THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 14, 2020

Subject: Conditional Zoning Amendment for 135 & 137 Broad Street

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

Action Requested: Amend a previously approved conditional zoning to adjust an interior lot line and include development on an adjacent parcel, currently zoned CB-I (Community Business I) and CBI-CZ (Community Business I - Conditional Zone) to CB I-CZ (Community Business I - Conditional Zone)

Project Location and Contacts:

- The project site consists of two parcels located at 135 and 137 Broad Street (PINs 9649-53-7557 and 9649.53-8527)
- Owner / Petitioner: Broad Properties LLC; Contact: Michael Derrig

Summary of Petition:

- The proposal is for a new mixed-use structure containing four residential units above office space and structured parking on the ground level on the property located at 137 Broad Street in the Chestnut Hills neighborhood.
- There is an existing mixed-use building on the adjacent parcel, 135 Broad Street, that was approved in 2015 under conditional zoning ordinance number 4381 (attached) and is under the same ownership. This two-story building has commercial (office) space on the ground level and three residential units above with surface parking behind the building. A right-of-way between the two properties was closed as a part of the development process.
- This application proposes to shift the internal lot line, resulting in the request being evaluated as an amendment to the previous ordinance to reflect that change and include the new development proposed.
- The development parcel is currently zoned CB-I and while the mix of uses proposed are allowed, only one residential unit would be permitted due to the small size of the lot (0.1 acres); the applicant is proposing four units (which is 40 units per acre). CB-I zoning has a density maximum of 20 units per acre or 40 units when 20% of the units are dedicated as affordable, which is not part of the applicant's proposal.
- The three-story structure does not exceed 40 feet in height per the UDO definition (48 feet to the peak of the roof) and contains approximately 2,200 square feet of office space on the second floor.
- The plan shows utilizing a 14-foot wide shared driveway between the two properties to provide access to the seven proposed parking spaces structured under the building at 137 and to the six surface spaces existing behind 135 Broad Street.
- Due to the proximity to downtown and per Section 7-11-2(c)(4) of the UDO, there is no off-street parking requirement for the residential units; the parking proposed meets the requirement for the office use.
- The sidewalk will be rebuilt to match the existing six foot, back-of-curb configuration that is in place along Broad Street (*which requires a condition as this is not the City's standard).*
- Minimal landscaping is required for this project with just two street trees and parking deck screening required. Open space is not required due to the small size of the lot.
- The development parcel falls within the Charlotte Street Transition Overlay District (Section 7-9-10 of the UDO) which has specific design standards; the project appears to have the ability to comply with the applicable standards such as roof pitch, materials (brick and stucco) and residential-styled forms.
- The project includes the following conditions (and as otherwise noted in the B.1 attachment):
    - The project includes four residential units *(an increase from one allowed by-right)*
    - There will be shared access following the driveway as shown on plans
    - The sidewalk will follow the existing development pattern of six foot back-of-curb
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- The parking spaces will be allowed to be used by the residential units during off-business hours.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the development site is within the area designated as Traditional Corridor in the Future Land Use map, which anticipates a mix of uses at a variety of scales.
- Increasing the housing supply, especially in a walkable and transit-supportive location is a primary goal of the Resilient Economy section of the plan.

Compatibility Analysis:

- The proposal for a mixed-use building is aligned with the existing zoning and other uses along the Charlotte Street corridor where there are both residential and commercial uses in a variety of structures in terms of height and massing and complies with applicable design standards in the Charlotte Street Overlay.
- Additionally, the Charlotte Street Road Diet and Spot Safety Improvement project is currently under construction with the goal of improving mobility and access to multiple modes of transportation.
- Parking is provided on-site for the office use and is visually integrated into the structure rather than a surface lot. The applicant agreed to a condition that will allow for residential use of the parking spaces during off-business hours.
- Because of the proximity to downtown, no off-street parking is technically required for residential uses in this location, however, the proposal does increase the residential density by 300% in an area that has higher densities already which can result in a greater demand for limited on-street parking.
- The proposed structure would be taller than any nearby building but at three stories and 40 feet (per UDO height definition), it will be within the height allowed in all surrounding zoning districts.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee (TRC) - February 3, 2020 - approved with conditions
- Planning & Zoning Commission - March 4, 2020 - recommended approval (6-0)

Staff Recommendation:

- Staff recommends approval of this project and finds that the mixed use development and higher residential density is generally compatible with the goals of the zoning district and the Living Asheville Comprehensive Plan in numerous ways as noted in the report.

Suggested Motion to Approve:

- Motion to approve the conditional zoning amendment request for the properties located at 135 and 137 Broad Street from CB-I (Community Business I) and CB-I CZ (Community Business I Conditional Zone) to CB-I CZ (Community Business I Conditional Zone) for the construction of a new mixed-use building 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: 1) the Traditional Corridor Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development; 2) the project is compatible with the surrounding area; and, 3) the proposal sites residential units in a walkable area convenient to transit.

Attachment(s)

(1) Exhibit A Map - Existing Zoning
(2) Exhibit A1 Map - Proposed Zoning
(3) Exhibit B Map - Aerial

(4) Exhibit C Map - Future Land Use
(5) Exhibit D - Site Plans and Elevations
(6) (Draft) Exhibit B.1 List
(7) TRC Comments
(8) Planning & Zoning Commission Minutes (draft)
(9) Planning & Zoning Commission Recommendation Form
(10) Resolution 18-93 - Charlotte Street Road Diet and Spot Safety Improvements Project
(11) Ordinance