THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: November 14, 2023

Subject: Conditional Zoning Request for Flournoy - Butler Road

Staff Resource(s): Stephanie Monson Dahl, Planning & Urban Design Director;
Will Palmquist, AICP, Principal Planner; Clay Mitchell, PhD, Urban Planner II

Action Requested: Adoption of an ordinance to conditionally zone all portions of the property located at 2 Butler Road from Community Business (CBII) to Residential Expansion - Conditional Zone (RES EXP - CZ).

Project Location and Contacts:

- The project site totals 8.88 acres located with frontage on Long Shoals Road and Plott Place and includes a right of way labeled as Butler Road on city and county maps.
- There are 5 separate parcels: 9644 58 3305 Stepp, Marita; 9644 58 2240 Swicegood, Robert; 9644 57 2976 Fort, Jeanne Elise & Wallace Margaret Adele; 9644 57 6935 Hawes, Deirdre; 9644 58 6210 Earwood, Patricia; Earwood, Jimmie.

Summary of Petition:

Project Site

- The project site consists of 5 parcels of land and a private right of way known as Butler Road, the combined area is 8.88 acres at the intersection of Long Shoals Road and Plott Place.
- The site is currently zoned Community Business II (CBII).
- 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 project site is currently a few single family dwellings and manufactured housing units.
- The site is designated "Urban Corridor" on the city's Future Land Use (FLU) Map.
- A change in the FLU designation will not be required.

Overall Project Proposal

- New building construction includes a total of 279 units in five four-to-five story multi-family buildings.
- Other site improvements include surface parking, internal sidewalks, and 4 garage buildings, and 4 amenity buildings providing functions that include a leasing office, mailroom, fitness and pool area building, car wash and dog spa and an outdoor amenity space with a pool.
- A minimum of 10% of the units will be affordable at 80% Area Median Income (AMI) for a minimum of 20 years. Up to half of the affordable units will accept Housing Choice Vouchers.
- This reduction in the required affordable units for increased density in the RES EXP district is subject to a request for a technical modification.

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 52 feet, as measured to the ceiling of the highest occupiable floor of Building 2000, as labeled on the architectural plans.
- Maximum density in the RES EXP district is 20 units/acre or 50 units/acre if 20% of the proposed units are affordable at 80% AMI.
- The project proposes a density of 31.4 units/acre with 10% of units being affordable at 80% AMI.
- The project is seeking a technical modification for density.
- All setbacks in the RES EXP are 15 feet and the project is compliant.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%.
- The proposed project would result in a total impervious area of 74.32%.
- The project includes several retaining walls shown as red lines on page 10 of Exhibit D. Two are located along the eastern (max height of 19') and western edge (max height of 15') of the property and one traverses the center of property and the last is immediately west of the southernmost building (both between 5' and 10' in height). The walls must be designed by a

licensed engineer.
    - The applicant has requested final design and details on retaining walls to be submitted at the Final TRC review stage.
- Staff provided information about increased solar tax incentives due to the location of the facility and the recent adoption of the Inflation Reduction Act.

Landscaping and Open Space
- Landscape requirements apply, including street tree, parking lot, and building impact.
- The project does not require a landscape buffer as the site is not adjacent to RS or RM zoning districts.
- The project is classified as "Urban" under the Tree Canopy Preservation standards and has a classification of "Class B". The applicant is proposing a condition that tree canopy requirements will be met through either fee in lieu or a mix of fee and onsite preservation and has requested permission to submit a final determination and plans as part of the Final TRC review.
- Open Space is required at a rate of 20% of the site as the project meets the incentive requirements for enhanced stormwater management, resulting in 2.14 acres of required open space (24% of the site).

Access, Sidewalks and Parking
- Access to the site will be provided by a driveway located on Plott Place and a secondary gated emergency access off the adjacent commercial property along Julian Shoals Drive.
- Sidewalks are proposed for both access drives and the frontage along Plott Place connecting to neighboring properties and existing sidewalks. Internal sidewalks are 5 feet minimum (subject to technical modification).
- The project proposes 358 surface parking and 24 garage parking spaces, 382 total. With 18 three bedroom units and the rest being one and two bedroom units, the final minimum and maximum required spaces is 297/576 spaces. The proposed spaces are at a ratio of about 1.36 spaces/unit. Required accessible spaces are shown at 8 spaces. Accessible spaces are shown at 19 spaces where 17 are required.
- Bicycle parking is required at a rate of five percent of the total number of vehicle parking spaces and are shown with 40 spaces where 19 are required.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site.
    - The project is proposing a technical modification for new five foot-wide sidewalks internal to the site.
    - A new five foot-wide sidewalk is shown along the emergency access drive.
    - No new sidewalk is proposed along Long Shoals Road in place of the existing five foot-wide sidewalk located in the NCDOT right of way.

