Planning & Zoning Commission Mid-Meeting
Minutes of July 16, 2015
1st Floor North Conference Room - City Hall

Present: Vice-Chair Holly P. Shriner, Presiding; Kristy Carter (arrived at 4:43 p.m.), Jim Edmonds, Laura Berner Hudson and Karl Koon

Absent: Chairman Jeremy Goldstein and Joe Minicozzi

Regular Meeting - 4:00 p.m.

Vice-Chair Shriner called the meeting to order at 4:00 p.m. and informed the audience of the public hearing process.

Administrative

- The minutes of the June 3, 2015, and June 18, 2015, meetings were approved.
- At the applicant's request, Ms. Hudson moved to continue the site plan review for the construction of a five story building and 2 level parking garage at 11 Collier Avenue until September 2, 2015. This motion was seconded by Mr. Edmonds and carried unanimously by a 4-0 vote.

Agenda Items

(1) Review of a site-plan for the construction of a 5-story, residential structure and associated parking garage on 1 parcel comprising 1.71 acres known as 185 Coxe Avenue and PINS 9648-37-2825 and 9648-37-2643. The property is owned by South Slope Holdings, LLC and the project contact is David Martin of Smith, Moore, Leatherwood LLP.

Interim Planning Director Alan Glines oriented the Commission to the site location and said the applicant is requesting review of site plans to construct a new apartment building with 146 units and a 288 parking space garage in the Central Business District (CBD). This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

The project site consists of two parcels totaling 1.71 acres. The site fronts Coxe Avenue with is a Key Pedestrian Street. The site is outside of the Traditional Downtown Core, and is in the Tallest Height Zone. This site is also not in the National Historic District. One building across the street, the Asheville Transfer and Storage Company building, is an individually listed building on the National Register.

This proposal is for a single residential building containing 146 units that wraps around a 288 space parking structure in the rear of the site. The building has 2 courtyards which effectively breaks the façade into three sections, each of equal width. The north courtyard contains the driveway into the parking structure and is wider that the south courtyard. The middle section of the building contains the Clubhouse for the building, while the north and south ground level sections contain residential units with private balconies/porches at the street.

Vehicle access is proposed via a driveway that runs through the northern, larger courtyard. This drive leads into the parking structure. The sidewalk along Coxe Avenue is proposed to be 10 feet wide, and wider than 10 feet in some places.

Although parking is not required in the CBD, this project proposes a 288 space garage that is surrounded by the apartment building.

Street trees are required for this project. Plans show 8 street trees being provided along Coxe Avenue. Plans also show three tress in the courtyard areas, and three trees on each side of the building to the rear.

There are a number of design standards required by the UDO for downtown projects, including fenestration on all elevations; base-middle-cap design orientation; parking garage design; location of pedestrian entrances; streetwall height and step-backs to protect the pedestrian environment; limitation on floorplates; screening rooftop equipment and restrictions on base materials. The project has been determined to comply with the design and operational standards in the UDO.

This project was reviewed by the Technical Review Committee for compliance with the UDO, Building Code and other required codes. The Downtown Commission will conduct Downtown Design Review of this project at their meeting on July 10, 2015.

At the Downtown Commission's meeting on July 10, 2015, they approved the project on a 6-1 vote contingent upon opening up the primary pedestrian entrance and consideration of an enhanced cap feature.

Staff recommends approval of the proposal as shown on plans and renderings, based on the ability of the project to comply with the technical standards for downtown development in the UDO.

Vice-Chair Shriner opened the public hearing at 4:06 p.m. and when no one spoke, she closed the public hearing at 4:06 p.m.

Mr. Koon moved to approve the Level II site plan review for the Ledford Site Apartments subject to the conditions in the Technical Review Committee report. This motion was seconded by Vice-Chair Shriner and carried unanimously on a 4-0 vote.

(2) Review of a site-plan review for the construction of a 32-unit, 5 story, residential structure with a retail component on 1 parcel comprising 0.19 acres known as 56 S. Lexington and PIN 9648-49-2595. The property is owned by Public Interest Projects, Inc. and the project contact is J. Patrick Whalen.

Urban Planner Vaidila Satvika oriented the Commission to the site location and said the applicant has requested the construction of a 32-unit, 5-story, residential structure with a retail component on 1 parcel comprising 0.19 acre known as 56 S. Lexington and PINS 9648-49-2595, located in the Central Business District (CBD). This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

The site is a rectangular shaped, single parcel totaling 0.19 acre located on South Lexington Avenue. South Lexington Avenue functions as the primary frontage although the building's retail entrance will be located on Aston Street. The sidewalk will be widened along the building as part of the project. Street trees are proposed along the main building facade.

The applicant is proposing to build a 32-unit residential apartment building that will total almost 33,000 square feet. Units will range from 500 to almost 900 square feet. There will be 24 one-bedroom and eight two-bedroom apartments. The building is proposed to be four stories at Aston Street and five stories at the other end of the building. There will be no parking provided. A retail space is included.

The design complies with the UDO design organization for downtown buildings: base-middle-cap. The proposal has a distinct base at the main entrance and along the first floor with brick veneer materials. The middle section of the building is covered mostly with fiber cement

siding on the exterior walls of the residential units. The cap is delineated with a light colored fiber cement trim. These details appear to be in scale with the size of this project and meet the intent of the base-middle-cap principle.

This proposal also complies with UDO CBD standards for both ground and upper floor fenestration: ground level fenestration reaches or exceeds 70% windows doors and other openings. Upper floors meet the 20% standard and all facades meet the requirements for openings.

