

Return to City Planning Dir, PO Box 7148, Asheville NC 28802 ORDINANCE NO. 4513

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY
LOCATED AT 60 MILLS GAP ROAD

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, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

- a) The project will provide 15% affordable units at rent standards not to exceed 80% Area Median Income (AMI) as published in the Affordable Housing Standards for the year units become available. This commitment will stand for a time period not less than 15 years from said units being available for rent.
- b) The proposal provides compatible adaptive reuse, redevelopment and infill development and is located within a quarter mile of transit facilities.

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 PIN 9655.35-7074 and recorded in Deed Book 5172, Page 0835 and currently owned by Mills Gap, LLC, from Industrial (IND) to Highway Business Conditional Zone (HB CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.
Said rezoning is subject to the conditions set out in Exhibit "B.1" and substantially complies with the site plans, both 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 28th day of June, 2016.

Magdalen Burlison
City Clerk

Edw. G. M. M.
Mayor

Approved as to form:

[Signature]
City Attorney

I, Magdalen Burlison, City Clerk of the City of Asheville, do hereby certify that this is a true and accurate copy of Ordinance No. 4513 adopted by the Asheville City Council on 6-28, 2016, and found in Ordinance Book No. 30 at page 372.

Magdalen Burlison
Magdalen Burlison, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

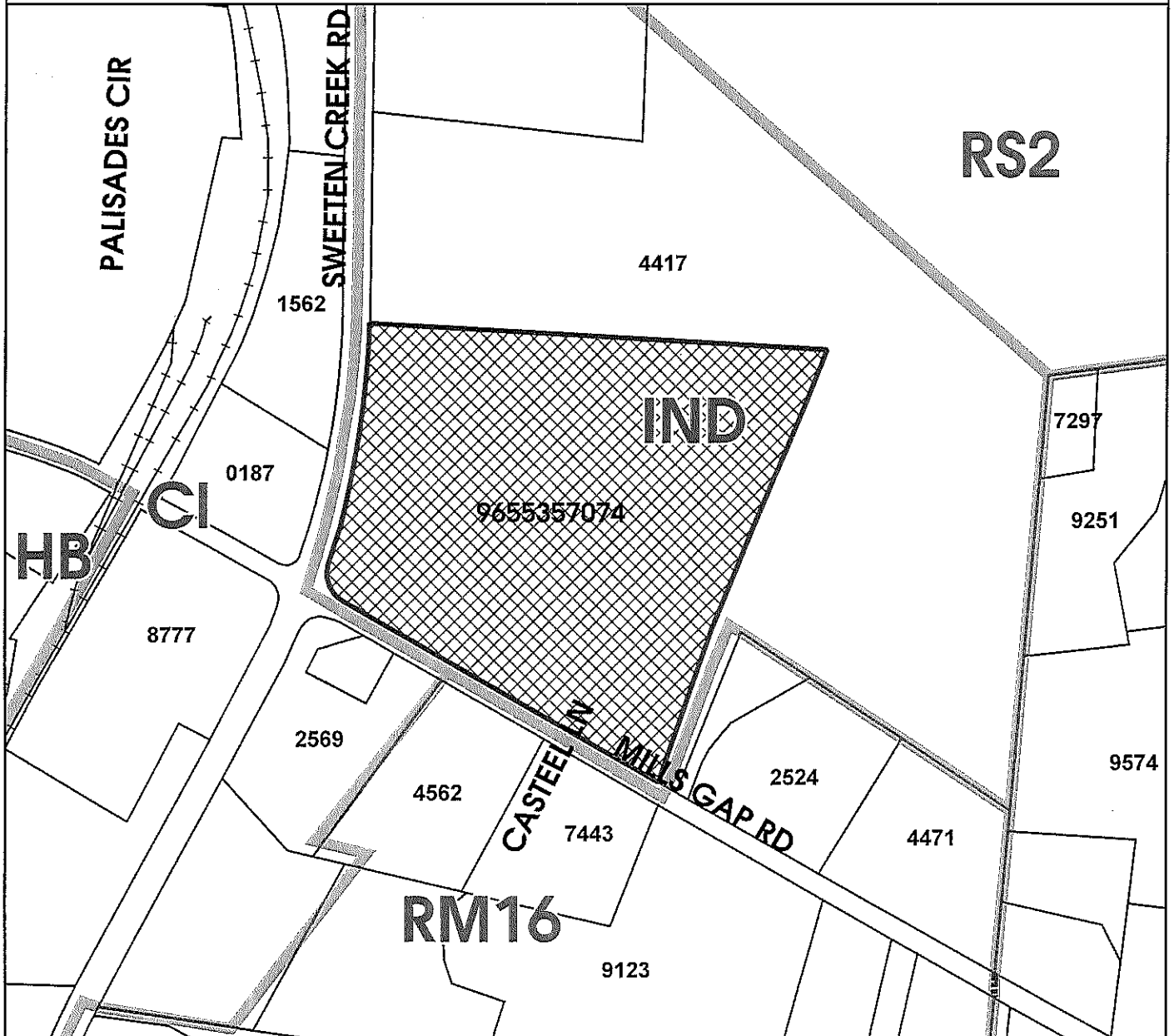
I, Thomas Eugene Downing, a Notary Public of Haywood County, State of North Carolina, do hereby certify that Magdalen Burlison, City Clerk, personally appeared before me this day and acknowledged the due execution by her of the foregoing certificate.

