City Council Staff Report

Council Meeting Date

- July 28, 2026

Subject

- Conditional Zoning Request for 3862 Sweeten Creek Rd

Staff Resource(s)

- Stephanie Monson Dahl, Planning and Urban Design Director; Chris Collins, Assistant Director; Sam Starr-Baum, AICP, Planner III

Action Requested

- Adoption of an ordinance to conditionally rezone the property located at 3862 Sweeten Creek Rd from Residential Multi-Family High Density (RM-16) to Residential Expansion - Conditional Zone (RES EXP-CZ).

Background

Project Location and Contacts:

- 3862 Sweeten Creek Rd (PINs 9654-44-4259 & 9654-44-1465).
- Owner: James and Becky Wood
- Applicant: Shawn Sanes on behalf of Seamon Whiteside.

Summary of Petition:

Project Site

- The project area consists of two properties totalling 12.06 acres located at 3862 Sweeten Creek Rd, and identified in the Buncombe County land records as PINs 9654-44-4259 & 9654-44-1465.
- Both lots of the subject property are zoned RM-16 Residential Multi-Family High Density Development District.
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion - Conditional Zone (RES EXP - CZ) district is required.
- The site has two residential structures; both are abandoned at the time of this memo's publication. One structure is an existing single-family house on the property built in 1954, and the other structure is a barn built in 1960 according to the county tax card.
- Based on the Living Asheville Comprehensive Plan Future Land Use Map (FLUM) the property is currently designated "Residential Neighborhood. A change in the Future Land Use Map is not required as part of this conditional zoning petition.

Overall Project Proposal

- New building construction includes five 3/4 story multi-family buildings, totalling 130 affordable housing units, as well as an outdoor playground and other residential amenities.
    - As of this report's publication, 100% of the 130 units are slated to be affordable at a level of 80% Area Median Income (AMI) or below.
    - The playground is proposed in the central section of the site with additional outdoor amenities.
- Other site improvements include, but are not limited to: surface parking, new sidewalks, and a playground.
- This project is currently zoned RM-16, and therefore does not qualify for reduced review thresholds under the UDO amendments passed on March 11, 2025.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - 6’ wide sidewalk with 8’ wide utility strip along the Sweeten Creek Road (US 25A) frontage. A sidewalk easement within the site frontage will be provided as needed.
    - 6’ wide minimum sidewalk internally to the site.
    - Street trees along Sweeten Creek Road (US 25A) to be planted up to 40’ from the existing EOP to avoid conflict with site visibility triangles.

Site Layout and Design

- Maximum building height for multifamily buildings in the RES EXP district is 60 feet. The maximum building height of the proposed project is approximately 42’ as measured to the ceiling of the highest floor.
- Maximum density in the RES EXP district is 50 units/acre for projects proposing affordable units.The proposed project’s density is 10.7 units/acre.
- Front yard, rear yard, and side yard setbacks of 15 feet are required in the RES EXP district. The project is compliant with the minimum required setbacks.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 26.5%.

Access, Sidewalks and Parking

- Access to the site is from a driveway on Sweeten Creek Rd - a NCDOT maintained road.
- A significant NCDOT project to widen Sweeten Creek Rd is in the engineering & design phase. This project has a southern terminus to the south of the project site near the Airport Rd/NC-280 and Sweeten Creek Rd intersection. The construction for this project is currently TBD and not funded in the state transportation plan.
- Sidewalks are proposed at 6’ in width along the project’s frontage on Sweeten Creek Rd and internal to the site. An 8’ wide grass strip is shown along the frontage between the new sidewalk and the roadway.
    - The project is seeking a technical modification for sidewalks width less than the minimum required 10’.
- A total of 201 parking spaces are proposed for the project. Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 173/300 for the RES EXP district.
- Bicycle parking is required at a rate of 10% of the total number of residential units, which equates to 13 required bicycle parking spaces, which the project is proposing.

