

**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 January 7, 2015  
1st Floor North Conference Room - City Hall

**Present:** Chairman Jeremy Goldstein, Vice-Chair Holly P. Shriner, Kristy Carter, Jim Edmonds, Laura Berner Hudson, Karl Koon and Joe Minicozzi

**Absent:** None

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

The Commission briefly discussed the cases to be heard and some of the major points of the conditional zoning process. The staff from the City Attorney's Office reminded the members on making motions to recommend support or denial of a project. Some Commissioners expressed support for smaller lots for subdivisions to find ways to manage additional growth and moderate the rising prices for housing.

**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. Minicozzi moved to approve the minutes of the December 3, 2014, meeting, with minor typographical amendments. This motion was seconded by Vice-Chair Shriner and carried unanimously by a 7-0 vote.

**Agenda Items**

- (1) **Review of a request for conditional zoning from RM-16 Residential Multi-Family High Density District to CBI-CZ Community Business I District/Conditional Zoning to construct a 2-story building with office space on the first floor and 3 residential units on the second floor. The subject property is 7,664 square feet in size located on Broad Street, PIN 9649-53-7557 and a portion of adjoining right-of-way, scheduled to be closed. Landscape condition changes are requested. The project contact is Michael Derrig. Planner coordinating review – Julia Fields.**

Urban Planner Julia Fields oriented the Commission to the site location and said that applicant is requesting review of a conditional zoning request to rezone property from RM-16 Residential Multi-Family High Density District to Community Business I District/Conditional Zoning) in accordance with Section 7-7-8 of the UDO, for the construction of a two-story building containing 1800 square feet of "commercial business" space (first floor) and 1800 square feet (second floor) containing three one-bedroom apartments.

The subject property consists of an existing 6,624 square foot parcel (PIN 9649.53-7557) located at what will be addressed 135 Broad Street off of Charlotte Street. The closing of an unopened right of way between 135 and 137 Broad Street (currently in progress) would add an additional 1040 square feet to the subject property creating a development parcel 7,664 square feet in size (.176 acre). The property is currently vacant (with the exception of some storage crates to the rear of the property) and zoned RM-16 (Residential Multi-Family High Density). The site is bordered by properties zoned RM-16 (to the west containing a single family home) and CBI

(to the north, east, and south). The surrounding CBI properties contain office buildings and a restaurant.

The applicant, Michael Derrig, AIA, for Broad Properties, LLC, proposes to construct a new mixed use building (24 feet in height) on the southern side of Broad Street, near the intersection of Broad and Charlotte Streets. The building will contain 1800 square feet (first floor) of "commercial business" space (limited to offices or instructional services by agreement) and 1800 square feet of residential space (second floor) containing three one-bedroom apartments. The applicant has also agreed to limit signage to a maximum of ten square feet per sign face and four feet in height.

Access to the site is proposed via a 14-foot driveway off of Broad Street. The drive leads to an area containing six parking spaces at the rear of the building. Parking for four bicycles and handicapped parking (one space) is shown on the site plan. There are existing sidewalks along Broad Street and an accessible pedestrian path planned to the west of the proposed new structure.

Landscaping is required for this project and includes street trees, parking lot landscaping, and a property line bufferyard to the west. A request for bufferyard modification has been submitted to reduce the required 20 foot buffer to 10 feet (for 51'6" of the property line) and 4 feet (for 43'4" of the property line) where there is a fence on the adjoining property. The buffer yard shown contains all the requisite plantings but does not meet the required width. Staff is supportive of this modification feeling that it meets the spirit of the ordinance. Open space is not required as the property is less than an acre in size.

This proposal was approved with conditions by the Technical Review Committee (TRC) on October 20, 2014, and requires review by the City Council and Final TRC prior to zoning approval. Many of the TRC comments have been addressed in the plans that are before the commission. No communication has been received from the public as of the writing of this report.

The applicant is proposing to conditionally rezone the site from RM-16 to Community Business I Conditional Zoning to allow for a mixed use building. They have stipulated that the uses in the non-residential portion would be limited to instructional services and offices.

The property is surrounded on three sides with other parcels zoned CBI. The other adjacent parcel is zoned RM16 and contains a single family residence. The proposed development will provide a mix of uses which serves as a good transition along Broad Street from commercial to residential. The uses proposed for the non-residential portion are considered to be "low impact" in the UDO. The planned buffer is not as wide in size as required but will contain all the required plantings.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. *That the proposed use or development of the land will not materially endanger the public health or safety.*

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the UDO, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.

2. *That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of*

*the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.*

There are no significant natural or topographic features on the site.

3. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.*

The proposed use of the land for low-impact office or instructional services use and three one-bedroom apartments is not expected to injure the value of adjoining or abutting properties. The building is designed to be residential in character even though containing some non-residential uses. RM-16 zoning would allow three units on this property and there are other small multi-family structures in the immediate vicinity along Broad Street.

4. *That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.*

The surrounding area has a very mixed character both in terms of use and design. The applicant has tried, however, to design a building in keeping with the scale and design of the residential properties in the area.

5. *That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.*

The proposal supports the goal found in the *City Development Plan 2025* of pursuing compatible infill development within the City.

6. *That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.*

The development has been determined by the TRC to be appropriately located in terms of services and infrastructure. This mixed use development is on a street with existing sidewalks and in very close proximity to the Charlotte Street commercial corridor.

7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*

The proposed low-impact uses on the site are not expected to create undue traffic congestion or create a traffic hazard.

The proposal supports the goal found in the *City Development Plan 2025* of pursuing compatible infill development within the City.

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:

- The project proposes a mixed use building that will serve as a transition from the higher impact uses found along Charlotte Street to the residential uses along Broad Street.
- The project is being designed to be compatible in design and scale with many of the residential structures found in the vicinity.

Staff recommends approval of the proposed conditional zoning to allow for a mixed use building of office/instructional services space and three dwelling units at what will be addressed 135 Broad Street. This recommendation includes approval of the landscape modification as detailed above.

Mr. Michael Derrig, architect representing the owner, said he was available to answer any questions.

In response to Mr. Minicozzi, Mr. Derrig said that the owner would like to add balconies to the second floor of the building.

