

**These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>**

Planning & Zoning Commission Meeting  
Minutes of April 1, 2015  
1st Floor North Conference Room - City Hall

**Present:** Chairman Jeremy Goldstein, Kristy Carter, Jim Edmonds, Laura Berner Hudson, Karl Koon and Joe Minicozzi

**Absent:** Vice-Chair Holly P. Shriner

**Pre-Meeting - 4:30 p.m.**

The Commission began the pre-meeting by reviewing the agenda, noting that no variance would be appropriate for a project being reviewed as a conditional zoning since any variances would just become additional conditions.

**Regular Meeting - 5:00 p.m.**

Chairman Goldstein called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

**Administrative**

- Mr. Koon moved to approve the mid-month minutes of the March 19, 2015, meeting, with two typographical errors. This motion was seconded by Mr. Minicozzi and carried unanimously by a 6-0 vote.
- Ms. Carter moved to to continue the review of a site-plan for the construction of a new hotel on 2 parcels comprising 1.019 acres known as 35 Eagle Street and 51 S. Market Street to May 6, 2015. This motion was seconded by Ms. Hudson and carried unanimously on a 6-0 vote.

**Agenda Items**

- (1) Review of a major subdivision creating 29 single-family lots from 3.73 acres currently known as 70 Allen Avenue and PIN 9645-90-3375. The property is owned by REO Properties Two, LP and the project contact is Mike Anderson.**

Urban Planner Vaidila Satvika oriented the Commission to the site location and said that the applicant is requesting review of a 29-lot major subdivision, unnamed at present, located off of the existing Allen Avenue in South Asheville. This project is considered a Major Subdivision pursuant to Section 7-5-9 of the Unified Development Ordinance (UDO).

Mr. Satvika said that the project site (PIN 9645.90-3375) consists of one parcel approximately 3.83 acres in size. The property is accessed via Allen Avenue, an existing public (City of Asheville) street in South Asheville (accessed from Hendersonville Road). The site is zoned RM-16 (Residential Multi-Family High Density District) and contains a vacant single-family home. Properties to the north and north/west are zoned Institutional and contain recreational area for TC Roberson High School and a manufactured home park. Property to the east is zoned RM-16 and contains an apartment complex. Property to the west and south is zoned RS-2 (Residential Single-Family Low Density District) and contains vacant property owned by Progress Energy of the Carolinas that is part of the Lake Julian complex. A stream, feeding into the Progress Energy property runs across the northwest corner of the site. Wetlands are located in this area. A sewer line runs across the property, primarily north to south.

The applicant is proposing to build a new street(s) intersecting with Allen Avenue. It is proposed to become a new City of Asheville street and provide access to 29 single family residential lots. All lots comply with lot width and lot size standards. A portion of the existing sewer line will be demolished and new sewer line created; water service will be installed in the new street. 3.7 acres of the site will be disturbed.

Access to the proposed subdivision lots will be via a new street (32 feet of right-of-way/20 feet of pavement). Sidewalks (6 foot) are proposed on one side of this new street throughout the development.

Landscaping required for the project includes street trees, buffer alongside the property line abutting property zoned RS-2, and tree save area. The applicant is showing compliant buffer but is seeking alternative compliance to eliminate this requirement due to the nature of the property and the surrounding parcels. Staff is supportive of this request. Open space is required equivalent to 20% of the lot area (minus proposed public rights of way).

This project was approved with conditions by the Technical Review Committee (TRC) at their meeting on March 16, 2015. The preliminary plat must be approved by the Planning and Zoning Commission. Staff met with a neighborhood group regarding the new street.

Staff recommends approval of the preliminary plat subject to compliance with the conditions as stated in the TRC Report. Staff finds that all city standards have been or can be met with this major subdivision application.

Mr. Chris Day, representing the applicant, briefly highlighted the proposal. He said they are working with the Transportation Department of the connectivity of bike and pedestrian walkways in their open space to the north. They will be asking the Tree Commission for a reduction to the landscape buffer abutting the property zoned RS-2, due to the natural buffer.

Chairman Goldstein opened the public hearing at 5:09 p.m. and when no one spoke, he closed the public hearing at 5:09 p.m.

Mr. Minicozzi moved to approve the major subdivision preliminary plat for the Allen Avenue Subdivision subject to the applicable conditions in the TRC report. This motion was seconded by Ms. Carter and carried unanimously on a 6-0 vote.

**(2) Review of a site-plan for a 97 unit apartment building located on 4 levels. The subject properties are located at 128 and 99999 Florence St. and PINs 9648-46-8032 and 9648-46-8234. The owner is Partner's in Mercy, LLC and the project contact is Matt Sprouse, PLA.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans for the construction of a 97-unit multi-family apartment building. This project is considered a Level III review pursuant to Section 7-5-9(a) of the Unified Development Ordinance (UDO) which designates review for residential projects with more than 50 units. Level III projects are reviewed as Conditional Use Permits.