Landscaping / Open Space / Tree Canopy

- Landscape requirements apply, including street trees, property buffers, building impact, and parking lot landscaping.
- Street trees are required as being one large maturing tree for every 40 linear feet of property abutting Sweeten Creek Rd where overhead utilities are not present, resulting in 13 trees.
    - Owing to sight triangle requirements, the applicant is seeking a technical modification to have several of the street trees near the project entrance be set back further into the property rather than the required 20 or closer to the right of way'.
- A 20'-wide "Type A" landscape buffer is required where the site is adjacent to less intensive RS and RM zoning districts, which includes the boundaries to the project's north, east, and south.
- Parking lot landscaping requirements equate to 51 trees and 202 shrubs required which are proposed and but not fully detailed on the Landscape Plan.
    - The applicant will include detailed landscaping plans for Final TRC review and approval.
- Building impact landscaping is required as being one tree and two shrubs for every 1,000 square feet of building footprint, equalling 54 trees and 107 shrubs.
- Open Space is required at a rate of 50% of the site, or a rate of 20% of the site if the project meets the incentive requirements for either enhanced stormwater or affordable housing. Open space can be further reduced to 15% if the proposed open space meets certain design and operational standards.
    - The project proposes just over 20% open space as required based on their stormwater plan. The requirement is 2.41 acres, and the applicant is proposing 2.45 acres.
        - A pathway will be required to meet natural open space standards, and further open space definition and refinement will be necessary at Final TRC to ensure compliance with UDO Sec 7-11-4
- The project proposes to meet Tree Canopy Preservation requirements through the preservation of 15%, or 1.6 acres of existing tree canopy. The site, with both parcels combined, has an existing tree canopy of 93%, or 11.22 acres.

Consistency with the Comprehensive Plan and Other Plans:

<u>Living Asheville Comprehensive Plan (2018)</u>

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
    - **Encourage Responsible Growth** - by prioritizing greater densities of development overall, throughout the city as appropriate.
    - **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks.
- The proposed development is compatible with the Future Land Use designation of "Residential Neighborhood", which is proposed, in part, that "the types of housing in residential neighborhoods generally offer little variation of building types throughout the neighborhood, such as townhomes, duplexes or an apartment complex," and that, "over time, residential neighborhoods can benefit from having more housing diversity".

Compatibility Analysis:

- The proposed multi-family project is compatible with the surrounding land uses, including:
    - Supports a transition from the single-family residential neighborhoods further to the east of the project site toward the corridor of Sweeten Creek Rd.
    - Provides similar housing densities to: The Avalon Park at Sweeten Creek, Dunbar Place, and the Colony developments which are all zoned RM-16 and within the immediate vicinity of the subject property.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above.

Council Vision 2036 Focus Area(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Council Priority Recovery Area(s):

- Infrastructure & Environment
- Economic Recovery

Committee(s):

- Technical Review Committee (TRC) - April 6, 2026 - approved with conditions.
- Planning & Zoning Commission (PZC) - May 6, 2026 - approved, 6-1, with the recommendation that the developer and design staff consider upsizing their stormwater controls to a larger storm event standard, ideally a 100-year storm, and/or provide wetland enhancements to mitigate downstream flooding in addition to the culvert crossing being sized to a 100-year storm event.

Fiscal Impact

- N/A

Suggested Motion

- Motion to approve the conditional zoning request for the property located at 3862 Sweeten Creek Rd from Residential Multi-family High Density (RM-16) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) Prioritizes greater densities of development overall, throughout the city as appropriate; and 2) Increases the supply of housing, including affordable housing, in proximity to schools, transit and parks.

Attachment(s)

- This document contains the existing zoning map of 3862 Sweeten Creek Rd - Exhibit A

- This document contains the proposed zoning map of 3862 Sweeten Creek Rd - Exhibit A1
- This document contains the aerial imagery map of 3862 Sweeten Creek Rd - Exhibit B
- This document contains the existing future land use map of 3862 Sweeten Creek Rd - Exhibit C
- This document contains site plan and elevations - Exhibit D
- This document contains the project conditions - Exhibit E
- This document contains the Ordinance - Draft Ordinance
- This document contains the 5/4 TRC Memo - Technical Review Committee Staff Report
- This is the Planning & Zoning Commission staff report regarding 3862 Sweeten Creek Rd PZC Staff Report
- This is the Signed Planning & Zoning Commission Recommendation for 3862 Sweeten Creek Rd PZC Recommendation
- This is the draft Action Minutes of the Planning & Zoning Commission from June 3, 2026 *PZC Action Minutes*