When Ms. Hudson asked, Mr. Derrig said that the commercial business space will be occupied by a single tenant.

At Ms. Hudson's suggestion, Mr. Derrig said that they will design something to distinguish the entryway for the residential tenants and the commercial clients.

Chairman Goldstein opened the public hearing at 5:19 p.m.

The property owner at 131 Broad Street was concerned about no buffering between her lot and the proposed building, parking for the residents and commercial clients, and the cutting down of a maple tree in the back lot of the property owner. She felt this proposal will bring too much density on Broad Street.

Chairman Goldstein closed the public hearing at 5:21 p.m.

In response to Ms. Hudson, Interim Planning Director Alan Glines said that there is an existing pattern on Broad Street of approximately 5-6 feet between houses.

Mr. Edmonds wondered if there was any problem in putting vegetation over a gas line. Ms. Fields said that was not discussed at the Technical Review Committee (TRC). She said staff will meet with the applicant about the gas line prior to moving forward to City Council. This will also have to be addressed before final TRC.

Mr. Minicozzi wondered if the developer could flip the site and have the driveway between the adjacent property owner and the plantings on the other side. Mr. Derrig said that they did consider that, but they needed to have the landscape buffer between the CB-I and the RM-16. Since there is commercial on the other side, they would not have a problem with the driveway traffic.

In response to Vice-Chair Shriner, Ms. Fields said that if the zoning remained RM-16, the developer could build three units.

Ms. Carter felt this is a good mixed-use project in where we are going to have to go with projects.

Chairman Goldstein moved to approve the conditional zoning request of Broad Properties, LLC for property located at what will be addressed 135 Broad Street from RM-16 (Residential Multi-Family High Density District) to CBI/CZ (Community Business I Conditional Zoning) including the requested landscape modification, subject to (1) the applicant providing outdoor balcony space for each of the three residential units, and (2) the applicant providing an articulation to identify the entry of the residential units and the commercial use; and find that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposed uses on the property are in keeping with other uses in the area and create a good transition between higher intensity uses and lower intensity residential uses; and (2) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible infill development. This motion was seconded by Ms. Carter and carried unanimously on a 7-0 vote.

- (2) Review of a request for a major subdivision with conditional zoning from RS-8 Residential Single-Family High Density District to RS-8/CZ Residential Single-Family High Density District/Conditional Zoning for the creation of 45 lots in two phases and associated infrastructure. The development is seeking condition changes for lot sizes and setbacks, sidewalk standards and pavement and right of way widths. The subject property is 8.587 acres located at 95 Craggy Avenue (PIN 9638-16-8895), 180 Louisiana Avenue (PIN 9638-16-6963) and 178 Louisiana Avenue (PIN 9638-16-3844 and 9638-16-3605). The project contact is Gary Davis. Planner**

**coordinating review – Alan Glines.**

Interim Planning Director Alan Glines oriented the Commission to the site location and said that the applicant is requesting conditional zoning for four parcels located off of Louisiana Avenue and Craggy Avenue from RM-8 (Residential Multi-Family Medium Density District) to RM-8 CZ (Residential Multi-Family Medium Density District Conditional Zoning) in accordance with Section 7-7-8 of the UDO to accommodate the development of a 45 residential lots with condition changes for smaller lots and setbacks with larger areas of common open space.

The applicant is proposing to construct a major subdivision of 45 residential lots including two new streets. The streets will *not* connect at the center of the development due to a substantial grade change and stream area. The project is proposing a space saving compact development to protect as common space some of the sensitive areas of the site.

The project site consists of four parcels which join in the center but are accessed from two city streets: Louisiana Avenue on the east side and Craggy Avenue on the south side; to the south of Patton Avenue. The project proposes a recombination and subsequent subdivision plat which would result in an overall project area of 8.58 acres. The property has a stream through the center of the parcels which currently acts as the property boundary. There are significant grade changes from the higher portions of the parcels and the low area of the stream. To reduce the impact to the stream and other natural areas, and to provide a lower impact development, the development is proposing: a number of smaller sized lots, narrower street pavement and right-of-way widths and reduced building setbacks. Some of these reductions require a modification through the project approval/ conditional zoning process.

There are three dwellings and several associated structures existing on the parcels and one of the homes will be a part of the site development. To the north of the project area are two parcels owned by the City of Asheville. One of the properties is known informally as the Falconhurst Preserve and is a 7.9 acre parcel that has a conservation easement to protect it in its natural state. The proposed subdivision would make a footpath connection to this property for public access.

Adjacent to that is a property that is currently leased to the Army Reserve which has access from Louisiana Avenue. This property is 8.76 acres and is zoned Institutional. There are no proposed connections to this property and the new development.

The proposal has two access points that represent the two phases of the project. Access to the site is proposed via two separate roadways: roadway A-B with access from Louisiana Avenue. Roadway C is accessed from Craggy Avenue. The project is proposing sidewalk sections along the two street connections but there is a request to reduce the length of the sidewalk to not include the entire roadway section. There are also secondary walkway sections that connect through the common green space areas. It is the intent of the developer to allow the public to also access the green space that connects with city-owned park space. The Parks and Recreation Department has an internal process for developing facilities on city-owned land and this requires a project proposal form and would be required to meet basic city standards. That has process have not been initiated at this time.

Landscaping is required but limited for this project and includes street trees meeting UDO standards and tree save areas. The landscaping plans meet the requirements of the ordinance. Tree save plantings are required to cover 30% of the lot area and provide fir additional plantings if needed. Trees that are protected and saved can also be used as additional credits.

Open space is required for development and is required to be a minimum of 15% of the lot area. (The development is adjacent to City owner property known as the Falconhurst Preserve and this permits the development to qualify for a reduction of 25% of required open space reducing it from 20% to 15% or 25% of the requirement, 7-11-4(e)(2)). The subdivision will

connect to the Falconhurst Preserve space at two locations but this will need to be coordinated with the city Parks and Recreation Department after submitting a separate proposal. The amount of open space required for the project is 1.29 acres but the development is providing 1.59 acres. The proposal exceeds this amount even considering the number of exclusions to open space described in the UDO (steep portions of the land, wetland areas, narrow portions, etc.) There will be additional 'community common area' of .77 acre which will be provided in the development for reservation.