South Lexington Avenue will be narrowed from 40' 1½" to 35' 1¼" by expanding the sidewalk along the eastern side by five feet. The sidewalk along the S. Lexington side of the building will vary between 14' 2" at the southern end to 15' 6¾" near the intersection of Aston Street. This sidewalk will be partially covered by the cantilevered building and balconies. The building will be cantilevered 4-5 feet above the sidewalk and the balconies will project an additional 3 feet out. Access to the property will be provided on Aston Street for the retail space while the main lobby and elevator access for the residential entrances will be located on S. Lexington Avenue, close to the Aloft parking garage entrance.

The proposal would not provide off-street parking and, per the UDO, off-street parking is not required within the CBD. Nevertheless, there are parking spaces next door in the parking garage below the Aloft Hotel that would likely be available for these residents by the time this project is complete, should residents require permanent parking.

Street trees are required and provided for this project. The plans comply with the minimum standards.

This project was approved with conditions by the Technical Review Committee on June 1, 2015, and recommended for approval by the Downtown Commission on June 12, 2015. Level II projects are required to return to Final TRC before the issuance of any permits.

Staff recommends approval of the proposal as shown on plans and renderings because the project meets the UDO requirements and the intent of the Downtown Design Guidelines.

Mr. Satvika responded to Vice-Chair Shriner and Ms. Hudson regarding the overhanging balconies and the bicycle parking.

Mr. Peter Alberice, consulting architect on this project, explained the specifics of the project and the accessible units.

Vice-Chair Shriner opened the public hearing at 4:15 p.m. and when no one spoke, she closed the public hearing at 4:15 p.m.

Ms. Hudson moved to approve the Level II site plan review for 56 South Lexington Avenue, subject to the conditions in the Technical Review Committee report. This motion was seconded by Mr. Koon and carried unanimously on a 4-0 vote.

(3) Review of a site-plan for the construction of a 5-story, 70,470 square foot hotel building on 1 parcel comprising 3.43 acres known as 800 Fairview Road and 150 Riverford Parkway, and PIN 9658-61-5101. The property is owned by Five P Mountain, LLC and the project contact is Steven C. Boggs.

Urban Planner Julia Fields oriented the Commission to the site location and said that the applicant has requested review site plans for the construction of a 99-room hotel on a 3.43 acre parcel located at 150 River Ford Parkway. This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

The project site is a 3.43 acre parcel recently subdivided off a larger parcel located at 150 River Ford Parkway. The property is currently occupied by one of the three hotel buildings that make up the Ramada Inn Asheville Southeast. The site is zoned Regional Business.

The applicant is proposing to demolish the existing hotel building (three stories, 61 rooms) and construct a 99-room hotel (La Quinta) on the site. The proposed structure would be five stories in height (approximately 76'), have a footprint of 14,094 square feet and gross floor area of 70,470 square feet.

A redesigned access point off of River Ford Parkway will provide access onto the hotel site. Sidewalks are not required as River Ford Parkway is a private drive that runs across the subject property. 99 parking spaces are proposed (85 surface spaces and 14 spaces at the lower level under the structure). Four of the spaces are handicapped parking spaces. There is also provision at the entrance to the hotel for bicycle racks (5 spaces).

Landscaping required for the project includes street trees, street buffer, parking lot landscaping, property line buffer (one side) and building impact landscaping. All landscape requirements have been met; many tree requirements are being met with the preservation of existing trees on the property. Open space is required of approximately .5 acres. 1.65 acres of open space are shown.

This project was reviewed at the June 1, 2015 meeting of the Technical Review Committee and approved with conditions. Most of the comments contained in the staff report have been addressed except for those that are to be addressed with later detailed review/application. As this is a Level II review, it will not be reviewed by the Asheville City Council. No public comment has been received regarding this proposal as of the writing of this report.

Staff recommends approval of the proposal as shown on the submitted plans based on the ability of the project to comply with all applicable technical standards.

There was a short discussion by the Commission regarding specifics of the project.

Vice-Chair Shriner opened the public hearing at 4:30 p.m. and when no one spoke, she closed the public hearing at 4:30 p.m.

Mr. Koon moved to recommend approval of the Level II site plan review for the La Quinta Inn subject to the conditions in the TRC report. This motion was seconded by Vice-Chair Shriner and carried unanimously by a 4-0 vote.

(4) Review of a site-plan for the construction of a building containing 140 multi-family residential units and associated structured parking on 2 parcels comprising 1.13 acres and known as 55 S. Market Street and PINs 9648-49-9539 & 9648-49-9628. The building will consist of 2 levels of parking and 5 levels of residential comprising 140,000 sf of gross floor area. The property is owned by Estates & Companies, Inc. and the project contact is Chris Day, PE.

1. **Variance to design and operational standards found in Section 7-8-18(f)(13)a.(1.) & (2.) of the UDO relating to streetwall stepback.**
2. **Variance to standard found in Section 7-8-18(f)(9) relating to parking location.**
3. **Variance to standard found in Section 7-11-2(b)(6) relating to using the right-of-way for private maneuvering.**

Assistant City Attorney Jannice Ashley explained the voting process and said that the Level II project needs to be considered first and if that it approved, the Commission can then consider the variance.

