ORDINANCE NO. 4612

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT 3, 10,12, 18 AND 99999 TRIED STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The single-family residential development is compatible with the character of the surrounding Shiloh neighborhood as far as density, use and layout;
b. The project preserves sensitive environmental area and provides dedicated open space;
c. The project does include some initial affordability; and
d. Sidewalks will be provided on the new street and along part of West Chapel Road.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9657-14-4225, 9657-14-4174, 9657-14-4041, 9657-13-4808 and 9657-13-2749 recorded in Deed Book 5454, Page 258 and currently owned by Mountain Housing Opportunities, Inc from Residential Single-Family High Density District to Residential Single-Family High Density Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the

conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of September, 2017.

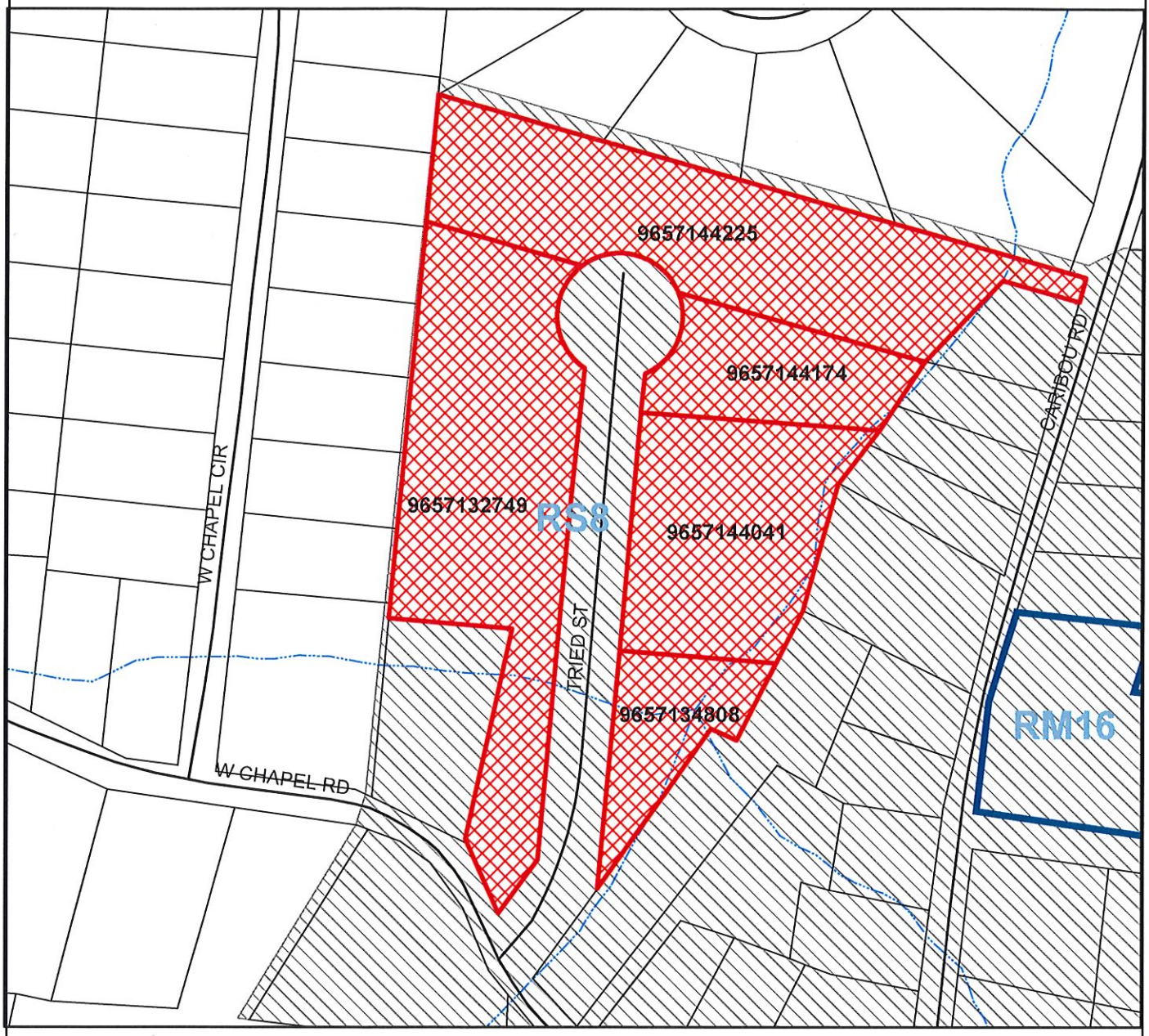
Magdalen Burleson
City Clerk

Mayor

Approved as to form:

