ORDINANCE NO. 4794

ORDINANCE AMENDING CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR PROPERTY(S) LOCATED AT ROBERTS STREET, CLINGMAN AVENUE EXTENSION AND PARK AVENUE (NORTH)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property owner has requested a change to the project conditions (Exhibit B-1) as approved under Ordinance No. 4602 regarding the affordability of residential units; and

WHEREAS, this proposed amendment is consistent with the *Living Asheville - A Comprehensive Plan for our Future* and is determined to be reasonable, and in the public interest for the following reasons:

a) The amendment does not substantially deviate from the project details previously approved other than the change to affordability;
b) The project still includes dedicated affordable residential units-at least 10% of the residential units shall be affordable to households at 80% AMI for a period of 10 years; and,
c) The project is compatible with the surrounding area and future land use map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648072183 and 9648061956, and, recorded in Deed Book 5546, Page 1921 and currently owned by 146 Roberts LLC from Urban Place Conditional Zone (CZ) to Urban Place Conditional Zone (UP CZ). A copy of the official zoning

map showing said lots is attached hereto as Exhibit "A.1" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan(s) as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of March, 2020.

_____ _____

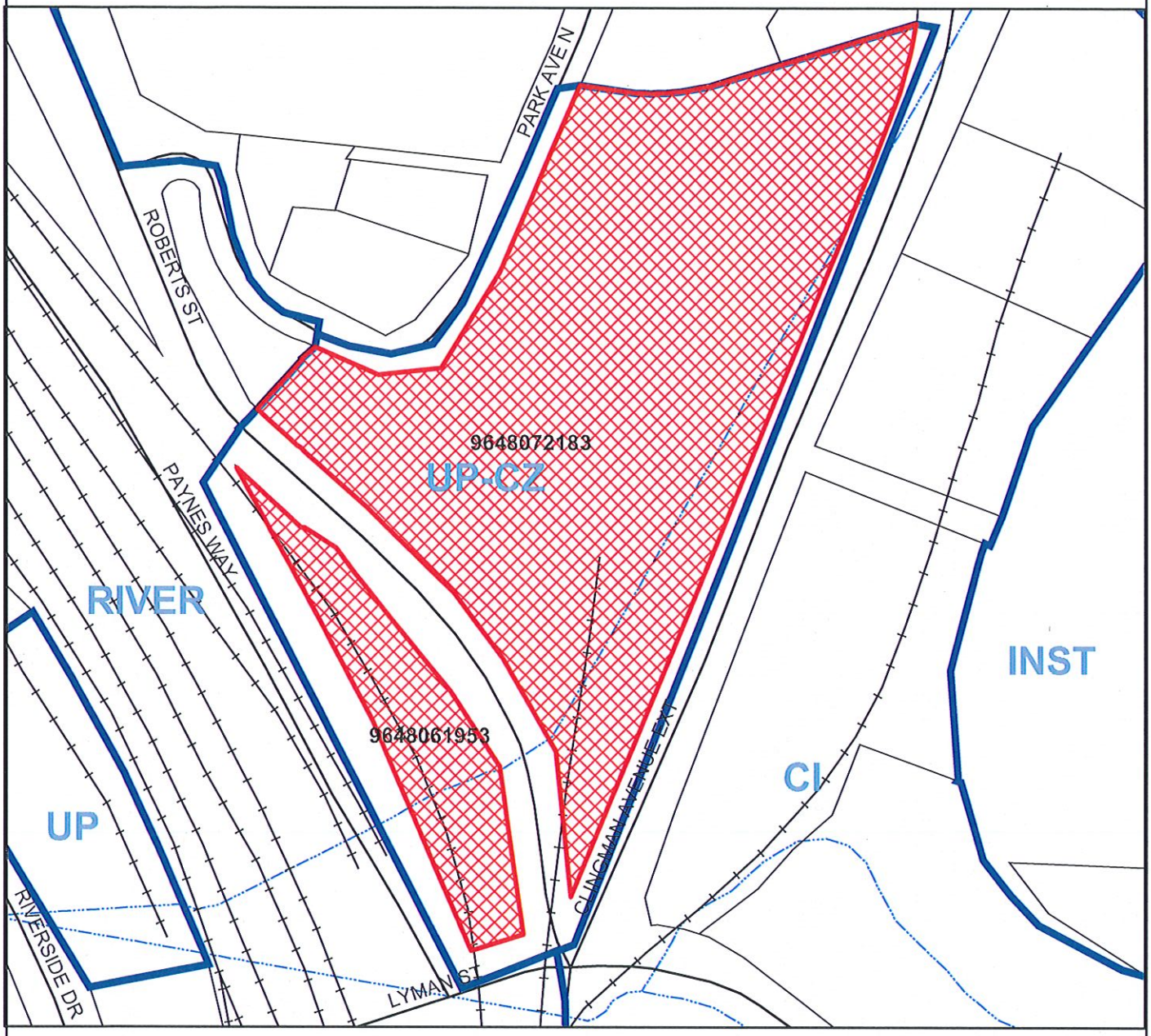
City Clerk Mayor

Approved as to form:

_____

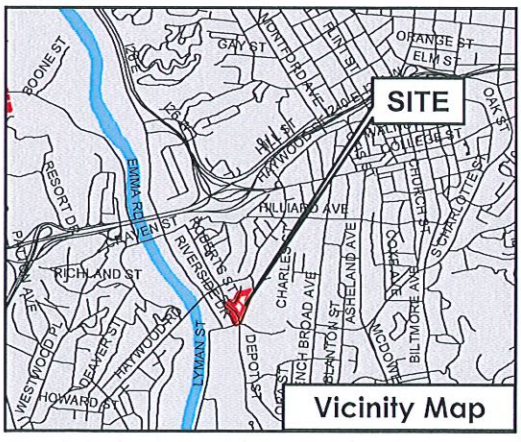
City Attorney

City of Asheville - Exhibit A Map
Conditional Zoning Amendment - RAD Lofts



Project Name:	RAD Lofts Amendment
Project Number:	13 - 03995 PZ
Project Description:	UP CZ Amendment
Petitioner(s):	Matt Sprouse
Parcel ID Number(s):	9648-07-2183 & 9648-06-1953
Location/Address:	146 Roberts Street

Project Site | Parcels | Asheville City Limits
Zoning Districts | Streets | River Areas



