THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: June 28, 2022

Subject: Conditional Zoning Request for 3124/3130 Sweeten Creek Rd (Fairhaven Summit Apartments)

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

Action Requested: Adoption of an ordinance to conditionally zone all portions of two properties located at 3124/3130 Sweeten Creek Rd from Residential Multi-Family High Density District (RM-16) to Residential Expansion - Conditional Zone (RES EXP-CZ).

Project Location and Contacts:

- The project site totals 7.68 acres located along Sweeten Creek Rd (PINs 9655-33-2749 and 9655-33-0929).
- Owners: Thomas Chapman JR Family Trust; Alfred Berlin & Melanie Berlin

Summary of Petition:

- The property is currently zoned Residential Multi-Family High Density District (RM-16) and is designated “Residential Neighborhood” on the city’s Future Land Use (FLU) Map. A change in the FLU designation will not be required.
- New building construction includes three, four-story multifamily buildings with 77 affordable dwelling units.
- Other site improvements include a clubhouse, off-street parking, a playground and walking trails.
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion (RES EXP) district is required.
- All the dwelling units will be affordable to households at various income ranges. All units will accept housing choice vouchers.
    - 20 units will be affordable to those earning at or below 30% Area Median Income (AMI).
    - 8 units will be affordable to those earning at or below 50% Area Median Income (AMI).
    - 23 units will be affordable to those earning at or below 60% Area Median Income (AMI).
    - 26 units will be affordable to those earning at or below 80% Area Median Income (AMI).
- The project is located in a steep slope area and therefore the development is clustered within the front half of the site, leaving the rear half of the site mostly undistributed.
    - 2.7 acres are located in a Zone A steep slope area (between 2,220’ and 2,349’ in elevation), with an average natural slope of 21.1%.
    - 5.0 acres are located in a Zone B steep slope area (above 2,350’ in elevation), with an average natural slope of 20.8%.
- Front yard, rear yard and side yard setbacks of 15 feet are required in the RES EXP district, with which the proposed project is compliant.
- Access to the site will be provided by a new driveway on Sweeten Creek Rd located at the southern end of the project site.
- A total of 135 parking spaces are proposed, with 10 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.
- Landscape requirements apply, including street tree, street buffer, property line buffer, building impact, retaining wall and parking lot landscaping.
- The project has a 15% tree canopy requirement, as it is classified as “suburban” and has a classification of “Class C”, with an existing canopy coverage (2018) of 100%. This requirement is met with the preservation of existing tree canopy.
- Open space shall be required at a rate of 15% of the total parcel, totaling 50,181 square feet, with at least one area being 7,700 square feet and having park or plaza-like features.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 28.9%.

Technical Modifications

- The project is seeking modifications through the conditional zoning process including:
    - 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 the 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, including:
            - 25 units in Zone A; and,
            - 48 units in Zone B
        - The project is seeking a technical modification to allow 77 total units (73 total units allowed by-right), including:
            - 39 units in Zone A (25 units allowed by-right); and,
            - 38 units in Zone B
    - The maximum height of principal structures in steep slope areas is two stories (max 30 feet) on the uphill side of the structure and three stories (max 40 feet) on the downhill side of the structure. The project is seeking the following technical modifications for the number of building stories in excess of the maximum allowed in steep slope areas and total building height:
        - Building 1 - Proposed at three stories on the uphill side and four stories on the downhill side.
        - Building 2 - Proposed at two stories on the uphill side and four stories on the downhill side.
        - Building 3 - Proposed at three stories on the uphill side and four stories on the downhill side.
        - Build heights in excess of the maximum allowed in steep slope areas (30 feet on the uphill side and 40 feet on the downhill side, as measured from the existing grade to the midpoint of the peak and eave for structures with pitched roofs), but not to exceed 50 feet.
    - The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site. The applicant is requesting a technical modification to install a six foot-wide sidewalk with a planting strip averaging 19 feet in width along Sweeten Creek Rd and six foot-wide sidewalks throughout the site.
        - Sweeten Creek Rd is maintained by NCDOT and there are plans to widen the roadway, which would likely demolish this portion of new sidewalk.
    - The RES EXP district requires a “Type A” landscape buffer where the subject property is adjacent to any other residentially zoned property. A reduction of 90 linear feet of this landscape buffer is proposed to allow for vehicular access to a neighboring single-family house.
    - No bike lanes are proposed into the development.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including encouraging responsible growth by prioritizing greater densities of development overall, throughout the city as appropriate (p. 131), by increasing the supply of housing, including affordable housing (pp. 179 & 183) in proximity to schools, transit and parks (pp. 246 & 251), and 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) - April 18, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - June 1, 2022 - approved (Vote 6:0) with the following conditions: 1) That the number of bedrooms per dwelling unit be listed in the Exhibit E - Project Conditions; 2) That the landscape requirements for steep slope areas be met to the maximum extent feasible; and 3) That the building heights, as defined for steep slope areas, be allowed to exceed the maximum height.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above and finds that the affordable housing being proposed offsets the technical modifications requested for additional unit density and building height.

Suggested Motion to Approve:

- Motion to approve the conditional zoning request for the property located at 3124/3130 Sweeten Creek Rd from Residential Multi-Family High Density District (RM-16) 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) 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 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 (6/1/22)
(10) TRC Report & Comments