There have not been any recent zoning actions in the area of the proposed development.

The Technical Review Committee (TRC) reviewed this application at their meeting on December 1, 2014, and approved it with conditions. The developer has addressed many of the conditions noted by TRC in the submittal that is before the Planning and Zoning Commission. 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.

Although not required, the developer held several neighborhood meetings during the design stage before the project was officially submitted. Since those meetings staff has had two meetings with neighborhood residents who wanted additional information regarding the proposal and shared some concerns about the potential lots sizes proposed, additional traffic using neighborhood streets, and loss of tree cover and additional stormwater runoff.

City Council may consider changed conditions to dimensional requirements as a part of the conditional zoning approvals.

The project is seeking a number of condition changes:

- Lot size- 35 of the lots are requesting the approval of area less than the district standard of 5,000 square feet. The lot sizes range in size from 2,691 to 4,972 square feet.
- Lot Setbacks- The development is seeking setback reductions from the district standards (Front/ rear 15' and 6' sides) to be a consistent 5 foot front and side setbacks and 10 foot rear setbacks. A single lot, Lot 11 is seeking a front setback of 2 feet.
- Lot Width- 23 lots are requesting the approval of lot width reduction less than the district standard of 50 feet. The proposed lot widths will range between 30 and 48 feet.
- Right of Way and pavement widths- The development is seeking approval of reduced right-of-way (ROW) widths generally 32 feet wide. A section of Road C connecting to Craggy Avenue will start out with 40 feet of ROW but will transition to a narrower width beginning where the road forks. Reduced street sections and may be considered based on the context of the area. The Technical Review Committee considered this request and recommended to approve the modification.
- Sidewalk sections- The developers are seeking to reduce the length of sidewalk provided for several portions of both street sections. There will be a sidewalk at the street intersections at existing roads. They are offering several foot paths proposed to link major sections of the development. The Technical Review Committee (TRC) reviewed this request and asked that easements be provided for the street sections without sidewalks in case sidewalks are ever requested at a future date.

The subject parcels and adjacent lots are zoned RS-8, with an Institutional parcel to the north of the site. The properties are immediately surrounded by single-family homes and the Army Reserve occupying the city parcel. The proposed development area taken with the additional open space area provides a density of about 5.25 units per acre and like the proposed

development, single-family homes are common in the surrounding area. The property is located along a bus line and is within walking distance of a number of services and retail businesses on Patton Avenue and Haywood Road.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. *That the proposed use or development of the land will not materially endanger the public health or safety.*  
The proposed project has been approved by the Technical Review Committee and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, stormwater requirements, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.
2. *That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.*  
The proposed use and development of the land are reasonably compatible with the natural features and topography of the site. The development is more compact and concentrated to the higher portions of the site preserving and buffering the stream and low lying areas as reservation areas.
3. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.*  
The development is not expected to injure the value of adjoining or abutting properties. The proposal is for single family lots and this is similar to surrounding single family uses.
4. *That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.*  
The proposed use as single-family is in harmony with the surrounding area. The smaller lot sizes proposed are complemented with common space and open space exceeding city standards to ensure harmony with the scale and character of the area.
5. *That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.*  
The *Asheville City Development Plan 2025* encourages a Smart Growth development pattern with green infrastructure and protection of riparian areas. The Plan encourages infill development where the infrastructure is in place to manage the growth. The Plan also encourages flexibility in the zoning code and provides support for review processes like conditional zoning to encourage reasonable infill.
6. *That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.*  
The development is adjacent to sufficient transportation routes and roadways. A transit line is adjacent to the development along Louisiana Avenue. A fire station is also located along Louisiana Avenue north of the property. The project is appropriately located to needed urban infrastructure.
7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*

The proposed project has been reviewed by the City Traffic Engineer and it has been determined that the project should not cause undue traffic congestion along the existing street infrastructure.

One of the smart growth principles in the Asheville City Development Plan 2025 highlights the importance of higher density infill development where infrastructure can easily be provided. Given the proximity to the commercial/mixed use Patton Avenue corridor, access to transit, and the character of the surrounding neighborhood, the residential development proposal seems appropriate. Although the Plan also speaks to the need for affordable housing, it is usually within the context of high density multi-family development. The Plan also encourages the protection of riparian areas and creating connections to park spaces (which is proposed in this plan) as a way to mitigate water pollution, for erosion control and to connect habitat areas.

There is not a clear link with this proposal with City Council's adopted goals for 2014-2015 but that plan does describe the importance of economic growth and sustainability and the proposed development will bring infill development with some elements of environmental stewardship to a locationally efficient area of the city.

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

Considerations:

- Infill development furthers the goals and objectives of the comprehensive plan.
- The proposed development provides residential lots in an area close to many services, transit and within the pedestrian-oriented Haywood Road.
- Additional areas of open space and common space centered around riparian areas of the property are the basis of the development plan.
- The project requires a number of condition changes to development standards under the current RS-8 zoning district prompting the need for the conditional zoning application.
- Concern has been voiced by surrounding neighbors regarding increased traffic, changes in community character and storm water runoff.

Staff recommends approval of the proposed conditional zoning along with the condition changes requested, finding it consistent with City-adopted plans and strategic goals for development.

Ms. Carter asked if there were plans for either of the City-owned properties to the north of the property. Mr. Glines replied there are currently no plans.

Ms. Carter also asked if there was a greenway planned for the area. Mr. Minicozzi said that one is on the City's Greenway Plan and also on the Buncombe County Greenway Plan.

