THE CITY OF ASHEVILLE

**STAFF REPORT**

**Council Meeting Date:** August 24, 2021

**Subject:** Conditional Zoning Request for 144 and 159 Riverside Dr.

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

**Action Requested:** Conditionally zone the property located at 144 and 159 Riverside Dr. from River Arts District - Open Space (RAD-OSP) and River Arts District - River (RAD-RIV) to River Arts District - Open Space, Conditional Zone (RAD-OSP CZ) and Commercial Expansion - Conditional Zone (COM EXP - CZ).

**Project Location and Contacts:**

- The project site includes a single 1.29 acre parcel located at 144 Riverside Dr. (PIN 9638-88-8040, and a single 2.95 acre parcel located at 159 Riverside Dr. (PIN 9638-88-9364).
- Owner: Riverlink Inc.

**Summary of Petition**:

- The proposed development project is located along Riverside Dr., just south of Interstate-240.
- The majority of the project, including all of the new building construction, will occur on 159 Riverside Dr. located on the east side of Riverside Dr., and includes a six-story, mixed-use building with 134 dwelling units, 14,000 square feet of commercial space, 182 off-street parking spaces and other related site improvements.
- The total building square footage, excluding the parking podium, is approximately 144,600 square feet.
- The 159 Riverside Dr. parcel is proposed to be conditionally rezoned to COM EXP - CZ.
- 144 Riverside Dr., which is located across the street on the west side of Riverside Dr., is included to meet Tree Canopy Preservation requirements and will be conditionally rezoned separately to RAD-OSP CZ.
- Future uses and/or development on the 144 Riverside Dr. parcel will be limited to those allowed in RAD-OSP and subject to the UDO's technical and process standards, and the design and operational standards found in the River Arts District Form District code.
- The applicant is seeking a conditional rezoning due to the number of residential units (over 50) and the overall size of the building (over 100,000 s.f.).
- 159 Riverside Dr. is under a brownfield agreement and development of the site must comply with the conditions of this agreement.
- Buildings in this area of the River Arts District (RAD) are limited to five stories or seven stories when 20% of the residential units meet affordable housing standards.
- The project includes six stories for a portion of the building and is offering 5% of the total number of units (7 units) to be affordable to those earning 80% of Area Median Income (AMI) for a period of 20 years.
- The project also provides a number of other public benefits (see Plan Consistency below).
- While the proposed building exceeds the number of stories proposed the height is less than the 70 foot height limit.
- 159 Riverside Dr. is located within the 100 year floodplain for the French Broad River.
- 144 Riverside is located in the floodway and 100 year floodplain, limiting future use of this property.
- The applicant proposes to elevate the first floor of the building to be above the base flood elevation with structured parking below in order to comply with flood regulations.
- The existing historic mill building on the northern end of the project site is proposed to be preserved and will connect to the new construction.
- An eight foot wide sidewalk is proposed in front of the building on 159 Riverside Dr.
- A six foot wide planting strip separates the sidewalk from the Riverside Dr.
- Vehicular access to the off-street parking is proposed to be located at both ends of the site (north and south) off of Riverside Dr.

- A separate entrance to the structured parking is located at the back of the building and accessed directly from the parking lot.
- The subject property is located within the River Arts District Form Code area and while a conditional zoning is required, the design requirements of the form district will still apply.
- The applicant is seeking modifications to certain development requirements including:
    1. **Exceeds the maximum number of stories** - the River Arts Form District controls the visual impact of new construction by establishing standards that regulate a vertical height measurement and the number of stories. The proposed project meets the maximum 70 foot height requirement but exceeds the maximum story height of five stories by one story, resulting in a six-story building for approximately half of the building.
    2. **Exceeds the maximum driveway width** - the driveway entrance on the south side exceeds the maximum driveway width of 24 feet by two additional feet due to fire department access requirements.
    3. **Exceeds the maximum building length** - building facades greater than 200 feet long must be broken up with openings a minimum of 15 feet wide and 11 feet high. The primary building facade is over 400 feet long, requiring two interruptions/openings. The applicant proposes to provide two glass enclosed openings, allowing light but preventing air movement and the movement of people from the front to the back of the site.
- Staff and the Design Review Committee supported the modifications #s 1 and 2 but expressed concern about #3; however, the majority of the Planning & Zoning Commissions supported all three modifications requested.
- Landscape requirements apply and include street trees, parking lot screening and parking lot landscaping.
- Open space is not required, however, Tree Canopy Preservation ("TCP") is, and the proposed plans indicate full compliance utilizing the parcel across the street at 144 Riverside Dr.

