



TO: Planning and Zoning Commission

DATE: April 2, 2008

FROM: Shannon Tuch, RLA, Interim  
Planning and Development DirectorPrepared by: Alan M.  
Glines, Urban Planner**Project: Parkside Condominiums  
Level III Review**

**Proposal:** Mixed-use Residential and Commercial Building

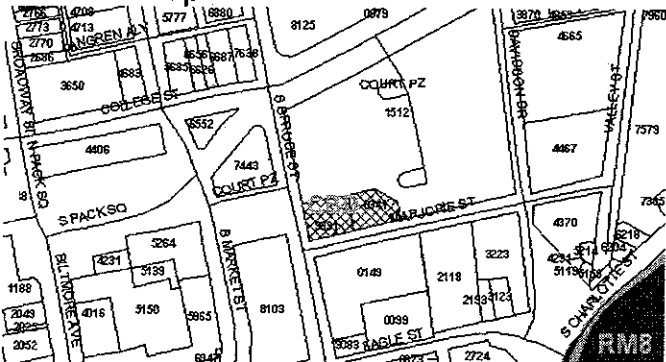
**PIN(s):** 9649.18-40-9331, 9649.19-50-0341; (9649.19-50-1512, off site staging, improvements, road extension, etc.)

**Site Address:** 20 spruce Street (currently); 80 Spruce Street (proposed)

**Owner(s) Name:** Swag Holdings, Black Dog Realty

**Applicant(s) Name:** Mark Fishero, AIA, FMK Architects, Agent

**Date of Request:** 9/26/07

**Location Map****Driving Directions:**

The project is located adjacent to City County Plaza (now called Roger McGuire Green) and City Hall

**Site Conditions****Acreage:** .41 acre**Current Land Use:** Office building, park use**Environmental Conditions:** None noted**Current Zoning:** CBD**Affected Roadways:** Court Plaza, Spruce Street,  
Marjorie Street**Site Features:** Existing two story office building  
dating from the late 1800's**Compatibility Analysis**

Existing Conditions to the	Zoning	Degree of Compatibility	Existing Land Use
North	CBD	Good	Park space
South	CBD	Good	Parking lots
East	CBD	Good	Asheville City Hall, Buncombe Co. Court House
West	CBD	Good	Municipal Building

**Special Zoning Considerations:** The project is located in the Downtown Design Review Boundary managed and reviewed by the Downtown Commission for compliance with the Downtown Design Guidelines. The project is also located in the Pack Square Conservancy (PSC) design area with separate and independent review conducted by the Conservancy.

#### **Compliance with Comprehensive Plan**

The *Asheville City Development Plan 2025 (ACDP 2025)* encourages the redevelopment of infill parcels with mixed-use high density projects designed in a compact form in the downtown area to support Smart Growth goals and the continued vitality of the downtown area. Additionally, maintaining and encouraging a broad range of housing choices, meeting guidelines for affordability, and encouraging sustainable green building techniques are also goals noted in the comprehensive plan. The proposed development is providing some green building features but is not supporting affordable housing programs that may contribute to a range of housing options for residents.

The Center City plan notes that new construction should enhance the context of the street to reinforce the pedestrian experience which the project provides especially along the park edge. While the design of new buildings does not need to mimic older architectural styles, they should incorporate basic design elements and details for compatibility in scale and massing with neighboring buildings.

#### **City Council Goals and Vision Plan Considerations**

The goals and vision plan seeks to promote strategies that encourage sustainable, high-density, infill growth within the city and encourages workforce housing options; as noted above, the proposed development does not address workforce housing options as part of the current proposal.

Also noted as a long-term goal for Pack Square is to explore the feasibility of a performing arts center located at the edge of the park (Site B location); however, this is off-site and outside the scope of this project.

**Recent Zoning Actions:** Several Level III projects have been approved over the past few years in the three block vicinity of this site and include the following: Buncombe County Garage (2006, under construction), Ellington Hotel (2007, due diligence), 60 N. Market Street Condominiums (2005, under construction), College Street Office Building (2005, under construction), Buncombe County Detention Expansion (2004, completed 2007).

#### **Staff Report & Findings**

##### **Project Details**

The proposed mixed-use building is located at a newly created address known as 80 Court Plaza and has historically been known as 20 S. Spruce Street in downtown Asheville. The property is zoned Central Business District (CBD) which encourages a wide range of commercial and residential uses, with no density or height maximums and no off street parking requirements. Unlike requirements in other districts, projects in the CBD are required to provide some limited design features including fenestration and maximum setbacks (among others).