Mr. David Tuch, representing Equinox, provided the Commission with some images of the project. He said that they are not asking for additional density. They can get the density higher if they did a different plan; however, it is their goal to create a plan that is more sensitive to the landscape. To do that they have created a compact clustered development pattern. This low impact development will deal with not only stormwater, but it's also ways to develop the site with less grading, less disturbance, less vegetation removal. They are looking at providing public access on the trail system to the Falconhurst Preserve and also to the Smithmill Creek Greenway. They have conducted two public meetings to gain feedback. This project provides infill development, meets smart growth goals, creates a healthy housing project, utilizes sustainable design techniques, complies with comprehensive plan, is located near a transit line and is compatible with surrounding development. The project is in line with the development pattern in west Asheville. It is close to transit, businesses and shopping. He said they are asking for changed conditions to minimize site disturbance and maximize protection of the riparian corridor and open space; and (2) to reduce impervious surfaces for stormwater benefit. We are

providing a 10-foot right-of-way easement provided for sidewalks. They also want to build a trail system that connects the two developments. He then summarized some of the design elements: (1) innovative stormwater control measures; (2) reduce impervious surfaces; (3) stream enhancements; (4) pedestrian oriented amenities; and (5) GreenBuilt Homes.

In response to Chairman Goldstein, Mr. Tuch said that this can be built, even with more density, without coming to the Planning & Zoning Commission or City Council for approval, but he reiterated they want to build a project that is sensitive to the community.

Chairman Goldstein opened the public hearing at 5:56 p.m.

The following individuals spoke against the conditional zoning for various reasons, some being, but are not limited to: Craggy Avenue is already a cut-through street and more traffic will increase that traffic; the Code of Ordinances is set to minimum standards and those should not be changed; opposition to the changed conditions requested by the applicant; too much high density infill; opposition to the public access to the Falconhurst Preserve as it is a sensitive ecological area; existing house on the property has not been investigated to see if it can be saved; no sidewalks; need for traffic calming on Craggy Avenue; Craggy Avenue is a hilly, narrow street with curves; and blind spots; lot sizes in the project on Craggy Avenue will change the character of the neighborhood; developer wants maximum density with no concern for the neighborhood; concern how close the developer will be building near the waterways; concern of erosion from the buildings; concern that this will cause additional traffic in addition to the approved development on Haywood Road and Blue Ridge Road; request for buffer between project and backyards of property owners on Tanglewood Drive; the woods will be destroyed, along with the valuable habitat for some species we may never see again; and suggestion for bridgeway over Falconhurst Preserve out to Louisiana Avenue to alleviate additional neighborhood traffic:

Ms. Catherine Morris, resident in the Falconhurst neighborhood  
Ms. Deidre Duffy, resident on Craggy Avenue  
Mr. Paul Olszewski, resident on Craggy Avenue  
Ms. Caryn Hanna, resident on Tarpon  
Ms. Caren Harris, resident on Tarpon  
Ms. Alice Cohen, resident on Blue Ridge

Mr. Chris Joyell, Executive Director of the Asheville Design Center and area resident on Dunwell Avenue, provided the Commission with some background on the Smithmill Creek Greenway and the opportunity they seek with this proposal.

Mr. Mike Figura, who is part of the development team, responded to various comments raised, noting that the neighbors held five additional meetings which the developers were not invited. He said that the property will be developed and they want to do it in the most environmentally way as possible, with responsible density without massive grading or massive tree removal.

Mr. Timothy Sadler spoke in support of the project and felt the development team will be sensitive to the neighborhood.

Chairman Goldstein closed the public hearing at 6:23 p.m.

In response to Ms. Carter, City Traffic Engineer Jeff Moore spoke about the projected traffic from the project and stated that as of today, the project would not require a traffic impact study. He noted that they did install an all-way stop sign on Craggy Avenue and Blue Ridge and will check it in 6 months. They have not specifically looked at Craggy Avenue for traffic calming.

When Ms. Hudson asked if Craggy Avenue and Tanglewood Drive meet with current City standards, Mr. Moore said that he hasn't measured either of those streets, but City standards would be 22 feet of pavement and 50 feet of right-of-way.

Mr. Minicozzi said that he did not have a concern about lot size, since there are lots of similar size throughout the area.

Ms. Carter said that we have conditional zoning as a tool to do different things. She said that all the easy lots in the City have already been developed. As projects continue to come to the Commission, they have to look at them differently because no Code can be written to address all the properties in the City. Most lots will be developed and she felt that this is a better type of development than a development with standard cookie-cutter houses crammed in.

Mr. Edmonds sympathized with the property owners who have had the luxury of having 8 acres of wooded property for a long time. Even without their request for conditional zoning, the developer could build more housing in the area than this project.

Vice-Chair Shriner felt the developer has taken into account environmental issues and the impact will be very low.

Ms. Hudson felt that the community will see more of this type development in the future as well, as every neighborhood will have to absorb density.

There was discussion, initiated by Ms. Hudson, about the need for sidewalks for this urban community, understanding the environmental benefits of the swales. Mr. Tuch said that perhaps an on-grade sidewalk flush with a different material, so as not to affect the stormwater treatment, would be possible, but they would have to check with their engineer. It was the consensus of the Commission to include a condition that the developer explore increasing the length of pedestrian continuity throughout the development. Ms. Carter asked that the developer provide the pedestrian connectivity options to City Council.

Chairman Goldstein moved to (1) approve the request for a major subdivision with conditional zoning; and (2) approve the conditional zoning request for Craggy Park Subdivision on Louisiana Avenue and Craggy Avenue from Residential Single Family Medium Density District (RS-8) to Residential Single Family Medium Density Conditional Zoning (RS-8 CZ), with the requested condition changes to: lot size, lot widths, setbacks, right-of-way and pavement widths and sidewalk waivers for sections, subject to the developer providing to City Council options for increasing the length of pedestrian connectivity throughout the development, based on the master plan and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) Infill development is encouraged in areas close to shopping, employment, recreation and near transit corridors; (2) Riparian areas will be protected in the plan which is adjacent to city parkland; (3) The proposed lots are properly sized for single family use; (4) The conditional rezoning request allows flexibility for development standards which are reviewed based on specific site plans and the context of the surrounding area. This motion was seconded by Ms. Carter and carried unanimously on a 7-0 vote.

Chairman Goldstein announced a short recess at 6:58 p.m.