City of Asheville Planning and Urban Design Department - November 2016

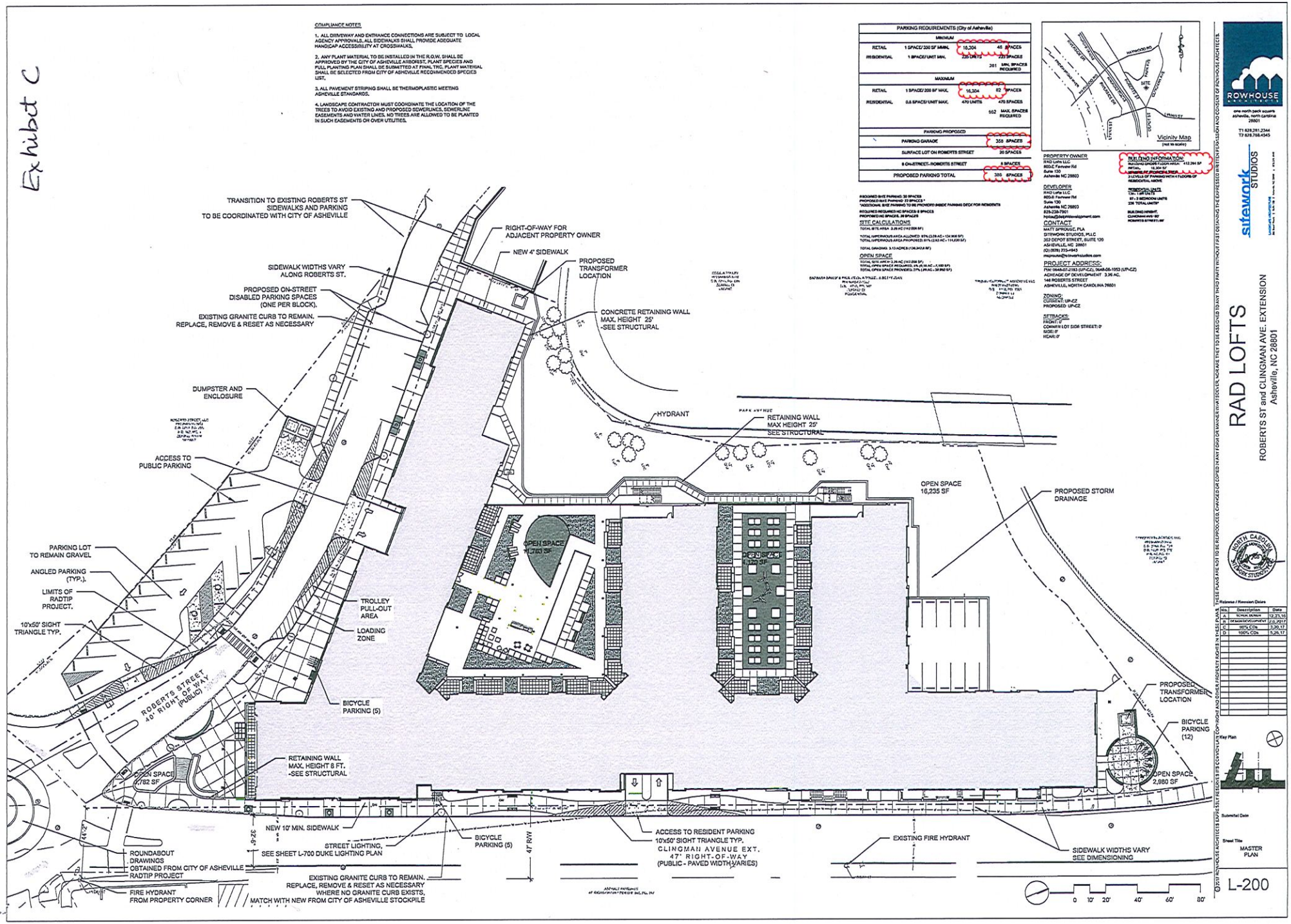
EXHIBIT B-1

CONDITIONS
RAD LOFTS AMENDMENT 2019

1. Approval is for conditional zoning to UP-CZ (Urban Place District) for the construction and use of the property for a mixed-use development as described herein. This is an amendment to a previously approved project (ordinance no. 4241, dated October 22, 2013, ordinance no. 4414, dated May 26, 2015, ordinance no. 4548, dated January 10, 2017 and ordinance no. 4602, dated July 25, 2017).
2. The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and the second parcel (0.379 acres) is located across Roberts Street to the south.
3. The current proposal contains a total of 235 residential units but the development is approved at a range of between 230 and 245 units; and retail space is approved for a range of between 14,000 and 20,000 square along Roberts Street.
4. There will be two levels of parking and four to six levels of retail and residential spaces but with the existing grade change on site, the overall height varies. The building height is 50 feet on Clingman and 68 feet from Roberts Street. No building shall exceed 80 feet in height.
5. There will be two driveways, one on each frontage, into the structured parking, which shall contain 358 spaces. There will be a 20-space surface parking lot across Roberts Street and approximately 8 on-street parking spaces will be created through streetscape improvements. The project is approved for a range of between 360 and 400 parking spaces throughout the development site.
6. Landscaping is required on the site and must include street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. Retaining walls are subject to screening requirements.
7. The residential density is approved at a range of between 70 and 75 units per acre.
8. At least ten percent of the units shall meet the City's standards for affordability at 80% Area Median Income or AMI (60.1 - 80% AMI) for a period of ten years from the issuance of the Certificate of Occupancy (CO). The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to obtaining final CO.
9. Housing choice vouchers shall be accepted for the designated affordable units.
10. The footprint of the building is approved at a range of between 75,000 square feet and 90,000 square feet and the gross floor area not to exceed 430,000 square feet.
11. Sidewalks must be at least 6.5' along the surface parking lot on Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
12. Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
13. As the site plan indicates, the parking deck landscaping is reduced to 4 trees based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
14. The setback in one location along Roberts Street is greater than the UP district maximum of 15' and shall be as indicated on the site plan.
15. The distance between entrances is as shown on the site plan on both Roberts Street (up to 85' between entrances) and Clingman Avenue Extension (up to 153' between entrances).