Level II

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant has requested review site plans for the construction of a new multi-family apartment building with structured parking integrated into the building in the Central Business District (CBD). This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

The project site consists of two parcels with a combined area of 1.13 acres, located at 55 South Market Street, just south of the Foundry Inn project site (recently reviewed by the Commission). The site has frontage on South Spruce, South Market and Beaumont Streets and is just outside the traditional downtown core in the Central Business District (CBD) but is located along a Key Pedestrian Street (South Market Street) and is within the Intermediate height zone.

The applicant is proposing to construct a new multi-family apartment building on the site with 140 units (one and two bedroom configurations). The building has five levels of residential units with two levels of parking and appears between 5-6 stories from the primary frontage along South Market Street as the grade drops towards Beaumont Street. The building height is 72 feet according to plans with approximately 132,150 square feet of gross floor area.

There are two driveways proposed for vehicular access to the project and both are sited on South Market Street. The number and placement of these driveways has been adjusted through an administrative process (see attached documents).

The proposal includes sidewalks in excess of the minimum ten foot requirement along South Market Street and Beaumont and there are none on South Spruce Street (a six-foot sidewalk along South Spruce Street was approved with the Foundry Inn project).

While there are no parking requirements in the CBD, the project proposes two separate levels of parking within the building for a total of 136 spaces. The plans propose to retain most of the existing spaces along South Market Street and also indicate the creation of approximately six on-street spaces along South Spruce Street (which would require two variances; the applications are included separately on the agenda).

Similar to the project reviewed and approved by the Commission at the June 2015 meeting for the Foundry Inn site, this project proposes vehicular access along South Spruce Street which is currently not able to be approved as that right-of-way is presently closed to public access. Both developers have indicated a willingness to re-open the right-of-way to the public. Because there is no minimum number of parking spaces *required* in the Central Business District, the six spaces shown along South Spruce Street are not technically required and therefore are not necessary for staff's support of the project. While the project can technically be approved without those spaces, the applicant prefers the layout as shown on site plans and will be requesting a conditioned approval similar to the previous project and as detailed in the staff recommendation below.

Landscaping requirements for the CBD are street trees and parking deck screening, which are provided on plans. Because South Spruce Street functions as an alley, street trees would not be technically required.

The following modifications have been granted as a part of the TRC review by the Transportation Director, per the Standards and Specifications Manual:

1. Distance Between Driveways – The driveways are separated by a distance of approximately 60 feet.
2. Number of Driveways – Two driveways are permitted on one block face for this development.

The project includes requests for three variances that are detailed in separate reports and will require separate action.

1. Parking Between a Building and a Street
2. Maneuvering within right-of-way to/from Private Parking
3. Streetwall Step-back

This project was approved with conditions by the Technical Review Committee (TRC) on May 26, 2015, and recommended for approval by the Downtown Commission, including the requested variances (8-1 vote). Level II projects are required to return to Final TRC before the issuance of any permits.

Staff recommends approval of the proposal as shown on plans and renderings, subject to the applicant obtaining applicable variances. Additionally, the proposal showing parking and access along South Spruce Street is conditionally recommended, pursuant to the re-opening of the South Spruce Street right-of-way to the public. If South Spruce Street is not re-opened to the public, the parking spaces would not be permittable, but are not technically required for staff support of the proposal.

Mr. Chris Day, representing Civil Design Concepts, explained the proposed design, while responding to various questions/comments from the Commission.

Vice-Chair Shriner opened the public hearing at 4:45 p.m.

Ms. Diana Davidson, President of the Oxford Place Condominiums, was concerned about traffic in the area when the project is complete.

Vice-Chair Shriner closed the public hearing at 4:49 p.m.

Ms. Teresa Hodges, representing the developer, responded to Ms. Hudson regarding parking spaces.

Vice-Chair Shriner moved to approve the Level II site plan review for 55 South Market Street, subject to the conditions in the TRC report and subject to the approval of variances determined necessary by staff. This approval based on the site plans provided showing parking along the north side of the building is approved if and when the South Spruce Street right-of-way is dedicated to the City and open to the public. This motion as seconded by Mr. Koon and carried unanimously on a 5-0 vote.

Variance Requests

Associate City Attorney Jannice Ashley explained the procedures for this item which requires the Commission to act as a Board of Adjustment (5 members) and all testimony needs to be sworn and due process protections afforded to the applicant.

Administrative Assistant Patti McFarland administered the oath of office to anyone who anticipated speaking on this matter.

Ms. Ashley said that the Commissioners must base their decision on this variance on what is presented in this public hearing. Ms. Bernstein may refer to parts of the previous presentation as staff has made certain findings and conclusions. The Commissioners are free to disregard those and make their own findings and conclusions. She asked that any Commissioner who has any special knowledge of this variance disclose that at this time.

Ms. Ashley also noted that the Commissioners are not bound by their vote on the previous project.

Streetwall Step-Back

Ms. Bernstein said that the petitioner, Estates & Companies Inc, LLC, is requesting a variance to the standards found in Section 7-8-18(f)(13)a.(1.) and (2.) to eliminate the streetwall step-back requirement. A variance may be sought to eliminate this standard pursuant to Section 7-8-18(f)(13)a.(1.)e. so long as a clear visual demarcation between the base and upper floors is provided.

Variance Request(s):

	UDO Requirement	**Applicant Request**	Variance
Streetwall step-back	A building step-back is required based on the width of the right-of-way of the primary facade	Utilize material changes rather than provide a streetwall step-back.	Eliminate streetwall step-back

The project site consists of two parcels with a combined area of 1.13 acres and frontage on South Market, Spruce and Beaumont Streets in the Central Business District. The applicant is proposing to construct a multi-family apartment building with 140 units and approximately 136 parking spaces within the structure.