The two parcels total .41 acres and are bordered by Marjorie Street on the south side, S. Spruce Street on the west side and the proposed new section of Court Plaza along the north side. The building as proposed will include about 175,000 square feet including 3 underground levels of parking or about 134,000 square feet of heated space. As measured from Court Plaza, the building provides eleven occupied floors and will be 144 feet to the top parapet wall of the tower, about 130 feet to the top of the parapet wall at the stepped back penthouse level, and about 115 feet to the main guardrail cornice edge along the front façade. Behind the guardrail cornice is a roof terrace area about eight feet wide that are attached to the residential units. A full ground-level floor is provided along the park for commercial use (about 13,000 square feet) and above this are 10 residential floors totaling 45 dwelling units. The average size of the residential units will be a little larger than 2,000 square feet. The number of dwelling units could

increase by decreasing the size of the units proposed without changing the envelope of the building.

Parking for the project is provided by two driveways from Marjorie Street with a reduced distance separation approved by the City Traffic Engineer. The natural slope of the street provides distinct floor levels for the garage levels without internal ramping from level to level. The second level of the garage has an internal automobile elevator to reach the lowest parking level which has no direct access. Although there is no off-street parking requirement in the CBD, there are a total of 75 garage parking spaces provided. The number of residential units could increase and the parking would remain compliant. The proposed Court Plaza extension will be constructed as a part of this development which connects City Hall to S. Spruce Street and will operate in a one-way direction away from City Hall. The Engineering Department has stated that the street shall be built to City standards with an appropriate right-of-way area established.

The building presents its primary facade along Court Plaza extension and the park space area and sets back from the property line at the park edge to protect the views between City Hall and the Vance Monument (a stated goal of the Pack Square Guidelines). A secondary benefit to this setback is that a broad outdoor space is created between Court Plaza and the new building that will follow the edge of the new road; this space will provide opportunity for dining and other active pedestrian uses that will help energize the park area.

Providing active street level uses is a basic requirement of the CBD; however, the natural slope of Spruce Street makes it difficult to provide a wrap-around retail space on this side of the building. The retail floor level at corner of Marjorie and S. Spruce Streets is eight feet above the sidewalk and, while this places the active use above the heads of the pedestrians, it does not provide enough elevation to add a full floor fronting on Spruce Street. After working with the Downtown Commission (DTC), the developer's team is showing an approved alternative that provides an entrance along Spruce Street into the main commercial space with design modifications eliminating window fenestration requirements for a retail edge along parking garage entrances located on Marjorie. Also along Marjorie, the developers propose using pedestrian-scale lighting attached to the building in order to illuminate the sidewalk (street lighting located on opposite side of Marjorie).

The developer has provided a summary for the project (attached to the report) and a sustainability program study for the project in which a number of green elements are noted. From reading the material it is not clear if LEED certification at the basic level will be applied for at the end of the project. The developer will also provide a staff member to coordinate communication between nearby neighbors and to facilitate the construction process.

## **Design Review**

### **Pack Square Conservancy**

A portion of the project area for Parkside Condominiums is a part of an agreement between the City of Asheville, Buncombe County and the Pack Square Conservancy (PSC), Inc which provides rights for the PSC to raise funds, design, build, and maintain the park area but the actual ownership and rights of ownership would be maintained with Buncombe County. During the development of the Pack Square Park master plan design review guidelines were developed and approved in 2003 by both the City of Asheville and Buncombe County. Both the plan and the guidelines identify several sites in or around the park as potential redevelopment sites and were given letters 'A' through 'D'. As a part of the agreement PSC developed design review guidelines for these sites with the added control that projects on public property within the boundary area will follow a mandatory review, mandatory compliance program which would include the area identified as "Site B" (Site B includes the City of Asheville parking lot located on Marjorie Street on the south side of City Hall and is located nearest to the site of the Hayes Hobson Building). 22 guidelines for construction in the Pack Square agreement area with six of these guidelines specific to development on Site B. No design guidelines were created for the Hayes-Hobson Building site which is located on private property. Nevertheless, staff felt it would be useful to evaluate the Parkside Condominium proposal for its ability to comply with the Site B guidelines to provide information for consideration; however, it is important to note that all of the height and massing studies in the PSDG are specific to Site B which creates some challenges to evaluating the Parkside Condominium site.