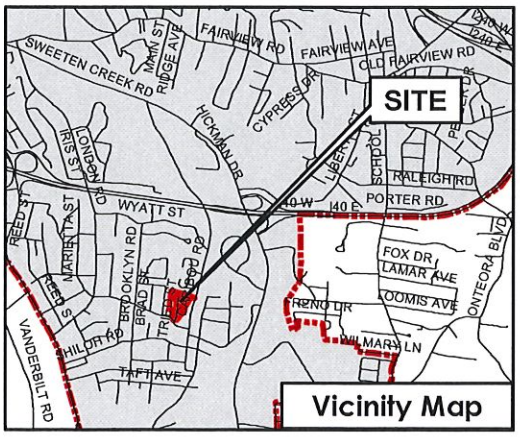
City Attorney

City of Asheville - Exhibit A Map
Conditional Zoning - Tried Street



Project Name:	Tried Street Residential Development
Project Number:	17 - 04094 PZ
Project Description:	CZ from RS8 to RS8 CZ
Petitioner(s):	Mountain Housing Opportunities
Parcel ID Number(s):	9657-13-4808; -2749 9657-14-4041; -4225; -4174
Location/Address:	3, 10, 12. 18 & 99999 Tried Street

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas | Manufactured Housing Overlay District



City of Asheville Planning and Urban Design Department - May 2017

Tried Street Residential Development

Exhibit B.1 – Conditions List

1. The zoning for the site is Residential Single-Family High Density – Conditional Zone (RS8-CZ).

2. Lot widths shall be a minimum of 40 feet and lot areas shall be no less than 4,000 square feet. Driveways will be no wider than 18 feet.

3. The approval is for 20 residential lots which must be subdivided in accordance with the subdivision provisions in the Unified Development Ordinance. An additional lot 21st lot will be created, not for development but for the purpose open space, as described in Condition 6 herein.

4. *AFFORDABLE UNITS* – The applicant shall sell four (4) homes (20% of total development) to eligible households earning 80% area median income (AMI) or less adjusted for household size, who must fall within HUD underwriting requirements for affordable households. Additionally, the City will review and qualify the buyer through an underwriting process and a copy of the settlement statement will be required at each closing to document the final sales price. A Right of First Refusal will be held on each of the 4 homes for ten (10) years from the date of Certificate of Occupancy (CO) that will be assigned to a future Community Land Trust, should it be formed by the City or other independent entity within that time period.

5. At the time of issuance of the certificate of occupancy, single-family houses will be oriented towards the street, with front porches and a pitched roof. Alterations to or expansions of homes in the future will not be restricted due to conditional zoning approval but will be subject to the City's residential single-family district zoning requirements and standards in place at that time.