The site plans and elevations were evaluated by the Downtown Commission (DTC) on June 12, 2015 and they who recommended approval.

The ordinance provides for an avenue for utilizing a change in materials rather than strict application of the streetwall stepback. The design approval by the DTC included the material changes to differentiate the upper stories from the base and to provide undulations in the building face to provide visual interest and shadowing. Additionally, the step-back requirement is intended to ensure light and air at the sidewalk and that the building face will not overwhelm the pedestrian realm. This site is unique in that there is a park across South Market Street, which creates a wider expanse and open feeling beyond the South Market Street right-of-way – thereby meeting the intent of the requirement through context. Also, the building is set back 10+ feet from South Spruce for a dog park, has multiple undulating planes and along South Market Street and has a large triangular courtyard on the southeastern side of the building at the 3rd level, which aid in reducing the impact of the building on several other sides. The design includes a base, middle, cap layout with differentiation of materials to aid in staff's support in this variance request.

The project site is just outside of the traditional core – which otherwise would require a step-back along the primary frontage (South Market Street) to reflect the height of nearby historic buildings (Foundry site). However, the code allows the elimination of the streetwall step-back if a courtyard is provided with a minimum width of 10 feet. The project side along South Spruce Street and the historic Foundry buildings does provide a minimum 10' courtyard (dog park). This does not satisfy the technical requirement however, because the courtyard is not on the primary frontage of South Market – but it is worth noting that the design does reflect the intent and

allowance of the code along that secondary frontage.

Staff is supportive of the variance as submitted as the design incorporates a change in materials to differentiate the base of the building from the upper stories according to the Design Guidelines and as allowed for by code; and for the other design elements described above.

Ms. Hodges and Mr. Day explained their variance request noting that the material change colorblocking has the same effect as a stepback, and there are no buildings across the street to overwhelm the pedestrian realm.

Ms. Hudson moved to approve the request to utilize material changes rather than provide a streetwall step-back as the applicant has demonstrated compliance with the requirement as provided for in the UDO. This motion was seconded by Vice-Chair Shriner and carried unanimously on a 5-0 vote.

Parking

Ms. Bernstein said that the petitioner, Estates & Companies Inc, LLC, is requesting variances to the standards found in Sections 7-8-18(f)(9) and 7-11-2(b)(6) to allow private parking on the project site in a manner that would not otherwise be permitted.

Variance Request(s):

	UDO Requirement	**Applicant Request**	Variance
Location of parking	Parking is not permitted between a building and an abutting street	Six parallel parking spaces on private property along South Spruce Street	Allowing parking between the building and South Spruce Street
Maneuvering within right-of-way	Maneuvering within the public right-of-way for private parking spaces is prohibited	Six parallel parking spaces on private property that will result in the need to maneuver within the South Spruce Street right-of-way	Allowing maneuvering within the public right-of-way for private parking spaces

The project site consists of two parcels with a combined area of 1.13 acres and frontage on South Market, Spruce and Beaumont Streets in the Central Business District. The applicant is proposing to construct a multi-family apartment building with 140 units and approximately 136 parking spaces within the structure.

In order to maximize parking for the project, the applicant is also proposing six “on-street” parking spaces along South Spruce Street which would function as parallel parking spaces but would technically be on private property and not available for use by the general public.

The site plans and elevations were evaluated by the Downtown Commission who recommended approval on June 12, 2015.

Although the proposed parking layout may not be caused by a true hardship, the design appears as typical on-street, parallel parking and is consistent with an urban streetscape pattern and the additional parking is seen as a benefit to both the project and the area.

The prohibition on parking between a building and the street in the CBD is to avoid a suburban-style development pattern that places surface parking lots in front of buildings. While this technically requires a variance since the spaces are on private property, the design is not inconsistent with parking found throughout downtown. Similarly, the prohibition on using the public ROW for maneuvering to and from private parking spaces is to avoid the hazard and confusion that can result from large curb cuts and uncontrolled parking lot access. Since these spaces function like typical on-street parking spaces, that confusion is not expected. However, because the applicant wishes to keep the spaces on private property rather than widen the ROW, the variance is technically required.

The variances requested to allow parallel parking on private property along South Spruce Street will not impact public safety; however, programmatically there could be some concern for the developer in that the spaces will appear as typical public on-street parking spaces but would be private. Managing and prohibiting parking by the public in these spaces would have to be privately handled by the developer via signage.

Staff is supportive of the variances as submitted (pursuant to the re-opening of the South Spruce Street right-of-way to the public) as the proposed parking along South Spruce Street follows as urban development pattern and is consistent with the streetscape layout throughout the downtown. However, staff does recognize the potential confusion resulting from private on-street parking spaces and believes this could be problematic from a public perception standpoint.

Mr. Day explained their variance request.

Interim Planning Director, Ms. Bernstein and Mr. Day responded to the Commission's questions mainly addressing Ms. Hudson's concern regarding the private parking spaces and the re-opening of S. Spruce Street.

Mr. Edmonds moved to approve the request to provide parking between the building and the street and find that the applicant has shown compliance with the standards and substantial material and comprehensive evidence that the standards can be met. This motion was seconded by Ms. Carter and carried on a 4-1 vote, with Ms. Hudson voting "no."

