THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: December 13, 2022

Subject: Conditional Zoning Request for 175 Lyman St

Staff Resource(s): Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director;
Will Palmquist, AICP, Principal Planner

Action Requested: Amend the conditional zoning of the property located at 175 Lyman St from Mixed-Use Expansion - Conditional Zone (MXD EXP - CZ) to Commercial Expansion - Conditional Zone (COM EXP - CZ).

Project Location and Contacts:

- The project site totals 2.8 acres located at 175 Lyman St (PIN 9638-96-8455).
- Owner: 2 Riverside LLC

Summary of Petition:

Project Site

- The project site consists of a 2.8-acre parcel located at 175 Lyman St.
- The site is currently zoned Mixed Use Expansion - Conditional Zone through a prior conditional zoning approved in 2017 (Ord. No. 4625), which approved four six-story buildings with a total of 133 residential units and 247 parking spaces.
- The applicant is requesting an amendment to the conditional zoning to the Commercial Expansion - Conditional Zone (COM EXP - CZ) district.
- Per UDO Sec. 7-8-41(d), the underlying form code for the RAD - River district shall apply regarding siting and building design.
- Both segments of Lyman Street, to the west and north of the project site, are considered primary streets per the River Arts Form District.
- The site is designated “Traditional Corridor” on the city’s Future Land Use (FLU) Map.
    - A change in the FLU designation will not be required.
- The project site is currently vacant as the remaining historic building on site, the Carolina Coal and Ice Building, was recently demolished.
- The project site is located within a Zone AE Floodplain with a 1% annual chance of a flood event.
- The project site is located in an Opportunity Zone which aims to attract investment capital into low-income areas and offer qualified investors certain tax benefits when they invest unrealized capital gains into these areas (see attachment for Council resolution on Opportunity Zones).

Overall Project Proposal

- The project consists of a new six-story mixed-use building with a total of 263 residential units and approximately 4,500 square feet of retail and artist studio space.
- 13 units (five percent) will be affordable at 80% Area Median Income (AMI) for a minimum of 10 years.
- The first two stories of the proposed building will consist of structured parking with ground-floor retail and lobby spaces on the north elevation, with four stories of multifamily residential above.
- Due to the project being located in a floodplain, all occupied interior spaces at the first floor will be constructed to floodproofing standards, including using cast-in-place concrete perimeter walls and installation of channels for gasketed floodgates to be installed at all window and door openings. These floodgate panels will be stored onsite in a storage room designed for this purpose.
- Other ancillary spaces such as loading and move-in areas and stairs will be constructed to a wet floodproofing standard, intended to allow water in but be minimally impacted once floodwaters recede.
- The parking garage will have sufficient openings to allow the flow of water through the first floor level and out the back side of the building.

Site Layout and Design

- The maximum height of buildings in the RAD-RIV district is four stories and 55 feet, or five stories

and 70 feet if 20% of the units are designated affordable.

- Building height in the RAD-RIV district is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum six-foot high parapet wall encroachment.
    - The height of the proposed building is six stories and approximately 75 feet.
    - The project is seeking a technical modification for building stories and height.
- The RAD-RIV district requires a 15 foot primary street setback on both sides of Lyman Street, which are both considered primary streets. There are no required rear yard or side yard setbacks.
    - The project is proposing a primary street setback of four feet along Lyman Street (north) and 15 feet along Lyman Street (west), and no side or rear yard setbacks.
    - The project is seeking a technical modification for the primary street setback along Lyman Street (north)
- Maximum impervious surface in the RAD-RIV district is 80%.
    - The proposed project would result in a total impervious area of 85%.
    - The project is seeking a technical modification for impervious surface.
- The RAD-RIV district requires 50% of the primary ground floor, 25% of the side ground floor, and 20% of the upper stories to be composed of windows, doors, or other openings. The building's design complies with this requirement.
- The RAD-RIV district allows for a maximum of 50 feet in pedestrian entrance spacing along the primary streets.
    - The proposed building design has pedestrian entrance spacing in excess of 50 feet on both of its primary street-facing elevations.
    - The project is seeking a technical modification for pedestrian entrance spacing.
- The RAD-RIV district has a maximum street-facing facade length of 200 feet.
    - The proposed building design has facade lengths in excess of 200 feet along both of its primary street-facing elevations. The project is seeking a technical modification for street-facing facade length.
- The RAD-RIV district has a maximum building lot coverage of 80%. The project design has a building lot coverage of 75% and complies with this requirement

<u>Landscaping and Open Space</u>

- Landscape requirements apply, including street trees and parking garage screening.
    - The project proposes a total of 16 street trees, which are proposed to be Fruitless Sweetgum, as well as a total of 27 trees and 54 shrubs for parking garage screening requirements.
- Building Impact landscape requirements do not apply in the River Arts Form District.
- There are no open space requirements in the River Arts Form District.
- The subject property is classified as "Urban" under the tree canopy preservation standards with a classification of "Class B" resulting in a 15% tree canopy requirement.
- The site has a total existing canopy of 1.8%.
- The tree canopy preservation requirement will be met through a combination of new tree plantings and fee-in-lieu.

