THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: February 14, 2023

Subject: Conditional Zoning Request for 157/99999 New Leicester Hwy

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

Action Requested: Adoption of an ordinance to conditionally zone all portions of the properties located at 157 and 99999 New Leicester Hwy from Residential Multi-Family High Density (RM-16) & Highway Business (HB) to Residential Expansion - Conditional Zone (RES EXP - CZ).

Project Location and Contacts:

- The project site totals 4.92 acres located at 157 and 99999 New Leicester Hwy (PINs 9629-70-3496 & 9629-70-0376)
- Owner: Kodagem LLC

Summary of Petition:

Project Site

- The project site consists of two properties totalling 4.92 acres located at 157 and 99999 New Leicester Hwy.
- The site is currently zoned Residential Multi-Family High Density (RM-16) & Highway Business (HB).
- 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 wooded, vacant lot.
- The site is designated "Residential Neighborhood" and "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 141-unit senior-living, four to five story multi-family building.
- Other site improvements include expanded off-street parking, new sidewalks, and amenities such as a pool and gazebo.
- 28 units (20%) will be affordable at 80% Area Median Income (AMI) for a minimum of 20 years.
- 14 of these affordable units (50%) will accept housing choice vouchers.

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.
- Maximum density in the RES EXP district is 50 units/acre for this project, since at least 20% of the dwelling units are affordable at 80% AMI.
- The proposed project's density is 28.7 units/acre.
- Front yard, rear yard and side yard setbacks of 15 feet are proposed as is required in the RES EXP district.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%.
- The proposed project would result in a total impervious area of 51%.

Landscaping and Open Space

- Landscape requirements apply, including street tree, parking lot, building impact, and property line buffers.
- The RES EXP district requires a 20 foot-wide "Type A" landscape buffer where the subject property is adjacent to any other residentially zoned property, which is required along the western property boundary where the site is adjacent to the RM-16 zoning district.
    - The project is seeking a technical modification for this required buffer.
- The project is classified as a combination of "urban" and "suburban" under the Tree Canopy Preservation standards and has classifications of "Class B" and "Class C".

- Based on the proportion of these classifications and the existing tree canopy, a total of 26,240 square feet of tree canopy preservation is required, which the project is meeting through preservation on-site.
- 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 42,863 square feet of required open space, which the project is providing.

Access, Sidewalks and Parking

- Access to the site will be provided by an existing driveway located on Leicester Hwy.
- The project will include a total of approximately 150 parking spaces, which may vary based on the required buffers of streams and wetlands on-site.
- The minimum number of parking spaces provided will be 141 spaces. Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 141/282 for the RES EXP district.
- Bicycle parking is required at a rate of five percent of the total number of vehicle parking spaces.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site.
    - A future sidewalk located along New Leicester Hwy is already planned by the City of Asheville, so no new sidewalk is required by the project along this portion of roadway. However, the project will be required to pay a fee-in-lieu.
    - The project is proposing new five-foot wide sidewalks internal to the site and along the western side of the project's driveway.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - No landscape buffer along the western property boundary where a “Type A” 20-foot wide landscape buffer is required.
    - 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 senior housing (p. 183)
- The proposed development is compatible with the Future Land Use designations of “Residential Neighborhood” and "Urban Corridor", which are proposed, respectively and 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) and, that “redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure” (p. 344).

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:

- The Meadows Apartments, located directly west of the project site along Ascension Dr.
- Suburban commercial uses located generally to the west and east of the project site along New Leicester Hwy.
- Single-family houses located further to the west and south of the project site.

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) - November 21, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - December 7, 2022 - approved (Vote 6:0) with the following conditions: 1) That the minimum number of parking spaces be removed from the Project Conditions; and, 2) That the Project Conditions be updated to state that fee-in-lieu will be required for sidewalk along New Leicester Hwy.

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 request for the property located at 157 and 99999 New Leicester Hwy from Residential Multi-Family High Density (RM-16) and Highway Business (HB) 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) Exhibit E - Project Conditions
(7) Ordinance
(8) PZC Recommendation
(9) PZC Draft Action Minutes (12/7/22)
(10) TRC Report & Comments