Mr. Koon moved to approve the request to allow maneuvering from private parking spaces within the public right-of-way and find that the applicant has shown compliance with the standards and substantial material and comprehensive evidence that the standards can be met. This motion was seconded by Mr. Edmonds and carried on a 4-1 vote, with Ms. Hudson voting "no."

(5) Review of a request for conditional zoning from RM-6 Residential Multi-Family Low Density District and Office District/Conditional Zoning to Community Business I/Conditional Zoning to allow the operation of offices and other uses within two existing structures. The development is located on two parcels (.212 acres and .649 acres) known as 960 and 966 Tunnel Road and PIN 9658-97-8942 & 9658-98-9020. The property is owned by Monmovmin, LLC and the project contact is Matt Sprouse.

Urban Planner Julia Fields oriented the Commission to the site location and said the applicant is requesting review of a conditional zoning submittal proposing to rezone property from RM-6 Residential Multi-Family Low Density District and Office District/ Conditional Zoning to Community Business I/Conditional Zoning in accordance with Section 7-7-8 of the UDO, to allow for the potential use of two properties/buildings for office, health and fitness, residential, low impact artist studios, and instructional services purposes.

The subject property consists of two parcels (Tract 1 - 960 Tunnel Road - .212 acres;

Tract 2 - 966 Tunnel Road - .649 acres) .861 acre in size located on Tunnel Road at the intersection with Governor's View Road. [PINs - 9658.97-8942 and 9658.98-9020] The property contains two structures (one per parcel). Tract 1 is zoned RM-6 and contains a vacant residential structure (approximately 2300 square feet). A building used for offices and instructional services (also approximately 2000 square feet) is located on Tract 2 which is zoned Office Conditional Zoning. The site is bordered by properties zoned RM-6 (to the north and east) and RS-4 (to the south across Tunnel Road) which largely contain single family homes. Across Governor's View Road to the west, is a place of worship (zoned RM-6).

The applicant, Monmovin, LLC, proposes to continue to utilize the structure at 966 Tunnel Road for offices and instructional services (with the potential for residential use) as was established through a conditional zoning process that occurred in 2005. Additionally, they propose to renovate the structure at 960 Tunnel Road for potential use for offices, instructional services, health and fitness facilities, low impact artist studios, or residential purposes. The applicant is requesting rezoning of both parcels, to CBI CZ (Community Business I Conditional Zoning), to allow for this new development and to provide for shared parking and ingress and egress. The parcels will remain separate.

Access to the site is proposed off of Tunnel Road (ingress and egress) at the existing access point for Tract 2. It is proposed that a new access point (one-way, egress only) be established onto Governor's View Road. Seventeen parking spaces are proposed (8 existing) on the properties. An agreement will be entered into to allow for the use of additional spaces on the Groce United Methodist Church property across Governor's View Road. A raised pedestrian crosswalk with high visibility markings will be provided from the subject properties to the church parking area. There are existing sidewalks on Tunnel Road. A sidewalk will be provided along the Governor's View Road frontage for Tract 1 and either a sidewalk will be constructed or a fee in lieu and 10 foot easement will be provided to the city for the remaining 160 linear feet of frontage along Governor's View Road.

Landscaping is required for this project and includes street trees, parking lot landscaping, and building impact landscaping on Tract 1. Primarily the landscaping on this tract is provided for with existing vegetation. Landscaping planted and required for the previous conditional zoning on Tract 2 is to remain, with the exception of the existing buffer between the properties and landscaping that is in conflict with the proposed egress onto Governor's View Road or any sidewalk construction. The landscape plan for this tract will be incorporated into the final approved site plan to be reviewed by Asheville City Council. 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 June 15, 2015, 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. A meeting with the neighborhood was held on July 14, 2015, at which time Interim Planning Director Alan Glines represented the Planning Department.

Compatibility Analysis: Tract 2 is currently zoned Office CZ and the building on this parcel will continue to be limited to use for offices and instructional services (with the potential to be used for residential purposes). While properties to the north, east, and across Tunnel Road to the south are zoned residentially and contain single-family homes, the corner parcel (Tract 1) is wedged between the Office CZ parcel and a large place of worship (across Governor's View Road) which is adjacent to properties zoned Community Business I along Tunnel Road. Staff feels this property can be utilized for limited business uses without disturbing the surrounding residential area. Buildings on both properties will remain of a design and scale that is compatible with the residential structures found in the area.

The proposal supports the goal found in the *City Development Plan 2025* of pursuing compatible adaptive reuse 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 the adaptive reuse of a dilapidated residential structure for limited business purposes.
- The project has compliant parking on site but will provide a parking agreement with the neighboring place of worship to handle any potential overflow parking.
- The project is being designed to be compatible in design and scale with the residential structures found in the vicinity.
- The proposal will result in the loss of one dwelling unit (currently vacant and in need of repair) in the city.

Staff recommends approval of the proposed conditional zoning to allow for the renovation of one structure at 960 Tunnel Road for office, health and fitness, instructional services, residential, or low impact artist studio purposes with shared parking and ingress/egress with another structure at 966 Tunnel Road used for offices, instructional services, or residences. This recommendation includes all conditions listed on the attached Exhibit B.1 (which includes limitations on signage and hours of operation in addition to use).

Ms. Fields responded to various questions from the Commission, some being, but are not limited to: if the existing driveway for 960 Tunnel Road would be eliminated; what uses are allowed in the Community Business I District; and is the parking requested compliant for a health and fitness facility.