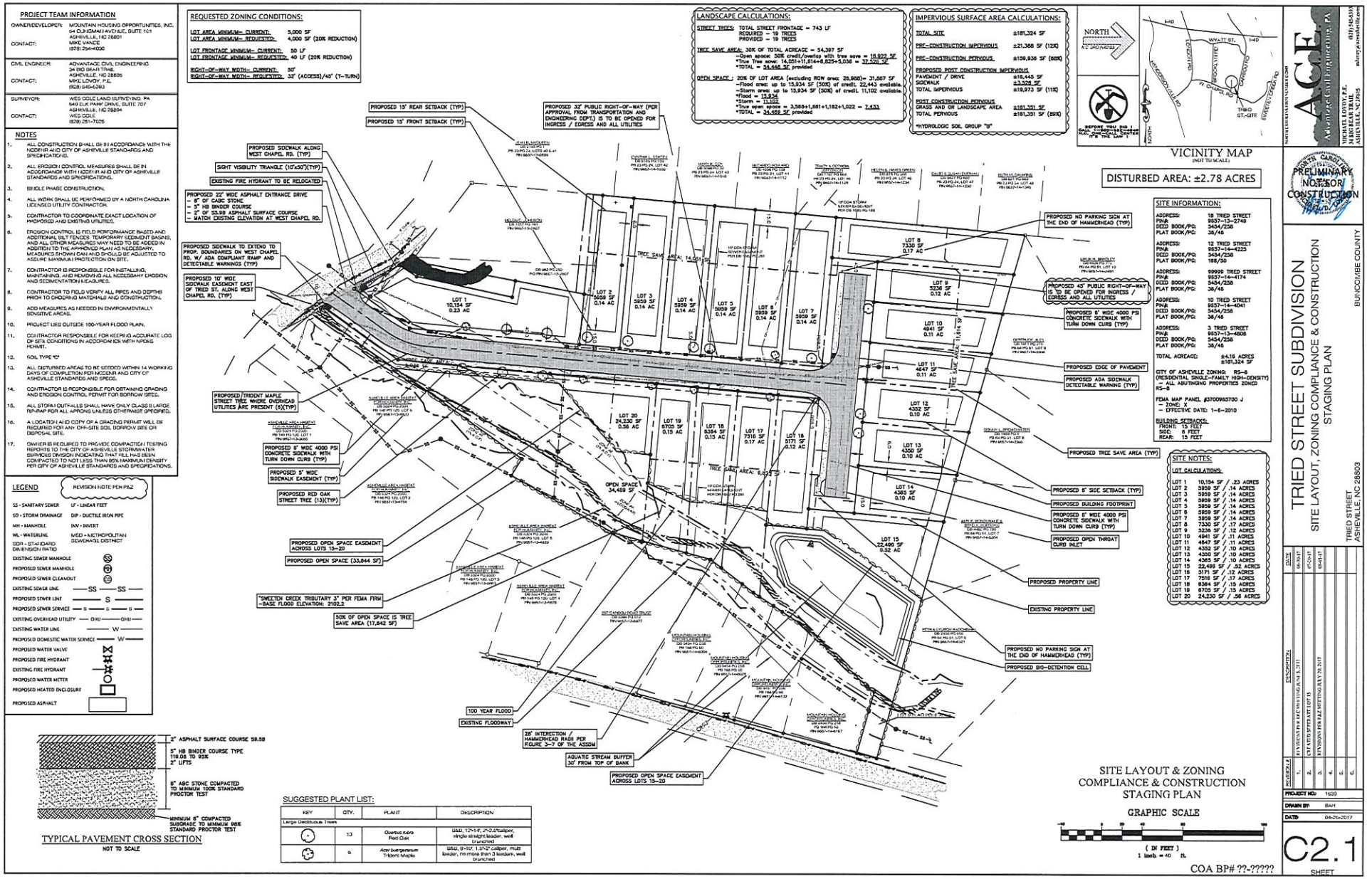
6. Project includes at least 0.7 acres of open space and tree save area as shown on plans which is incorporated herein (the 21st lot described in Condition 3 above).

7. A six foot wide sidewalk within a ten foot easement shall be provided along one side of the new street and a five foot wide sidewalk along West Chapel Road heading west. An easement will be provided along West Chapel Road heading east.

8. The road will have a minimum of 32 feet of right-of-way with 22 feet of pavement.

9. The lot and street layout must substantially comply with the approved site plan incorporated herein as Exhibit C.

10. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.


