City of Asheville Staff Report

Council Meeting Date

- October 13, 2026

Subject

- Conditional Zoning Request for 99999 Tried Street

Staff Resource(s)

- Sam Starr-Baum, AICP, Urban Planner III; Chris Collins, AICP, Interim Planning and Urban Design Director

Action Requested

- Adoption of an ordinance to repeal Conditional Zoning Ordinance No.4612 (2017) and replace with a new conditional rezoning of the property located at 99999 Tried Street and 990 W Chapel Road from Residential Single Family High-Density (RS-8) and Residential Single Family High-Density - Conditional Zoning (RS-8 CZ) to Single Family High Density - Conditional Zoning (RS-8 CZ).

Background

Project Location and Contacts:

- 99999 Tried Street and 990 W Chapel Road (PINs 9657-13-2806, 9657-14-2055, 9657-14-4225, 9657-14-4174, 9657-13-4808, and 9657-13-2806).
- Owner: Asheville Habitat for Humanity.
- Applicant: Jared DeRidder/WGLA Engineering.

Summary of Petition:

Project Site

- The project area consists of multiple properties totalling 4.45 acres located at 99999 Tried Street, and identified in the Buncombe County land records as PINs 9657-13-2806, 9657-14-2055, 9657-14-4225, 9657-14-4174, 9657-13-4808, and 9657-13-2806.
- The subject properties are zoned predominantly RS-8 CZ as a result of the previous conditional zoning action in 2017 under Conditional Zoning Ordinance No.4612. However, 990 West Chapel Road is currently zoned RS-8 and will be a part of this new conditional zoning.
    - Given the new geographic addition of 990 W Chapel, a substantially new layout, and revised technical modifications, this application is too distinct from the original to constitute a simple amendment to the conditional zoning. This project will be processed as an entirely new conditional zoning.

- Given the size of the project (under 50 residential dwelling units), a conditional zoning to the Residential Expansion - Conditional Zone (RES EXP - CZ) district is not permissible.
    - This project only requires City Council review and approval because of an existing Conditional Zoning on many of the subject parcels.
- The site has one existing residential structure at the time of this memo's publication, which is addressed as 990 West Chapel Road. The home was built in 1963, and is currently owned by Asheville Habitat for Humanity. This property was not part of the original 2017 CZ under ordinance 4612.
- Based on the Living Asheville Comprehensive Plan Future Land Use Map (FLUM) the property is currently designated "Traditional 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 (5) single-family residences and eighteen (18) townhomes along a newly created right-of-way, Tried Street.
    - 100% of the 23 units are slated to be affordable at a level of 80% Area Median Income (AMI) or below.
    - As stated above, this project would ordinarily qualify as a major subdivision, but the lot standards and attached nature of townhomes require technical modifications that can only be possible through conditional zoning.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - 0' interior side setbacks for townhouse lots.
    - Reduction of minimum lot size to 3,742 square feet
    - Reduction of minimum lot width to 32 feet.

Site Layout and Design

- Maximum building height for buildings in the RS-8 CZ district is 40 feet. The maximum building height of the proposed project is approximately 17' 6" as measured to the ceiling of the highest floor.
- Maximum density in the RS-8 CZ district is typically determined by the lot size standards, but the overall density for this project is 5.11 units/acre. This is in alignment with the density found throughout the Shiloh neighborhood.
- The minimum lot size and lot width are beneath the RS-8 requirements and will need technical modifications. The minimum lot size for an RS-8 lot is 4,000 square feet, and the minimum lot width is 40 feet. While the lot sizes vary on the Tried Street project, the smallest of the lots are 3,742 square feet and 32 feet wide.
- The project is compliant with the minimum required front and rear setbacks of the RS-8 District, which is 15 feet. The applicant will need a technical modification for the interior side setback. The district standard is 6', but the applicant is requesting 0' for the 18 townhomes.
- There are no maximum impervious standards for RS-8 CZ projects. The proposed project would result in a total impervious area of 29.67%.

Access, Sidewalks and Parking

- Access to the site is from a non-signalized left-hand turn off West Chapel Road, a city maintained street.