16. The site plan shows greater spacing for windows and less ground-level fenestration on Clingman Avenue Extension (down to 22% fenestration at the ground-level). An active pedestrian feel will be created along this corridor by the inclusion of street furniture, public art attached to the building, interpretive signage regarding the history of the area and creative screening on the parking deck openings.
17. Retaining wall on the north end of the project, which is 25 feet in height and has no room for foreground landscaping, will be screened with an aesthetic treatment TBD.
18. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Staff has the ability to approve changes that relate to and are within the range of the development approval thresholds without further review by the approving boards. Other major deviations from these plans outside of the approval thresholds will require reconsideration of the project by the reviewing boards.
19. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

Exhibit C



ROWHOUSE ARCHITECTS
one north pack square
asheville, north carolina
28801
T1 828.281.2344
T2 828.768-4545

sitework STUDIOS
LANDSCAPE ARCHITECTURE

RAD LOFTS

ROBERTS ST and CLINGMAN AVE. EXTENSION
Asheville, NC 28801

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT

Release / Revision Dates

No.	Description	Date
A	SCHEMA DESIGN	12.21.16
B	DESIGN DEVELOPMENT	2.6.2017
C	100% CDs	3.29.17
D	100% CDs	5.26.17

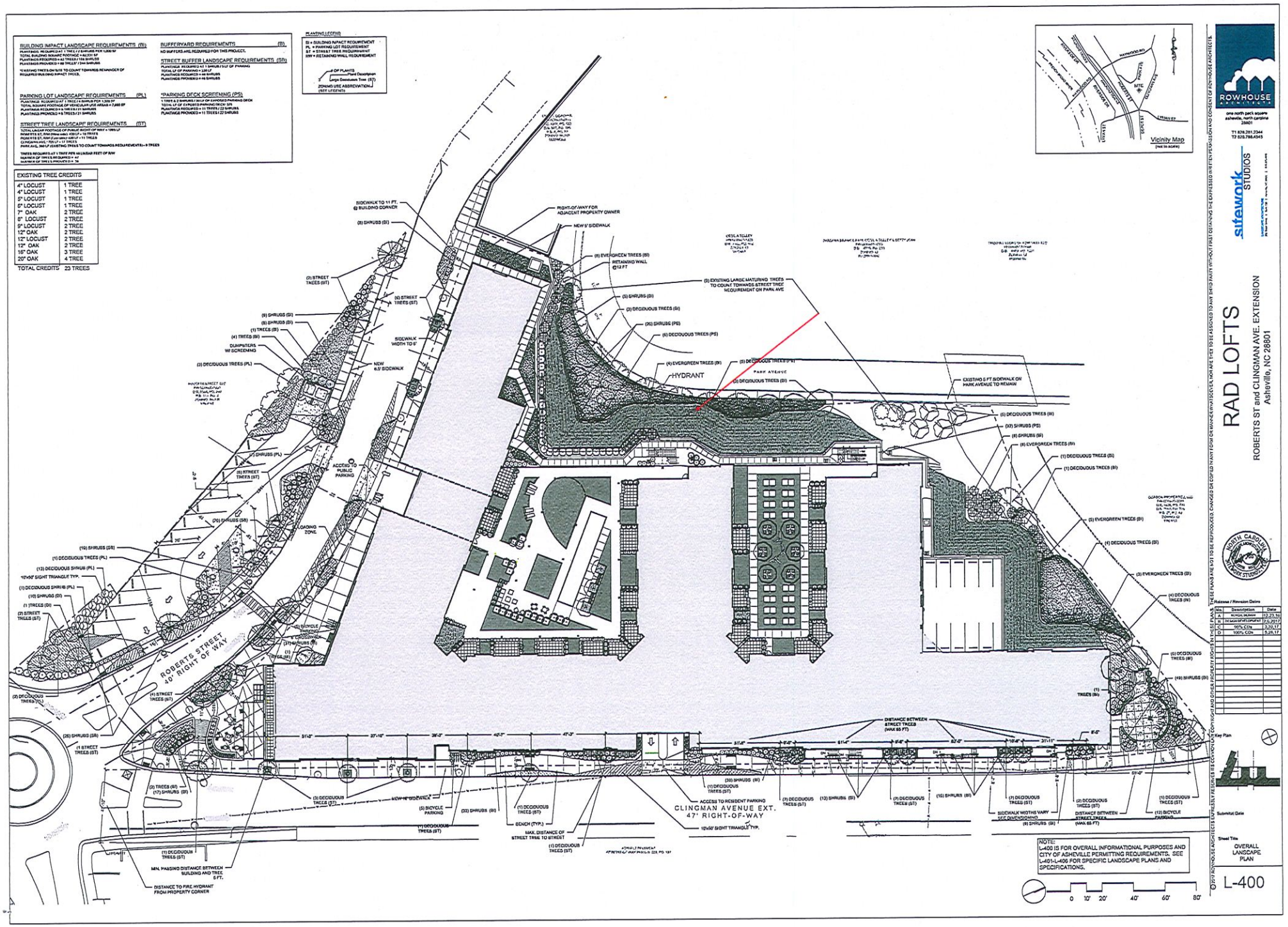
Key Plan

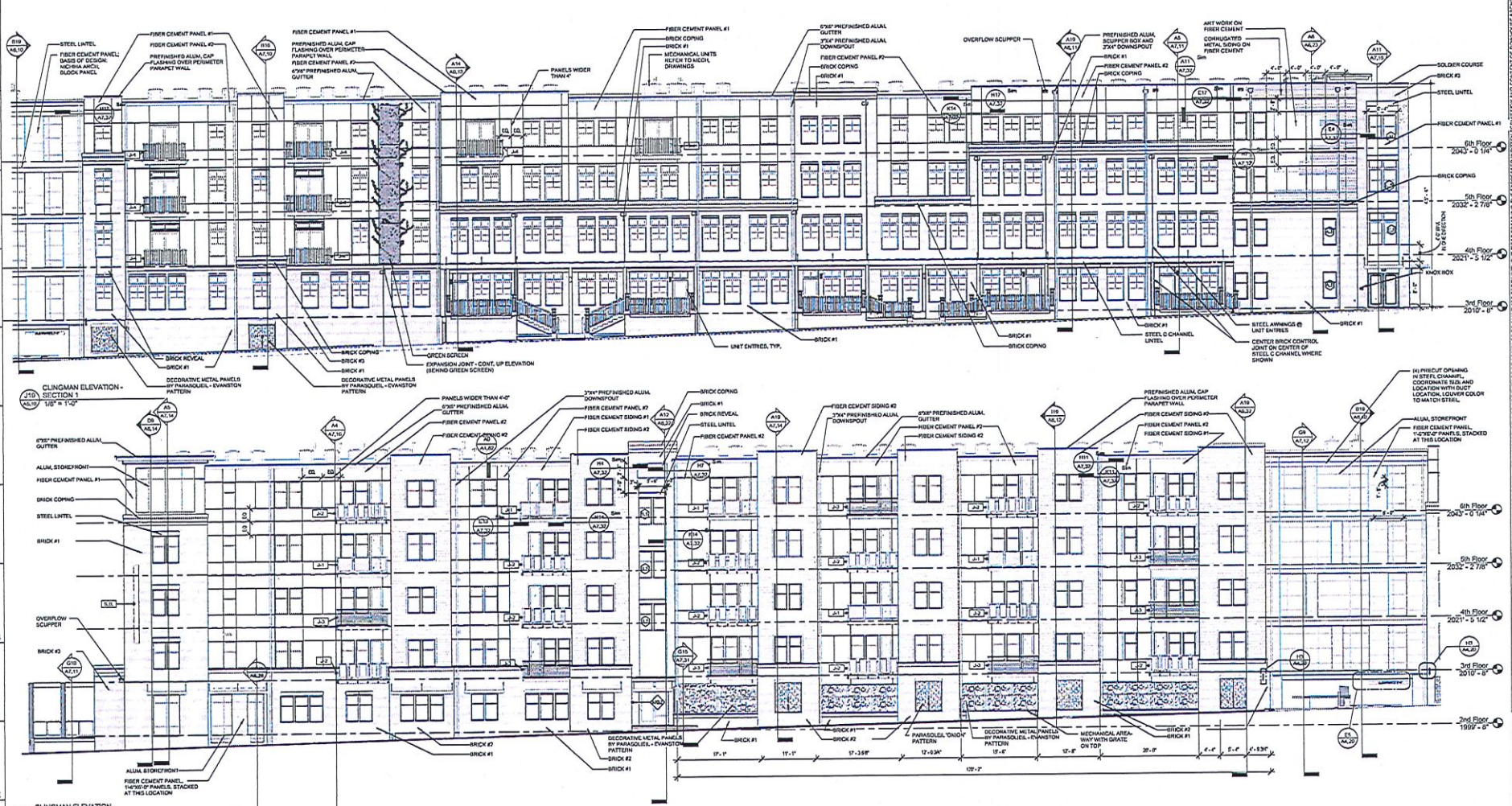
Submittal Date

Sheet Title
MASTER PLAN

L-200

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BUILDING IMPACT LANDSCAPE REQUIREMENTS (BI)
BUFFERYARD REQUIREMENTS (B)
NO BUFFERS ARE REQUIRED FOR THIS PROJECT.
STREET BUFFER LANDSCAPE REQUIREMENTS (SB)
PARKING LOT LANDSCAPE REQUIREMENTS (PL)
*PARKING DECK SCREENING (PS)
STREET TREE LANDSCAPE REQUIREMENTS (ST)
PLANTING LEGEND
EXISTING TREE CREDITS
4" LOCUST 1 TREE
4" LOCUST 1 TREE
5" LOCUST 1 TREE