The Pack Square Conservancy provided a review of the Parkside Condominium project and at their November 7, 2007 meeting voted unanimously by resolution to deny the proposed development proposal because:

1. The proposed building blocked the view of the mountains between City Hall and the new building

2. The height exceeded what is recommended in the guidelines. Primary roof level (noted as the guardrail cornice) of the building (excluding the tower portion) is about 23 feet taller than the guidelines describe. Taking into consideration the tower level of the building, the top of the building is about 52 feet taller than recommended. The guidelines recommend an eight story structure with an additional height allowance for a recessed penthouse level. The proposed design does include a recessed penthouse level (height elevation comparisons are provided as attachments)

The Pack Square Conservancy also shared additional concerns during their review of the project which included:

- The building will cast shadows into the park space for several months of the year
- The building visually overwhelms City Hall and crowds into the edge of the park space

These specific guidelines are the most important guidelines to the Pack Square Conservancy and so they voted to deny the design, however the building meets close to 15 of the other recommended development guidelines in the PSDG.

### **Downtown Commission**

The design of the building is a traditional design featuring a base middle and cap that was a standard feature of early 20<sup>th</sup> century high rise design. The building design incorporates details and specific characteristics as suggested in the Pack Square Design Guidelines and from actual building designs including several buildings surrounding Pack Square and City Hall. The building is eleven stories as measured from Pack Square Park and is an additional story as viewed from Marjorie Street due to natural change in topography. The building provides active commercial spaces opening directly onto the park via the wide sidewalk space proposed beside the Court Plaza. After initial consideration of the Parkside proposal the Downtown Commission (DTC) passed a resolution on November 9, 2007 (copy attached) that City Council consider a land swap or agreement to provide the Parkside Condominiums space at Site B. With that information provided to City Council, DTC continued their design review responsibilities.

The Downtown Commission reviewed the Parkside Condominium building using the Downtown Asheville Design Review Guidelines (DADRG) that apply to all projects in the downtown design review boundary area. In addition to the DADRG the DTC also considered the Pack Square Design Guidelines when evaluating the proposal. Although there was some confusion among commission members regarding this unusual situation of having a dual set of review materials, the issue was discussed and the design review was completed with consideration of both design manuals.

The unique situation noted with the PSDG is that the Hayes-Hobson Building site has no specific design guidelines and is not a part of the Pack Square Agreement. In addition, the property the County sold for the development is no longer held for mandatory compliance for the design guidelines. The DTC considered the Site B specific guidelines as most relevant to this location even though the building site is in front of the Site B. The building is expected to be a landmark building because of its prominent location as outlined in the DADRG. The DTC noted the following items for consideration during the review:

- The historic Hayes-Hobson two-story building will be removed as a part of the development proposal.
- The design review process noted that S. Spruce is a key pedestrian street as defined in the UDO and has additional design and operational standards that apply.
- The DTC recognized the important goal of protecting the view shed between City Hall and the Vance Monument and felt that the designers have attempted to accommodate the view by setting the proposed building back from the property line adjacent to the park. Pushing the building back also created the need for a modification to the 80% lot coverage requirement found in the UDO.
- The DTC recognized the loss of the view of Beaucatcher Mountain from certain vantage points in the Pack Square Park area but also noted that it still provided a gap of over 100 feet between the edge of the building and City Hall and that the corner of the proposed building has been stepped back and will afford some view.
- The DTC reviewed a shadow study and acknowledged that shadows will be present in the park at certain times of the year during specific times of the day.
- The project will provide eyes on the park throughout the day and night because of the commercial space and residential units which will make the park safer and the proposed design provides potential for active outside uses at the edge of the park
- The design is taller than the PSDG guidelines recommend but some of that additional height may

be attributed to shifting the building back away from the property line at the edge of the park thereby making the building footprint smaller.

- The designers responded to comments made of the DTC members by providing a pedestrian entrance along Spruce Street and greater interest in the openings along Marjorie Street.
- The building size and design was felt to complement the presence of City Hall and the County Courthouse without overwhelming it from a design standpoint.
- The DTC provided modifications to four UDO requirements: 80% lot frontage requirement that buildings cover; fenestration requirements along Spruce Street to meet 70% as a storefront along Key Pedestrian Streets; retail space requirements along the edge of parking garages on Key Pedestrian Streets; landscape requirements specific to street trees along Marjorie Street.

After consideration of the specific design guidelines and the many goals for the downtown Central Business District, the DTC voted to approve the proposed design with the site plan and the modifications requested by a vote of 5 to 1 with two abstentions.