Ms. Bernstein said that the site consists of two parcels with a combined area of 3.24 acre parcel located at 128 Florence Street with additional frontage on White Fawn Place. The site is accessed from Biltmore Avenue just north of Mission Hospital, is zoned Institutional and is currently vacant. Some previous site work was done on the parcel in 2007, including the construction of retaining walls that will be incorporated into the proposal.

Adjacent zoning and uses include Institutional to the west (medical and office/institutional uses), RS-8 to the north (single-family homes); Institutional and RS-2 to the east (vacant and Helpmate); and Institutional to the south (Mission Hospital).

The developer, South Slope Partners, LLC., is proposing a 97-unit multi-family apartment building on the site with associated parking and improvements related to residential amenities. The structure is shown as four levels with a maximum height of 42 feet. There are 76 one-bedroom and 21 two-bedroom units proposed. Site improvements include an outdoor terrace with a pool and open space.

Access to the site is via two twenty-four foot driveways from Florence Street at either end of the parcel frontage along this public street. There is an existing 5.5 foot sidewalk on the opposite side of Florence Street and none is proposed along the project side or along White Fawn Place.

Parking is provided to the side and rear of the building and a total of 106 spaces are shown on plans, including five accessible spaces and the required bike parking. Pedestrian pathways provide access throughout the site.

Landscaping required for the project includes property line buffer buffering to the north (Type B - 30'), street trees on both frontages, vehicular use area landscaping, building impact landscaping, and tree save area and are indicated on plans. There are a number of existing and proposed retaining walls. Compliance with standards found in Section 7-10-5 of the UDO will be required for new walls.

Fifteen percent of the total lot area is required to be dedicated as open space - 21,196 square feet. A total of 25,225 square feet of open space is provided.

The site is currently zoned Institutional; the use proposed is permitted by-right and the applicant is proposing to meet the standards of the District with this development proposal. Maximum residential density was recently increased for the Institutional zoning district to 30 units per acre; this project proposes 29.9 units per acre.

This proposal was approved with conditions by the Technical Review Committee (TRC) on March 16, 2015, and requires quasi-judicial review by City Council and Final TRC review prior to zoning approval.

The applicant held a neighborhood meeting for Thursday, March 26, 2015. Primary concerns had mostly to do with overflow parking in the area, as well as increase in traffic.

Section 7-16-2(c) of the UDO states that Asheville City Council shall not approve the conditional use application and site plan unless and until it makes certain findings based on the evidence and the testimony received at the public hearing or otherwise appearing in the record of the case. The applicant has provided a statement on these findings.

Staff finds that the relevant standards of the City have been met or can be met with this application.

In response to Ms. Hudson regarding sidewalks, Ms. Bernstein said that neither Florence Street nor White Fawn Place are designated as needed linkages and there is an existing sidewalk on the opposite side of Florence Street. The applicant has the option of installing a sidewalk along White Fawn Place, pursue the fee in lieu of, or pursue an appeal since it is a very narrow right-of-way mostly consisting of backs of houses.

Mr. W. Louis Bissette, attorney representing the developer South Slope Partners, said that the applicant is proposing to meet all of the standards of the district. He said that the applicant has not only held a neighborhood meeting, but met with two of the closest neighbors - Helpmate and Mission Health. Mission has indicated their support of this project. The proposed property is an infill development and utilizes existing City streets; adequate previously installed water and sewer;

and retaining walls - all of which are incorporated into the proposal. He believed that their application contains adequate factual information to support each of the required findings. The proposed project does not contain enough residential units to require a traffic study. They did, however, have a preliminary study performed which projected 51 trips in the morning. This project is adjacent to the Mission Health Campus and is in easy walking distance to two transit stops located on Biltmore Avenue and downtown. This property currently pays \$8,646 annually in City, County and Asheville School System taxes, and upon completion, the taxes will be approximately \$120,000 annually.

Ms. Suzanne Godsey, representing the applicant, showed pictures of what the property currently looks like, and briefly highlighted the site plan. She said they still have some topographical challenges on the site and explained how some of the site will show 3 stories and some will show the 4 stories. She reiterated that they have more than the required open space and they meet the tree save requirements. Their building sits 100 feet away from the property line to the north, where there is existing single-family residential, plus an additional 20 feet of alley width. Regarding sidewalks on White Fawn Place, she explained they will have a crosswalk on the north side of their property to Florence Street, so their residents will walk south on the existing sidewalk to Mission.

When Mr. Minicozzi questioned if there would be an opportunity to have people walk through the property to the west to reach some of the major employment areas that border the property, Ms. Godsey said there was too much of a grade change to allow that traversing.

Chairman Goldstein opened the public hearing at 5:30 p.m.

Mr. Joe Fishleigh, President of the Board for Helpmate, said that their shelter is very close to this development, and asked that their Executive Director explain their concerns.