- The anticipated traffic for Tried street is below 300 daily trips, and therefore internal sidewalks are not required. A 5' sidewalk is proposed along the property line that abuts W Chapel Road.
- Parking is no longer required, but the applicant is still proposing 46 spaces–2 per unit. This is in alignment with previous city parking requirements.
- Both the Shiloh Community Plan 2025 and the Living Asheville Comprehensive Plan call for greater pedestrian connectivity in the immediate vicinity of this project. The TRC memo noted that "the applicant is not required, but is encouraged to work with the Transportation Department and Parks and Recreation Department to explore ways to improve and protect existing gravel and natural surface trails on and near the subject property".
- As of this memo, the applicant is seeking to petition the city to assume maintenance responsibility of Tried Street as a public Right of Way. This matter is ongoing, and will be resolved prior to the final review by the Technical Review Committee.

Landscaping / Open Space / Tree Canopy

- Street trees are required for every 40 linear feet of property abutting West Chapel Road.
- Since this does not meet the threshold requirements to be rezoned to an expansion district, the typical 20'-wide "Type A" landscape buffer is *not* required where the site is adjacent to less intensive RS and RM zoning districts.
- Retaining walls are shown, but heights are still not final. Retaining walls over 4' must be designed by a NC licensed engineer, and load calculations must be provided for. Retaining walls over 6' in height, but within 35' of the Tried Street ROW must meet facing or landscaping standards per 7-10-5.
- Per UDO Section 7-11-4, major subdivisions must provide open space. In their PZC resubmittal the applicant has indicated that they will be providing 15% or 24,542 square feet of open space, divided equally between natural and recreational open space.
- The project proposes to meet Tree Canopy Preservation requirements through the preservation of existing canopy. The project site is "class C" with 41-75% (54%) coverage averaged from all parcels. In order to meet the preservation requirements to be exempt from open space requirements, the site will need to preserve 49,029 square feet (before ROW and easement reductions).

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 (p. 131).
    - **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing (pp. 179 & 183) in proximity to schools, transit and parks (pp. 246 & 251).
- The proposed development is compatible with the Future Land Use designation of "Traditional Neighborhood" which is proposed, in part, as "a mix of housing types such as single family with accessory dwelling units, duplexes, townhomes and multifamily apartments usually located seamlessly together" (p. 345).

<u>Shiloh Community Plan (2025)</u>

- The proposed development supports a number of goals in the Shiloh Community Plan, including:
    - **Land Use Goal #2: Provide assistance for affordable housing and home improvement.**
        - *Strategy 2*. Explore opportunities for the construction of affordable housing in the Shiloh community (p. 33).
    - **Land Use Goal #4: Protect, enhance and complement the existing character of Shiloh**
        - *Strategy 2*. Target areas (particularly in the core area) for redevelopment and infill that complement existing development and are, or can be, supported by existing infrastructure (or improved infrastructure) (p. 36).
            - While generally keeping residential density consistent with the current densities allowed in the Shiloh community, promote some greater densities and development patterns in transition areas (p. 38).

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) - July 20, 2026 - approved with conditions.
- Planning & Zoning Commission (PZC) - September 2, 2026 - approved 6-0

Fiscal Impact

- N/A

Suggested Motion

- Motion to approve the repeal and replacement of Conditional Zoning Ordinance No. 4612 (2017) with this new conditional zoning request for the property located at 99999 Tried Street and 990 W Chapel Road from Residential Single-Family High Density (RS-8) and Residential Single-Family High Density Conditional Zone (RS-8 CZ) to Residential Single-Family High Density Conditional Zone (RS-8 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 99999 Tried Street - Exhibit A
- This document contains the proposed zoning map of 99999 Tried Street- Exhibit A1
- This document contains the aerial imagery map of 99999 Tried Street - Exhibit B
- This document contains the existing future land use map of 99999 Tried Street - 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 Ordinance 4612 (2017) - Ordinance 4612
- This document contains the 7/20 TRC Memo - Technical Review Committee Staff Report
- This is the Planning & Zoning Commission staff report regarding 99999 Tried Street - PZC Staff Report
- This is the signed Planning & Zoning Commission Recommendation for 99999 Tried Street - PZC Recommendation
- These are the draft Action Minutes of the Planning & Zoning Commission from September 2, 2026 - Draft PZC Action Minutes