

STAFF REPORT

To: Planning & Zoning Commission Meeting Date: November 19, 2015
From: Todd Okolichany, AICP Prepared by: Vaidila Satvika
Planning & Urban Design Director Planner II/GIS Specialist
Subject: Conditional Zoning Request for 60 Mills Gap Road and a Portion of 3086
Sweeten Creek Road

Summary Statement:

The applicant is requesting review of a conditional zoning request from Industrial (IND) to Highway Business Conditional Zone (HB CZ), in accordance with Section 7-7-8 of the City of Asheville Unified Development Ordinance (UDO), for the construction of 256 multi-family units and future commercial outparcels.

Project Information:

PIN(s): 9655-35-7074, 9655-45-4417 (portion of)
Site Address/Location: 60 Mills Gap Road/3086 Sweeten Creek Road (portion of)
Owner(s) Name: Mills Gap, LLC/Amcor Flexibles, Inc (portion of)
Applicant(s) Name: Pulliam Properties
Date of Request: June 25, 2014

Directions: From downtown, take I-240 E to I-40 W (toward Knoxville). Take exit 51 for Sweeten Creek Road/US-25A, then turn left onto US-25A S/Sweeten Creek Road. Travel approximately four miles and the site is located at the northeast intersection of Sweeten Creek Road and Mills Gap Road in South Asheville.

Review:

Site:

The site was previously home to Plasticorp, a plastic injection molding company that closed its operations. The existing one-story metal and brick building measures approximately 81,000 square feet. The building and all site features will be removed. The nearly 15 acre parcel will be combined with part of the adjacent parcel to the east to create an overall development site that measures approximately 24.5 acres, all of which is currently zoned IND.

Adjacent zoning includes IND to the north, Commercial Industrial (CI) to the west and southwest, and High Density Multi-Family (RM16) to the southeast.

Proposal:

The multi-family development project will build out the upper portion of the land for a 256-unit multi-family development contained within four buildings, plus a clubhouse, for a total of 323,850 square feet. The buildings range from three to four stories, with the tallest building reaching 46 feet in height. The total disturbed area for the residential project equals 14.94 acres.

In addition, the applicant is proposing three commercial outparcels along Sweeten Creek Road and Mills Gap Road for future development. There are no specific proposals for the commercial outparcels at this time; however, the proposed site plan indicates that future outparcel #1 will be approximately 1.1 acres, and outparcels #2 and #3 will both be approximately 1.4 acres in size. The applicant has indicated that the outparcels will comply with City standards and uses allowed within the proposed HB zoning district.

Parking will be provided for a total of 415 vehicles for the residential component of the application. The property also includes two streams that will require 30 foot wide buffer areas.

Access, Sidewalks and Parking:

Vehicular access to the site will be provided from both Sweeten Creek Road and Mills Gap Road. Sidewalks are proposed along the entire site's frontage on both roads. Pedestrian paths will also be provided internally to connect buildings and parking areas, and sidewalks are proposed to connect the development site to Sweeten Creek Road and Mills Gap Road. Pedestrian connections between the buildings located at the highest part of the parcels (at the northeast corner of the site) and the lower area (located in the middle of the site) will be provided via proposed stairs that are not Americans with Disabilities Act (ADA) accessible.

A total of 415 parking spaces, including 14 accessible spaces, are proposed for the multi-family buildings, where 412 parking spaces are required. Parking for 21 bicycles will also be provided, which meets UDO standards.

Landscaping and Open Space:

The project must comply with property line buffer, street tree, parking lot landscaping, building impact, tree save, and screening requirements, as per UDO Section 7-11-3. A property line buffer is required along the southeast length of the property adjacent to the RM16 zoning district. Some of the site will not be disturbed due to a required stream buffer and existing vegetation within this area may be used to satisfy some landscaping requirements, if needed.

Fifteen percent of the total lot area (3.7 acres) is required to be dedicated as open space.

Steep Slope Review:

As per UDO Section 7-12-4. – Steep slope and ridgetop development, the applicant has submitted hillside calculations to ensure that proposed development on steep slope areas addresses slope stability issues. The proposed site plan indicates that the proposed disturbance area in Zone B (areas at or above 2,350 feet in elevation and having an existing grade of 15% or more) falls within the maximum allowable disturbance of 40%. The proposed number of dwelling units is also within the maximum allowable number of dwelling units per acre for steep slope areas (if the proposed conditional zoning is approved).

Required Reviews:

As per UDO Section 7-7-8(d), a conditional zoning application shall be reviewed by the City's Technical Review Committee (TRC), and the Planning and Zoning Commission shall hold a public hearing to review the application and make a recommendation to City Council for approval or denial, or to continue the consideration in order to receive further information.

This proposal was approved with conditions by the TRC on October 19, 2015 (comments attached) and requires review by City Council and Final TRC prior to zoning approval. No communication has been received from the public as of the writing of this report.

