to Downtown Support

- Minimal front setback
- Rear or limited side parking only
- Façade articulation
- Development and maintenance of traffic calming improvements
- Ground-floor storefronts and/or architectural detailing on parking structures
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

The 2030 Comprehensive Plan's Future Land Use Map designates all surrounding parcels as Urban Institutional. Neighborhood Activity Center and Medium Intensity Neighborhood classifications are also in the general area of the project. The 2030 Comprehensive Plan's Future Land Use Map is located in Appendix F.

PLAN REVIEW: UPDATED FOR MARCH SCHEMATIC SITE PLAN

The site plan is Appendix G of this memo.

Buildings

The site plan shows a three-story 13,608 square foot medical office building.

Parking Requirements - Table 6-5-2

The zoning ordinance requires that medical offices provide 1 per each 250 ft² of gross floor area.

- $13,608/250=54.432$
 - 55 spaces required.
 - 55 spaces provided.

Traffic Impact Analysis - Section 6-18

- It was determined that a Traffic Impact Analysis was not necessary for this project. According to the 7th edition volume 2 of the Institute of Transportation Engineers trip generation manual the project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds.

Entrance

The development would have two points of ingress and egress, one off of Fleming Street and one off of Ninth Ave. West.

Stormwater/Flood Hazard Area

The project is disturbing less than an acre, so a stormwater management plan is not a requirement.

Sidewalks - Section 6-12

Sidewalks will be provided on all the subject property's frontages that are not served by an existing sidewalk.

Landscaping: ~~The landscaping plan is identified as appendix H~~ The landscaping plan is included as a component of the schematic site plan; including as Appendix G.

The updated site plan is showing the preservation of the existing type B buffer along the western property line of parcel # 956-960-1454 and the existing buffer along the western property line of parcel # 956-960-1341. The applicant has also agreed to supplement and maintain this buffer as described in Condition #4, in the project's list of uses and conditions. The distance between the retaining wall and the rear property line is 16'.

~~The site plan is showing a type B buffer along the western property line. A type B buffer is required when commercial uses abut a residential zone or use.~~

- ~~• A type B buffer consists of 4 broadleaf canopy tree, 25 evergreen shrubs (4 foot centers) 33 flowering shrubs per 100 linear feet.~~
- ~~• The plan also provides an additional 13 Green Giants and 9 Norway Spruces between the proposed Type B buffer and the proposed rear retaining wall.~~

The updated site plan also provides vehicular use landscaping of 1 tree 2 shrubs for every 4,000 square feet of vehicle use area (VUA). Total VUA is approximately 21,000 sq.ft. requiring 5 trees and 10 shrubs.

~~The site plan provides a buffer from street which is 1 shrub for every 5 feet of VUA that is within 50' of the nearest right of way.~~

The updated site plan shows planting areas which will accommodate the required buffering shrubs for VUA within 50' of the right of way. The required count for the Fleming Street corridor is 40 shrubs.

6-16-3 Common Open Space Requirements for Non-Residential Developments.:

- a) At least 10% of the project area shall be devoted to common open space.
- b) Common open space for non-residential developments shall be used for landscaping, lawns, screening or buffering. It may not contain any streets, parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities, and meeting areas.

Zoning District Standards - Section 5-10 Medical, Institutional and Cultural Zoning District Classification (MIC)

- 5-10-3 Dimensional Requirements:
 - Setbacks
 - Front: 30
 - Side: 10
 - Rear: 20
 - Height
 - 50 (No building shall exceed 50 feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of 50 feet.)
 - Building is proposed to be 3 story.

Staff Report Recommendations
STAFF COMMENTS

City Council members can find staff comments relating to the consistency of the proposed site plan with the guidance offered in the City’s Comprehensive Plan and Zoning Ordinance in appendix B. Staff will also include recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for Council’s consideration. City Council may approve the rezoning request with or without conditions or deny the rezoning request.

Planning Board/Staff Recommended Rezoning Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council’s discretion and upon agreement by the parties involved.

The following (5) conditions are suggested for consideration to address guidance included in the Comprehensive Plan and Zoning Ordinance.

- That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan’s guidance to use a “minimal front setback” and limit parking to the “rear and side only.”
 - Set-back in MIC is 30’; further flexibility shall be offered by allowing this required set-back to be measured from either the back of the existing curb, the property line or anywhere in between those two features of the site survey.
- That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City’s zoning ordinance.
- That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.

- This condition mimics, with updated references a condition required in the Special Use permit originally issued in August of 1998 by City Council.
- Site lighting shall be dark sky compliant.
- Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

Developer Proposed Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council's discretion and upon agreement by the parties involved.

1) None

Comments Updated for March City Council Meeting: Following the February 4th City Council meeting the schematic site plan was revised to reflect feedback received during the Council discussion of the project plan. Staff received the updated schematic plan on Thursday February 18th. The list of uses and conditions was amended to the enhanced detail provided in the updated schematic plan. Please refer to the attached List of Uses and Conditions for the final language recommended based on the schematic plan submitted on the 18th.

Appendix A

Klein/Helppie Rezoning and Special use Permit application - Requesting the rezoning of a lot situated at the southeastern corner of Fleming Street and Fassifem Court intersection from R-6 High Density Residential District to MIC-SU Medical, Institutional, Cultural-Special Use District.

Mayor Niehoff explained this hearing is for the Klein/Helppie rezoning and special use permit request. He stated Mr. Philip Klein and Dr. Joanne Helppie are requesting a special use rezoning to allow a medical office or other specified use within an existing residential structure. The requested rezoning is from R-6 high-density residential district to MIC-SU Medical-Institutional-Cultural Special Use District. He stated the property is located at the southwestern corner of the Fleming Street/Fassifem Court intersection.

Mayor Niehoff opened the public hearing at 9:34 p.m. in accordance with North Carolina General Statutes by notice published in the Times News.

Mayor Niehoff reminded those present of the rules of procedure for a quasi-judicial hearing. He asked all those who wish to speak, either for or against the rezoning, to come forward to be sworn in. The following were sworn in: Mr. Roger Briggs, Mr. Jim Hall, Mr. Luther Smith, and Mr. Philip Klein.

Mayor Niehoff asked if anyone wanted to reserve the right to cross examine. No one spoke. That right was deemed waived.