**Plan Consistency:**

Living Asheville Comprehensive Plan

The proposed development supports the following goals in the Living Asheville Comprehensive Plan:

- Encouraging responsible growth by providing infill development in targeted growth areas and near transit corridors (p. 131).
- Increases the supply of housing, including affordable housing (pp. 179 & 183).
- Developing underutilized sites, including brownfield sites (p. 179).
- Enhances bike and pedestrian infrastructure and improves overall walkability and access to open space (pp. 147 and 252).
- Provides a green roof and stormwater recapture system which supports goals for green stormwater infrastructure and improving the community's resiliency (pp. 209 and 224).
- Preserves the historic mill building and incorporates it into the new construction, meeting goals for neighborhood identity and creative placemaking (pp. 152-153).

Wilma Dykeman Riverway Masterplan

- The subject property is located in the River Arts District which is identified in the Wilma Dykeman Riverway Masterplan as an area where mixed-use, mixed income housing that preserves the industrial heritage of the mills is desired in order to contribute to the unique neighborhood identity and promote creative placemaking.
- The plan also calls for enhanced (multimodal) access to businesses, residents and recreation opportunities as well as preserved open space and green infrastructure that will help control and clean storm and flood waters.
- The project largely aligns with the aforementioned plan goals.

**Compatibility Analysis:**

- New building construction is located between Riverside Dr. and Norfolk Southern railroad tracks, both of which are located within wide rights-of-way (100+ feet) that effectively separate and buffer the project from adjacent uses.
- The nearest residence is over 300 feet from the back of the proposed building.

- The proposed building is oriented towards Riverside Dr. as required by the River Arts Form Code and River District Design Guidelines, and includes an enhanced pedestrian zone and streetscape that connects the project to the public use areas.
- The proposed use and design is consistent with the existing Future Land Use designation of Traditional Corridor which calls for mixed-use development with buildings located close to the street and enhanced multimodal access.

**Council Goal(s):**

- This project is most closely aligned with the council goals of *A Well-Planned and Livable Community* and *Quality Affordable Housing*.

**Committee(s)**:

- Technical Review Committee (TRC) - April 19, 2021 - approved with conditions.
- Asheville Area Riverfront Redevelopment Commission (AARRC) - May 13, 2021. The Commission heard a summary of the project and expressed appreciation for the materials, design and enhanced streetscape but expressed concerns over the safe movement of pedestrians from the greenway and open space areas across the street and also offered recommendations to substitute native riparian plant species for some of the plant material proposed.
- Design Review Committee (DRC) - June 3, 2021. The Committee reviewed the proposed project and recommended approval of the design with the following conditions:
    1. The building design is adjusted to include the building pass-through in accordance with the form code at 159 Riverside Dr.;
    2. The project provides vegetated screening along the parking lot proposed at 144 Riverside Drive in accordance with the guidelines;
    3. The width of the sidewalk is adjusted to widen the planting strip at the northern end of 159 Riverside Dr., and,
    4. No signage is applied to the historic smokestack.
- **Note:** the applicant subsequently modified their plans addressing conditions #2-4.
- Planning and Zoning Commission (PZC) - July 7, 2021. The Commission reviewed the proposed project, along with the recommendation from the DRC, and recommended approval of the design without conditions, 5:1.

**Staff Recommendation:**

- Staff concurs with the PZC recommended approval based on the reasons stated above.

**Suggested Motion to Approve:**

- Motion to approve the conditional zoning request for the property located at 144 and 159 Riverside Dr. from River Arts District - Open Space (RAD-OSP) and River Arts District - River (RAD-RIV) to River Arts District - Open Space Conditional Zone (RAS-OSP CZ) and 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) supports infill development in a strategically located area; 2) sets aside units to be affordable to those earning 80% AMI; 3) expands opportunities for bike and pedestrian access to businesses, parks and open spaces; 4) provides green stormwater infrastructure improving community resilience; 5) develops an underutilized property (brownfield site); and, 6) preserves historic structures.

**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 - Site Plans & Building Elevations
(6) Exhibit E - Project Conditions
(7) Building Renderings

(8) Ordinance
(9) TRC Staff Report & Comments
(10) DRC Staff Report
(11) PZC Minutes
(12) PZC Recommendation