A representative of the applicant said that the properties are low impact and will employ approximately 10-12 people. She explained the intent of the wellness component as well as the overflow parking arrangement with Groce United Methodist Church.

Mr. Ron Sneed, attorney representing the applicant, said that their plan is to create a unified campus.

Vice-Chair opened the public hearing at 5:45 p.m. and when no one spoke, she closed the public hearing at 5:45 p.m.

Mr. Koon moved to approve the conditional zoning request of Monmovin, LLC for property located at 960 and 966 Tunnel Road from RM-6 Residential Multi-Family Low Density District and Office District/Conditional Zoning to Community Business I/Conditional Zoning, and find that the request is reasonable, is in the public interest, and consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposed uses on the properties are limited in scope and additional parking, although not required, is provided for so as not to impact the surrounding residential areas; and (2) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible adaptive reuse of properties. This motion was seconded by Mr. Edmonds and carried unanimously on a 5-0 vote.

(6) Review of a conditional zoning request from RS-4 Residential Single-Family Medium Density District to Institutional District/Conditional Zoning for church renovation that will include changes to the fellowship hall to create co-working kitchen and office spaces. Outside the church, work includes a new parking area, added sidewalks, and the construction of 10 student housing units with associated infrastructure. The applicant is seeking approval of conditions for reduced property line buffers for portions of the site. The subject parcel is 6.16 acres located at 311 at 315 Old Haw Creek Road and known as PIN 9659-80-1408. The

property is owned by Bethesda United Methodist Church (Annual Conference) and the project contact is Sean Rice.

Urban Planner Vaidila Satvika oriented the Commission to the site location and said the applicant is requesting review of a conditional zoning request from RS-4 Residential Single-Family Medium Density to Institutional District/Conditional Zoning in accordance with Section 7-7-8 of the Unified Development Ordinance (UDO), to allow for renovations to an existing place of worship and the construction of 10 student housing units.

The project area consists of a single 6.16-acre parcel located at 311 & 315 Old Haw Creek Road with secondary frontage along Bethesda Road. The parcel is currently zoned RS-4 Residential Single-Family Medium Density and contains a church and minister's parsonage, and a cemetery that measures nearly 69,000 square feet, occupying one quarter of the property. The site is primarily surrounded by residential uses. The site is immediately north and adjacent to Haw Creek Elementary School, a school of approximately 410 students in grades kindergarten through fifth.

The applicant is seeking to create a more flexible use of their property to be able to continue as a place of worship while also accommodating other uses. The plan is to create a multi-use property that houses students and seminarians year round as part of an educational and community service curriculum. The project components are outlined here:

- Students would be housed in ten newly constructed small cottages measuring approximately 350-450 square feet each, these would be located at the southwest corner of the property and accessed through a new driveway adjacent to the church. The homes have been designed by Wishbone Tiny Homes but would be built by ministerial students and volunteer labor. Construction of the homes will occur between the hours of 9:00 a.m. and 5:00 p.m.
- Fellowship Hall – The existing fellowship hall will be remodeled and upgraded to include a co-working kitchen/maker space, co-working office space, and dining hall.
    - Co-working kitchen/maker space – The co-working, commercial kitchen/maker space will incorporate classes such as canning, cooking, and pickling. This space will be available to the public to rent out as needed but will not serve as a restaurant, nor a place to sell goods as a retail facility. Food truck operators may use the kitchen as their commissary, where food is prepared and then loaded onto the truck for delivery. The applicant has agreed to limit the number of food trucks, if requested.
    - Co-working office – A shared co-working office will be developed to serve up to 50 people during the week. The space will include approximately 25 work stations. Up to 20 students and 4-6 instructors would use this space at any one time, plus any outside guests.
    - Dining Hall – The dining hall will be used for all users of the premises.
- Sanctuary – The sanctuary of the church will be used as a place for worship for the four church congregations. It will be renovated in order to be a more flexible space so that it can accommodate community meetings and events. The pews will be replaced with moveable seating.
- Classrooms – On the same floor as the sanctuary there are five classrooms that will be used by the same students and instructors utilizing the shared office space.
- Parsonage – The parsonage serves as a residence for clergy and lay missionaries associated with the church; it will continue to function as a residential house for the church's ministers, guests, and temporarily for student ministerial housing. The parsonage includes a quilting room that will continue to offer community quilting. The parsonage's garage may become a woodshop in the future to round out the maker's space concept more completely.

Access to the property is from either Old Haw Creek Road or Bethesda Road. There will

be two parking areas, one accessed from Old Haw Creek Road, the other from Bethesda Road.

There are currently 33 parking spaces on the premises. Based on the mix of uses and the expected overlap, the minimum number of parking spaces required for the project is 41. The project will provide eight additional spaces in order to meet that requirement. Peak parking demand is summarized below:

Location & Use		Use Period	Area	Max Occupants	Parking formula	Spaces required
Sanctuary	Sanctuary space	Sun	2192 SF	124	1 per 4 occ	31
Fellowship Hall	Dining space	Mon-Sat	774 SF		N.A. *	0
	Co-working office	Mon-Sat	774 SF	60	1/350 SF	2
	5 class rooms	Mon-Sat	1576 SF	25	1 per teacher	2
Kitchen	Co-working kitchen/maker space	Everyday	716 SF	4	1 per cook **	2
Cottages	10 small homes	Everyday	2500 SF	20	1 per unit	10
					Peak Demand	41

* Not applicable because the people using these spaces are already accounted for as on-site students or church/co-working office space attendees.