Zoning:

The proposal requires a change in zoning due to the fact that the maximum residential density in the IND zoning district is two units per acre, which would result in only 49 units allowed on the subject site. The current proposal for 256 dwelling units on 20.6 acres requires a zoning district that allows at least 12 units per acre.

Compatibility Analysis:

This site contains a 4.5 acre area that is mostly flat where the previous plastics manufacturer operated, and which is essential for industrial operations in order to easily navigate trucks in, around and out of a facility. As such, the site is well suited for industrial purposes. Staff believes that the subject site is not a suitable location for residential development due to the lack of sidewalks and transit service in the area, as well as the high volumes of vehicular traffic around this location.

Rezoning the property for residential purposes would further diminish the City's limited stock of viable industrial properties and would thereby move in a direction counter to the established public policy of the Asheville 5x5 public-private campaign that was launched in 2010 in order to create more jobs and capital investment in the area. In order to create more local jobs and to raise the area's average wage, it is important to protect key industrial parcels that will attract and serve future businesses that will seek to expand or relocate to Asheville, such as advanced manufacturing, the sector with the largest capital investment according to the [Asheville 5x5 Plan \(page 10\)](#).

It could be argued that rezoning this property to allow for a large residential development will help to ease housing pressure in the short-term, but there is nearly 10 times the acreage of appropriately-zoned land for residential development that would not have the negative side effect of placing downward pressure on viable industrial land. In order to better serve City goals and to protect scarce industrial land, the proposed project could instead be located on only 10 acres of property that allows at least 30 residential units per acre, which includes the following zoning districts: Regional Business, Highway Business, Institutional, River, Neighborhood Corridor, or Urban Residential. These districts include more than 5,400 acres of land compared to only 630 acres of industrially-zoned parcels (see Exhibit C).

Since 2013 the City has permitted the construction of over 800 residential units within two miles of this project. There are concerns that the infrastructure, in particular the roads or the lack of transit, are not suited to the projected growth in demand. The project's traffic impact study states that the level of service for nearby intersections is projected to become worse. The traffic impact study further states, "This traffic impact study (TIS) has demonstrated that the transportation infrastructure (roadway network) in the vicinity of this project is at or over capacity during peak periods of the day. The addition of project-generated traffic is expected to exacerbate these conditions."

Recent Zoning Actions:

In December 2014, the City took a proactive step to protect scarce industrial property by down zoning Commercial Industrial (CI) districts to allow eight residential units per acre rather than 16. Although that Ordinance (No. 4374) increased residential densities in commercial areas for all other districts, it reduced the number of units by 50% for CI zoned properties in order to move market pressure for housing away from land the City believes to be important for the protection of industrial business.

Compliance with Comprehensive Plan:

The City's Comprehensive Plan highlights that one of the main factors contributing to economic development becoming such a critical issue is the loss of land suitable for industrial purposes for other uses (see page 188). The City's Smart Growth Land Use policies further emphasize this point by stating that industrially-zoned land should be reserved for industrial purposes (see page 31). Further, the Sustainable Economic Development Strategic Plan (2000) notes the shortage of industrial sites within the City as an area of concern, stating that the City should seek to ensure the availability of suitable sites to meet the business needs of the City's future.

City Council Strategic Plan Considerations:

Goal 3 of Council's Strategic Plan seeks to create economic development and community investment opportunities through partnerships, planning, and incentives. An action item to achieve this goal is to support the Economic Development Coalition's Asheville 5x5 Plan, which seeks to create new jobs and attract capital investment in healthcare, manufacturing, science, arts, and into the entrepreneurial sector.

Fiscal Impact:

Not applicable.

Recommendation:

Based on policies stated in the Comprehensive Plan and other plans, such as the City's Sustainable Economic Development Strategic Plan and Asheville 5x5 Plan, as well as Ordinance No. 4374, which reduced the number of permitted housing units on Commercial Industrial property by 50%, staff does not find this request to be reasonable or within the best public interest and cannot recommend support of the proposed rezoning as proposed. Further, staff finds that:

- The Comprehensive Plan, as well as the Sustainable Economic Development Strategic Plan, seek to preserve Industrially-zoned land for the city's current and future business needs, which is essential for job creation.
- There is nearly 10 times the acreage of land in Asheville that allows the proposed scale of residential development by right that would not reduce the availability of viable industrial property.

Suggested Motion:

I move to deny the conditional zoning request from Industrial (IND) to Highway Business Conditional Zone (HB CZ) for the construction of a 256-unit, multi-family development contained within four buildings plus a clubhouse totaling 323,850 square feet, and three undeveloped outparcels located at the intersection of Sweeten Creek Road and Mills Gap Road and find that the request is not reasonable, is not in the public interest, and is not consistent with the Comprehensive Plan and other adopted plans.

Note: If the motion is to approve, then reasons for consistency with plans must be stated.

Attachments:

- (1) Exhibit A Map
- (2) Exhibit B Map
- (3) Exhibit C Map
- (4) Site Plans and Elevations
- (5) TRC Comments