Ms. April Burgess Johnson, Executive Director of Helpmate, said that Helpmate is well aware of the critical lack of housing stock in Asheville and fully support the development of additional housing units; however, she expressed concern about the increased pedestrian and vehicular traffic in this area and the security risk it poses to their shelter. They hope to be able to develop a solution to some of these issues. One of their main concerns is parking along Florence Street (which is in front of their domestic violence shelter), since it seems likely there will be on street parking given there are 97 units with only 106 parking spaces. In addition, there will be increased pedestrian traffic right past the front door of their shelter. They ask for better parking solutions or no parking on Florence Street or Veronica Lane.

The following individuals spoke in opposition of the conditional use permit for various reasons, some being, but are not limited to: concern of height of the structure over Florence Street since neighborhood to the north is residential; additional traffic and congestion will be on White Fawn Place and White Fawn Drive; concern of area on-street parking; need for sidewalk on White Fawn Place and also a sidewalk from Florence Street to Biltmore Avenue; and dumpster should be relocated due to odor since there are existing homes on White Fawn Place:

Mr. Joel Atyas, resident at the intersection of Florence Street and White Fawn Drive  
Mr. Eddy Bruder, area resident

Mr. Bissette said that the developer understands the concern of Helpmate and will continue to try to reach a solution. He said they would have no problem with having Florence Street be designated as a no parking street.

Chairman Goldstein closed the public hearing at 5:42 p.m.

When Ms. Carter asked if the Commission can condition a street to be designated as a no parking street, Assistant City Attorney Jannice Ashley said that the Commission has to be

comfortable that it meets the broad standards. Ms. Bernstein noted that the City's Traffic Engineer can independently look at the existing conditions and what determine what might be the best solution.

Chairman Goldstein and Ms. Carter both agreed that there are a number of existing conditions that will be in that area regardless of this project.

Mr. Minicozzi suggested the dumpster be relocated to the south side of the property, which would be closer to the Institutional District and less a noise issue for the residential neighborhood. Ms. Bernstein said that relocating the dumpster is something that the applicant can consider since it is now in a technically compliant location. Ms. Bernstein responded to Ms. Hudson when she asked about the screening material of the dumpster. Ms. Godsey explained that they have looked at other locations on the site for the dumpster.

Mr. Koon moved to recommend approval of the conditional use permit for Florence Street Apartments located at 128 Florence Street and White Fawn Lane. This motion was seconded by Ms. Hudson and carried unanimously on a 6-0 vote.

**(3) Review of a conditional zoning request from RM-8 (Residential Multi-Family Medium Density) to RM-16 CZ (Residential Multi-Family High Density Conditional Zoning) for the construction of 16 townhome units with reduced front setbacks. The subject parcel is 1.054 acres located at 53 Logan Circle and PIN 9638-87-3150. The property is owned by Wanda and Joel Wingerter and the project contact is Gerald Green.**

Urban Planner Sasha Vrtunski oriented the Commission to the site location and said that the applicant is requesting conditional zoning from RM-8 (Residential Multi-Family Medium Density) to RM-16 CZ (Residential Multi-Family High Density Conditional Zoning District) for a single parcel located at 53 Logan Street to allow for the construction of 16 townhomes. The proposal includes conditions relating to setbacks, sidewalks and infrastructure improvements.

Ms. Vrtunski said that the site is a 1.054 acre site on Craven Street and is bordered to the west by Georgia Street and is across the street from the New Belgium Brewery. There is a grade change on the site with a steep hill toward the middle of the site that curves parallel to the streets. Adjacent parcels are zoned RM-8 to the East, West and South. Across Craven Street to the North, New Belgium Brewery property is zoned River.

Currently there is one house occupied by the owners/applicants on the site, and one block and frame building on the corner of Craven and Georgia Streets.

The applicant is proposing the construction of 16 townhomes on just over 1 acre of land across the street from the New Belgium Brewery. There are two clusters of four units facing Craven Street, all with 2 bedrooms each. Along Georgia Street there are four units in two clusters of two units each, all with 2 bedrooms each. From Logan Circle, there are two clusters of two units, with 3 bedrooms each. All of the units are 3 stories tall with a maximum height of 35 feet above ground level. This height meets the standard for all residential districts.

In the middle of the site is a woodland garden used as a common area with landscaping and a 4 foot mulched path. There are several retaining walls on the site, the tallest being 16 feet high and located on the northeast corner of the site. The majority of the steep areas of the site are left as undisturbed open space.

Vehicular access to the site is proposed via all three street frontages. A driveway on Logan Circle accesses the upper four townhomes; townhomes on Georgia Street are proposed with individual driveways and garages, and the eight townhomes on Craven Street have pedestrian access on Craven Street, and parking areas to the rear and side.

The proposed project meets parking requirements with 1 space per 2 bedroom unit supplied either to the side, rear or in front garages. The 3 bedroom units have 1 space in a front garage and a second space in a parking area to the side. The project proposes to have 9 on-street parallel spaces; 7 on Craven Street and 2 on Georgia Street.