6" LOCUST 1 TREE
7" OAK 2 TREE
8" LOCUST 2 TREE
9" LOCUST 2 TREE
12" OAK 2 TREE
12" LOCUST 2 TREE
12" OAK 2 TREE
16" OAK 3 TREE
20" OAK 4 TREE
TOTAL CREDITS 23 TREES
Vicinity Map
ROBERTS STREET 40' RIGHT OF WAY
CLINGMAN AVENUE EXT. 47' RIGHT-OF-WAY
HYDRANT
ACCESS TO PUBLIC PARKING
GRADING ZONE
EXISTING 5 FT SIDEWALK ON PARK AVENUE TO REMAIN
ACCESS TO RESIDENT PARKING
BENCH (TYP.)
MIN. PASSING DISTANCE BETWEEN BUILDING AND TREE 5 FT.
DISTANCE TO FIRE HYDRANT FROM PROPERTY CORNER
NOTE:
L-400 IS FOR OVERALL INFORMATIONAL PURPOSES AND CITY OF ASHEVILLE PERMITTING REQUIREMENTS. SEE L-401-L-406 FOR SPECIFIC LANDSCAPE PLANS AND SPECIFICATIONS.
0 10' 20' 40' 60' 80'
ROWHOUSE ARCHITECTS
one north park square asheville, north carolina 28801
T1 828.281.2344
T2 828.788.4545
sitework STUDIOS
RAD LOFTS
ROBERTS ST and CLINGMAN AVE. EXTENSION
Asheville, NC 28801
Release / Revision Dates
No. Description Date
A PLANNING SUBMISSION 12.21.16
B DESIGN DEVELOPMENT 2.6.2017
C 95% CDs 3.30.17
D 100% CDs 5.24.17
Key Plan
Submittal Date
Sheet Title
OVERALL LANDSCAPE PLAN
L-400



1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR GUARDRAIL HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL RISE TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 30' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM 5/4X THICKNESS, NUMBERS ON TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL / SIDING WITH 5/4 TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DESIGNS.
9. APPLY AN ADDITIONAL 12" LAYER OF MOISTURE BARRIER AT INSIDE/OUTSIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERCIAL WRAP" TO BE BASIS OF DESIGNER SPECIFICATIONS.
11. INSTALL BUILDING WRAP CONTINUOUS AT ALL WALL SURFACES PRIOR TO EXTERIOR FINISH INSTALLATION.
12. TERM./FLASH BUILDING WRAP AT PENETRATIONS DETAILS & MANF. RECOMMENDATIONS.
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16. COORDINATE LOUVER LOCATION TO AVOID CONFLICT WITH BRICK SOLDIER COURSE AND 5/4 TRIM AT WINDOW HEAD CONDITIONS.