Mr. Briggs submitted the Planning Department file number 98-34-SUR into the record of this proceeding. Mayor Niehoff received that file into the record. Mr. Briggs requested that the Council take official notice of the Land Development Plan, the Thoroughfare Plan, and the Zoning Ordinance of the City of Hendersonville. Mayor Niehoff responded that Council takes official notice of those documents.

Mr. Briggs addressed the Council providing the following information for this project: "The applicants for this project are Philip Klein and Dr. Joanne Helppie and are also the property owners. Mr. Klein and Dr. Helppie are the owners of a single-family dwelling situated on the southwestern corner of the intersection of Fleming Street and Fassifem Court. The property is currently zoned R-6 High Density Residential. The rezoning application requests MIC-SU Medical Institutional Cultural-Special Use. The rezoning application is accompanied by another application for a special use permit that states certain conditions. The conditions regarding use state that the property (if rezoned) could only be used for professional offices, medical clinical facilities, a residence, and/or business and medical support facilities. Other conditions stated in the application include, (1) the existing structure to remain, subject to renovation or expansion per the building code, (2) one-way entrance to rear parking from Fleming Street, (3) one-way exit from rear parking lot to Fassifem Court, and, (4) no on-street parking is specified. A conceptual site plan accompanied the application."

Mr. Briggs continued: "The *Land Development Plan* was amended by City Council on February 8, 1996 for this portion of the neighborhood. The amendment now indicates public and semi-public for this area. This is the classification in the Land Development Plan that supports medical facilities. The *Thoroughfare Plan* indicates Fleming Street as a major existing facility. Mr. Briggs stated a neighborhood compatibility meeting was held on May 15, 1998. A report of that meeting was in the agenda material. Owners of 46 neighboring properties were notified. We did have a significant attendance - about 12-15 individuals came to the meeting which was held in City Hall. Most of the questions revolved around the future of Fassifem Court and not so much specifically with this application. It was my observation, in summary, that neighbors in attendance either endorsed this application or had no objections to it. The Planning Board reviewed this application at its regular meeting on July 20, 1998. At that meeting the Board voted unanimously to recommend to City Council that it approve the application of Mr. Klein and Dr. Helppie, for: 1) an amendment to the official zoning map rezoning the subject property from R-6 High Density Residential to MIC-SU Medical Institutional District, and, 2) the issuance of a special use permit based on the site plan submitted by the applicant as well as the following conditions:

submittal of a stormwater management plan demonstrating compliance with Section 7-11 of the Zoning Ordinance and the Resolution Establishing Standards to Determine the Adequacy of Stormwater Facilities, and that a maximum sign area of 30 square feet be imposed on this application. An analysis of any issues that may be outstanding: This application is for a rezoning and a special use permit. A final site plan review and approval is required prior to the issuance of a zoning compliance permit. No unresolved issues have been identified."

Commissioner Harley stated the summary of the project calls for one-way streets, but the preliminary plan shows two-way streets and this is not listed as a Planning Board recommendation. Mr. Briggs explained the site plan was revised to reflect the one-way streets. Mr. Smith stated the streets are one-way in, it is wider at the entrance because of the handicap parking. Mr. Briggs stated that is addressed in the project narrative as one-way traffic flow.

Commissioner Padgett asked how stormwater management would be addressed. Mr. Briggs responded this will be reviewed during the final site plan review by submitting it to the City Engineer for review, but this information was not indicated on the conceptual site plan. Commissioner Padgett expressed a concern about the stormwater plan for the properties downhill from this project. Mayor Niehoff explained the stormwater management plan is required in the final site plan. Mr. Briggs explained that special use review only requires a conceptual site plan which is at a lower level from a technical standpoint than a preliminary site plan. He stated in his opinion, the applicant has complied with the conceptual site plan requirements.

Mayor Niehoff asked if anyone wanted to speak in favor of this proposal:

Jim Hall, 30 Westminister Court, "I was here three years ago when we had two of the same Council members and the same Mayor. That was my first experience here and the bottom line of the application was we were turned down because there was no special use ordinance in place. And, we had concurrence from the neighbor behind us but there was no way for the City to make us do what we promised and so we learned a lesson. This time, we have the ability to deliver, and you can make us deliver, I think that is really what this is about, there is a new neighbor in the back. I have a letter from her. She could not be here but she was at the neighborhood compatibility meeting. She is a practicing physician. She endorses this quite strongly. I would like to point out that on all of Fleming there are only four properties that are not zoned MIC. And this particular property, to the immediate right is a business and directly across the street there is a rather large physician's office. We think it is time to put this to good use. There will not be a lot of pavement, I can tell you, there's not going to be a development here. It's really going to be restoring the house that is there and then just trying to provide adequate parking with the ample land that is provided behind the house in this case which is unusual for Fleming. That's what makes this very well-suited for some sort of an office practice and easy walking distance to the hospital. 111 answer any questions you may have. Is this letter admissible or necessary? She just restated what she stated at the compatibility meeting. I have to tell you, compared to the experience three years, the compatibility meeting was a picnic. It was really quite pleasant. Everybody was pleased with what we are doing."

No one else spoke in favor of or in opposition to the proposal. The public hearing was closed at 9:45 p.m.

Mayor Niehoff asked the owner or agent of the owner to come forward. He asked Mr. Jim Hall if he agreed to accept the conceptual site plan and the conditions that were recommended by the Planning Board and have those binding on the future use of the property if it is rezoned to MIC-SU. Mr. Hall responded yes.

Commissioner Volk moved, with regard to the application of Mr. Philip Klein and Dr. Joanne Helppie, requesting the rezoning of their property from R-6 High Density

Residential to MIC-SU Medical Institutional Cultural-Special Use, and for the issuance of a special use permit, based on the record before Council, moved that Council make the following factual findings:

- (1) The development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;**
- (2) There are, or will be at the time they are required, adequate public facilities to serve the development;**
- (3) The development complies with all required regulations and standards of the zoning ordinance, or with variances thereto granted pursuant to Section 7-4-15, and with all other applicable regulations;**
- (4) The development is located, designed, and proposed to be operated so as to be compatible with adjacent properties and neighborhoods; and**
- (5) The development conforms with the general plans for the physical development of the City.**

She further moved that Council approve the application of Mr. Klein and Dr. Helppie, for (1) an amendment to the official zoning map rezoning the subject property MIC-SU Medical Institutional Cultural-Special Use, and (2) the issuance of a special use permit, based on the site plan submitted by the applicant, as well as the limitations and conditions proposed by the applicant, the conditions recommended by the Planning Board, and any conditions to which the applicant has agreed on the record of this proceeding. Commissioner Harley seconded the motion. The Council voted unanimously; motion carried.