Plans show Georgia Street as a 16'6" paved surface, and in Technical Review Committee (TRC) comments staff has commented that this street will need to be a 20 foot road per fire standards. The City will require this street to be paved to the last driveway by the time the project is built out (can be done in the last phase).

A six-foot sidewalk is provided along Craven Street. Plans show a 4-foot walking path with mulch or gravel on Georgia Street. Due to future traffic counts and accessibility issues, staff has stated that a sidewalk for Georgia Street is required. Based on TRC discussions, staff is satisfied with a 6 foot sidewalk next to the street. The applicant has expressed reservations and concerns about this requirement.

Landscaping is required for this project and includes street trees, building impact and retaining wall landscaping and tree save areas. Street trees are provided along Georgia and Craven Streets in bulbouts and in front of the townhome units.

The proposal meets and exceeds open space requirements. Plans show 9185 square feet of open space that has less than a 25% slope, and an additional 2812 square feet of open space that has a slope greater than 25%. The total requirement for this development is 8000 square feet.

The current proposal includes the following condition that will need to be approved by City Council: (1) The townhomes on Craven Street will have a setback of 6 feet and the townhomes on Georgia Street will have a setback of 10 feet. The standard setback in RM-16 is 15 feet. The townhomes on Logan Circle will meet this standard.

This proposal was approved with conditions by the TRC on March 16, 2015. As with all conditional zoning applications, this development proposal will be heard by both the Planning and Zoning Commission and the Asheville City Council. It will return to the TRC for a final TRC review, if approved by Asheville City Council.

The applicant met with neighbors at the March 13, 2015, meeting of the East West Asheville Neighborhood Association (EWANA). Staff has received two comments - one was concerned about the townhomes fitting into the single-family nature on Logan Circle; and one was concerned about the traffic on narrow Georgia Street.

The applicant is proposing to conditionally rezone the site from RM-8 to RM-16 in order to achieve a higher density on the site. The parcel is outside of the River Design review area.

Current zoning to the east, west and south of the site is currently RM-8. The property is directly across from the New Belgium Brewery project on Craven Street. Staff anticipates increased visitors to the area, and Craven Street is currently being rebuilt with improved widths, bike lanes and sidewalks. Development with higher density is more appropriate along this corridor than single family detached housing. Adjacent property owners on Craven Street to the west have indicated that they are interested in a more dense development as well.

Townhomes are a suitable use in the zoning district as well as in this location. The requested conditions for reduced setbacks are evaluated on a case-by-case basis and while they may not be appropriate for the portion of the site deeper within the neighborhood, they are less objectionable given the context of this location.

On the Logan Circle portion of the site, the properties to either side all contain single-family houses that are two and three story structures. The townhomes will be set somewhat back with an access driveway, and their height will be compatible with these adjacent structures. The setback and greenspace in front will keep the new buildings from overwhelming the other houses on Logan Circle.

The proposal supports strategies found in the *City Development Plan 2025* of allowing more intense infill development where appropriate and enhancing the pedestrian-environment. The project will provide sidewalk along Craven and Georgia Streets.

The proposal supports strategies found in the *City Development Plan 2025* of infill development occurring in areas with existing infrastructure, and where alternative transportation routes are available. The project is within a quarter mile of Haywood Road (Transit line) and will be very close to the greenway system that will run along the west side of the French Broad River.

The proposal is aligned with City Council's *Economic Growth* goal on infill development and streetscape enhancement.

Based on the above findings and the analysis provided in the report and as stated in the recommendation below, staff finds this request to be reasonable.

Considerations:

- Infill development furthers the goals and objectives of the comprehensive plan.
- Besides the requested setbacks, the proposal is meeting the requirements of the RM-16 zoning district.
- Public investment in the Craven Street infrastructure and nearby greenways anticipate an increased urbanization of this corridor, and this higher density project will be compatible with the area.
- The applicant is working with the City to ensure that the Craven Street project is compatible with their plans.

Staff recommends approval of the proposed conditional zoning to allow for the construction of the 16 townhomes, although it would be preferable for there to be a sidewalk along Georgia Street.

Mr. Joel Osgood, landscape architect representing the property owner, said that this development meets many of the City's goals surrounding sustainability and the current development plan. The goal of the project is to provide an infill development in a transitional way. The housing will be reasonably priced for people in the River Arts District and/or for New Belgium employees. Using pictures, he pointed out some of the significant site slope challenges. He then reviewed the project, noting that the project will be phased in.

Chairman Goldstein opened the public hearing at 6:06 p.m.

Mr. Jim Hunter, adjacent property owner, felt that the project layout will work fine. However, Georgia Street is a public street but virtually used by no one. The reason why the developer has to ask for the reduced setback on Georgia Street is because the drop-off is so steep. He suggested Georgia Street be closed which might help the developer with his reduced setback request.