#### **Technical Review Committee**

The Technical Review Committee (TRC) reviewed the project for technical compliance with the city and state codes. The draft staff report is attached for review. There will be some items that will be required to be incorporated for final plan submittal should the proposal be approved by City Council. After reviewing the plans, the sidewalk width along Marjorie Street was accepted for a proposed improvement less than the UDO recommended ten feet wide for new sidewalks and acceptance of the driveway openings closer than recommended in the UDO. The TRC also recommended designing spaces for street trees in bulb-outs along Marjorie Street. The proposed development was approved with conditions at their March 17, 2008 meeting.

The following items were required by TRC members to be included on revised plans:

- Staging plan needs adjustment to ensure circulation in the area throughout the construction process.
- The plan needs to demonstrate that fire and police vehicles can maneuver through the area including Marjorie Street and S. Spruce Street.
- The plan needs to ensure the relocation of the City Hall chiller.
- Ensure that no air rights issues are present with regard to encroachments over the property line. If encroachments are present this issue will have to be resolved before final TRC review.
- The Parkside project will have to coordinate construction activities to limit impacts on the Pack Square construction process and operations.

After the TRC meeting a requirement to plan and prepare for emergency wireless communications was added to the requirements as outlined in Ordinance number 3583.

The Pack Square Conservancy representative attended the meeting of the TRC and asked for consideration of several construction related items which have been added to the TRC staff report for final TRC.

#### **Additional Community Comments**

The community has provided comment during several community meetings to review the proposal since the initial plans were announced. The following is a list of concerns that have been compiled and is not rated by importance or relevance:

- Concerns about loss of historic structures that contribute to the downtown Asheville national register district.
- Concerns about shadows cast in the park space.
- A letter of concern from the Asheville Tree Commission to the City Council about loss of the large *Magnolia grandiflora* (Southern Magnolia) tree.
- Concerns about the Buncombe County process regarding the sale of the park property for private development.
- Concerns about the height of the building.
- Concerns about the impact of private development on public park space.
- Concerns about the proposed design and its compliance with the adopted Pack Square Park Design Guidelines.
- Concern that the new structure will crowd the view shed of Beaucatcher Mountain and compete with the prominence of the government buildings.

- Concern about added traffic generated by the proposed use along the edge of the park.
- Doubt that the elevations provided are a realistic representation of the proposed building.
- Concerns about Marjorie Street being used for garage access and not being as pedestrian friendly.
- Concerns that construction of the building not disrupt the construction expected in the park and the use of the park when construction is complete.
- Concern that future residents of the building will voice concerns about festival and musical activities in the park area because of noise and hours of operation.

#### **Conditional Zoning Findings:**

Section 7-16-2(c) of the Unified Development Ordinance (UDO) states that Asheville City Council shall not approve the conditional use application and site plan unless and until it makes the following findings, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

**1. That the proposed use or development of the land will not materially endanger the public health or safety.**

The project is designed to be compliant with state and local building codes and will be designed to meet public safety and access standards of the community. The project was reviewed by the Technical Review Community who will review final development plans should the proposal be approved. Outstanding issues are expected to be resolved through further design refinement.

**2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

The proposed development is providing a façade and building main level that is compatible with the main feature of the surrounding area, which is the park green. The main façade of the project is situated to make the park the main attraction of the residents and commercial uses. The project is reasonably compatible with significant topographic features of the site and within the immediate vicinity of the site. Although a large magnolia tree has garnered substantial community comment because it will be removed through the development, many additional trees and landscaping will be provided as a part of the redevelopment plans.

**3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The proposed development is not expected to substantially injure the value of adjoining or abutting property. The residential and commercial uses should complement the park area located in front of the site.

**4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The project is located in the Central Business District which does not have any height or scale limits; however, the Pack Square Guidelines while they do not address any specifics for the site of the Hayes Hobson Building do provide a height cap for the Site B project area located just to the south of the proposed building. Recognizing that by voluntarily shifting the building back from the property line it shares with the park in order to protect the views to City hall has effectively limited the potential building footprint and may warrant consideration of some additional height. However, if the height was reduced by a single floor as noted in the staff recommendation, the proposed project should be reasonably compatible with the scale, bulk, coverage, density and character of the area in which it is located.