Ordinance #98-0846

**AN ORDINANCE AMENDING THE
OFFICIAL ZONING MAP OF THE CITY
OF HENDERSONVILLE IN RE:
KLEIN/HELPPIE; FILE NO. 98-34-
SUR**

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

1. Pursuant to Section 4-2 and Article XI of the Zoning Ordinance of the Qty of Hendersonville, North Carolina, the Official Zoning Map is hereby amended in the following manner:

Tax parcel PIN 9569-60-1454, as depicted on the sketch attached to this ordinance, is rezoned from R-6 High Density Residential to MICSU Medical Institutional Cultural Special Use.

2. This amendment involves a rezoning to a special use district and, thus, is subject to a special use permit, the terms of which may be found in the referenced file in the records of the Hendersonville Planning Department.

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

Adopted this sixth day of August 1998.

Appendix B

Date with Month, Day, and Year (7-3-3.2(a)): Completed

Title of Project (7-3-3.2(b)) Completed

Name of Project Designer, Developer, and Property Owner (7-3-3.2(b)): Please add a note with all of this information.

North Arrow, Scale, and Landmarks Sufficient to Identify Location (7-3-3.2(c)): Completed

Vicinity Map (7-3-3.2(d)): Completed.

Zoning of Project and Adjacent Properties (7-3-3.2(e)): Completed

City Limits (7-3-3.2(f)): Please add note stating that the property is within the City limits of Hendersonville.

Names of Adjacent Property Owners (7-3-3.2(g)): Completed.

Site Survey (7-3-3.2(h)): Completed.

Floodplain and Other Significant Natural Features (7-3-3.2(i)): Completed.

Proposed Streets, Alleys, Driveways, Parking Requirements, etc. (7-3-3.2(j)): Completed.

Preliminary Utility Layout (7-3-3.2(k)): Completed.

Entrance and Exit Locations (7-3-3.2(l)): Completed

Proposed Reservations (7-3-3.2(m)): N/A

Tree Survey and Proposed Areas for Buffering (7-3-3.2(n)): Please provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height) indicated and showing areas to be screened, fenced, walled and/or landscaped. Please also show existing trees and shrubs that will be retained.

Building(s) Locations, Dimensions, and Uses (7-3-3.2(o)): Please show building height.

We shall require a measure of the building heights that determines the “average grade” in the following manner.

- 1) Average grade is determined by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50' apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building's "average grade."

- a. Spot elevations shall be measured within 2' of the building foundation and reflect the proposed finished grade for the project.

Spot elevations shall not be taken from berms or other fill which would artificially impact the site elevation.

Notations in Chart Format (square footage and percentage of total site) (7-3-3.2(p)): It does not appear that the parking/vehicular use area calculations is correct on the site plan.

Total Project Area
Proposed Lot Areas
Site Coverage - Buildings
Site Coverage - Open Space
Site Coverage – Streets and Parking
Site Coverage – Other Facilities
Site Coverage – Common Open Space:

Sign Data (7-3-3.2(q)): Completed.

Phasing Lines (7-3-3.2(r)): N/A

Transportation Impact Analysis (7-3-3.2(s)): What is the approximate number of employees?

Off-Street Parking (6-5): Completed.

Off-Street Loading and Unloading (6-6): Completed.

Sidewalks (6-12): Providing sidewalks would be required along the entire northern property line. Most of the property line is served by an existing sidewalk, but the north western corner is missing a section. This section would need to be provided or a fee in lieu proposed.

Rights-of-Way (Thoroughfare) Compliance (6-15): N/A

Common Open Space (common space or urban open space where applicable) (6-16): It appears that you are currently meeting these requirements; I just wanted to make sure that the calculations are following the guidelines of subsection b.

- a) At least 10% of the project area shall be devoted to common open space.
- b) Common open space for non-residential developments shall be used for landscaping, lawns, screening or buffering. It may not contain any streets,

parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities and meeting areas.

Adequate Facilities (7-11): Completed.

Entry Corridor (5-18): (checklist attached if applicable) N/A

Zoning District Standards (applicable zoning district in Article 5): Completed

Landscaping (Article 15): Completed

Natural Resource Protection Standards (floodplain, stream buffer, etc., where applicable) (Article 17): N/A

Stormwater Management (COD Chapter 24 Article III): Provide a completed Stormwater Maintenance Agreement. Contact Engineering for additional details.

Please add

1. a note indicating that a final plan must include a stormwater management system that complies with the City stormwater ordinance,
2. an approximate footprint area and proposed location for a stormwater management system.

Comprehensive Plan Compliance (Section 14-1):

Development Guidelines

- Minimal front setback-
 - Required front setback: 30'
 - Proposed front setback: Approximately 75'
- Rear or limited side parking only
 - Front and side parking proposed.
- Façade articulation
- Development and maintenance of traffic calming improvements
- Ground-floor storefronts and/or architectural detailing on parking structures
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

Appendix C

Planning Report

Neighborhood Compatibility Meeting

Application for a Conditional Zoning District

Fleming Street Medical Office File # P20-41-CZD

Tuesday, November 24, 2020 2:00 p.m.

Tyler Morrow, Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. Approximately one application representative and four City staff were in attendance. The follow attended:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Carleton Collins (app)	105 Cranford Rd.		
Lew Holloway	staff		
Tyler Morrow	staff		
Tyler Henry	staff		
Terri Swann	staff		

Mr. Morrow opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Morrow said the project will go before the Planning Board in December and City Council will hear the project in January. Mr. Morrow stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Morrow explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Morrow stated the property is currently zoned MIC, Medical, Institutional and Cultural and MICSU, Medical, Institutional and Cultural Special Use. The proposed rezoning is MIC CZD, Medical Institutional and Cultural Conditional Zoning District. The site plan shows a 13,536 square foot building. This is a three-story medical office building. If approved the project will be limited to what is on the approved site plan. They plan to have access from Fleming Street and from 9th Avenue West. The applicant Mr. Carleton Collins is here to give a presentation.