** Kitchen staff/cooks on Sunday would be church attendees

Three of the spaces will be provided as accessible parking spaces. Bike parking and a loading berth will be provided.

A 20-foot-wide paved access road will extend from the new parking lot to connect the ten small cottages for access. The applicant will seek to use that access road to join the parsonage so that the parsonage's currently used gravel driveway may be removed, which would reduce the number of entrances/exits to enhance safety and it would also allow for the planted buffer yard to be uninterrupted by the gravel road encroachment.

A new sidewalk measuring at least five feet wide is proposed along the length of the property adjacent to Old Haw Creek Road and Bethesda Road, and south, bisecting the property, along the cemetery to a 30-foot right of way, which is unpaved. The sidewalk that bisects the property will enhance the cemetery by making it easier for visitors to access and it will provide a direct connection for access to the school. The applicant has agreed to allow parents to use the church parking facility to park and walk children to the school through the property, or to have children walk to the parking area to be picked up off the school grounds.

The site is along the ART bus route E2 with a bus stop across the street from the site.

Landscaping is required for this project including street trees, parking lot landscaping, street buffer, building impact landscaping, and a property line buffer. The applicant is requesting modifications to the property line buffer due to the location of the cemetery; to comply would require the relocation of more than 75 graves. The proposed alternative compliance is detailed below.

The open space requirement is 15% of the lot area. The site plan shows sufficient area to meet this standard.

Conditions modifying development standards

1. Property line buffer – a type B (30 foot wide) property line buffer is required adjacent to RS-4 zoned properties.
    1. Along the cemetery, the property line buffer will be waived. At this southern and southeastern edge of the property along the cemetery, which measures approximately 450 feet, planting a buffer would require the relocation of more than 75 graves. *Staff is supportive of this modification due to existing site constraints and because the uses and activity along this part of the property will not change.*

This proposal was approved with conditions by the Technical Review Committee on April 20, 2015 (comments attached) and requires review by City Council and Final TRC prior to zoning approval.

The applicant promoted a community meeting via direct mail to 2,250 households in January 2015, which resulted in a meeting on January 25, 2015 with over 40 people in attendance.

The applicant held two additional community meetings since the May 6, 2015, Planning & Zoning Commission meeting. The first gathered approximately 80 people. On June 18, 2015, the applicant presented to the Haw Creek Home Owners Association to a group of 25. The second cookout was held on July 8, 2015. For that the applicant sent invitations to the entire community. The intent of these meetings was to review the proposed plans with the public and answer questions because it became clear after the first Planning & Zoning Commission meeting that many people did not understand the proposal. To date there have been two letters of support for the project submitted by the public.

The site is surrounded by other properties zoned RS-4, most of which are single-family residential. There is a pocket of RM-6 zoning to the north of the site, which is mostly used as a place of worship. By moving from RS-4 to INST zoning, the applicant seeks greater flexibility to be able to continue as a place of worship while also accommodating student housing and various classes. All of the uses proposed are identified in the UDO's impact table as "low."

The primary proposed use of the property will continue to function as a place of worship as it has for many years. The question of whether the commercial activity is compatible with the proposed project and in this residential neighborhood was a concern at the May 6th Planning & Zoning Commission meeting. First, it should be noted that only about 10% of the project's gross floor area would be used for commercial activities for part of the time. The co-working kitchen/maker space would serve as non-commercial dining for church members and students, while the co-working office space would serve ministerial students. In comparison, every residential dwelling, under the *Home Occupation* provision of Section 16, is allowed to use up to 25% of its home for commercial uses as an ongoing business. Commercial activity is not precluded from residential areas, but it is required to be subordinate to the primary use.

There is precedent for neighborhood-scale commercial activity within residential districts. An example would be the Harvest House in Kenilworth Road. Open Monday through Friday from 9:00 a.m. - 4:00 p.m., the Harvest House is a parks department-owned facility that offers various free activities as well as paid classes in weaving, wood working, clay sculpture, glass mosaics, painting, and so on. The center is very popular and acts as a vibrant neighborhood community center that is located in the middle of the residential zoning district and Kenilworth neighborhood. The commercial activity of the Harvest House does not contribute to a negative neighborhood environment; it's an amenity for the neighborhood.

Appropriately-scaled commercial activity within residential districts helps neighborhoods to be more walkable and bicycle friendly by offering relevant goods and services close by. For this reason there exist various city goals that promote the development of mixed-use corridors and mixed-use development where appropriate. In addition, the Comprehensive Plan states that "appropriately-scaled non-residential uses that serve residents of neighborhoods should be permitted in appropriate locations."

The property is bordered by an elementary school to the south, which, as an institutional use with over 400 children served, will not likely be impacted by this project.

In regard to the added residential density, under the current RS-4 zoning if the owner so chose it would be permissible to build an additional four homes within the 60,000 square feet of the property that is currently not built upon. In comparison to what is permissible by right, 10 small cottages measuring a total of 2500 square feet, when combined, will be a low impact use far below what is developable by right under RS-4.

The Haw Creek Commons project would offer commercial activities that would be significantly subordinate to the principal use of the site as a place of worship and they would serve neighborhood residents. For this reason, the proposal is compatible with the site and the surrounding neighborhood, and it is consistent with broader city goals pertaining to the adaptive reuse of property.