- (3) Review of a request for a subdivision with conditional zoning from RS-8 Residential Single-Family High Density District to RM-8/CZ Residential Multi-Family Medium Density District/Conditional Zoning to allow the conversion of three existing group home buildings into multi-family units and the subdivision of land to locate those buildings on separate lots and to establish 7 additional single-family home lots. The subject property is 2.63 acres located at 141, 145, and 149**

**Courtland Avenue, PIN 9639-91-5403. Landscape and open space condition changes are requested. The project contact is Lucy Crown. Planner coordinating review – Julia Fields.**

Urban Planner Julia Fields oriented the Commission to the site location and said that the applicant is requesting conditional zoning from RS-8 (Residential Single-Family High Density District) to RM-8CZ (Residential Multi-Family Medium Density Conditional Zoning District) for a single parcel located along Courtland Avenue to allow for the subdivision of the parcel into ten lots and the conversion of three existing units into multi-family dwellings.

The project site (PIN 9639.91-5403) is 2.63 acres in size and is located at 141, 145, and 149 Courtland Avenue in the Montford community. The current zoning of the property is RS-8. The property is surrounded by properties that are unzoned (to the west - Department of Transportation right-of-way) or zoned RS-8. The properties in the surrounding area are predominately single-family residential in nature. There are three residential structures on the site which have been previously used as a group home. The property contains a number of large trees. A stream runs along the southern property line of the project site.

RPMM Properties, LLC proposes to subdivide the project site into ten new residential lots. Seven of the lots will be used for single-family development. The three existing buildings on the property will be located on the remaining three lots and it is proposed that the buildings be renovated to convert them to two- or three-unit residential structures. All buildings are proposed to be designed to reflect the character of the surrounding neighborhood. All lots meet the standards for lots in the RM-8 District. A water line will be extended along Courtland to service all the properties

Access to all properties is via driveways off of Courtland Avenue. Sidewalk is not required per the ordinance. There is an existing sidewalk along a portion of the property. An easement has been requested by the City for the remaining frontage to facilitate sidewalk construction in the future. Parking is provided for each lot on that lot with shared driveways utilized to reduce curb cuts.

Street trees are required and will be provided; perhaps some with existing vegetation. A 20 foot buffer is required along the two sides of the project site which abut RS8 zoning. A condition change has been requested to eliminate this buffer as it largely would require buffering single-family residences from other single-family residences. Staff is supportive of this modification. Open space (20%) is required and can be provided along the rear of the properties. However, this open space, while compliant with base square footage requirements, does not meet the restrictions on the amount of open space that can be over 25% slope. Staff is supportive of a 9,660.5 square foot modification for open space as to require compliance would necessitate the construction of retaining walls which would not enhance the compatibility of the proposed development with surrounding properties. There is a public park in close proximity to the development site.

This proposal was approved with conditions by the Technical Review Committee (TRC) on December 14, 2014, and requires review by the City Council and Final TRC prior to zoning approval. Most of the TRC comments have been addressed in the plans that are before the commission.

The applicant attended a meeting of the Montford Neighborhood Association to introduce this project to the community. Questions/concerns were raised over traffic and whether the rezoning to multi-family conditional zoning would allow the single-family lots to be developed subsequently for multi-family use. Staff has communicated with the neighborhood explaining the stipulations that come with conditional use rezonings.

As stated above, condition changes to buffering and open space have been requested

and are supported by staff.

The three existing residential units were approved as a group home in 2004. The structures have, however, been vacant for some time.

The applicant is proposing to conditionally rezone the site from RS-8 to RM-8 to allow for the subdivision of the property into ten lots. Seven of the lots will be used for single-family dwelling with allowable accessory structures. The other three lots, containing existing buildings will be renovated to create two units on two of the lots and three units on the remaining lot.

The property is surrounded on three sides with parcels zoned RS-8 and containing single family homes. To the west the project site abuts unzoned Department of Transportation right-of-way. As this project is largely single-family in nature, the development is compatible with the development in the immediate vicinity. Additionally, the conversion of the previous group home buildings to small multi-family structures is more in keeping with the surrounding development.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. *That the proposed use or development of the land will not materially endanger the public health or safety.*

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.

2. *That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.*

The project is focused away from the steeply sloping property to the rear of the parcel and the stream bed that runs along the same portion of the site.

3. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.*

As this project is largely single-family in nature as is the surrounding area, this project should not injure the value of adjoining or abutting properties. The buildings are being designed to blend in with the architecture in the area even though this site is not technically part of the Montford Historic District.

4. *That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.*

As previously stated, this project is being designed to blend in with the surrounding neighborhood. The lots are similar in size or larger than those in the vicinity.

5. *That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.*

The proposal supports the goal found in the *City Development Plan 2025* of pursuing compatible infill development within the City as well as supporting the goal of compatible adaptive reuse of existing buildings.

6. *That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.*  
The development has been determined by the TRC to be appropriately located in terms of services and infrastructure.
7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*  
The proposed low-impact use of the site is not expected to create undue traffic congestion or create a traffic hazard.

The proposal supports the goal found in the *City Development Plan 2025* of pursuing compatible infill development within the City as well as supporting the goal of compatible adaptive reuse of existing buildings.

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:

- The project proposes a largely single-family subdivision in an area with similar development patterns.
- The project involves the adaptive reuse of three existing vacant structures in a manner compatible with the surrounding area.
- The proposed size and design of the structures to be constructed as part of this project are in keeping with many of the residential structures found in the vicinity.

Staff recommends approval of the proposed conditional zoning to allow for the subdivision of the subject parcel into ten lots and the conversion of three existing units into multi-family dwellings. This recommendation includes approval of the landscape and open space condition changes detailed above.

Ms. Lucy Crown, representing the owner, said that this is a preliminary plan; however, they believe that all the houses will front Courtland Avenue which will keep to the character of the neighborhood.

Chairman Goldstein opened the public hearing at 7:18 p.m.

Mr. Barry Nichols, area resident, felt that the property should be used for single family homes.

Chairman Goldstein closed the public hearing at 7:20 p.m.

Ms. Hudson felt that the plan looks like it is in keeping with the character of the neighborhood.

Ms. Carter and Mr. Minicozzi were pleased to see the reuse of the buildings which will have value to the neighborhood.

Ms. Carter suggested exploring obtaining some of the adjacent N.C. Dept. of Transportation right-of-way.