Witness my hand and notarial seal, this 30th day of June, 2016.
[Signature]
Notary Public
My Commission Expires: 2-2-21

THOMAS EUGENE DOWNING
NOTARY PUBLIC, NORTH CAROLINA
HAYWOOD COUNTY
MY COMMISSION EXPIRES
FEBRUARY 02, 2021

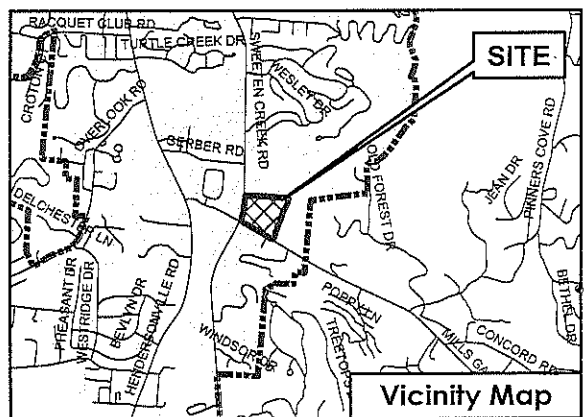


City of Asheville - Exhibit A Map Hawthorne at Mills Gap



Project Name: Hawthorne at Mills Gap
Project Number: 15-09029PZ
Project Description: Construction of 272 apartments on 15.3 acres
Petitioner(s): Pulliam Properties
Parcel ID Number(s): 9655-35-7074
Location/Address: 60 Mills Gap Rd

Project Site
 Zoning Districts
 Parcels
 Asheville City Limits



City of Asheville Department of Planning and Urban Design - October 8, 2015

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

60 Mills Gap Road – Multifamily Development

Exhibit B.1 – Conditions List

1. The zoning for the site is Highway Business – Conditional Zone (HB-CZ).
2. There shall be 272 units contained within two buildings plus a clubhouse.
3. Required landscaping includes street trees, parking lot landscaping, building impact, dumpster screening, and tree save as shown on the site plans.
4. The project will provide open space totaling at least 2.3 acres, as shown on the site plans.
5. The applicant will preserve the large oak trees that are located at the southwestern-most corner of the parcel (as shown on the site plan) providing protection of them in accordance with UDO Sec. 7-11-3 (c). Impacts to the trees that result from sidewalk installation or street work relating to NC Department of Transportation projects will not be interpreted as a breach of this condition.
6. The project shall contain at least 15% affordable units at rent standards not to exceed 80% Area Median Income (AMI) as published in the 2016 Affordable Housing Standards and such units shall be leased to Households with incomes at or below 80% of AMI. This commitment will stand for a time period not less than 15 years from the date of issuance of the project's certificate of occupancy (CO). Rents may be allowed to increase annually no more than 3% per year over the 15-year period but shall, in no case exceed the City's published maximum affordable rents in any given year of the period of affordability. The applicant will enter into an affordable housing deed restriction with the City reflecting this commitment and have it recorded prior to issuance of project certificate of occupancy.
7. The following traffic enhancements require approval by the NC Dept of Transportation. The improvements shall be completed prior to the issuance of building permits:

As shown on the Site Plan, for the intersection of US (25A (Sweeten Creek Road) and SR 3116 (Mills Gap Road), the developer shall:

- a. Construct an auxiliary right turn lane with at least 200 feet of storage along eastbound Mills Gap Road (Duke Energy to provide R/W as necessary)
- b. Optimize the traffic signal operation and timing by including a right-turn overlap for eastbound Mills Gap Road
- c. Widen Mills Gap Road between Sweeten Creek Road and Casteel Lane to facilitate extending the westbound left turn lane on Mills Gap Road to provide about 350 feet of full storage

- d. Add pedestrian facilities including signal heads, push buttons, ADA-compliant ramps, and crosswalks, etc. to the existing traffic signal installation
- e. Extend sidewalk along Mills Gap Road across the railroad tracks to connect to the recently installed Palisades sidewalk on Mills Gap Road. Sidewalk/pedestrian crossing subject to design standards of the Railroad operator.