The proposal complies with policies adopted by the City in several ways. As stated in the *City Development Plan 2025,* reusing older buildings is "the most sustainable construction" and helps to preserve and protect neighborhood vitality and appropriately-scaled non-residential uses should be allowed in appropriate locations. This proposal aims to repurpose the site to ensure its financial sustainability and the Plan states that the number one strategy for land use is adaptive reuse of (vacant or) underutilized structures. The addition of street trees, sidewalks and on-site bike parking as well as the location along a transit route supports bus use; the streetscape will be enhanced and automobile dependence may be minimized. A large amount of the site will remain planted and additional, native landscaping will be added to the parking areas, along the streets, and in front of buildings adding to sustainability and environmental goals.

This proposal aligns with City Council's Strategic Plan. As part of Focus Area #1: Economic Growth and Sustainability, this project will "ensure a sustainable financial future for Asheville by promoting an environment where citizens and businesses want to live, work, and invest" by reusing this site to create an eastern hub for their organization's operations. In addition, consistent with Focus Area #3: High Quality of Life, the project will enhance the quality of life for neighborhood residents by adding sidewalks that improve safety and provide more pedestrian connectivity.

<u>Considerations</u>:

- The project proposes the reuse of an existing building and generally uses the same site layout (with improvements to access flow).
- Ten small cottages would be constructed beyond street view to accommodate students.
- Subordinate commercial uses would be added to provide neighborhood-scale co-working spaces.
- Sidewalks will be provided along both Old Haw Creek Road and Bethesda Road.
- Additional landscaping will be added throughout the site to soften the streetscape and provide buffering to adjacent properties.

Staff recommends approval of the proposed conditional zoning to allow for the redevelopment of the church and fellowship hall at 311 & 315 Old Haw Creek Road for the construction of ten small cottages, development of neighborhood-scale co-working spaces, new

parking area, and to enhance the site with landscaping and sidewalks. This recommendation includes approval of the landscape modifications as detailed above.

Dr. Larry Duggins, Pastor of the United Methodist Church, explained that all four churches will continue to worship at this facility. They will only have a relationship with two food trucks and will limit the retail. They will build a sidewalk to the edge of the field to provide a direct connection for access to the school. They have also agreed to allow parents to use the church parking facility to park and walk children to the school through the property, or to have children walk to the parking area to be picked up off the school grounds. Wishbone Tiny Homes will help the ministerial students build the homes, noting they will use local professionals. The Fellowship Hall will be available to the public to rent and all profits will flow back into the business.

Dr. Duggins responded to various questions/concerns from the Commission, some being, but are not limited to: further explanation of the commercial component, kitchen and common workspaces; how many spaces will be available in the Fellowship Hall for the public; will people be allowed to eat in the kitchen area; what is the maximum occupancy of the co-working spaces and how many people can use the kitchen at one time; who will manage the spaces; and why not build a dormitory instead of 10 tiny homes.

Vice-Chair Shriner opened the public hearing at 6:54 p.m.

The following individuals spoke in support of the conditional zoning for various reasons, some being, but are not limited to: commercial kitchen overhead costs are high; very few shared commercial kitchens; area is lacking nodes for community gatherings; good way to immerse students into the community; vital internships; and will be a gift to the community:

Ms. Margaret King, resident on New Haw Creek Road
Mr. Brian Good, representing Green Opportunities
Mr. Bryan Mitchell, resident on Pershing Road
Mr. Larry Thompson, resident on Bell Road
Ms. LeeAnn Wendell, senior at UT at Arlington
Rev. Karen Doucette, Pastor at Bethesda United Methodist

The following individuals spoke in opposition of the conditional zoning, for various reasons, some being, but are not limited to: concern of the 10 tiny homes; first responders will have a hard time getting up the road; what is the health inspection for food trucks; this is a commercial activity in a residential area; and who will be inspecting the units and commercial kitchen:

Ms. Barber Melton, Vice-President of the Coalition of Asheville Neighborhoods
Mr. Bill Beardall, adjacent property owner
Ms. Judith Fain
An area resident

Vice-Chair Shriner closed the public hearing at 7:16 p.m.

Mr. Shawn Rice, representing Rural Faith Development Community Development Corporation, responded to many questions/comments expressed by the audience and the Commission.

After further discussion, the following conditions were suggested: (1) housing be limited to 20 ministerial students; (2) maximum of 20 co-workers for the office and 4 for the kitchen at any one time; (3) no restaurant or retail sales occur on site; (4) teaching curriculum can create up to 4 tiny houses per year, but not for retail sale; and (5) operating hours of co-working spaces and commercial kitchen will be Monday-Saturday.

Mr. Koon moved to approve the conditional zoning request for Haw Creek Commons at 311 & 315 Old Haw Creek Road from RS-4 (Residential Single-Family Medium Density) to INST - CZ (Institutional District – Conditional Zone) with the conditions for the properly line buffer waiver along the cemetery, 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) The project proposes the reuse of an existing building, the most sustainable form of development, (2) the project will provide the neighborhood-scale co-working spaces that will serve residents of Haw Creek, and (3) the project improves access and safety for users of the site as well as for neighbors by adding sidewalks along the streets and through the property itself. This motion was seconded by Mr. Edwards and carried on a 3-2 vote, with Ms. Carter and Ms. Hudson voting "no."

Other Business

Vice-Chair Shriner announced the next meeting on August 5, 2015, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 8:25 p.m., Mr. Koon moved to adjourn the meeting. This motion was seconded by Mr. Edmonds and carried unanimously on a 5-0 vote.