Carleton Collins, Architect for the project stated his name for the record. The design of the building is a three-story medical office building with parking that will wrap around the building. There will be 4,500 square feet per floor. They imagine this to be acute health care, family pediatrics or orthopedic offices. They will comply with the buffer requirements for a Type B buffer between commercial and residential and they plan to add landscaping to the other areas as well. The main entry will be off Fleming Street and that entry will align with a covered drop-off. The other entrance/exit will be off 9th Avenue West.

He did read the comments concerning stormwater and they will manage this in such a way as to not impede on the neighboring properties. The character of the building is not highly modern and not highly traditional. It is a combination of both. They plan to use stucco, brick and glass. It will feature an outdoor staircase, enclosed dumpster and a covered canopy at the main entrance.

Mr. Collins stated along Fleming there exists several medical offices that are small one-story buildings but also in the area are taller buildings such as the hospital and high school. They plan to have this building blend in with the area. The height of this building does meet the zoning ordinance requirements. The project will meet all the requirements of the City of Hendersonville.

Lew Holloway, Community Development Director stated the public comments will be included fully in the minutes of this meeting. He summarized the comments.

Pre-Submitted Public Comments:

Candis Killam, 524 Fassifern Court: I have lived on Fassifern Ct for almost 20 years, it is a great little neighborhood. My house is only 2 properties down from the proposed building. I do not want the rezoning to change, besides the hospital and high school, there are not any buildings residential or medical etc that are larger than one story. I do not think it would be appropriate to build anything above a one story building so close to residential areas. Before they tore down the 2 (one story) previous buildings they were medically related and did well to fit in to our neighborhood and surrounding area. Please do not allow this change to take place. Thank you

Heather B West, 505 9th ave W: Our house is adjacent to the property on 9th Ave. We are concerned about a building of this size being right beside our house. A 3 story medical building would tower over my house. My children would play in the back yard with a huge building looming over them. Instead of looking out onto trees, my daughter would get to see a retaining wall and dumpster when she looks out her window. And what would this kind of property, so out of keeping with this neighborhood, do to my property value? The financial impact of an enormous building so close to my house would be huge.

John B Hunter, 923 Fassifern Ct: Last year we purchased the home at 923 Fassifern Ct in Hendersonville. This home was built by Dr. Joseph Sevier in 1928 and holds quite a bit of historical value. Dr. Sevier took over as Headmaster at the Fassifern School for girls from 1925 until his passing in 1945. Below are a couple links articles with more information about the Fassifern School. <https://www.blueridgenow.com/article/NC/20131020/News/606028276/HT>[https://www.greetingsfromthepast.com/2019/07/fassifern-school/Dr. Sevier was also the founder of Camp Greystone that has been in operation for over 100 years and is still in operation today in nearby Tuxedo, NC.](https://www.greetingsfromthepast.com/2019/07/fassifern-school/Dr.-Sevier-was-also-the-founder-of-Camp-Greystone-that-has-been-in-operation-for-over-100-years-and-is-still-in-operation-today-in-nearby-Tuxedo,-NC/) <https://www.campgreystone.com> We are disappointed we haven't been given much time to prepare for this meeting and we are not going to be able to attend or make comments on the Zoom meeting today. We were only recently notified by the Community Development Department Planning Division that a developer wants to rezone the nearby property for this large 3 story medical office building. We are close to the hospital and understand that medical offices and similar businesses will pop up nearby, but never expected a monstrosity like this to be permitted so close to a residential and historical area. This building is much too large and out of character with the neighborhood. We have reached out to the Hendersonville Historic Preservation Commission and will be working on ways to protect the residential

community from this type of project. We hope your department does not allow this rezoning so that we are not forced to take additional action.

Zach Forrest, 520 Fassifern court: Please do NOT allow this property to be rezoned. After seven years of living in my beloved travel trailer, I purchased the home right beside this property just 6 months ago. When I moved to the neighborhood the house on the property was being used as a medical facility and that was working out just fine. Since then the house has been torn down and the basements filled resulting in my backyard (and my neighbors) becoming a mud river upon raining that I'm happy to share videos of. After contacting the owners and promises to fix the issue nothing was done. Due to the work already done on the property the rainwater is already inches from entering the basement and creating a tremendous financial burden. I had to further ruin my yard by digging a trench to divert the water away from the basement and I have spent thousands (happy to provide receipts) on sump pump installation. Careful consideration will need to be made regarding the stormwater drainage so that I can have my backyard and not have to worry about a flooded basement. I'll summarize my remaining concerns;- Parking- 52 parking spaces for a 13,500+ square foot building is concerning. There are not enough parking spaces for a building of this size. This is concerning because this will result in people blocking my driveway or parking down the streets of our currently quiet neighborhood. -Water Drainage- Based on the map the plan is to divert stormwater into my and my neighbor's properties. This is concerning as it effectively passes the burden of stormwater to myself and my neighbors rather than taking responsibility for and properly disposing of the additional water created from building this structure. I'm concerned that this will cause a tremendous financial burden that would otherwise be addressed with proper development.-Proposed building proximity to property line-The map scaling is very unclear making it impossible to understand how close the proposed building site or retaining walls are to my property line. I'm also concerned that the brush/trees/landscaping between our properties will be removed or not be sufficient to maintain the privacy and barrier between the properties.-Retaining walls-The retaining walls look alarmingly close to the property line and there is a gap that would allow water to flow directly into my neighbors and my own yard. This is very concerning. -The map provided does not have an accurate scale-Will it be possible to have a map with an accurate scale or get confirmation of which scaling is correct? Right now it has scale as 1" = 20' but directly above it, there is another scale that is not the same. Which one is it? Can we get a new map or confirmation on which scale is accurate before we move forward?-3 story building will likely block the sun-I'm concerned that the sun will be blocked by the 3 story building.-Only proposed 3 story building in the area-I was promised by the owners of the property that the building would be built to blend in with the neighborhood. The mockups are of a very modern building. This neighborhood is from the late 1800s and early 1900s so how does a modern building fit in with the neighborhood? Further, this 3 story building would be the only one other than the hospital so further does not fit in with the neighborhood. The whole neighborhood shares these concerns including Candis who has sent in her comments and others including the other adjacent property owner. Please do not allow this re-zone to occur.