As shown on the Site Plan, for the intersection of SR 3116 (Mills Gap Road) and the Main Entrance to the development, the developer shall:

- a. Align the main entrance directly across from Casteel Lane
- b. Provide two (2) egress lanes and one (1) ingress lane
- c. Extend widening of Mills Gap Road to and beyond this intersection and provide an auxiliary left turn lane with 100 feet full storage along eastbound Mills Gap Road

As shown on the Site Plan, for the intersection of US 25A (Sweeten Creek Road) and the Secondary Entrance to the development, the developer shall:

- a. Align the driveway as far away as practical from the intersection of US 25A (Sweeten Creek Road) and Mills Gap Road
- b. Construct the driveway as a right-in, right-out only driveway (this can be re-investigated for full movements access once U-2801A is constructed)

As shown on the Site Plan, for the intersections of US25 (Hendersonville Road) and Mills Gap Road, US 25 (Hendersonville Road) and Gerber Road, and US 25A (Sweeten Creek Road) at Gerber Road, the developer shall make intersection timing adjustments to achieve optimal operation of the traffic signals at these intersections.

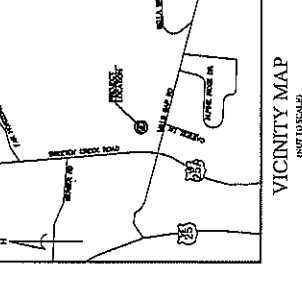
- 8. The project shall be given a different name that is acceptable to the City's Emergency Addressing Coordinator; the duplication of project names has the potential for misdirection or miscommunication, which can hinder the response of emergency services.
- 9. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.
- 10. The developer/owner will not begin work on the demolition of existing structures, infrastructure, or site work (including grading, utilities and stormwater) and proposed NCDOT road improvements until January 2017.
- 11. The City shall not be required to issue a building permit for any of this project until January 2018.



NO.	DATE	DESCRIPTION
1	05/21/20	CONCEPTUAL ZONING SUBMITTAL
2	12/08/20	REVISED CONCEPTUAL ZONING SUBMITTAL
3	06/22/21	ROAD IMPROVEMENTS PER CONDITIONS