Ms. Hudson moved (1) to approve the subdivision with conditional zoning; and (2) to approve the conditional zoning request of RPMM Properties, LLC for property located at 141,145, and 149 Courtland Avenue from RS-8 (Residential Single-Family High Density District) to RM-8CZ (Residential Multi-Family Medium Density District Conditional Zoning) including the requested landscape and open space changed conditions, and find that the request is reasonable and 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 promoting compatible adaptive reuse

of existing structures; and (2) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible infill development. This motion was seconded by Ms. Carter and carried unanimously on a 7-0 vote.

**(4) Review of a request for a major subdivision with conditional zoning from RS-2 Residential Single-Family Low Density District and RS-8 Residential Single-Family High Density District to RS-8 Residential Single-Family High Density District/Conditional Zoning for the creation of 7 single family lots and roadway to serve those lots. Condition changes are requested for lot width. The subject property is 1.968 acres located on Wellen Way, PINs 9648-74-1868, 9648-74-0679 and 9648-74-2779. The project contact is Suzanne Godsey. Planner coordinating review – Jessica Bernstein.**

Interim Planning Director Alan Glines oriented the Commission to the site location and said that the applicant is requesting a Conditional Zoning for three parcels located at 8 & 10 Wellen Way from RS-2 (Residential Single-Family Low Density) and RS-8 (Residential Single-Family Medium Density) to RS-8 CZ (Residential Single-Family Medium Density - Conditional Zone), in accordance with Section 7-7-8 of the UDO for the creation of seven lots and new public roadway with a lot width modification on one lot.

The project site involves three parcels with a combined area of 1.97 acres of land and frontage on Wellen Way, which were created as a part of the Beaucatcher Heights major subdivision in 2007. The parcels are zoned RS-2, RS-8 and split-zoned RS-2 / RS-8 and are undeveloped but for a previously built road section. Adjacent zoning includes RS-8 and RS-2 and consists of undeveloped parcels and single-family homes. One of the three parcels is actually a portion of the road and right-of-way.

The applicant is proposing to create seven single-family home lots under RS-8 zoning which will be accessed by extending Wellen Way in two directions, each culminating in a "stub-out."

"Road 1" is shown to be extended from Wellen Way to the north to provide access to lots one through three and "Road 2" extends southward for lots four through seven. No sidewalks are proposed or required due to the number of lots. Parking will be accommodated on individual home lots.

No street trees or open space is required due to the number of lots proposed. There is a stream running through the rear of the site that requires a 30 foot buffer which has been delineated on plans.

There are a number of large retaining walls proposed to accommodate this development, with height ranging from three feet up to 18 feet. Aesthetic treatment or additional landscaping is required and will be reviewed in detail at Final Technical Review Committee (TRC).

The following modification is granted by City Council with a recommendation from the Commission:

1. Lot width – The plans show lot one with 40 feet of road frontage rather than 50 feet, which is the minimum for the zoning district. The steep slope ordinance stipulates a maximum right-of-way for new roads of 40 feet and since this lot fronts on the terminus of the proposed road extension, it corresponds with that width of 40 feet. Staff feels this modification is acceptable based on the location of the lot at the end of the stub-out and also because the lot in question exceeds the minimum lot size for the district, leaving sufficient space for building and setback compliance.

The project site is currently split zoned and is bordered by both RS-2 and RS-8. The

proposal to zone to all RS-8 and develop with single-family homes matches existing zoning district in the area. All lots will be required to comply with RS-8 regulations.

A very small portion of the project site is subject to the steep slope regulations in Zone A. This area essentially follows the proposed road extensions and does not impact the private lots, home development or proposed density allowances.

The proposal was approved with conditions by the Technical Review Committee at their meeting on December 15, 2014. Approval by City Council and Final TRC review is required prior to issuance of a zoning permit. Upon writing of this report, no public comment has been received by staff.

The closest recent zoning activity in the area includes the approval of a major subdivision ("Brynn Drive") by the Planning & Zoning Commission on October 16, 2014.

The zoning and development pattern in the area are compatible with the proposal as there is RS-8 zoning existing to the northwest, west, south and east. This is a single-family residential area with similar lot sizes in the vicinity.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. *That the proposed use or development of the land will not materially endanger the public health or safety.*  
The proposed project has been reviewed by City staff and appears to meet or have the ability to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* (with modification granted as identified previously in this report) and other applicable laws and standards that protect the public health and safety.
2. *That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.*  
There are significant natural and topographic features in this area that will be taken into account and mitigated through the proposed plan. The stream is protected by a required buffer along the rear of the lots with no development in the area of the stream or buffer. While only a small portion of the road extension falls within the steep slope area, the full extent along Road I will follow the maximum width allowance for a lower-impact road (40 feet of right-of-way), thereby minimizing the impact on surrounding sensitive topography. Also, the proposal includes cantilevered driveways to individual home lots that will minimize grading and work around the grade changes on the project site.
3. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.*  
The proposal is for seven single-family home lots that all exceed the required minimum lot with for the zoning district, which is the same district and development pattern to the west, south and east. Properties to the north are zoned RS-2 and are also single-family in use but with a larger minimum lot size. As this proposal is a continuation of the existing development pattern in the area, it is not expected to injure the value of adjoining or abutting property.
4. *That the proposed use or development or the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.*

As stated above, the proposed use and development can be considered as a continuation of the existing single-family development pattern in this area and with multiple lots shown over the adjacent RS-2 minimum, can be considered to be in harmony with the scale, bulk, coverage, density and character of both the RS-2 and RS-8 zoning areas in this neighborhood. The retaining walls, stream buffer and cantilevered driveways should accommodate the sensitive environmental nature of this location.

5. *That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.*  
The project generally conforms to the comprehensive plan and City Council's strategic plan in that the continuation of the existing single-family development preserves and further strengthens the residential neighborhoods in the immediate vicinity, preserves sensitive environmental and topographic areas and provides opportunities for housing. The proposal increases the number of lots from an existing, previously approved subdivision from two to seven, creating additional residential opportunity.
6. *That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.*  
The proposal has been determined by the TRC to have adequate water supply, police protection, waste disposal and similar facilities. The site is approximately two-tenths of a mile from the nearest transit stop (S2).
7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*  
The project is not expected to create a hazard or undue congestion based on the proposed plans. A TIS was not required based on the number of lots.

