THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: August 22, 2023

Subject: Conditional Zoning Request for 339, 343, and 357 W. Haywood St

Staff Resource(s): Ben Woody, Assistant City Manager; Chris Collins, Land Development Division Manager; Will Palmquist, AICP, Principal Planner

Action Requested: Adoption of an ordinance to amend a previously approved conditional zoning of the property located at 339, 343, and 357 W. Haywood St for the purpose of making changes to the site plan, number of dwelling units, and the extent of the conditional zoning.

Project Location and Contacts:

- The project site totals 1.23 acres located at 339, 343, and 357 W. Haywood St. (PINs 9648-09-4109, 9648-09-3101, & 9648-09-1095)
- Owners: West Haywood Street Apartments LLC and BHH Asheville LLC

Summary of Petition:

Project Site

- The project area consists of three properties totalling 1.23 acres known as 339, 343, and 357 W. Haywood St, and is currently vacant.
- The project site is located within the West End Clingman Avenue Neighborhood (WECAN)
- The properties are currently zoned Community Business II - Conditional Zone (CBII-CZ) and Community Business I (CBI).
- The project received a conditional zoning (Ord. No. 4935, adopted February 22, 2022) for two of these properties in order to modify structure size, height and density requirements.
- The zoning of abutting and nearby properties include Community Business I (CBI) to the northeast along W. Haywood St, Neighborhood Business (NB) to the east, Residential Multi-Family Medium Density (RM-8) to the south and Institutional (INST) to the southwest.
- The site is designated “Downtown" on the city’s Future Land Use (FLU) Map. A change in the FLU designation will not be required.

Overall Project Proposal

- New construction includes 41 dwelling units located in one building, as well as off-street parking, new sidewalks, and a playground.
- The project is seeking an amendment to the previously approved conditional zoning (Ord. No. 4935) with the inclusion of the additional property at 339 W. Haywood St.
- Changes to the project include a reduction in the number of units from 46 to 41 units and a reduction in the overall height of the proposed building from 4-to-5 stories to 3-to-4 stories.
- The City of Asheville is providing financial support for this project:
    - A grant of $1.3M for the purchase of 0.857 acres of land at 343 & 357 W. Haywood Street (Affordable Housing Bond funds)
    - A loan of $904,000 from the City’s Housing Trust Fund (HTF)
- The project proposes affordable housing:
    - 100% of the units (41 units) will be affordable to those earning at or below 80% Area Median Income (AMI).
    - 50% of the units (21 units) will be reserved for Housing Choice Vouchers.

Site Layout and Design

- The maximum residential density in the CBII district is 25 units/acre or 50 units/acre if 20% of the dwelling units are designated affordable. The proposed project density is 33.3 units/acre.
- The maximum height in the CBII district is 40' as measured from the ceiling of the highest occupied floor to the primary level of fire department access. The proposed building height is approximately 32’. Overall building height to the total of the roof parapet is approximately 45'.
- The maximum structure size in the CBII district is 45,000 s.f. The project proposes a new structure at 49,418 s.f.

    - The project received a technical modification for maximum structure size through Ord. No. 4935 to 51,000 s.f., which applied to two of three subject properties.
- The CBII district requires a front yard setback of 15', but may be reduced to 0' in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the façade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design. The project proposes a front yard setback of 10' and incorporates pedestrian-oriented design features such as a wider sidewalk and benches.
- No side or rear yard setbacks are required in the CBII district.
- Maximum impervious surface in the CBII district is 80%. The proposed project would result in a total impervious surface area of approximately 75%.
- Retaining walls are proposed around the site, varying in height between 4' and 11'.

Landscaping and Open Space

- Landscape requirements apply, including street tree, street buffer, building impact, retaining wall, and parking lot landscaping.
- Street trees are required as one large maturing tree per 40 linear feet as no overhead utility lines are present. The project proposes 11 street trees along 422 linear feet of frontage on W. Haywood St, located in tree grates in the sidewalk and in planted areas.
- Building impact landscaping is proposed as required, resulting in a total of 15 trees and 180 shrubs proposed, which is more than the required 14 trees and 27 shrubs.
- Parking lot landscaping is proposed as required, resulting in a total of 12 trees and 48 shrubs proposed, which is more than the required 12 trees and 45 shrubs.
- Street buffer landscaping is proposed as required, resulting in a total of 29 shrubs, which is more than the required 24 shrubs.
- The project is classified as "Downtown" under the Tree Canopy Preservation standards and has a classification of "Class A". The existing canopy coverage (2018) is 16.05%. The project proposes new tree plantings at 5,600 s.f. (10.4%) to achieve compliance.
- Open Space is required at a rate of 50% of the site, or a rate of 15% of the site if the project meets the incentive requirements for either enhanced stormwater or affordable housing. The project proposes 19% open space.

Access, Sidewalks and Parking

- Access to the site and the two separate parking lots will be provided by two driveways off of W. Haywood St.
- A total of 33 parking spaces are proposed, where 33 parking spaces are required after applying the 20% reduction in required parking in the CBII zoning district.
- A total of 2 bike parking spaces are required, with 12 bicycle parking spaces proposed.
- New sidewalks along W. Haywood St are proposed as required: 5'-wide sidewalk with 5'-wide planting strip.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - A total building square footage of approximately 50,000 s.f. where the maximum is 45,000 s.f. under the CBII zoning.
    - No loading berths provided where two would be required.

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 (p. 183).

- The proposed development is compatible with the Future Land Use designation of "Downtown", which is proposed, in part, that "Downtown is also an important residential area and it benefits from having year-round full time residents. Opportunities for growing this sector of the downtown population through new development is important for the future including market rate and affordable residential housing" (p. 339).

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including the small commercial services/offices located to the east and west of the property, the multi-family residential and institutional uses to the south, and the single-family residential uses in the remainder of the WECAN neighborhood.

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) - July 17, 2023 - approved with conditions.
- Planning & Zoning Commission (PZC) - August 2, 2023 - approved (Vote 4-0) with the following condition: That the Exhibit E - Project Condition #12 regarding the maximum post-impervious area be deleted.

Staff Recommendation:

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

Suggested Motion to Approve:

- I move to approve the conditional zoning request for the property located at 339, 343, and 357 W. Haywood St from Community Business I (CBI) & Community Business II - Conditional Zone (CBII-CZ) to Community Business II - Conditional Zone (CBII) for the modifications to the site plan, number of dwelling units, and extent of the conditional zoning, 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 (8/2/23)
(10) TRC Staff Report & Comments