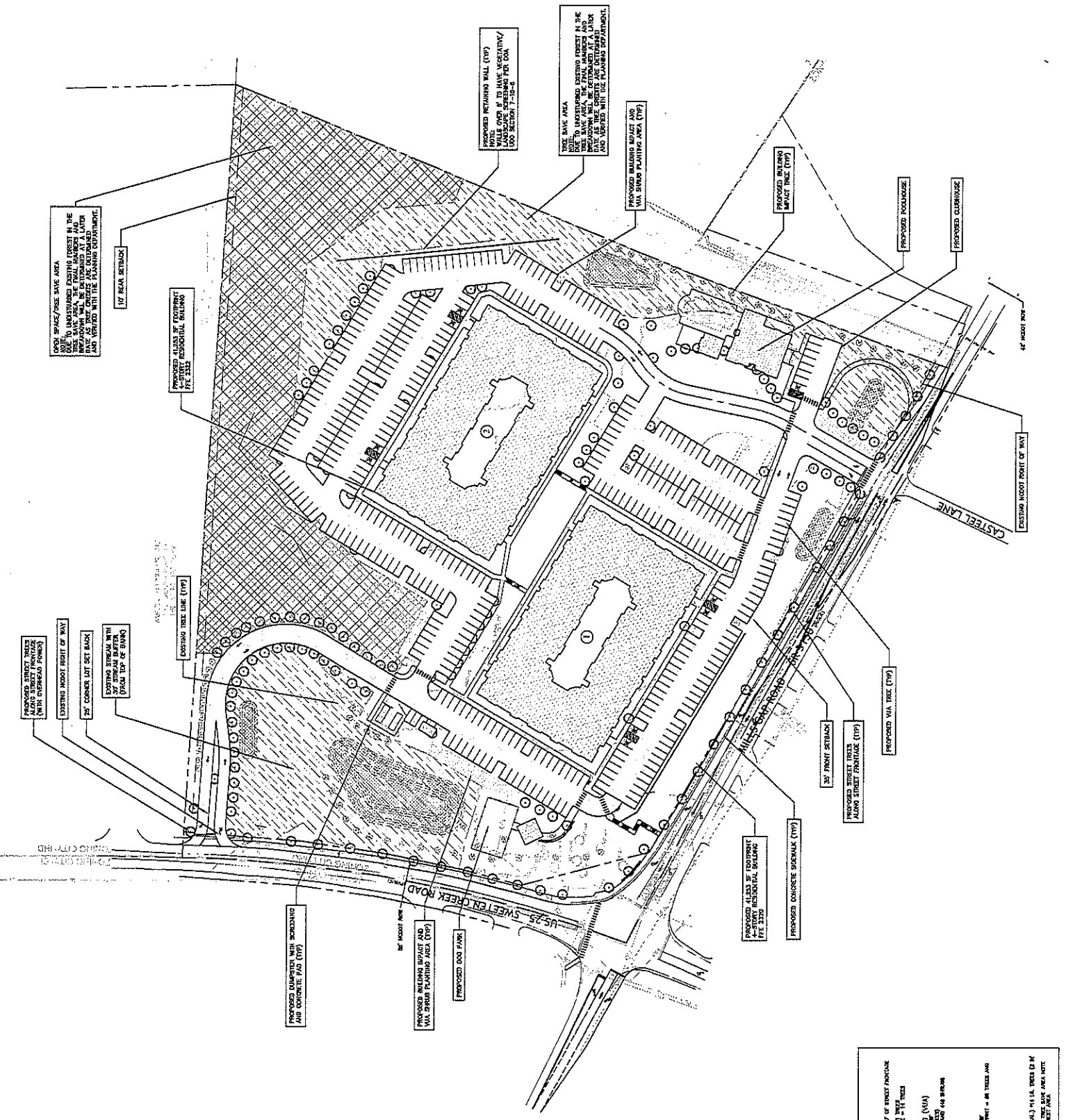
HAWTHORNE AT MILLS GAP
 CONCEPTUAL LANDSCAPE COMPLIANCE PLAN FOR
 SHEET 1101



DEVELOPMENT DATA
 OWNER/DEVELOPER: PUBLIC PROJECTS, 2 VALLON ROAD, SUITE 70, FORT MYERS, FL 33907
 CONTRACT: CIVIL DESIGN CONCEPTS, P.A., 100 VISION AVENUE, GARDENAS, FL 33473
 ARCHITECT: PLANWORK ARCHITECTURE, P.L.L.C., 2005 W. PALM BLVD., SUITE 100, WEST PALM BEACH, FL 33411
 CONTRACTOR: BRUNO CONSTRUCTION ASSOCIATES, P.C., 14315 N.W. 17TH AVE., SUITE 100, WEST PALM BEACH, FL 33409

DEVELOPMENT DATA
 TOTAL AREA: 133.40 AC
 147 1/2' BUFFER (1 PER 1 UNIT) AREA: 181,147 S.F.
 125' BUFFER (1 PER 1 UNIT) AREA: 260,292 S.F.
 200' BUFFER (1 PER 1 UNIT) AREA: 467,104 S.F.

PERVIOUS COVERED SURFACE (PCS) REQUIRED: 2.34 AC (100%)
 PERVIOUS COVERED SURFACE PROVIDED: 2.34 AC (100%)
 CULVERTS: 2
 UTILITY CROSSINGS: 0



PLANTING SCHEDULE:

ITEM	QUANTITY	NOTES
1" WINDMILL PALM (WMP)	10	PLANT IN 12" X 12" HOLES, 12" DEEP
2" WINDMILL PALM (WMP)	10	PLANT IN 24" X 24" HOLES, 24" DEEP
4" WINDMILL PALM (WMP)	10	PLANT IN 48" X 48" HOLES, 48" DEEP
6" WINDMILL PALM (WMP)	10	PLANT IN 72" X 72" HOLES, 72" DEEP
8" WINDMILL PALM (WMP)	10	PLANT IN 96" X 96" HOLES, 96" DEEP
10" WINDMILL PALM (WMP)	10	PLANT IN 120" X 120" HOLES, 120" DEEP
12" WINDMILL PALM (WMP)	10	PLANT IN 144" X 144" HOLES, 144" DEEP
14" WINDMILL PALM (WMP)	10	PLANT IN 168" X 168" HOLES, 168" DEEP
16" WINDMILL PALM (WMP)	10	PLANT IN 192" X 192" HOLES, 192" DEEP
18" WINDMILL PALM (WMP)	10	PLANT IN 216" X 216" HOLES, 216" DEEP
20" WINDMILL PALM (WMP)	10	PLANT IN 240" X 240" HOLES, 240" DEEP
22" WINDMILL PALM (WMP)	10	PLANT IN 264" X 264" HOLES, 264" DEEP
24" WINDMILL PALM (WMP)	10	PLANT IN 288" X 288" HOLES, 288" DEEP
26" WINDMILL PALM (WMP)	10	PLANT IN 312" X 312" HOLES, 312" DEEP
28" WINDMILL PALM (WMP)	10	PLANT IN 336" X 336" HOLES, 336" DEEP
30" WINDMILL PALM (WMP)	10	PLANT IN 360" X 360" HOLES, 360" DEEP

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