PROJECT TEAM INFORMATION
OWNER/DEVELOPER: MOUNTAIN HOUSING OPPORTUNITIES, INC.
64 OLIVEMAN AVENUE, SUITE 101
ASHEVILLE, NC 28801
CONTACT: MIKE VANCE
(828) 254-4030
CIVIL ENGINEER: ADVANTAGE CIVIL ENGINEERING
34 BIG BEAR TRAIL
ASHEVILLE, NC 28805
CONTACT: MIKE LOVDY, P.E.
(828) 645-5383
SURVEYOR: WEG COLE LAND SURVEYING, PA
549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
CONTACT: WEG COLE
(828) 251-7525
NOTES
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NCDENR AND CITY OF ASHEVILLE STANDARDS AND SPECIFICATIONS.
2. ALL EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NCDENR AND CITY OF ASHEVILLE STANDARDS AND SPECIFICATIONS.
3. SINGLE PHASE CONSTRUCTION.
4. ALL WORK SHALL BE PERFORMED BY A NORTH CAROLINA LICENSED UTILITY CONTRACTOR.
5. CONTRACTOR TO COORDINATE EXACT LOCATION OF PROPOSED AND EXISTING UTILITIES.
6. EROSION CONTROL IS FIELD PERFORMANCE BASED AND ADDITIONAL SILT FENCES TEMPORARY SEDIMENT BASINS, AND ALL OTHER MEASURES MAY NEED TO BE ADDED IN ADDITION TO THE APPROVED PLAN AS NECESSARY. MEASURES SHOWN CAN AND SHOULD BE ADJUSTED TO ASSURE MAXIMUM PROTECTION ON SITE.
7. CONTRACTOR IS RESPONSIBLE FOR INSTALLING, MAINTAINING, AND REMOVING ALL NECESSARY EROSION AND SEDIMENTATION MEASURES.
8. CONTRACTOR TO FIELD VERIFY ALL PIPES AND DEPTHS PRIOR TO ORDERING MATERIALS AND CONSTRUCTION.
9. ADD MEASURES AS NEEDED IN ENVIRONMENTALLY SENSITIVE AREAS.
10. PROJECT LIES OUTSIDE 100-YEAR FLOOD PLAIN.
11. CONTRACTOR RESPONSIBLE FOR KEEPING ACCURATE LOG OF SITE CONDITIONS IN ACCORDANCE WITH NPDES PERMIT.
12. SOIL TYPE "C"
13. ALL DISTURBED AREAS TO BE SEEDED WITHIN 14 WORKING DAYS OF COMPLETION PER NCDENR AND CITY OF ASHEVILLE STANDARDS AND SPECS.
14. CONTRACTOR IS RESPONSIBLE FOR OBTAINING GRADING AND EROSION CONTROL PERMIT FOR BORROW SITES.
15. ALL STORM OUTFALLS SHALL HAVE ONLY CLASS II LARGE RIP-RAP FOR ALL APRONS UNLESS OTHERWISE SPECIFIED.
16. A LOCATION AND COPY OF A GRADING PERMIT WILL BE REQUIRED FOR ANY OFF-SITE SOIL BORROW SITE OR DISPOSAL SITE.
17. OWNER IS REQUIRED TO PROVIDE COMPACTION TESTING REPORTS TO THE CITY OF ASHEVILLE STORMWATER SERVICES DIVISION INDICATING THAT FILL HAS BEEN COMPACTED TO NOT LESS THAN 95% MAXIMUM DENSITY PER CITY OF ASHEVILLE STANDARDS AND SPECIFICATIONS.
LEGEND
REVISION NOTE PER PAZ
SS - SANITARY SEWER
LF - LINEAR FEET
SD - STORM DRAINAGE
DIP - DUCTILE IRON PIPE
MH - MANHOLE
INV - INVERT
WL - WATERLINE
MSD - METROPOLITAN SEWERAGE DISTRICT
SDR - STANDARD DIMENSION RATIO
EXISTING SEWER MANHOLE
PROPOSED SEWER MANHOLE
PROPOSED SEWER CLEANOUT
EXISTING SEWER LINE
PROPOSED SEWER LINE
PROPOSED SEWER SERVICE
EXISTING OVERHEAD UTILITY
EXISTING WATER LINE
PROPOSED DOMESTIC WATER SERVICE
PROPOSED WATER VALVE
PROPOSED FIRE HYDRANT
EXISTING FIRE HYDRANT
PROPOSED WATER METER
PROPOSED HEATED ENCLOSURE
PROPOSED ASPHALT
REQUESTED ZONING CONDITIONS:
LOT AREA MINIMUM- CURRENT: 5,000 SF
LOT AREA MINIMUM- REQUESTED: 4,000 SF (20% REDUCTION)