There are policies in the *City Development Plan 2025* that reference preserving neighborhoods and supporting development that maintains the harmony and character of an area. This proposal is a continuation of the single-family home presence in the vicinity and adds five additional home lots to the original approval. Also, with respect to responsible site development principles, the proposal is designed to protect and preserve environmentally-sensitive areas around the stream and minimize disturbance to steep areas with creative driveway access.

One aspect where the proposal is not supported by the *Plan* is in the road design lacking interconnectivity between Dubois Drive and Wellen Way. Policies discourage the use of dead-ends and cul-de-sac stub-outs; however the reality of the existing grade changes (drop of approximately 30 feet) and private ownership between the two rights-of-way create a complicated scenario for completing a connection, which is likely why the original plat showed the stub-outs as well.

The proposal aligns with City Council's 2014-15 focus area of "High Quality of Life" by extending and preserving the residential character in the vicinity and protecting sensitive environmental areas.

Based on the above findings and the analysis provided in the report and as stated in the recommendation below, staff does find this request to be reasonable and within the best public interest.

Considerations:

- Proposal increases the number of residential lots on an existing plan from two to seven.
- Conditionally zoning the entire property to RS-8 eliminates the split-zoned configuration currently in place.
- The proposal is a continuation of an existing single-family development and is consistent with the development pattern in the vicinity.

- The design accommodates and protects environmentally and topographically sensitive areas with a stream buffer, cantilevered driveways and smaller road width.
- While not prohibited, stubbed cul-de-sac streets are strongly discouraged on local and residential streets because they are seen to disrupt connectivity, safety and access, *however, due to significant grade change and private property between the two roads, connectivity does not appear to be feasible for this project.*

Because the proposal is a continuation of the existing residential development pattern and adds additional lots, staff supports the proposed conditional zoning request inclusive of the modification on lot width.

Mr. Matt Sprouse, principal landscape architect with Sitework Studios, shared the plan for the Wellen Way extension. He said that the lower lot is zoned RS-8 zoning and the other lot is split zoned between RS-8 and RS-2. He said they are asking that the two lots be zoned RS-8/Conditional Zoning. They looked at the least impact for additional lots using the RS-8 zoning. He briefly explained the road construction for access to the lots on the lower lot. They are staying well off of the stream that runs on the lower half of the property. He explained that the Wellen Way extension will access three homes and the other road will access the other four homes. He said that the lot sizes fit the pattern of the surrounding area.

In response to Mr. Minicozzi, Mr. Sprouse said that they cannot connect Wellen Way to Dubois Drive due to the 31% grade. In addition, the lot it would go through is private property.

Chairman Goldstein opened the public hearing at 7:37 p.m.

The following individuals spoke against the conditional zoning for various reasons, some being, but are not limited to: existing Wellen Way is too difficult for garbage trucks/fire engines to get to properties thus creating a safety concern; property is too steep and development will destroy the stream; Wellen Road is 12-feet wide and is blocked repeatedly by parked cars; retaining walls will be too high; buffer counts should be from the bank of the stream; most trees will be removed and no open space; development will affect property values; existing homes on the lower lot will have only a view of proposed homes due to the steepness of the property slope; who will be responsible for cleaning the culverts; removal of trees will cause water runoff onto lower properties; too much density; large retaining walls; this property has a deep ravine; keep the RS-2 zoning agreed to by the community; and extension of Wellen Way will also be too dangerous in icy weather:

Mr. Blake Vaden, adjoining property owner on Wellen Way  
 Dr. Ken Blackman, adjoining property owner on Dubois Drive  
 Mr. Mike Stevenson, President of the Kenilworth Residents Association  
 Ms. Joan Pennington, adjoining property owner  
 Ms. Olivia Metz, adjoining property owner on Thurland Avenue  
 Mr. Steve Schulte, adjoining property owner on Dalton Street  
 Mr. David Schulte, adjoining property owner on Dalton Street  
 Mr. Jeff Baker, Kenilworth resident

Chairman Goldstein closed the public hearing at 8:08 p.m.

Mr. Chris Day, representing Civil Design Concepts, responded to some comments raised by the community. He explained how the retaining walls will be built on residual material. The top lot retaining wall will taper out starting at 2 feet up to 6 feet and then back to 2 feet - the lower retaining wall will also be tapered. He then explained how the lower retaining wall will be terraced.

Mr. Day responded to Chairman Goldstein and Mr. Koon on parking for the homes. He noted that the cars will have to back-out of the driveways.

Mr. Day said that the road widths in the project have been minimized so there will be no fill slopes to create the area of disturbance. He explained in detail their erosion control measures, noting that the City has strict requirements to ensure that the sediment is controlled on the site. Regarding fire trucks on Wellen Way, the extension of Wellen Way meets all state Fire Code requirements.

In response to Mr. Edmonds, Mr. Sprouse said that if the property owner were to use the existing zoning, they can build five lots, but four of those would be on the lower portion. They are only asking for a changed condition because the steep slope ordinance right-of-way for new roads.

In response to Mr. Minicozzi, Mr. Sprouse explained that they did do a ground survey for the two lots abutting the stream, and they adhere to the stream buffer requirements.

When Ms. Hudson asked about the maximum grade on driveways, Mr. Sprouse said that they must keep the grade under 15% or the individual homes would have to be sprinkled.

Mr. Day responded to Vice Chair Shriner regarding stormwater control. He said that there are temporary measures during construction and then permanent measures. All sediment will have to remain on-site.

Mr. Sprouse responded to Ms. Hudson in that trash pick-up will be the same as the rest of Beaucatcher Heights.

When Vice Chair Shriner asked about tree removal, Mr. Sprouse said that trees some will be removed around the road, but the developer doesn't have any plans to remove other trees.

Mr. Minicozzi said that the developer could build five homes now by right, and wondered if instead of having four homes on the lower lot (RS-8) and one on the top (RS-2) if the Commission could afford them the ability to space them out on both lots.

Mr. Minicozzi wondered if the City has a plan to improve streets if the ends (cul-de-sacs or turnarounds) are improved. City Traffic Engineer Jeff Moore was unaware of a plan for that.