Mr. Dale Palmer, resident on Logan Circle, was concerned with additional parking in the area, since Logan Circle is very narrow one-way street. The look of the townhomes do not look like single-family homes and he felt it will change the character of the neighborhood.

Chairman Goldstein closed the public hearing at 6:11 p.m.

Ms. Carter understood that Georgia Street doesn't feel like a street now, but that might change in the near future. She supported leaving draft conditions 4, 5 and 6 (4 - Georgia Street will be improved to a 20-foot pavement width to the end of the property line along Georgia Street; 5 - Georgia Street must be improved during the last phase of the project build-out; and 6 - A sidewalk of 6 feet 6 inches will be provided along Georgia Street) as written by staff.

Mr. Osgood was concerned about the draft conditions 4, 5 and 6, noting that they understand the spirit of needing to improve Georgia Street and the need for sidewalks, but they are still want to work out some of the details, regarding (1) paving a 20-foot pavement width to the end of the property line along Georgia Street; (2) a sidewalk along Georgia Street; and (3) the accessibility routes, being a single-family development.

Director of Development Services Shannon Tuch felt that the conditions before the Commission appear to be technical conditions, not conditions that are up for negotiation. She said that from a technical standpoint, the project generates a sidewalk requirement, but there are different options to comply with that requirement.

Discussion took place regarding the draft conditions, and how staff will continue to work with the developer on firming them up prior to City Council review, since the developer and the City will need to agree upon all conditions.

Mr. Minicozzi moved to approve the conditional zoning request of Asheville Property, Inc. for property located at 53 Logan Circle from RM-8 (Residential Multi-Family Medium Density District) to RM-16 CZ (Residential Multi-Family High Density District Conditional Zoning) including the requested reduced setbacks on Georgia and Craven Streets and the draft conditions provided to the Commission marked Exhibit B-1 Conditions, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the goal found in the City's Comprehensive Plan of pursuing more intense infill development where appropriate; and (2) The proposal supports the goal found in the City's Comprehensive Plan of infill development that takes advantage of existing infrastructure and is close to transit and alternative transportation options. This motion was seconded by Ms. Carter and carried unanimously on a 6-0 vote.

At 6:26 p.m., Chairman Goldstein announced a short recess.

- (4) Review of an amendment to a previously approved conditional zoning request from UP-CZ (Urban Place Conditional Zoning) to UP-CZ (Urban Place Conditional Zoning) for a mixed-use development consisting of 237 residential units, 19, 378 sq. ft. of retail, 8,578 sq. ft. of office, and a 2-level parking structure with 344 spaces with conditions relating to density, building size, sidewalks and landscaping. The properties are located at 146 Roberts St. and PINS 9648-07-2183 and 9648-06-1953. The property is owned by RAD Lofts, LLC.**

**Review of variance requests for design and operational standards from Section 7-8-26 (f) (12) for windows and doors for properties located at 146 Roberts St. and PINS 9648-07-2183 and 9648-06-1953.**

Assistant City Attorney Jannice Ashley noted that the Commission's agenda calls for a conditional zoning amendment and a variance request. However, a variance is not required in this case since the changes to fenestration/windows and doors can be handled as part of the conditional zoning process.

Urban Planner Jessica Bernstein oriented the Commission to the site and said that the applicant is requesting review of a conditional zoning request from Urban Place Conditional Zone (UP-CZ) to Urban Place Conditional Zone (UP-CZ), in accordance with Section 7-7-8 of the UDO, to amend a previously approved mixed-use development project. This is a revision to the earlier proposal, which was approved by City Council on October 22, 2013, under Ordinance No. 4241.

The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and the second parcel (0.379 acres) is located across Roberts Street to the south. The parcels (previously zoned CI and River) were conditionally rezoned to Urban Place by City Council in 2013.

The project area is currently vacant but was most recently the site of Dave Steel. All remaining structures (railroad tracks, walls and a small building) are to be removed.

*Summary of Changes:* The applicant is proposing an amendment to the previous approval. The project is for the construction of a mixed-use development including residential, retail and office spaces and parking, both structured within the development as well as a separate surface lot.

- **Residential:** Plans indicate a total of 243 residential units with 146 1-bedroom and 97 2-bedroom units. This is an addition of 34 units or an approximately 16% increase. The previous approval was for 209 units.
- **Retail:** The retail component has decreased to 19,378 SF from 36,974 SF (a 55% reduction). The previous approval included retail spaces along both street frontages but now this use is only along Roberts Street.
- **Office:** The office component has decreased to 8,578 SF from 11,656 SF (26% reduction).
- **Access:** same as previous – 2-way driveway on each façade
- **Height:** similar – 5 levels with 2 parking below
- **Building Size:** The previous plan visually functioned as seven buildings above ground; the revision is just one building on the site.
- **Parking:** There is an increase from 338 spaces to 343 spaces (parking is proposed in the structured garage, surface lot across street & on-street spaces)
- **Pedestrian Activity:** The interior pedestrian promenade has been eliminated and streetscape activity is greatly decreased on Clingman Avenue Extension.

