THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: June 27, 2023

Subject: Conditional Zoning Request for 311/319 Biltmore Avenue

Staff Resource(s): Ben Woody, Assistant City Manager; Will Palmquist, AICP, Principal Planner; Clay Mitchell, Urban Planner II

Action Requested: Adoption of an ordinance to conditionally zone all portions of the properties located at 311 and 319 Biltmore Avenue from Regional Business to Residential Expansion - Conditional Zone (RES EXP - CZ).

Project Location and Contacts:

- The project site totals two parcels with a total area of 4.59 acres located at 319 and 311 Biltmore Avenue (PINs: 9648-46-1623 (north) and 9648-46-0425 (south).
- New address for buildings will be on John Walker Avenue.
- Owner: City of Asheville.

Summary of Petition:

Project Site

- The project site consists of two parcels separated by the road parcel for John Walker Avenue totalling 4.59 acres located between Biltmore Avenue and Lee Walker Lane.
- The site is currently zoned Regional Business (RB).
- 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 an open vacant lot with minimal tree growth in the southern area of the south parcel.
- The open area of the lot is disturbed and flat and was the site of an automotive dealership that has been removed.
- The Future Land Use map designates the property as “Downtown” that abuts “Traditional Neighborhood” and “Employment/Anchor Institution Center”.
- A change in the FLU designation will not be required.

Overall Project Proposal

- New building construction includes two buildings with a total of 221 residential units.
- Other site improvements include amenity space, a courtyard, separate leasable space, expanded off-street parking, new sidewalks, and retaining walls along the southern parcel’s surface parking.
- A total of 30% of the units (67 units) will be affordable with a target of 20% (45 units) at 60% AMI and below and a target of 10% (22 units) at 80% AMI and below, all for a minimum of 30 years.

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 58 feet, as measured to the ceiling of the highest occupiable floor.
- Maximum density in the RES EXP district is 50 units/acre for this project, since more than 20% of the dwelling units are affordable at 80% AMI or below. The proposed project’s density is 45 units/acre.
- The RES EXP district requires 15’ front yard, rear yard, and side yard setbacks. The project is proposing a front yard setback of 0’, rear yard setback of 12’, and is compliant with the 15’ side yard and 7.5’ side yard setbacks for the corner lots along Lee Garden Ln and Biltmore Ave.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 59% (a reduction from the existing 90% impervious).

Landscaping and Open Space

- Landscape requirements apply, including street tree, parking lot, building impact, and property line buffers. All are compliant.
- The project complies with tree canopy protection with the planting of tree canopy for a total of 21,840 square feet (10.1%).
- The project complies with minimum open space at a rate of 20% of the site.

Access, Sidewalks and Parking

- Three transit routes serve Biltmore Avenue (S1, S2, and S5) at two stops - the outbound stop is located on the parcel, the inbound stops are about 0.2 miles to the north and south of the site.
- Access to the site will be provided for the southern parcel by a new proposed driveway on Lee Walker Lane and an under-building entrance along John Walker Avenue for both buildings.
- The project will include a total of approximately 256 parking spaces with 12 accessible spaces.
- The project proposes 24 bicycle parking spaces (13 are required) including internal bike storage.
- 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 keeping existing sidewalks and proposing new sidewalks varying in width from 5-10' internal to the site and connecting to the existing sidewalk along the common building frontage.
    - The project is seeking technical modifications related to the existing sidewalk and internal sidewalk requirements. (See below).

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - Sidewalk construction on Biltmore Avenues is dependent on the final resolution of a transportation project affecting Biltmore Avenue and John Walker Avenue.
    - Five foot-wide sidewalks internal to the site instead of the required 10 foot-wide standard.
    - No bike lanes into the development.

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 in targeted growth areas (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).
    - **Promote the Development and Availability of Affordable and Workforce Housing** - by leveraging city resources for the development and maintenance of subsidized housing, including housing for low- and moderate-income families and individuals, senior housing, and workforce housing. (p. 183)
- The proposed development is compatible with the Future Land Use designation of "Downtown" and abuts "Traditional Neighborhood ". The project is compatible as "Downtown is also an important residential area and it benefits from having year-round full time residents… through new development is important for the future including market rate and affordable residential housing." (p. 339). "Traditional Neighborhood": the project enhances a transition to neighborhoods that offer opportunities for infill housing in order to improve the supply and mix of housing options." (p. 345).

Compatibility Analysis:

- The proposed multi-family residential project is compatible and provides affordable and

multi-family housing in the southern part of downtown and a transitional element with the surrounding land uses, including:

- Already redeveloped Maple Crest multi-family affordable housing to the west of the site.
- Transitioning to institutional and commercial uses located generally to the north, south and east of the project site along Biltmore Avenue.

Council Goal(s):

- This project is most closely aligned with the council strategic priorities of *A Well-Planned and Livable Community* & *Equitable & Affordable Housing & Stability*.

Committee(s):

- Technical Review Committee (TRC) - March 6, 2023 - Approved with Conditions.
- Planning & Zoning Commision (PZC) - May 3, 2023 Continued, June 7, 2023 - Approved (Vote 4:1) with the following conditions:

  1) The applicant will work with the City to install sidewalks consistent with the following limitations based on available information:

  - *Provided the City of Asheville and the NCDOT can produce engineered plans sufficient to design and install sidewalk infrastructure linked to final plans, whether the project includes a signal and/or turn lane construction, prior to the issuance of a building permit, the applicant shall install 10' sidewalks consistent with the final roadAve location which may include additional sidewalk and plaza space to the edge of the building.*
  - *In the alternative, if no plans are available, the applicant shall only be responsible for eliminating three existing curb cuts on the 8 foot sidewalks adjacent to Biltmore Avenues.*
  - *If no later than the end of calendar year 2023, the City and/or NCDOT determine that no turn lane will be built, the applicant shall install a 10-foot sidewalk along Biltmore Avenue frontage.*

  2) that the applicant will work with City departments to determine and install an appropriate high-visibility crosswalk, which will include a speed table, across John Walker Ave at the access point to both buildings.

Staff Recommendation:

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

Suggested Motion to Approve:

- Move to approve the conditional zoning request for the property located at 319 and 311 Biltmore Avenue from Residential Business (RB) 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) provides infill development in targeted growth areas; 2) increases the supply of affordable housing in proximity to schools, transit and parks; and, 3) promotes the development and availability of affordable and workforce 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) Architectural Renderings

(7) Exhibit E - Project Conditions
(8) Ordinance
(9) PZC Recommendation
(10) PZC Draft Action Minutes (06/07/23)
(11) TRC Report & Comments