When Ms. Hudson noted that McLain Street seems substandard, Mr. Moore said that he didn't know of a way to improve McLain Street unless condemnation, etc. It's too narrow to allow on-street parking.

In response to Chairman Goldstein, Mr. Moore said that he would post no-parking on Wellen Way.

When Chairman Goldstein asked if the applicant would be willing to build five homes spread out on the two lots as suggested by Mr. Minicozzi, Mr. Sprouse said they would not be interested in that scenario.

In response to Mr. Koon, Interim Planning Director Alan Glines said that if the project is turned down by City Council, the developer has to wait one year before they can bring the project back to the Planning & Zoning Commission, unless they bring a substantially different proposal. If they withdraw the application before City Council and re-draw the lots, it would be heard again by the Commission.

Mr. Koon noted that it is not the developer's fault that the City roads leading to his project are substandard.

Ms. Carter moved to deny the conditional zoning request for Wellen Way located at 8 & 10 Wellen Way from RS-2 (Residential Single-Family Low Density) and RS-8 (Residential Single-Family Medium Density) to RS-8 CZ (Residential Single-Family Medium Density - Conditional Zone) *with a modification to lot width for Lot 1* and find that the request is not reasonable, and is not consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) The proposal is incompatible in that the project will cause undue traffic congestion and create a traffic hazard; and (2) The project is not compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant. This motion was seconded by Mr. Edmonds and carried unanimously on a 6-1 vote, with Mr. Koon voting "no."

**(5) A Level III review for the construction of a 168-unit multi-family development in seven buildings. The subject property is 11.9 acres located off of Turtle Creek Drive, PIN 9655-28-6235. The project contact is Warren Sugg. Planner coordinating review – Julia Fields.**

Urban Planner Julia Fields oriented the Commission to the site location and said that the applicant is requesting approval of a Level III conditional use permit for the development of a 168-unit addition to the Hawthorne South apartment complex. This project is considered a Level III review pursuant to Section 7-5-9(a) of the UDO which outlines review for residential projects with more than 50 units. Level III projects are reviewed as Conditional Use Permits.

The site consists of an 11.9-acre parcel located along a private drive, Turtle Creek Drive, which is accessed from Hendersonville Road in South Asheville. The parcel is zoned Highway Business (HB) and is currently vacant. The parcel is bordered by the Norfolk-Southern Railroad to the east with property also zoned Highway Business; industrial/warehousing uses to the south on property zoned Industrial; retail and office uses to the west on property zoned Highway Business; and, existing Hawthorne South multi-family housing to the west and north on property zoned RM-16 (Residential Multi-Family High Density District). Dingle Creek runs along the southern border of the property as does an existing sewer line. A portion of the property is in a flood protected area.

The developer, Hawthorne-Midway Turtle Creek, LLC., proposes to build additional multi-family apartments on property adjacent to the existing Hawthorne South complex. The new development is comprised of a total of 168 units in seven buildings. The project density is approximately 14 units per acre. Plans propose a mix of one-bedroom (48 units), two-bedroom (84 units), and three-bedroom (36 units) dwellings. The buildings are designed as three-story structures with a maximum height (per the UDO) of 28 feet.

Access to the site is through the existing Hawthorne South development (previously Turtle Creek) via Turtle Creek Drive. The property is beside and immediately beyond the existing leasing office/clubhouse facility at Hawthorne South.

Twenty-four foot wide two way private drives provide access throughout the site and lead to the units and parking areas. A total of 314 parking spaces are provided including 14 accessible spaces disbursed throughout the site. Sixteen bicycle parking spaces are provided. Five-foot pedestrian pathways provide access throughout the development.

Landscaping required for the project includes buffering to the north and west, vehicular use area landscaping, building impact landscaping, and tree save area. All landscape calculations shown on the plans are compliant.

Fifteen percent of the total lot area is required to be dedicated as open space - 77,885 square feet. A total of 78,347 square feet of open space is provided.

No condition changes have been requested.

This proposal was approved with conditions by the Technical Review Committee (TRC) on December 1, 2014, and requires quasi-judicial review by the Asheville City Council and Final TRC review. The TRC comments were minor in nature for the most part so revised plans have not been submitted.

The site is currently zoned Highway Business (HB) and the applicant is proposing to meet the standards of that District with this development proposal.

Section 7-16-2(c) of the Unified Development Ordinance (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.

Mr. Chris Day, representing Civil Design Concepts, said that they are proposing 168 units but the density allowed is 380 units. They will be building in the northeast leaving approximately 25-30% of the property undisturbed along creek on the southern edge. A Traffic Impact Analysis performed and found that traffic levels along Hendersonville Road will not be impacted. He asked for support of the project.

When Vice Chair asked if any of the units would be designated as affordable, Mr. Day said that their price ranges do not meet the City's affordable guidelines, but they are approximately 20% lower than the workforce housing standards - one-bedroom units are \$900-1,000 range; two-bedroom units are \$1,100-1,200; and three-bedroom units are \$1,300-1,400.

Mr. Minicozzi noted that when the Commission reviewed incongruent properties, this is one of them.

Chairman Goldstein opened the public hearing at 9:03 p.m. and when no one spoke, he closed the public hearing at 9:03 p.m.

Ms. Carter was concerned that the City does not collectively look at all the multi-family projects on Hendersonville Road from a traffic standpoint.

Ms. Hudson moved to recommend approval of the conditional use permit for Hawthorne South located off of Turtle Creek Drive, and subject to the site plan and elevations and the conditions outlined in the Technical Review Committee report, because the proposal meets the seven conditional use permit standards as demonstrated by the applicant. This motion was seconded by Vice Chair Shriner and carried unanimously on a 7-0 vote.

### **Other Business**

Ms. Carter moved to recommend to City Council to direct the Transportation Department to conduct a study addressing the collective traffic impact all the multi-family development approved along Hendersonville Road. This motion was seconded by Chairman Goldstein and carried on a 6-1 vote, with Mr. Edmonds voting "no."

Chairman Goldstein announced the next meeting on February 4, 2015, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

### **Adjournment**

At 9:14 p.m., Mr. Edmonds moved to adjourn the meeting. This motion was seconded by Ms. Hudson and carried unanimously on a 7-0 vote.