The design has been changed to one large building on the base of structured parking (rather than what previously appeared as seven buildings and two large pedestrian areas through the site). There are two levels of parking and five levels of retail/office/residential spaces but with the existing grade change on site, the overall height varies. The building is 60' on Clingman and 68' from Roberts Street.

The access is mostly unchanged from the previous proposal - there are two access points into the site, one two-way driveway from Roberts Street and the other two-way driveway from Clingman Avenue. The parking lot has two single-access driveways off Roberts Street. New sidewalks are shown along both sides of Roberts Street (6 - 6.5') as well as the project frontage on Clingman Avenue and range from 8 to 12 feet in width. Additionally, the project has been designed to incorporate areas of pedestrian amenities both at the corner of Clingman and Roberts; however the public pedestrian promenade through the site has been eliminated.

This project incorporates parking in several locations; there is a 343-space parking structure within the development (*previously 338 spaces*); the separate parcel across Roberts Street to the south is shown as a standalone parking lot with 24 spaces (2 HC accessible) and approximately 8 on-street spaces will be delineated through streetscape enhancements

(previously 15). Bike parking is also included throughout the site. The increase in residential units balances out with the decrease in retail and office space to result in approximately 83 hourly spaces available to the public in the deck (not counting public spaces in the lot or on-street).

Landscaping is required on the site and includes street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. There is a requested condition related to landscaping.

Urban Place zoning includes specifics for building design and includes well-defined operable entrances at regular intervals, fenestration requirements for the ground and upper levels and treatments to break up long façades. The project design requires two variances.

*Conditions:* The current proposal includes the following conditions requested by the applicant that will need to be approved by City Council:

1. **Density** - The maximum density allowed by right in Urban Place is 64 units per acre, or 209 units for this site. The applicant is requesting an additional 34 units (a 16% increase - up to approximately 75 units per acre). Five percent of the units will be designated as affordable by the City's standards.
2. **Building Size** – For buildings exceeding three stories, the maximum footprint is limited to 50,000 square feet with a maximum gross floor area of 200,000. The proposed footprint of the building is 82,531 SF (an increase of 65%) and the gross floor area is 421,489 SF (an increase of 111%). Similarly with the previous proposal, this condition is a result of building upon a base of structured parking.
3. **Sidewalks** - Sidewalks in the Urban Place District are required to be a minimum of 10' in width. Sidewalks are shown down to 6' along Roberts Street and between 8-12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue which will remain.
4. **Landscaping** – The applicant is requesting to greatly reduce parking deck landscaping requirements based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
5. **Setback** on Roberts Street - The maximum front setback is 15' and there is an area along Roberts Street that exceeds this standard.

The following variances, which will now be handled as a condition, will need to be approved by the Planning & Zoning Commission:

1. **Fenestration/Windows and Entrances** - The plans do not comply with requirements in the design and operational standards section of the code relating to entrances (to be placed at regular intervals not exceeding 60') along both frontages as well as the requirement for windows to be evenly distributed at the pedestrian level across the length of the facade on the first floor of the building and make up at least 40% of the first floor area along Clingman (due to the parking structure and "brownstone" style access).

Variance Requests are summarized below:

	<b>UDO Requirement</b>	<b>Applicant Request</b>	Variance
Distance between entrances	Well defined operable entrances required at intervals not exceeding	Roberts Street: one instance of 85 feet between entrances	Roberts Street: requesting 25 feet additional distance

	60 feet apart	Clingman Ext: 102'7.5" from end of building to door; 153' 3.5" from door to driveway opening heading north; two residential stair intervals spaced 64'1.5"	Clingman Ext: requesting up to 93' 3.5" additional distance between entrances
Even distribution of windows and percent of fenestration	Windows required to be evenly distributed across the length of the façade and to make up 40% of the street facing façade	Clingman only: 22% provided from Roberts Street corner to parking entrance; 23% provided from parking entrance to northern end of building	Clingman only: requesting a reduction of up to 18% less of the fenestration requirement

The Urban Place zoning district was created to foster “higher density, mixed-use development that is economically viable, pedestrian oriented, visually attractive and contributing to the place making character of the City...to enhance the streetscape and offer a wide range of complementary land uses and employment opportunities...[and] intended in areas where the appearance of the built environment is important to the vitality of the area.” Additionally, the zoning district was created with areas along the French Broad River in mind. Staff believes that this location in the River Arts District is ideal for Urban Place zoning. The proposed amendment is increasing residential density and decreasing commercial area, which are acceptable under the district and goals for the area; however, the design has greatly lessened the level of pedestrian interaction and activity along Clingman Avenue Extension which is concerning to staff.