LOT FRONTAGE MINIMUM- CURRENT: 50 LF
LOT FRONTAGE MINIMUM- REQUESTED: 40 LF (20% REDUCTION)
RIGHT-OF-WAY WIDTH- CURRENT: 50'
RIGHT-OF-WAY WIDTH- REQUESTED: 32' (ACCESS)/45' (T-TURN)
LANDSCAPE CALCULATIONS:
STREET TREES: TOTAL STREET FRONTAGE = 743 LF
REQUIRED = 19 TREES
PROVIDED = 19 TREES
TREE SAVE AREA: 30% OF TOTAL ACREAGE = 34,397 SF
-Open space: 50% credit/overlap with tree save = 16,922 SF
*True Tree save: 14,051+11,814+6,825+5,036 = 37,528 SF
*TOTAL = 54,448 SF provided
OPEN SPACE: 20% OF LOT AREA (excluding ROW area: 28,958)= 31,867 SF
-Flood area: up to 15,934 SF (50%) of credit. 22,443 available.
-Storm area: up to 15,934 SF (50%) of credit. 11,102 available.
*Flood = 15,934
*Storm = 11,102
*True open space = 3,568+1,681+1,182+1,022 = 7,453
*TOTAL = 34,469 SF provided
IMPERVIOUS SURFACE AREA CALCULATIONS:
TOTAL SITE ±181,324 SF
PRE-CONSTRUCTION IMPERVIOUS ±21,388 SF (12%)
PRE-CONSTRUCTION PERVIOUS ±159,936 SF (88%)
PROPOSED POST CONSTRUCTION IMPERVIOUS
PAVEMENT / DRIVE ±18,445 SF
SIDEWALK ±3,528 SF
TOTAL IMPERVIOUS ±19,973 SF (11%)
POST CONSTRUCTION PERVIOUS
GRASS AND OR LANDSCAPE AREA ±161,351 SF
TOTAL PERVIOUS ±161,351 SF (89%)
*HYDROLOGIC SOIL GROUP "B"
NORTH
BEFORE YOU DIG N.C. ONE-CALL CENTER IT'S THE LAW!
VICINITY MAP
(NOT TO SCALE)
DISTURBED AREA: ±2.78 ACRES
SITE INFORMATION:
ADDRESS: 18 TRIED STREET
PIN#: 9637-13-2749
DEED BOOK/PG: 3454/258
PLAT BOOK/PG: 38/46
ADDRESS: 12 TRIED STREET
PIN#: 9637-14-4223
DEED BOOK/PG: 3454/258
PLAT BOOK/PG: 168/50
ADDRESS: 99999 TRIED STREET
PIN#: 9637-14-4174
DEED BOOK/PG: 3454/258
PLAT BOOK/PG: 38/46
ADDRESS: 10 TRIED STREET
PIN#: 9637-14-4041
DEED BOOK/PG: 3454/258
PLAT BOOK/PG: 38/46
ADDRESS: 3 TRIED STREET
PIN#: 9637-13-4806
DEED BOOK/PG: 3454/258
PLAT BOOK/PG: 38/46
TOTAL ACREAGE: ±4.16 ACRES ±181,324 SF
CITY OF ASHEVILLE ZONING: RS-8 (RESIDENTIAL SINGLE-FAMILY HIGH-DENSITY)
- ALL ABUTTING PROPERTIES ZONED RS-8
FEMA MAP PANEL #3700985700 J
- ZONE: X
- EFFECTIVE DATE: 1-6-2010
BUILDING SETBACKS:
FRONT: 15 FEET
SIDE: 8 FEET
REAR: 15 FEET
SITE NOTES:
LOT CALCULATIONS:
LOT 1 10,154 SF / .23 ACRES
LOT 2 5959 SF / .14 ACRES
LOT 3 5959 SF / .14 ACRES
LOT 4 5959 SF / .14 ACRES
LOT 5 5959 SF / .14 ACRES
LOT 6 5959 SF / .14 ACRES
LOT 7 5959 SF / .14 ACRES
LOT 8 7330 SF / .17 ACRES
LOT 9 5230 SF / .12 ACRES
LOT 10 4841 SF / .11 ACRES
LOT 11 4647 SF / .11 ACRES
LOT 12 4332 SF / .10 ACRES
LOT 13 4350 SF / .10 ACRES
LOT 14 4365 SF / .10 ACRES
LOT 15 22,490 SF / .52 ACRES
LOT 16 5171 SF / .12 ACRES
LOT 17 7316 SF / .17 ACRES
LOT 18 6384 SF / .15 ACRES
LOT 19 6705 SF / .15 ACRES
LOT 20 24,230 SF / .56 ACRES
PROPOSED 15' REAR SETBACK (TYP)
PROPOSED 15' FRONT SETBACK (TYP)
PROPOSED 32' PUBLIC RIGHT-OF-WAY (PER APPROVAL FROM TRANSPORTATION AND ENGINEERING DEPT.) IS TO BE OPENED FOR INGRESS / EGRESS AND ALL UTILITIES
PROPOSED SIDEWALK ALONG WEST CHAPEL RD. (TYP)
SIGHT VISIBILITY TRIANGLE (10'x30')(TYP)
EXISTING FIRE HYDRANT TO BE RELOCATED
