THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: September 28, 2021

Subject: Conditional Zoning Request for 70 Mills Gap Rd.

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

Action Requested: Conditionally zone a single parcel totalling 34.5 acres from Industrial (IND) and Residential Single-family, Low Density (RS-2) to Residential Expansion - Conditional Zone (RES EXP-CZ).

Project Location and Contacts:

- The project site consists of a portion of a large 34.5 acre parcel located at 70 Mills Gap Rd. (PIN 9655-45-6682)
- Owner: Amcor Flexibles Inc.

Summary of Petition:

- This petition is to construct a 73 unit residential development with associated road and utility infrastructure.
- The development will include 51 single family lots and 22 attached townhouse units.
- The project area is approximately 11.5 acres based on the proposed limits of disturbance; the remaining 23 acres will remain wooded and undisturbed.
- The applicant is seeking a rezoning via conditional zoning due to the number of housing units (over 50) that are proposed.
- The site will obtain access via new road construction off of Mills Gap Rd. with emergency secondary access via a proposed right-of-way through the adjacent Amcor Flexibles parking lot located at 3055 Sweeten Creek Rd.
- The proposed subdivision includes one dead-end road.
- Stormwater infrastructure, roads and the water system will be privately owned and maintained; homeowners will be responsible for insurance and maintenance.
- Homeowners will also be responsible for the management of all open space.
- New roads are proposed to be 22 feet wide with 24 inch standard curb and gutter.
- A combination of six foot back-of-curb sidewalk in some sections, and a standard five foot sidewalk with a four foot green strip in other sections is also shown, all contained within a proposed 50 foot right-of-way.
- The property is currently split-zoned Industrial (IND) and Residential Single-family, low density (RS-2) with the 12.1 acres of IND zoning lower on the property where topography is less severe and the remaining 22.1 acres of RS-2 zoning on the higher, steeper slopes.
- The majority of the project lies within the existing IND zoned portion of the property.
- IND zoning does not permit residential development.
- The entire 34.5 acre parcel is located within the designated steep slope zones with the large majority of the property located in Zone B.
- The average natural slope of the property is 33.5%.
- Grading and other land disturbing activities are limited to a total disturbance of no more than 10.6 acres (31%) based on steep slope requirements.
- The proposed project disturbs approximately 11.5 acres (33.4% of the property).
- The property includes two jurisdictional streams and two jurisdictional wetlands areas, all of which will be impacted by the proposed development and will require permitting from the Army Corps of Engineers and NC Department of Environmental Quality.
- Portions of the streams will be piped and/or bridged, while other sections will remain daylighted with the 30’ stream buffers intact.
- There is unconsolidated fill in the center of the project area containing boulders, organics and other trash/debris. This fill material will be remediated as part of this project.
- Single family home lots are proposed to be 48 feet wide x 76 feet deep for a total lot area of 3,648 square feet per home site.

- All of the single family lots will have individual driveways leading to a garage.
- Townhouse lots will have smaller lot areas and will share driveways.
- Different home models and floor plans are proposed; all homes will be two-stories with a garage and range in size from 1,360 to 2,368 square feet.
- Five retaining walls are shown and range in maximum heights from nine feet to 25 feet tall.
- Cut slopes are also shown along the back of the northern lots with a maximum cut slope extending approximately 60 feet with a height of 25-30 feet.
- Individual home sites include the use of stem walls to accommodate grade transitions.
- A small community open space area is dedicated in the center of the community.
- Open space, tree canopy preservation and street trees are required.
- The proposed plan exceeds the requirements for open space and tree canopy preservation.
- The project does not comply with the zoning standards in the following ways:
    - Grading in excess of the maximum allowed in a steep slope zone
    - Back-of-curb sidewalk instead of a standard sidewalk in some locations

Comprehensive Plan Consistency:

- While projects located in steep slope areas come with inherent impacts, this development proposal, overall, has been found to be consistent with the *Living Asheville Comprehensive Plan* themes of a "Livable Built Environment", "Resilient Economy", "Harmony with the Natural Environment" and "A Healthy Community" by supporting the following goals & strategies:
    - **Encourage Responsible Growth** by preserving and protecting sensitive land, including steep slopes. The project exceeds the grading normally allowed in the steep slope zones by approximately 3% but concentrates the disturbance on the lowest, less steep portions of the property and preserves the upper slopes as one large contiguous area.
    - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** & **Increase and Diversify the Housing Supply** by encouraging infill development with a mix of housing types that are affordable to a wide range of income levels (p. 153) and that accommodate a range of age groups (p. 180). This project provides a variety of house plans that range in size and features.
    - **Promote the Development and Availability of Affordable and Workforce Housing** by promoting affordable housing policies (p. 183). The project includes five homes (about seven percent of the total units) proposed to be sold to individuals earning at or below 80% area median income (AMI). The remainder of the homes will be sold at market prices but will be priced in a workforce housing range.

        *****This project requires private stormwater infrastructure, a pump station and private water system, as well as maintenance of private roads, sidewalks, retaining walls and open space within the community. It is unclear how much additional cost should be anticipated with these maintenance responsibilities. This may add to the cost of housing for future residents.

- The Future Land Use Map identifies the subject property as "Residential Neighborhood" which is characterized by low density, single family development that is sensitive to the natural environment with the following guideline, *"In areas that could impact the natural environment, such as waterways or steep slope areas, cluster development (also known as a conservation development) should also be encouraged"* (p. 346). While not fully meeting the characteristics of a "conservation development" this project provides elements commonly found in those communities including:
    - Protecting natural environmental features (i.e. steep slopes) and permanently preserve those natural open spaces (through the adoption of the project conditions)

- Cluster homes in compact walkable areas (homes are connected to each other and to the larger community via sidewalks & road)

Compatibility Analysis:

- The proposed zoning (RES EXP) and land use (single-family residential) is compatible and consistent with other low to moderate density developments to the north, east and south of the subject property.
- The proposed community will also be buffered from the low density/low intensity non-residential uses to the west through open areas and preservation of existing vegetation.

Council Goal(s):

- This project is best aligned with the council goal of **A Well-Planned and Livable Community.**

Committee(s):

- Technical Review Committee (TRC) - April 5, 2021 - approved with conditions.
- Planning & Zoning Commission (PZC) - June 2, 2021 - unanimously denied, 7:0.

*****The applicant has revised plans after the June 2, 2021, PZC hearing (see Staff Recommendation below).

Staff Recommendation:

- Staff had concurred with the Planning & Zoning Commission and recommended denial of this rezoning request as formerly designed; however, the applicant has since reduced the scale of the project thereby reducing the environmental impacts, which addresses a number of the key concerns.
- As a result, staff is now recommending approval.

Suggested Motion to Approve:

- Motion to approve the conditional zoning request for the property located at 70 Mills Gap Rd. Industrial (IND) and Residential Single-family, Low Density (RS-2) 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) preserves sensitive steep slopes and large, natural open space areas; 2) locates a variety of housing types in a rapidly urbanizing area that is moderately well connected, and, 3) provides housing that is affordable to a range of income levels, including five homes affordable to those earning at or below 80% AMI.

Attachment(s)

(1) Exhibit A - Existing Zoning
(2) Exhibit A1 Map - Proposed Zoning
(3) Exhibit B - Aerial Map
(4) Exhibit C - Existing Future Land Use Map
(5) Exhibit D - Existing Conditions
(6) Exhibit E - Site & Building Plans
(7) Exhibit F- Proposed Project Conditions
(8) Ordinance
(9) TRC Report & Comments
(10) PZC Recommendation
(11) PZC Minutes