This proposal was approved with conditions by the Technical Review Committee (TRC) on March 16, 2015; recommended for approval by the Planning & Design Review Committee on March 11, 2015, and approved for design by the Asheville Area Riverfront Redevelopment Commission on March 12, 2015. Approval by City Council and Final TRC review is required prior to issuance of a zoning permit.

On March 12, 2015, the following motion was made by the Asheville Area Riverfront Redevelopment Commission: *Motion to approve that the design for this newer design of the RAD Lofts project meets the intent and spirit of the River District Design Review guidelines, on the condition that the applicant: (1) Increase the sidewalk width (currently proposed, 6 feet) on Roberts Street near the 5 points intersection; recommendation is to consider removing on-street parking to create a ten foot sidewalk; (2) Activate the blank section of brick façade along Clingman Extension north of parking entrance; recommendation is to consider using public art or historic/cultural interpretation of area; and (3) Activate the stretch of façade south of the parking entrance on Clingman Extension that provides ventilation for parking facility (currently proposed louver area); recommendation is to consider using lighting that enhances pedestrian safety and potentially serves as public art or enhances artistic character of neighborhood. This motion was unanimously adopted.*

A Level II project was recently approved in the vicinity (95 Roberts Street, BP 14-16524).

This type of mixed-use, high density development is ideal (and intended) for areas such as the River Arts District and is expected to complement the adjacent shops, studios and uses and add to the fabric of the District in a valuable way. Streetscape improvements will greatly improve the pedestrian experience along Roberts Street and Clingman Avenue and the addition of parking in several locations will be a benefit to the area. While the building is taller and significantly larger than most in the immediate area, the scale of the building is mitigated through façade planes, roof line differentiation and changes in materials.

This site was previously developed and has a +/- 35 foot grade change from Park Avenue down to the Roberts Street / Clingman Avenue intersection with a steep bank along the

northern end. The proposal focuses development activity (retail spaces, pedestrian plaza, parking garage entrances) down towards the previously graded areas and leaves the rear bank intact, more or less, functioning as the “back” of the site. Working with the grade changes on the parcel, the structured parking is only “exposed” along the rear of the site where there is no public interaction, integrating the design into the natural and topographic features on the parcel.

The design standards in Urban Place zoning are crafted to promote activity along the ground level and this amendment has a greatly reduced level of activity along the Clingman Avenue Extension façade.

This proposal is aligned with numerous aspects of the *City Development Plan 2025* including smart growth policies such as mixed-use buildings; higher density infill development; promoting a sustainable pattern (parking structured underneath building) and strengthening neighborhoods close to downtown. Land use and site planning goals stress encouraging “the mixing of residential and commercial development to increase walkability and reduce automobile dependence” and siting uses close to public transit and bicycle paths. The streetscape improvements will aid in safety for pedestrians in this highly-trafficked area and the additional parking in the deck, on-street and the small surface lot will be helpful. Lastly, the *Plan* addresses quality of life as an economic development incentive and the River Arts District is certainly a target area for enhancing cultural, residential and commercial activity for residents as well as tourists.

The WECAN Master Plan (2008) recommends infill development within the River Arts District, specifically for a mix of uses along Roberts Street with retail at the ground level and residential above.

This project supports goals in City Council's 2014-2015 Strategic Plan, most notably in the area of *Economic Growth & Sustainability* with the infill redevelopment aspect, coupled with the infrastructure improvements for the area. The increase in residential density is related to the focus area related to *Affordability and Economic Mobility* in that there are a percentage of affordable units included.

Based on the above findings and the analysis provided in the staff report and as stated in the recommendation below, staff finds this request to be reasonable, consistent with the comprehensive plan and within the best public interest.

Considerations:

- The requested conditions exceed otherwise applicable structure size, density and setback maximums and reduce standards for sidewalk width and landscaping.
- City goals support mixed-use, infill development, especially providing residential uses in a walkable location proximate to transit and the Central Business District.
- Streetscape improvements will enhance the pedestrian experience along Roberts Street and Clingman Avenue Extension.
- Urban Place zoning sets forth specific design and operational standards to ensure a development that will relate to and enhance activity at the street level. The amendment is problematic with meeting these goals along the Clingman Avenue Extension façade.

Staff recommends approval of the proposed conditional zoning request to amend a previously approved project for the construction of a mixed-use development, including the conditions as proposed by the applicant as detailed above, and the variance requested. Staff recommends the inclusion of conditions as suggested by the River District Design Review Committee to better activate the blank section of brick façade along the street level of Clingman Avenue Extension. Staff would like to see a wider sidewalk along Roberts Street where possible.

In response to Mr. Edmonds, Ms. Bernstein said that the 2013 approval was not contingent upon affordability.

Ms. Carter questioned if there was a parking study for this area as the balance is if we have a narrow sidewalk, we keep on-street parking or if we widen the sidewalk, we lose the on-street parking.