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RAD LOFTS

THE RIVER ARTS DISTRICT
Asheville, NC 28801

ROWHOUSE ARCHITECTS, PC
52659
ASHEVILLE, NC

ROBIN R. FAINES
REGISTERED LANDSCAPE ARCHITECT
No. 10084
5.19.17
NORTH CAROLINA
ASHEVILLE, NC

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.3.17
C	100% CDS	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

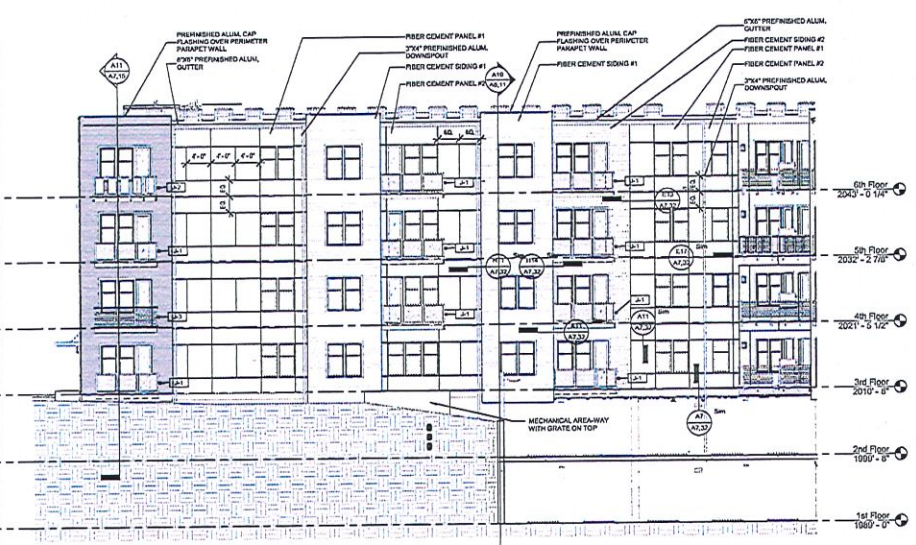
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5.19.17

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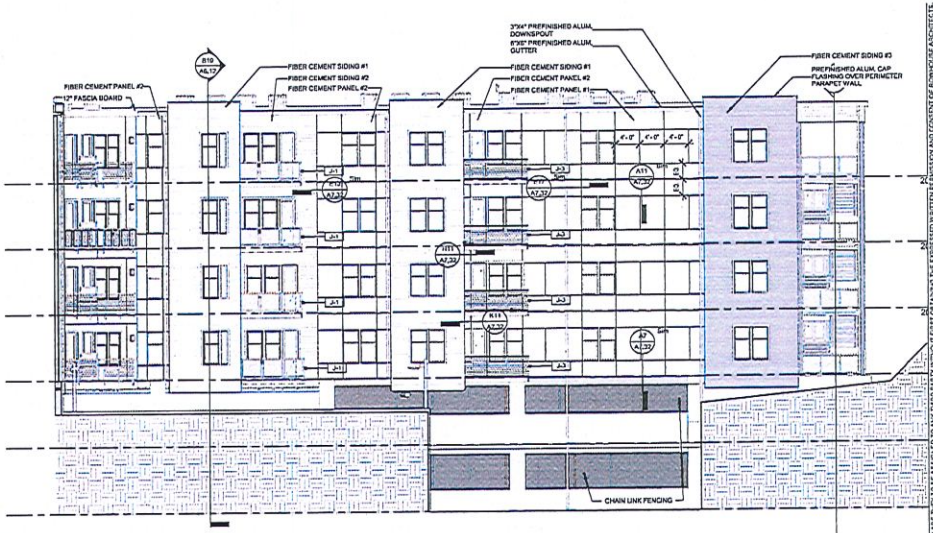
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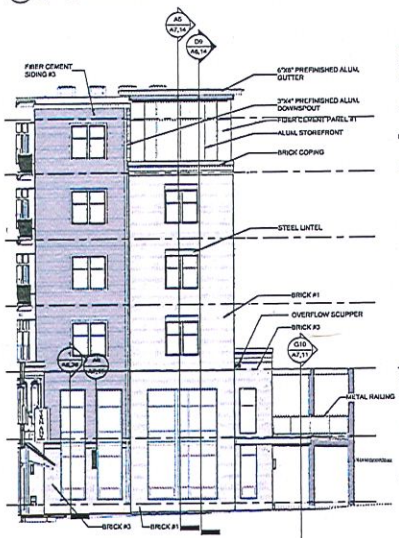
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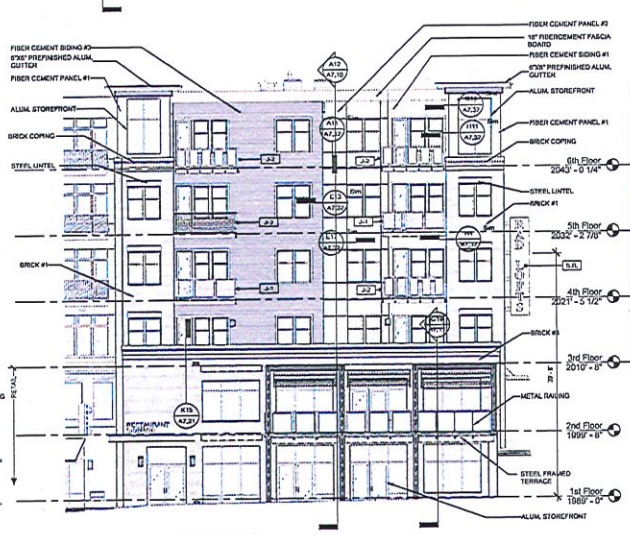
119 A5.11 WEST ELEVATION (NORTHERN SECTION)
1/8" = 1'-0"



110 A5.11 NORTH WING - NORTH ELEVATION
1/8" = 1'-0"



C12 A5.11 RETAIL CORNER ELEVATION
1/8" = 1'-0"



C14 A5.11 CLINGMAN / ROBERTS INTERSECTION
1/8" = 1'-0"



D8 A5.11 LARGE INTERIOR COURTYARD BAY
1/8" = 1'-0"

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RAD LOFTS

THE RIVER ARTS DISTRICT
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ROWHOUSE ARCHITECTS, PC
REGISTERED ARCHITECTURAL CORPORATION
52659
ASHEVILLE, NC.

ROBLIN R. FAINES
REGISTERED ARCHITECT
No. 10084
5.19.17
NORTH CAROLINA
ASHEVILLE, NC.