Jason Peiffer, 1005 Fassifern Ct: I reside in the Fassifern Ct. neighborhood adjoining the properties and have concerns regarding marketability of the proposed medical office building and question the need for rezoning. We already have several vacant or nearly vacant medical office buildings nearby, one of which is directly across the street on the opposing side of the entrance to our neighborhood (containing a single shoulder clinic in a much larger vacant complex). Is there need for rezoning so that an even larger 3 story medical building may be placed on the properties? Does the builder already have contracts in place that we are assured all 3 stories of an imposing complex will be needed directly next to our neighborhood? Should the rezoning and proposed building take place as envisioned, what will be the

maximum height of the retaining wall immediately next to the houses of our court as builders seek to level the property? What considerations have been given to run-off from the proposed parking lot? We already have flooding and heavy flow through the lawns of properties just below the proposed building site during rainstorms. Will the parking lot divert rainwater directly into storm drains or exacerbate existing problems?

Mr. Morrow stated they will hear the live comments. He explained the raise hand feature and asked each person to state their name and address for the record.

Ken Fitch, 1046 Patton Street stated the comments should be noted and there are questions that have not been answered. There are many concerns with this project such as the elevation of the building. He asked if the elevation would be altered to align with Fleming Street and had concerns about the bank on the Fassifern side. He asked if the stakes with pink ribbons are on the property lines. Mr. Collins stated he cannot speak to the stakes on the property. The sitework team will blend into the existing grade. They will raise the elevation slightly to accommodate the building and the parking lot will remain flat. He stated the upper right portion has a low part on the property and he read in the comments the mention of the retaining wall. The retaining wall will be at the edge of the building and the parking lot. They will work out the stormwater details and they do not plan to impede on the surrounding neighbors.

Mr. Fitch stated retaining the lower grade at the rear of the building could have an impact to the adjoining properties. He asked if the Tree Board will review this project and if they plan to keep any of the existing trees on the property. Is a tree survey required and what are the details of the buffer?

Mr. Collins stated there will be a combination of taller trees and smaller landscaping to provide a soft visual screen. They plan to retain what trees they can, but some will have to be removed for construction.

Donald Cooper, 900 Fleming Street stated he owns the Edward Jones building on the corner. Will the first floor be level with Fleming Street? Mr. Collins stated yes. Mr. Cooper stated that will cause the property to be 5,6,7,8 feet higher. Mr. Collins stated several feet yes, but not 8 feet. Mr. Cooper stated having a three-story building and raising the elevation of this property will make it significantly higher than Dr. Hornsby's office building that sits across the street and his building is only one story. Mr. Collins stated this property will be relatively level with Fleming Street. The property across the street is higher than street level.

John Hunter, 923 Fassifern Court stated this building is too high for the character of the neighborhood. He wanted it noted on record that he opposes the project and that he does not reside in Ann Arbor, Michigan. He asked who gets the final decision on this. Mr. Holloway stated this is the first step in the process. The project will move on from here to the Planning Board in December and they will give their recommendation on the project to City Council. It will be heard by City Council in January and they will have the final approval. This is only a public input session and the neighbors will have another opportunity to give their comments to the Planning Board and City Council.

Heather West, 505 9th Avenue West stated she is an adjacent property owner and she stated the height of the retaining wall is a big concern to her. The house is only 10 feet off the property, and she is

concerned the wall will have an effect on her property. Mr. Collins stated they do not anticipate any retaining wall near the dumpster. The wall will only be five to six feet. Ms. West asked if the wall is part of the building. Mr. Collins stated yes that is correct, it is part of the building. It is not a freestanding retaining wall. It is next to the staff entry and the five-foot sidewalk and is up against the building.

Ms. West's husband stated the neighbors and himself have spent money on the upkeep and landscaping of their yards and now this will change the whole outlook of the neighborhood. They will have to listen to a dumpster being emptied every day.

Mr. Fitch asked if a client has been identified for the project and will there be any surgical procedures done at the building or will the building include a lab. He had concerns about the right and left turn onto the street from the property. There is also only one ADA parking space and he feels that is inadequate. He asked what the rear view from Fassifern would be.

Mr. Collins stated they will provide more information on the views at the next meeting. He is not sure that he understands Mr. Fitch's comments on the entryway. He explained how they will enter the property and where the drop-off is located. He also stated they have no potential tenants as of right now. They wanted to get the approval for the project before they market the building. They will have flexibility with the practice type and lean towards non-surgical procedures.

Ms. West asked if the landscaping would be enough to provide a privacy barrier for their property. Mr. Collins stated they could tailor one to meet her needs.

Ms. West's husband stated for the record that he does not want this building and he did not get a response from Mr. Collins. Mr. Collins stated he understands their concerns.

Mr. Holloway stated the notes become part of the public record from this meeting and they will be included in the Planning Board and City Council memos.

Zach Forrest, 520 Fassifern Court stated he is opposed to this being built for many different reasons. There are two different scales on the map, and he doesn't know which one is accurate. Mr. Morrow stated the site plan submitted is 24" x 36" and staff had to shrink that down to mail it out. The 24" x 36" site plan is in the Planning office located at 100 N. King Street and any of the neighbors can come by and get a copy of it. Mr. Forrest had concerns about the 20-foot buffer zone from the property line. Mr. Collins stated the City of Hendersonville has landscaping requirements for the buffers and it is placed in the 20-foot zone of the property line. They have submitted different plant materials with more detail, and they can tailor the landscaping along the property line to achieve the privacy that the residents want on their side of the property.

Mr. Forrest stated a great point was made concerning the height of the building by Mr. Fitch. If they plan to raise the elevation six to eight feet, will the first story be at ground level? Mr. Collins stated the civil engineer has done the grading for the site; their intent is to try to establish a level grade to the site then blend back to the existing grade with the retaining wall at the building. They will study this and have more detail at the next meeting. Mr. Forrest stated if they have an additional three stories from Fleming Street then that actually makes the building four stories and it is unreasonable to build it at that

height. The high school and the hospital are the only three-story buildings in the area. If he plans to level the property, they will have to bring in 100 dump trucks with sand and that is just ridiculous. Mr. Collins stated at this stage, not all the details have been worked out.