Technical Modifications
- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - Five foot-wide sidewalks internal to the site instead of the required 10 foot-wide standard.
    - No bike lanes are proposed into the development given the current condition of Long Shoals Road which has no existing or proposed bike facilities.
    - A maximum density of up to 32 units/acre where 20 units/ acre is the allowed maximum without meeting density bonus requirements (20% of units affordable at 80% AMI)

Consistency with the Comprehensive Plan and Other Plans:
Living Asheville Comprehensive Plan (2018)
- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
    - **Encourage Responsible Growth** - by providing infill development and more housing located proximate to jobs, schools, health services and public amenities, such as open

space, grocery stores and restaurants (p. 130-131).
- **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including some amount of affordable housing in proximity to schools, transit and parks (pp. 246 & 251).
- Housing types should represent the natural evolution of neighborhoods to include diverse housing options. (p. 178).

- The proposed development is substantially compatible with the Future Land Use designation of "Urban Corridor", which states that "urban corridors could see infill redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure." (p.343).

Compatibility Analysis:
- The proposed multi-family residential project is compatible with the surrounding land uses, including:
  - Close proximity to a large educational complex comprising intermediate, middle, and high schools.
  - Several medium density multi-family developments in the area and a significant number of commercial and entertainment locations within walking distance.
  - The site is also close to Lake Julian Park - providing active and passive recreation opportunities to residents.
  - To the south is Lake Julian and land owned by Duke Energy Progress along the shore of Lake Julian in Buncombe County outside Asheville's city limits.

Council Goal(s):
- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):
- Technical Review Committee (TRC) - August 7, 2023 - approved with conditions.
- Planning and Zoning Commission (PZC) - October 4, 2023 - no recommendation given, motion to approve failed with a tie vote (3-3).
  - A number of conditions agreed to by the applicant are included in the updated Exhibit E - Project Conditions.
  - These include: maximum limit for parking spaces, increased bicycle parking, EV charging, and cooperation toward upgrading existing bus stop to a shelter.
  - Conditions suggested by the Commission that were not agreed to by the applicant include a goal of preserving as many trees as is possible and feasible for tree canopy protection and accepting Housing Choice Vouchers for affordable units in the project.

Staff Recommendation:
- Staff recommends approval of this conditional zoning amendment based on the reasons stated above with the following qualifications that were considered upon formulating our recommendation.
  - Staff notes the nature of the location, the future land use designation, and surrounding development patterns for this area of the city as weighing in favor of increasing density for this project.
  - Staff respects the critical need for all housing types in the City with an especially dire need for affordable housing.
  - Providing affordable housing that accepts Housing Choice Vouchers addresses clearly articulated goals of the Asheville Comprehensive Plan related to diverse and affordable housing:
    - Goal 13: Increase and diversify the housing supply.

        - Goal 14: Promote the development and availability of affordable and workforce housing.
    - In addition to the above, Equitable and Affordable Housing and Stability became one of six Council Strategic Priorities beginning in fiscal year 2023 (FY23). Quality Affordable Housing is one of eight focus areas for the Council's Vision 2036.

Suggested Motion to Approve:

- I move to approve the conditional zoning request for the property located at 2 Butler Road from Community Business II (CBII) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is in the public interest. The project is aligned with the Comprehensive Plan goals #13 and #14 that calls for increased diversity in housing opportunities and increased availability in affordable housing, and aligns with Council's FY '24 Strategic Priority area for Equitable and Affordable Housing.

Attachment(s)

(1) Exhibit A - Existing Zoning Map
(2) Exhibit A1 - Proposed Zoning Map
(3) Exhibit B - Aerial Imagery Map
(4) Exhibit C - Existing Future Land Use Map
(5) Exhibit D - Site Plans & Building Elevations
(6) Exhibit E - Project Conditions
(7) Draft Ordinance
(8) PZC Recommendation
(9) PZC Draft Action Minutes (10/4/23)
(10) TRC Report & Comments