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.3.17
C	90% CDS	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

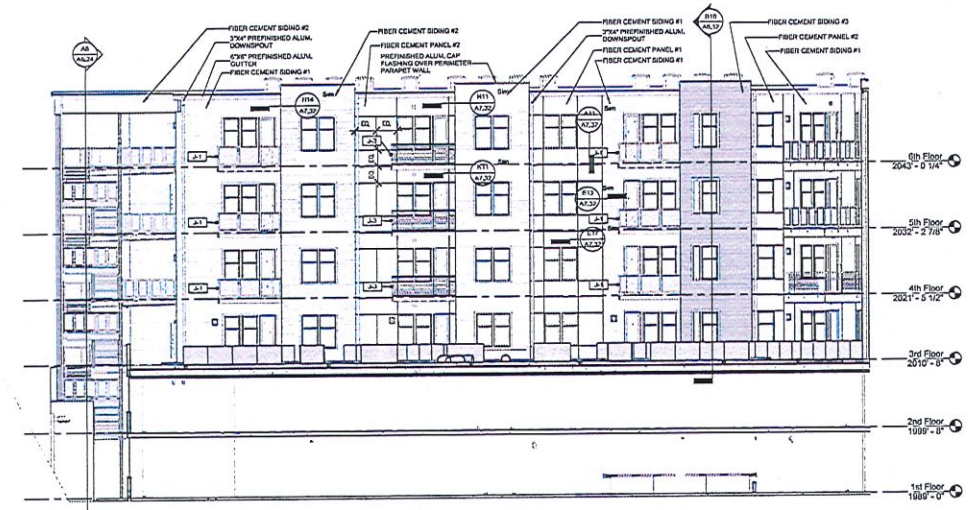
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5.19.17

Sheet Title
ELEVATIONS

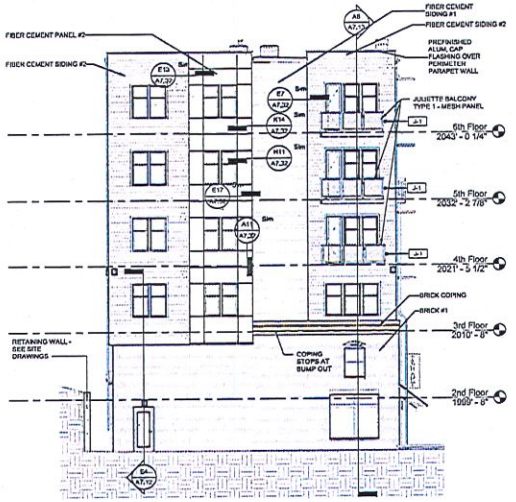
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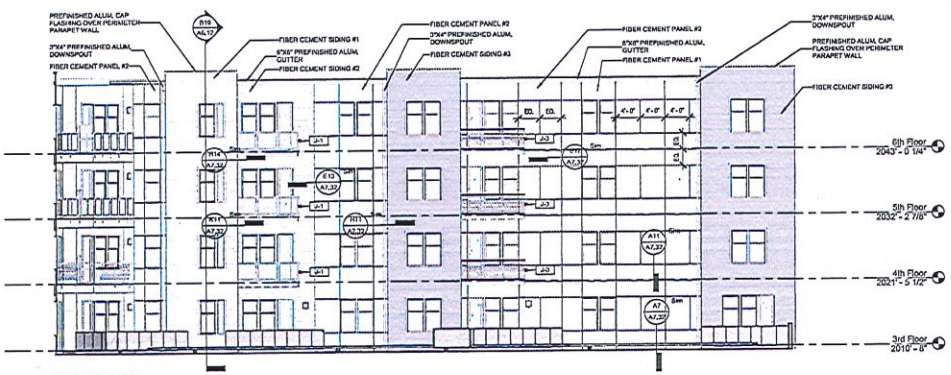
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J10 NORTH WING - LEFT
A5.12 1/8" = 1'-0"



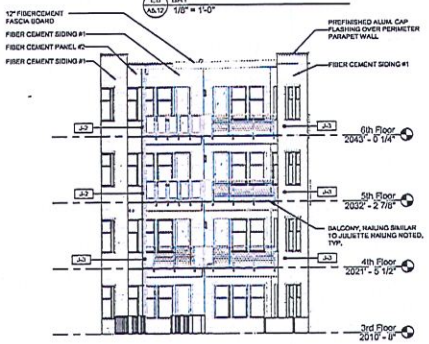
J8 NORTH ROBERTS ELEVATION
A5.12 1/8" = 1'-0"



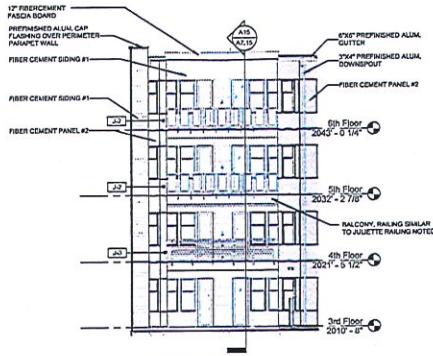
E10 CENTER WING - NORTH ELEVATION
A5.12 1/8" = 1'-0"



E8 SMALL INTERIOR COURTYARD BAY
A5.12 1/8" = 1'-0"



A8 INTERIOR COURTYARD CORNER #1
A5.12 1/8" = 1'-0"



A4 INTERIOR COURTYARD CORNER #2
A5.12 1/8" = 1'-0"

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16. COORDINATE LOUVER LOCATION TO AVOID CONFLICT WITH BRICK SOLDIER COURSE AND 5/4 TRIM AT WINDOW HEAD CONDITIONS.

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Asheville, NC 28801

ROWHOUSE - ARCHITECTS, PC
52659
ASHEVILLE, N.C.

ROBIN R. RAINES
REGISTERED ARCHITECT
No. 10084
5.19.17
NORTH CAROLINA
ASHEVILLE, N.C.

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.3.17
C	75% CDs	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan

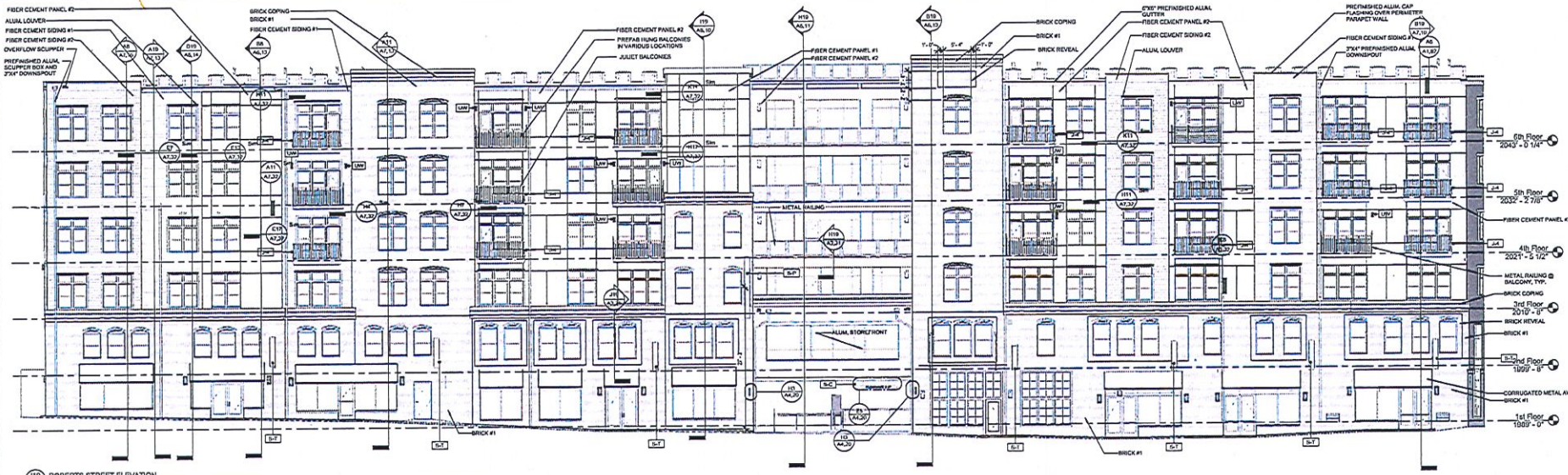
Submittal Date
5.19.17

Sheet Title
ELEVATIONS

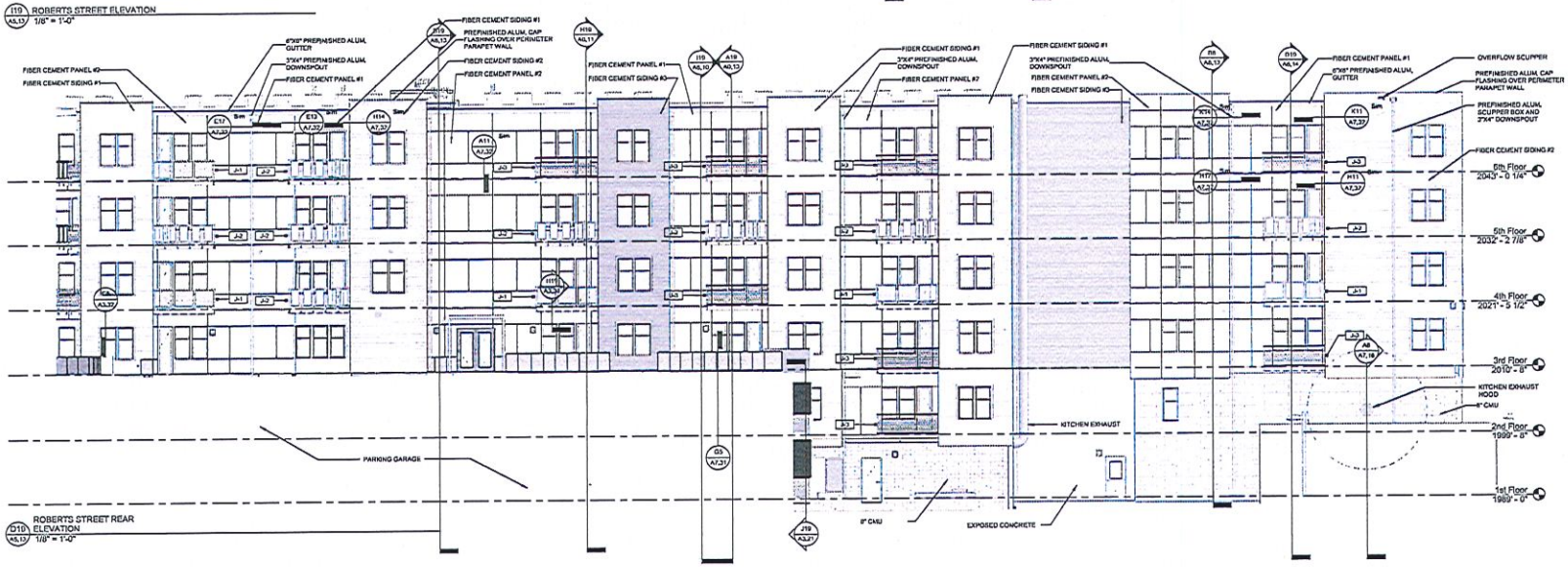
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I10 / A5.13 ROBERTS STREET ELEVATION
1/8" = 1'-0"



D10 / A5.13 ROBERTS STREET REAR ELEVATION
1/8" = 1'-0"

1. SEE WALL SECTIONS & ENLARGED ELEVATIONS FOR GUARDRAIL HEIGHTS. ALL BALCONIES OR WALKWAYS ELEVATED MORE THAN 30" IN VERTICAL REC TO HAVE MINIMUM 3'-6" HIGH GUARDRAILS AS PER THE BUILDING CODE.
2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 30' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
5. ALL FIBER CEMENT TRIM 5/4X THICKNESS, NUMBERS ON TRIM REPRESENT WIDTHS.
6. REFER TO SPECIFICATIONS FOR ALL EXTERIOR MATERIALS. THE WALL SECTIONS AND DETAILS SHOWN IN THIS SET REFLECT FIBER CEMENT PANEL / SIDING WITH 5/4 TRIM. ALL MATERIAL WIDTHS TO REMAIN SAME SIZE IF ANY PRODUCT SUBSTITUTION IS MADE. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES IN DETAILS DUE TO PRODUCT SUBSTITUTIONS.
7. REFER TO BUILDING PLAN FOR MASONRY LOCATIONS, INCLUDING THOSE NOT SHOWN IN THESE ELEVATIONS.
8. SEE ROOF PLAN FOR OVERHANG DIAGRAM DESIGNS.
9. APPLY AN ADDITIONAL 12" LAYER OF MOISTURE BARRIER AT INSIDE/OUTSIDE CORNERS FULL HEIGHT OF WALL (TYP.)
10. PROVIDE CONT. BUILDING WRAP OVER SHEATHING - TYVEK "COMMERICAL WRAP" TO BE BASIS OF DESIGN/BY SPECIFICATIONS.
11. INSTALL BUILDING WRAP CONTINUOUS AT ALL WALL SURFACES PRIOR TO EXTERIOR FINISH INSTALLATION.
12. TERM./FLASH BUILDING WRAP AT PENETRATIONS DETAILS & MANF. RECOMMENDATIONS.
13. PROVIDE PRE-FAB. FLASHING BOOTS OR FLANGED EXHAUST LOUVER AT DUCT PENETRATIONS AT WALLS (TYP.).
14. PROVIDE SEALANT AT VERTICAL TRANSITIONS BETWEEN WALL FINISHES.
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ROBIN B. FAINES REGISTERED LANDSCAPE ARCHITECT No. 1008 5.19.17 NORTH CAROLINA ASHEVILLE, N.C.