In response to Ms. Hudson on whether the parking garage is public, Ms. Bernstein said that the applicant will have to satisfy their required needs under the UDO for the residential units as well as the requirements for the commercial/office uses, and whatever is left over could be surplus. Discussions talking place is that the surplus would be hourly paid spaces.

Mr. Charles Worley, attorney for the applicant, said that the substantial changes in the layout are basically making the project HUD compliant in terms of HUD financing, and to make it more attractive to private investment financing. Regarding a concern of parking, the developer and the City are jointly engaged in initiating a parking study. He used a graphic to explain their variance requests.

Mr. Harry Pilos, developer, said that the increase of number and residential units and decrease of retail is basically to become HUD compliant. He has come to realize that this area will not be a retail corridor for at least another 10 years. He said this is a more efficient building on a very challenging site in terms of grade.

Ms. Carter asked if any of the residential units on Clingman Avenue Extension will be built so they can transition into retail space in the future. Mr. Pilos said that there will be Americans with Disabilities Act issues, but he said they could transition into a live/work arrangement. Regarding the public parking in the garage, depending upon the management system, 93 would be a minimum of available spaces to the public on an hourly basis. Regarding affordability, he did obtain approval without any affordability conditions; however, he ran the financial models and could not afford to build the project with more than five percent (12-13 units) as low income housing by the City standards. He was not opposed to the balance being workforce housing based on the mathematics established with City staff about two years ago.

Mr. Minicozzi suggested that in the future Mr. Pilos share his thoughts on what we, as a City, can do to make these projects easier from a development prospective.

There was considerable discussion, initiated by Mr. Minicozzi and responded to by Ms. Robin Raines and Mr. Matt Sprouse, architects on the project, on ways to widen the sidewalk on Roberts Street. Director of Development Services Shannon Tuch stressed that the City wants to keep as much as the valuable on-street parking as possible. We want applicants to consider moving the building over to widen the sidewalk and not encroach into the right-of-way.

Chairman Goldstein opened the public hearing at 7:24 p.m.

Ms. Patti Torno, Chairman of the Asheville Area Riverfront Redevelopment Commission (AARRC), said that the Commission (1) suggested the activation of the blank section of brick façade along Clingman Extension north of parking entrance by possibly installing a community bulletin board or historic/cultural interpretation of area; and (2) activation of the stretch of façade south of the parking entrance on Clingman Extension that provides ventilation for parking facility by using lighting that enhances pedestrian safety or enhances artistic character of neighborhood. The AARRC did approve the project unanimously as it will be a huge asset to the River Arts District. Personally speaking, the on-street parking is important and the sidewalk on the Roberts Street should be widened.

Ms. Gail McCarthy, owner of 236, 238, 240 and 242 Clingman Avenue, said that her most significant concern is on-street parking on Clingman Avenue Extension. She requested an adjustment be made in the width of the sidewalk to allow for permanent parking on both sides of

Clingman Avenue Extension. An alternative would be to make Clingman Avenue Extension a one-way street running from south to north, which would allow parking on both sides.

Chairman Goldstein closed the public hearing at 7:32 p.m.

When Ms. Hudson asked if there was any ability to shift the building a little more to create room for a wider sidewalk, Ms. Raines said that the problem is the big hill on Park Avenue North. The more they slide the building back, it goes into that hill, which requires them to build a retaining wall and raises the cost of the entire project.

Interim Planning Director Alan Glines said that the width of the sidewalk on Roberts Street will continue to be worked on by City staff and the developer, especially since it was mentioned in the TRC comments and a concern by City staff. Mr. Sprouse said that there are a couple of options to widen the sidewalk on Roberts Street, noting that each shift/option will have an implication. He said they will try to resolve as best they can the pinch points on the sidewalk on Roberts Street.

Mr. Minicozzi moved to recommend approval of the conditional zoning request for RAD Lofts, LLC for property located at 146 Roberts Street from Urban Place Conditional Zone (UP-CZ) to Urban Place Conditional Zone (UP-CZ) including the requested conditions in Exhibit B-1 and conditions suggested by staff in the staff recommendation; and that the developer and the City continue to work on widening Roberts Street as it moves forward; and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's Comprehensive Plan on encouraging mixed-use development, especially in areas walkable to downtown and proximate to transit; (2) The proposal supports the goal found in the City's Comprehensive Plan of pursuing more intense infill development where appropriate; and (3) The design and uses create a pedestrian-oriented streetscape along Roberts Street and part of Clingman Avenue Extension,. This motion was seconded by Chairman Goldstein and carried unanimously on a 6-0 vote.

### **Other Business**

Chairman Goldstein announced (1) the mid-month meeting on April 16, 2015, at 4:00 p.m. in the First Floor North Conference Room in the City Hall Building; and (2) the next meeting on May 6, 2015, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

### **Adjournment**

At 7:42 p.m., Mr. Koon moved to adjourn the meeting. This motion was seconded by Mr. Edmonds and carried unanimously on a 6-0 vote.