Mr. Forrest stated it would be great to see a 360 of the building and the rear view. He feels that a three- or four-story building will block the sun from his house, and he will never see the sun in his back yard again. What is the actual height of the building? Mr. Collins stated the levels are twelve feet high floor to floor. Mr. Forrest asked what landscaping materials can shield the privacy of a four-story building? The trees would have to be extremely tall. Mr. Collins stated the intent of the landscaping is not to shield a building that high but rather to screen the residential areas.

Mr. Forrest feels like it would be more accommodating for a one- or two-story office building. They will not have the privacy they once had once this building is built.

Mr. Collins stated this meeting is to have a discussion with the neighbors. They meet all the ordinance requirements for the City of Hendersonville including the landscaping. The owner will try to work with the neighbors, and they can have a neighborhood meeting if possible with the neighbors.

Mr. Forrest was concerned about getting noticed for the next meetings. Mr. Morrow stated if you were notified for this meeting then you will also be notified for the Planning Board and City Council meetings. The property will also be posted for each meeting.

Mr. Fitch asked about the buffer requirements for residential and commercial. Mr. Holloway stated there are specific requirements to buffer residential from commercial uses. Staff will do a review of the site plan prior to the Planning Board meeting. December 14th is the date of the Planning Board meeting and this project could move forward to that meeting. There is nothing to prevent this from the moving forward to the December Planning Board meeting.

Ms. West had concerns about the traffic on school days in the afternoon and asked if a traffic study is required. She is worried about the children that walk to and from school. Mr. Collins stated there is no requirement for a traffic study for this project.

Mr. Morrow asked if anyone else would like to comment. No other comments were made.

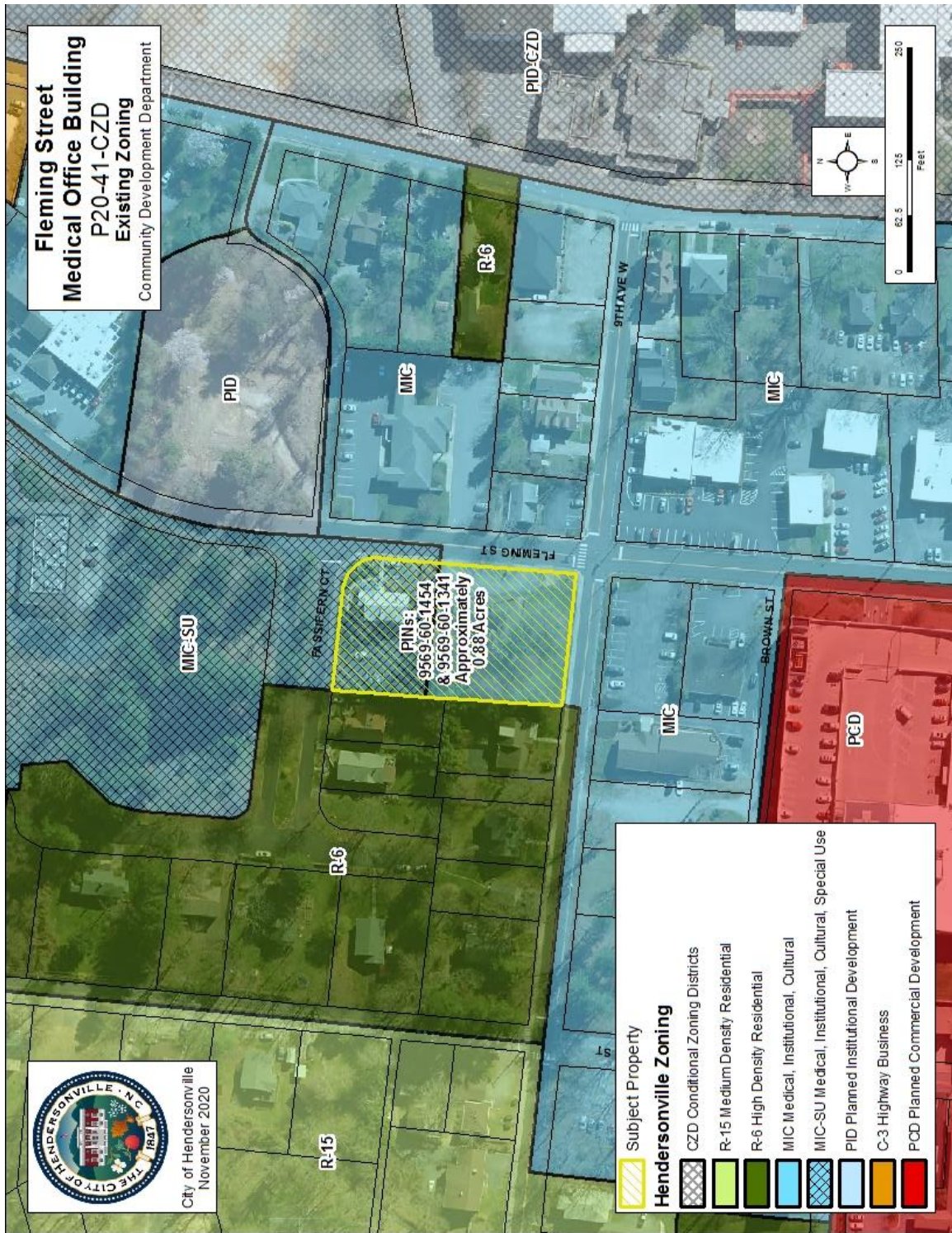
Mr. Morrow stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign.

With no further comments or questions, Mr. Morrow closed the meeting at 2:54 pm.