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.8.17
C	100% CDS	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan



Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.13

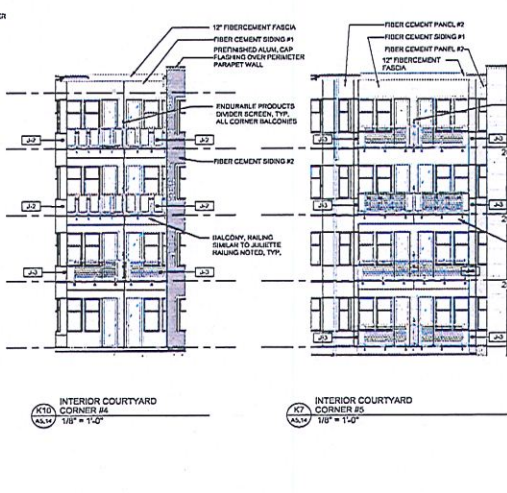
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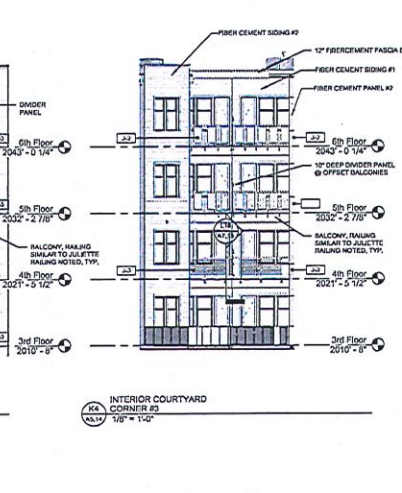


D10 CENTER WING - SOUTH ELEVATION
A5.14 1/8" = 1'-0"

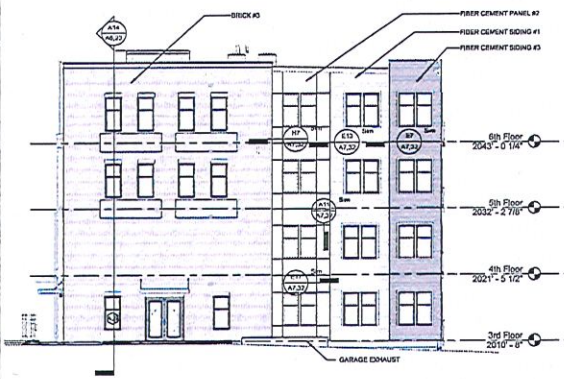
K10 INTERIOR COURTYARD CORNER #4
A5.14 1/8" = 1'-0"



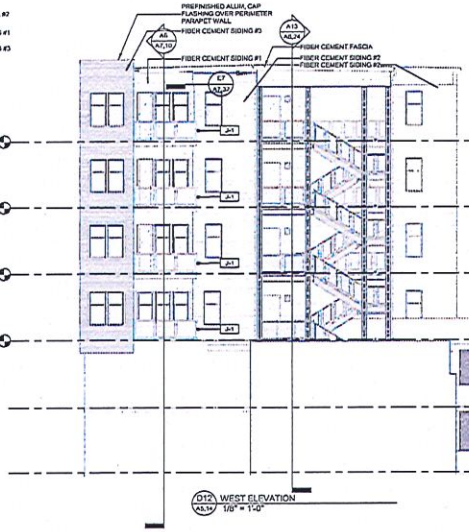
K7 INTERIOR COURTYARD CORNER #5
A5.14 1/8" = 1'-0"



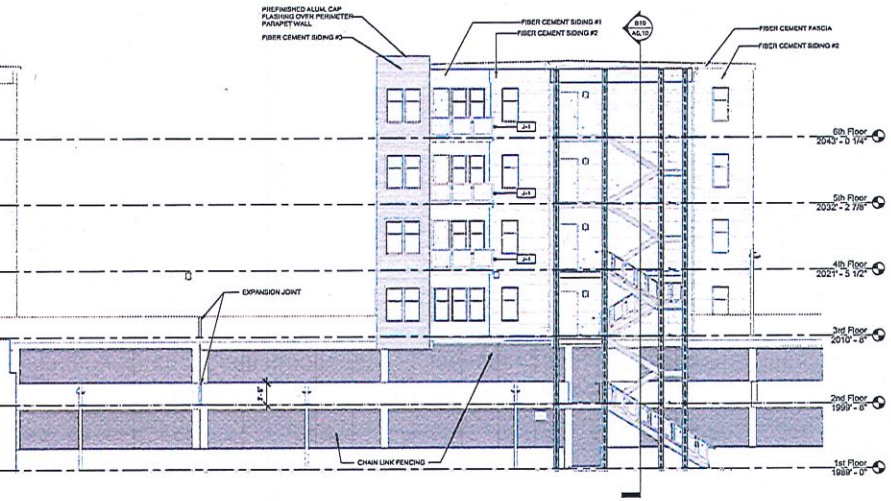
K4 INTERIOR COURTYARD CORNER #3
A5.14 1/8" = 1'-0"



D19 NORTH ELEVATION
A5.14 1/8" = 1'-0"



D12 WEST ELEVATION
A5.14 1/8" = 1'-0"



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2. PROVIDE VERTICAL EXPANSION JOINTS IN BRICK VENEER PER BIA STANDARDS. PROVIDE HORIZONTAL SUPPORTS PER STRUCTURAL DRAWINGS AND BIA STANDARDS WHERE EXCEEDS 20' IN HEIGHT.
3. TIE IN ALL DOWNSPOUTS TO STORM DRAINS.
4. ALL DRYER & BATH VENTS TO MATCH ADJACENT COLOR
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ROBIN R. PAINES No. 10084 5.19.17 NORTH CAROLINA ASHEVILLE, N.C.

Release / Revision Dates

No.	Description	Date
A	SCHEM. DESIGN	12.23.16
B	DESIGN DEV.	2.1.17
C	90% CDs	3.30.17
D	CONSTRUCTION DOCUMENTS	5.19.17

Key Plan



Submittal Date
5.19.17

Sheet Title
ELEVATIONS

A5.14

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