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

- Vehicular access to the parking garage will be provided at the north and west sides of the parking garage.
- Loading access is proposed on the west side of the parking garage on Lyman Street (west).
- A total of 367 parking spaces are proposed within the parking garage. 282 parking spaces will be for the residential units, and 85 spaces will be for the retail uses and for the general public.
- Based on the number of bedrooms and dwelling units, as well as the square footage of retail use, the minimum/maximum number of required parking spaces is 206/549.
- Bicycle parking is required in the River Arts Form District and is equal to 133 total bicycle spaces based on the project's dwelling units and square footage of retail use.
- 106 spaces are required for short-term parking (accessible and visible) and 27 spaces are

required for long-term parking (enclosed and secured).
- The project is providing 134 total bicycle spaces, with 28 for short-term parking and 106 for long-term parking.
- The RAD-RIV district requires eight foot-wide sidewalks with six foot-wide planting strips along the primary streets of both sides of Lyman St.
    - The project proposes keeping the existing five foot-wide sidewalks, which were recently constructed as part of the RAD Transportation Improvement Project.
    - The project is seeking a technical modification for sidewalks.
- The project proposes a plaza feature at the northwest corner of the site at the corner of Lyman Street, as well as an enhanced pedestrian area on the north side of the building where the retail and artist studio spaces are planned, separated from the sidewalk by a knee wall. The plaza space has several design options, all of which incorporate elements such as a seating area, rain garden, and bioswale along the sidewalk.

Technical Modifications
- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - Building height of six stories and 75 feet total instead of the maximum height allowed of four stories and 55 feet (or five stories and 70 feet if 20% of the units are designated affordable).
    - Primary street setback along Lyman Street (north) of four feet instead of the required 15 foot primary street setback.
    - Impervious surface totalling 85% instead of the maximum 80% standard.
    - No new sidewalks as required to be eight feet-wide with six foot-wide planting strips. The existing sidewalks on both sides of Lyman Street were recently constructed as part of the River Arts District Transportation Improvement Project (RADTIP).
    - Pedestrian entrance spacing in excess of the maximum 50 feet on both primary street-facing facades along Lyman Streets.
    - Street-facing facades length in excess of the maximum 200 feet standard for both street-facing facades on Lyman Streets.

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).
    - **Elevate the Arts and Cultural Sectors to Strengthen and Preserve Heritage and History** - by supporting opportunities for the creative sector to affordably live, work, and share their work (p. 158).
    - **Encourage Naturalized Stormwater Management Techniques** - by implementing low-impact development and green infrastructure strategies (p. 225).
- The proposed development is compatible with the Future Land Use designation of the project site of “Traditional Corridor” which is described, in part, as “Traditional corridors can be enhanced with full multimodal access, a broad range of community service uses, parking located to the side or rear of buildings, higher residential densities that are supported by transit and wider sidewalks to enhance access to/from neighborhoods” (p. 343).

The Wilma Dykeman Riverway Master Plan (2004)
- The proposed development supports the character of the River Arts District described in the Wilma Dykeman Riverway Master Plan, specifically:
    - “The River Arts District offers an opportunity to create new open spaces as well as

mixed-use, mixed-income housing that preserves the industrial heritage of the mills that distinguish the riverfront and offers unique alternatives to other districts within the city" (p. 4).
- "This district will continue to grow as a concentration of new and reused buildings of mixed-use offering live/work arrangements for artisans and those interested in living along the River" (p.16)

Compatibility Analysis:
- The proposed project is compatible with the surrounding land uses, including:
  - The artist studio and retail spaces located along River Arts Pl to the west of the site.
  - The light industrial uses and old warehouse/manufacturing buildings located along Lyman St to the south of the site.
  - The French Broad River and Wilma Dykeman Greenway located to the west of the site.
  - The character and mix of uses currently located throughout and envisioned for the River Arts District.

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) - September 19, 2022 - approved with conditions.
- Asheville Area Riverfront Redevelopment Commission (AARRC) - October 13, 2022 - The Commission was overall supportive of the project and discussed a number of items with the applicant, including 1) The suggestion for more EV charging stations in the parking garage; 2) The engagement with the surrounding community and dialogue with Black Wall Street about potential tenants for the retail and artist spaces; 3) The innovative stormwater mitigation techniques proposed, and; 4) The potential for a new or enhanced bus stop in the area depending on future transit routes.
- Design Review Committee (DRC) - October 20, 2022 - approved unanimously (Vote: 8-0) with the following conditions: 1) That the project incorporate the material, color, fenestration, and general detailing as shown in the Concept Renderings on sheet A5.A30 of the DRC submittal regarding the three red vertical elements, the incorporation of brick detailing and arches, the more closely spaced storefront mullions, and other details as presented on that design; 2) That the project incorporate, as much as is feasible, green roofs and other stormwater control measures within the building design; and, 3) That the applicant return to the DRC to provide an informal courtesy review following these recommended changes and review by the Planning & Zoning.
  - These conditions of the project's approval by the DRC are addressed with the revised project submission for the Planning & Zoning Commission hearing.
- Planning & Zoning Commission (PZC) - November 2, 2022 - approved (Vote: 4-1) with the following condition: 1) That a minimum of one of the commercial spaces will be made available at below market rate in perpetuity. There was also a conversation around the number of affordable dwelling units and the length of time they would remain affordable, which led to the one dissenting vote.

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

Suggested Motion to Approve:
- Motion to approve the conditional zoning amendment request for the property located at 175 Lyman St from Mixed-Use Expansion - Conditional Zone (MXD EXP - CZ) to Commercial Expansion - Conditional Zone (COM 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 housing, including affordable housing in proximity to schools, transit and parks; 3) supports opportunities for the creative sector to affordably live, work, and share their work; and, 4) implements low-impact development and green infrastructure strategies.

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 (11/2/22)
(10) TRC Report & Comments
(11) DRC Report
(12) Resolution No 18-269: Opportunity Zones