THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: April 25, 2023

Subject: Conditional Zoning Request for 3124/3130 Sweeten Creek Rd

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

Action Requested: Adoption of an ordinance to amend a previously approved conditional zoning of the property located at 3124/3130 Sweeten Creek Rd for the purpose of making amendments to the site plan.

Project Location and Contacts:

- The project site totals 7.68 acres located along Sweeten Creek Rd (PINs 9655-33-2749 and 9655-33-0929).
- Owner: Fairhaven Summit LLC

Summary of Petition:

Project Site

- The project site consists of two properties totalling 7.68 acres located at 3124/3130 Sweeten Creek Rd and are identified in the Buncombe County land records as PINs 9628-33-2749 and 0929.
- The project site is currently a wooded, vacant lot.
- The site is currently zoned Residential Expansion - Conditional Zone (RES EXP - CZ) per Ord. No. 4953.
- The project is seeking an amendment to the conditional zoning due to changes in retaining wall heights, building stories, and other minor site changes.
    - The retaining wall has a proposed maximum height of 40', instead of the previously-approved 20' maximum height.
    - Two of the three buildings are proposed at three stories, instead of the previously-approved 2/4-story design.
- The Living Asheville Comprehensive Plan designates the Future Land Use of the project site as "Residential Neighborhood".
- A change in the FLU designation will not be required.

Overall Project Proposal

- New construction includes 77 dwelling units located across three multi-family buildings and a clubhouse building, as well as off-street parking, a playground, and walking trails.
- New building construction is clustered within the front half of the site, leaving the rear half of the site undistributed.
- All units (100%) will be affordable to those earning an average of 60% Area Median Income (AMI).
- The project proposes large retaining walls along the front of the site facing Sweeten Creek Rd, and to the north of the site facing the adjacent property.
    - The western retaining wall facing Sweeten Creek Rd is proposed to be 300' in length, ranging in height from 0' to 38'.
    - The northern retaining wall facing the adjacent property is proposed to be 401' in length, ranging in height from 9' to 38'.

Site Layout and Design

- The project site is located in an area of steep slopes and therefore subject to the requirements of UDO Sec. 7-12-4. Of the 7.68 total acres:
    - 2.69 acres are located in a Zone A steep slope area (between 2,220' and 2,349' in elevation), with an average natural slope of 21.14%.
    - 4.98 acres are located in a Zone B steep slope area (above 2,350' in elevation), with an average natural slope of 20.77%.
- The maximum residential density in steep slope areas for Zone A and Zone B, with an average

natural slope between 20% and 24%, is 11.1 units/acre and 5.6 units/acre, respectively.

- Due to a project preserving more than 60% of the Zone B area, there is a 60% density bonus over the base Zone B residential unit allowance.
    - For the project site, this results in a maximum of 73 total units allowed:
        - 25 units in Zone A.
        - 48 units in Zone B.
    - The project is seeking a technical modification for 77 total units:
        - 39 units in Zone A.
        - 38 units in Zone B.
- Maximum building height for multifamily buildings in the RES EXP district is typically 60'. Per UDO Sec. 7-12-4(g), the maximum height of principal structures in steep slope areas is two stories (max 30') on the uphill side of the structure and three stories (max 40') on the downhill side of the structure.
- Building heights in steep slope areas are measured from the existing grade to the midpoint of the peak and eave for structures with pitched roofs.
- Building 1 (100 Waymond Blvd) is proposed at 3-to-4 stories and 44'-3" tall. Buildings 2 (200 Waymond Blvd) and 3 (300 Waymond Blvd) are proposed at 3 stories and 34'-1" tall.
- The clubhouse building (1 Waymond Blvd) is proposed at 1 story.
- Front yard, rear yard, and side yard setbacks of 15' are required in the RES EXP district, with which the proposed 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 27.8%.

<u>Landscaping and Open Space</u>

- Landscape requirements apply, including street tree, street buffer, property line buffer, building impact, retaining wall and parking lot landscaping.
- The RES EXP district requires a "Type A" landscape buffer where the subject property is adjacent to any other residentially zoned property.
- The project is classified as "suburban" under the Tree Canopy Preservation standards and has a classification of "Class C".
- The existing canopy coverage (2018) is 100%.
- 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.
- Due to the proposed heights of retaining walls, significant foreground landscaping requirements exist, as well as requirements that walls over eight feet in height be faced with natural or artificial stone, brick, form-liner art or patterns, or vegetation.

<u>Access, Sidewalks and Parking</u>

- Access to the site will be provided by a new driveway located at the southern end of the project site.
- A total of 135 parking spaces are proposed, with 12 being handicap spaces and 18 being compact spaces.
- Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 117/194 for the RES EXP district.
    - 7 bicycle parking spaces are required and provided.
- The RES EXP district requires new 10'-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site.
    - The applicant is requesting a technical modification to install 6'-wide sidewalks throughout the project and along Sweeten Creek Rd.
    - Sweeten Creek Rd is maintained by NCDOT and there are plans to widen the roadway, which would demolish this portion of new sidewalk.
    - The project may be eligible to pay a fee-in-lieu of constructing this sidewalk segment if it

meets certain criteria.

Technical Modifications

- The project is seeking modifications through the conditional zoning process including:
    - Maximum number and density of residential units in steep slope areas;
    - Maximum building height and stories for structures in steep slope areas;
    - Sidewalks less than 10' in width;
    - Reduction of Type A landscape buffer;
    - 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 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).
    - **Promote Great Architecture and Urban Design to Enhance Placemaking** - by utilizing creative design solutions which minimize impacts to the natural environment such as natural open space and steep topography (p. 140).
- The proposed development is compatible with the Future Land Use designation of "Residential Neighborhood" which is proposed, in part, that "residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of small scale infill housing" (p. 346).

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:
    - Multi-family residential developments to the north (Pine Ridge Apartments) and the south (Kensington Place Apartments).
    - Suburban commercial uses to the west of the site along Sweeten Creek Rd and Hendersonville Rd.

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) - March 20, 2023 - approved with conditions.
- Planning & Zoning Commission (PZC) - April 5, 2023 - approved (Vote 3:2) with the following conditions: 1) That the applicant will conduct a traffic study and implement any required improvements identified in the study; and, 2) That the applicant work with City Transportation staff and the NCDOT to study the feasibility of installing crosswalks at the intersection of Sweeten Creek and Mills Gap Roads.
    - The main concern expressed by the dissenting Commissioners is the proposed height of the retaining wall, especially the portion that faces Sweeten Creek Rd.
- Housing and Community Development Council Committee (HCD) - April 18, 2023 - recommended approval of a $500,000 Housing Trust Fund Loan to City Council (Vote 3-0).
- Housing and Community Development Council Committee (HCD) - April 18, 2023 - recommended approval of a $1,018,132 Land Use Incentive Grant to City Council (Vote 3-0).

Staff Recommendation:

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

Suggested Motion to Approve:

- Motion to approve the conditional zoning amendment request for the property located at 3124/3130 Sweeten Creek Rd, zoned Residential Expansion - Conditional Zone (RES EXP-CZ), for the modification of the site plan, 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; 2) increases the supply of affordable housing in proximity to transit, schools and parks; and, 3) utilizes creative design solutions which minimize impacts to the natural environment such as natural open space and steep topography.

Attachment(s)

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