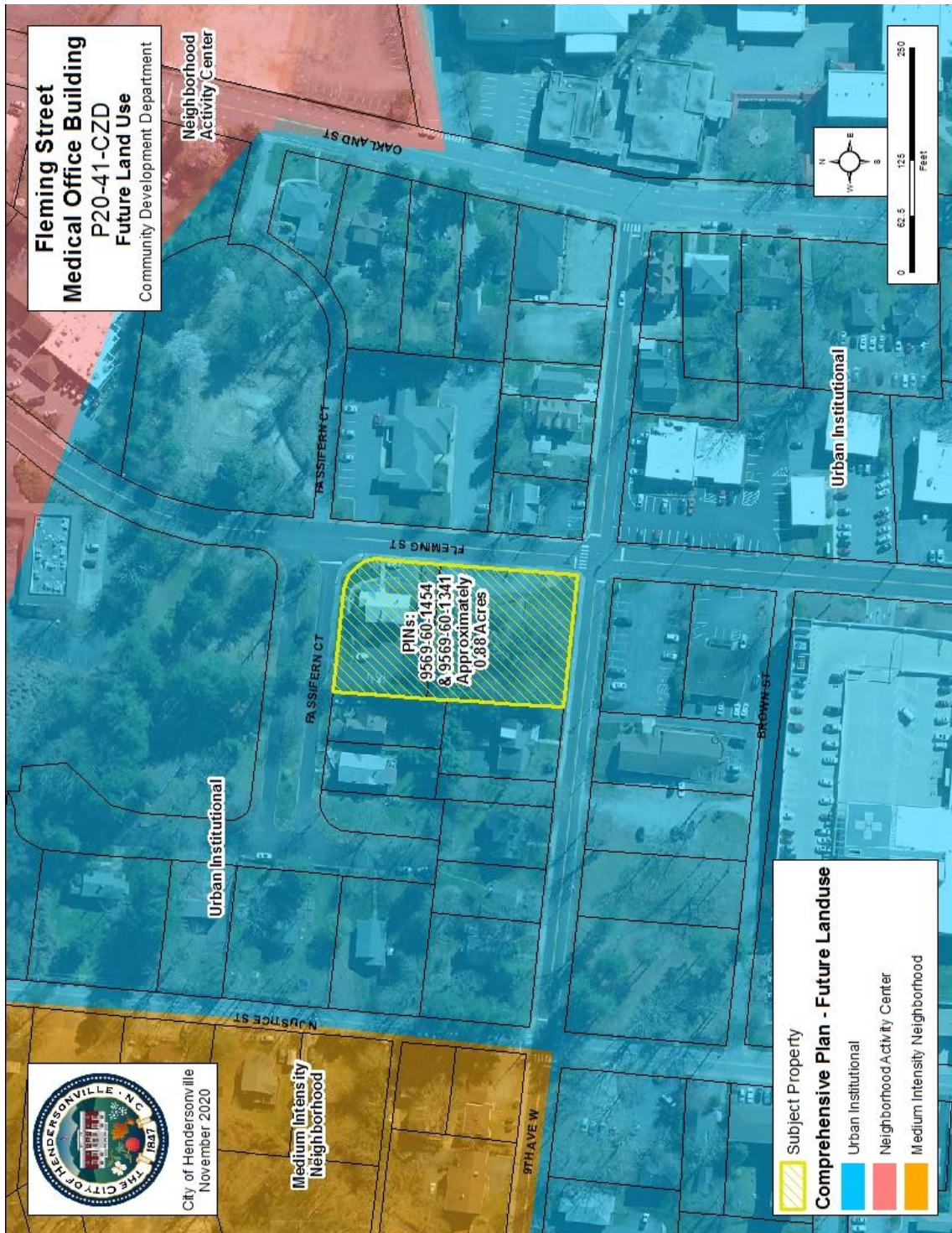
Appendix D



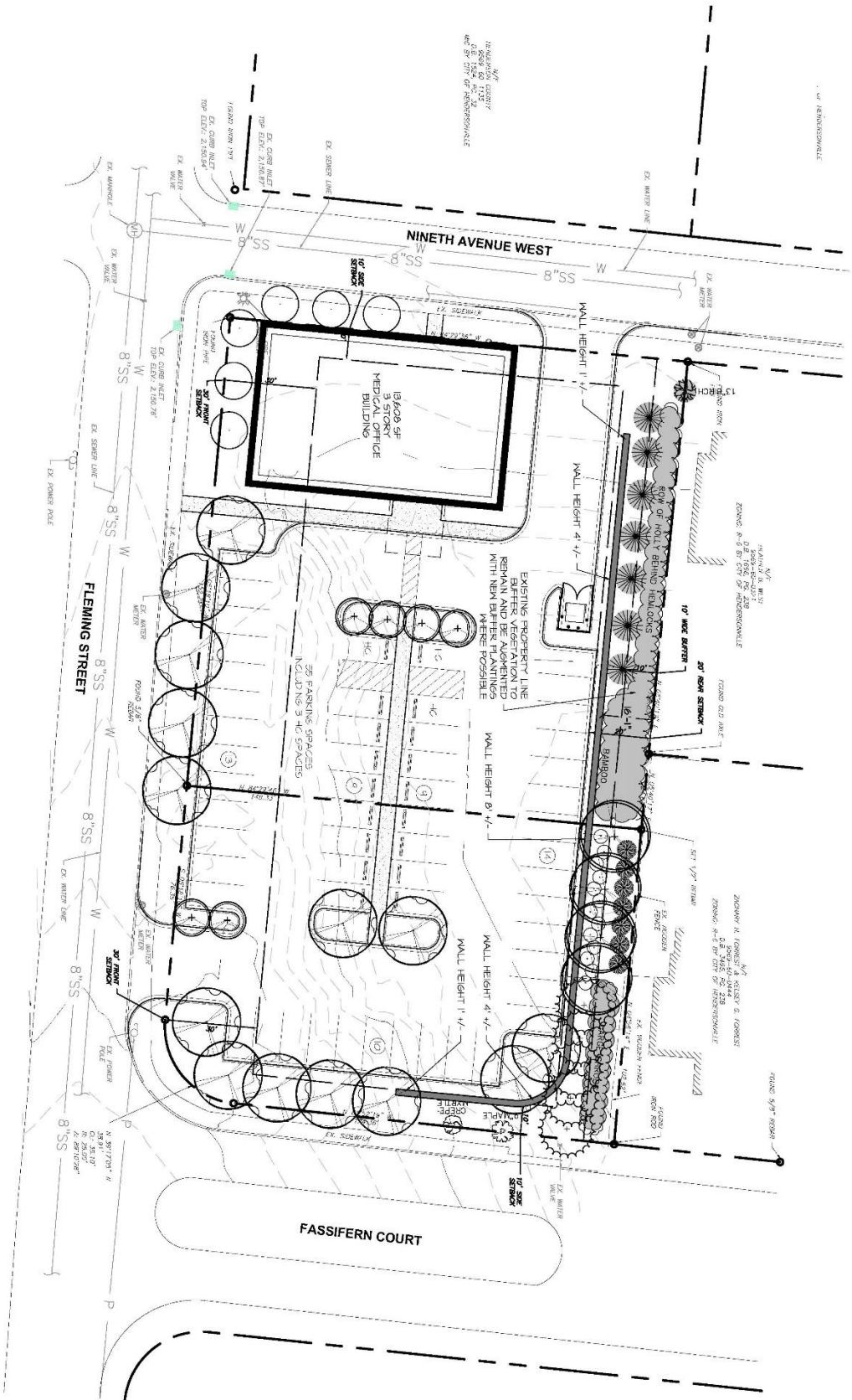
Appendix E



Appendix F



Appendix G



PROJECT SUMMARY

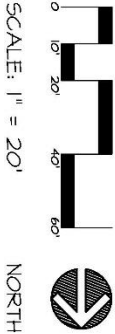
OWNER / CONTACT:
CCF FLEMING LLC
3520 NE 16th Avenue
Miami, FL 33137

PROJECT ADDRESS:
408 & 919 Fleming Street
Hendersonville, NC 28711

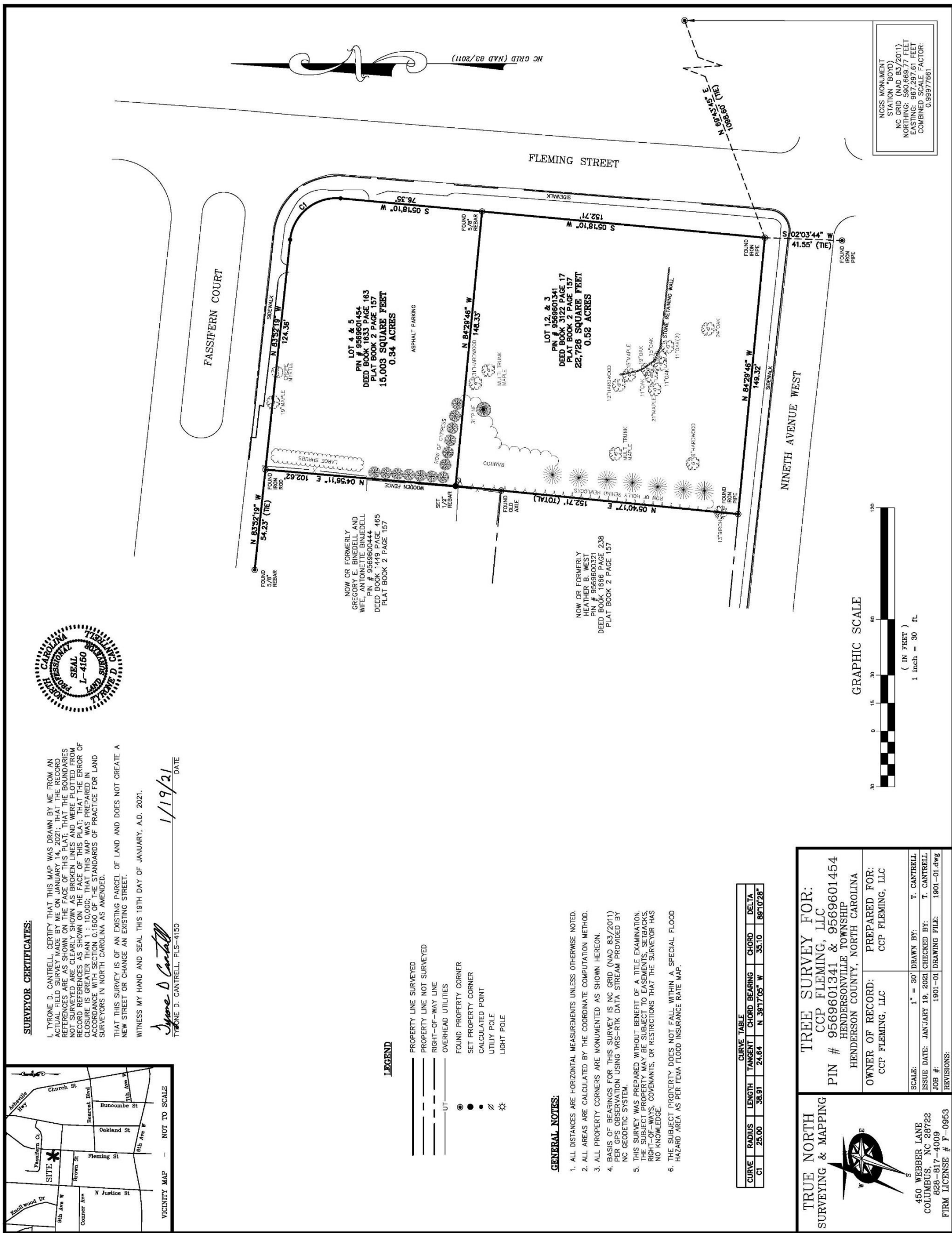
PROJECT INFORMATION:
Current Zoning = Medical, Institutional, Cultural (MIC)
Front Setback = 30'
Side Setback = 10'
Rear Setback = 20'
Proposed Use = Medical Offices
Total Site of Property = 0.866 AC +/-

LANDSCAPE ARCHITECT:
Design Associates
1293 Hendersonville Rd., Suite 21
Asheville, NC 28803
(828) 277-7410 / 277-7413 fax

ARCHITECT:
The Carolina Collins AIA
Carolina Collins Architecture
828-285-0450
carolinacollins.com



Site Plan	Fleming Medical Office 903 & 919 Fleming Street Hendersonville, NC 28791		DESIGN ASSOCIATES LANDSCAPE ARCHITECTS & LAND PLANNERS	1293 Hendersonville Road Suite 21 Asheville, NC 28803 828-277-7410 Fax: 828-277-7413
------------------	---	--	--	--



Appendix L