PROPOSED 22' WIDE ASPHALT ENTRANCE DRIVE
- 8" OF CABC STONE
- 3" HB BINDER COURSE
- 2" OF S9.5B ASPHALT SURFACE COURSE
- MATCH EXISTING ELEVATION AT WEST CHAPEL RD.
PROPOSED SIDEWALK TO EXTEND TO PROP. BOUNDARIES ON WEST CHAPEL RD. W/ ADA COMPLIANT RAMP AND DETECTABLE WARNINGS (TYP)
PROPOSED 10' WIDE SIDEWALK EASEMENT EAST OF TRIED ST. ALONG WEST CHAPEL RD. (TYP)
PROPOSED NO PARKING SIGN AT THE END OF HAMMERHEAD (TYP)
PROPOSED 45' PUBLIC RIGHT-OF-WAY IS TO BE OPENED FOR INGRESS / EGRESS AND ALL UTILITIES
PROPOSED 8' WIDE 4000 PSI CONCRETE SIDEWALK WITH TURN DOWN CURB (TYP)
PROPOSED EDGE OF PAVEMENT
PROPOSED ADA SIDEWALK DETECTABLE WARNING (TYP)
PROPOSED TREE SAVE AREA (TYP)
PROPOSED 8' SIDE SETBACK (TYP)
PROPOSED BUILDING FOOTPRINT
PROPOSED 8' WIDE 4000 PSI CONCRETE SIDEWALK WITH TURN DOWN CURB (TYP)
PROPOSED OPEN THROAT CURB INLET
PROPOSED PROPERTY LINE
EXISTING PROPERTY LINE
PROPOSED NO PARKING SIGN AT THE END OF HAMMERHEAD (TYP)
PROPOSED BIO-DETENTION CELL
PROPOSED TRIDENT MAPLE STREET TREE WHERE OVERHEAD UTILITIES ARE PRESENT (65)(TYP)
PROPOSED 8' WIDE 4000 PSI CONCRETE SIDEWALK WITH TURN DOWN CURB (TYP)
PROPOSED 5' WIDE SIDEWALK EASEMENT (TYP)
PROPOSED RED OAK STREET TREE (13)(TYP)
PROPOSED OPEN SPACE EASEMENT ACROSS LOTS 15-20
PROPOSED OPEN SPACE (33,844 SF)
"SWEETEN CREEK TRIBUTARY 3" PER FEMA FIRM -BASE FLOOD ELEVATION: 2102.2
50% OF OPEN SPACE IS TREE SAVE AREA (17,842 SF)
100 YEAR FLOOD
EXISTING FLOODWAY
25' INTERSECTION / HAMMERHEAD RADII PER FIGURE 3-7 OF THE ASSDM
AQUATIC STREAM BUFFER 30' FROM TOP OF BANK
PROPOSED OPEN SPACE EASEMENT ACROSS LOTS 15-20
OPEN SPACE 34,469 SF
TREE SAVE AREA: 54,448 SF
TREE SAVE AREA: 8,903 SF
2" ASPHALT SURFACE COURSE S9.5B
3" HB BINDER COURSE TYPE 119.0B TO 95K 2" LIFTS
8" ABC STONE COMPACTED TO MINIMUM 100K STANDARD PROCTOR TEST
MINIMUM 8" COMPACTED SUBGRADE TO MINIMUM 95K STANDARD PROCTOR TEST
TYPICAL PAVEMENT CROSS SECTION
NOT TO SCALE
SUGGESTED PLANT LIST:
KEY | QTY. | PLANT | DESCRIPTION
Large Deciduous Trees
Quercus rubra Red Oak | 13 | B&B, 12'-14', 2"-2.5"caliper, single straight leader, well branched
Acer buergeranum Trident Maple | 9 | B&B, 8'-10', 1.5"-2" caliper, multi leader, no more than 3 leaders, well branched
SITE LAYOUT & ZONING COMPLIANCE & CONSTRUCTION STAGING PLAN
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.
COA BP# ??-?????
ACE
Advantage Civil Engineering, PA
MICHAEL LOVDY, P.E.
34 BIG BEAR TRAIL
ASHEVILLE, NC 28805
(828) 645-5383
mlovdy@advantagecivil.com
NORTH CAROLINA PRELIMINARY NOT FOR CONSTRUCTION
TRIED STREET SUBDIVISION
SITE LAYOUT, ZONING COMPLIANCE & CONSTRUCTION STAGING PLAN
TRIED STREET
ASHEVILLE, NC 28803
BUNCOMBE COUNTY
REVISIONS
1. 10-10-17 REVISIONS PER RECOMMENDATIONS MEETING 10-10-17
2. 11-6-17 REVISIONS PER PAZ MEETING 11-6-17
3. 12-7-17 REVISIONS PER PAZ MEETING 12-7-17
4. 01-26-18 CITY COMMENTS 1-17-18
5.
6.
PROJECT NO: 1620
DRAWN BY: BAH
DATE: 04-26-2017
C2.1
SHEET