**5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The Comprehensive Plan recognizes downtown Asheville as an opportunity for development and private investment. Special emphasis is given to infill locations in the Center City Plan where high density is appropriate and where infrastructure and context support such development. The Smart Growth policies support density infill development, green sustainable buildings and support for workforce and affordable housing in the community. The proposal would be improved by seeking

LEED eligibility and supporting affordable housing goals in the community. City adopted plans support the reinvestment in the downtown area as a way to strengthen vitality in the community, reinforce the downtown area as the business and community center of the city and county and become a sustainable model for the region. The City adopted Pack Square Design Guidelines recommend a more moderate height for development in the vicinity of the proposed project and by reducing the height the project could meet this requirement of the conditional use permit.

**6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The proposal is situated to have sufficient access to fire and police protection and necessary public utilities. The project is designed for multi-modal transportation with pedestrian amenities and access to the park and downtown area.

**7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The project is of a limited scale and did not warrant a traffic study. The extension of Court Plaza should reduce traffic congestion in front of City Hall from visitors to the City Building and the Buncombe County Courthouse by providing a simpler way to exit the area. The proposed uses in the building are not expected to cause undue traffic congestion or create a traffic hazard.

*Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable if the height is lowered and other suggested community goals are provided in the development of the project as noted above.*

**Pro's**

- The proposal activates the edge of the park and will provide 'eyes on the park'.
- The proposal meets many of the guidelines for new construction among the Downtown Asheville Design Guidelines and from the Pack Square Guidelines.
- The proposal provides high density mixed-use development in a pedestrian environment.
- The proposed design pulls the building edge away from the Park Edge to protect views of City Hall.
- With a floor removed from the proposed building as recommended by staff, the building would be more compliant with the spirit of the Pack Square Design Guidelines.
- A staff position will be created by the developer to manage communication, process and scheduling during the construction timeframe.

**Con's**

- The proposal is taller than recommended by the Pack Square Guidelines (for Site B).
- The Pack Square Conservancy has voted to deny the project based on compliance with goals for the park and Pack Square Guidelines.
- From the perspective of some members of the community a portion of historic public park space will be developed for private uses.
- LEED eligibility is not clearly defined.
- Affordable housing goals are not supported by the project either directly or indirectly.
- Project construction and staging will impact construction and use of the park.

**Recommendation:**

Staff acknowledges that the project meets many of the goals and guidelines of the UDO and the Downtown Asheville Design Review Guidelines by providing a mixed-use infill building in the downtown core, however the building as proposed is taller than the recommendations from the Pack Square Design Guidelines. Part of this is the result of a trade off for a smaller building footprint resulting from the building being pulled away from the park edge to maintain views of City Hall from points in the park. To overcome this challenge and provide a project this is reasonably compatible with adopted City plans, staff recommends reducing the height of the building by one floor. This floor should be removed from a point mid-way up in the building so that the roof features such as the step-back at the penthouse level and the dark metal cap for the roof are unchanged. In addition staff recommends that the building pursue LEED certification through the commissioning process at the basic LEED level and provide some support for community affordable housing goals as recommended in the comprehensive plan. Outstanding TRC comments should also be listed as conditions of approval.

## **Suggested Motion(s):**

### Conditional Use Permit:

I move to approve the Conditional Use Permit adopting the proposed master plan for the Parkside Condominium Level III project subject to the standard conditions outlined in the staff report in addition to the following conditional uses standards unique to this project:

1. Reduce the height of the building by one floor that is removed from the center of the building so that the penthouse level step-back and metal roof form are retained, and
2. The project seek LEED certification at the basic LEED level, and
3. The project support community affordable housing goals either directly or indirectly.

With these standards, we find that the request is reasonable based on information provided in the staff report and as stated in the staff recommendation.

### Standard Conditions:

1. The project shall comply with all conditions outlined in the TRC staff report.
2. All site lighting must comply with the City's Lighting Ordinance and be equipped with 90 degree cut-off fixtures and directed away from adjoining properties and streets.
3. The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
4. This project will undergo final review by the TRC prior to issuance of any required permits.

## **Key Dates & Actions**

	Meeting Date	Signs Erected	Adjacents Notified	Advertised	Action
RC	3/17/08	3/06/08	3/07/08	3/07/08	Approved with conditions
Planning & Zoning Commission	4/02/08	3/20/08	3/20/08	3/20/08	
City Council					

## **Attachments**

Exhibit A map  
Exhibit B map  
Site plans  
Elevation pages  
Perspective drawing of building  
TRC staff report  
Draft Downtown Commission minutes February 8, 2008  
Staff report for the Downtown Commission  
Downtown Design Review Checklist  
Pack Square Design Guidelines  
Pack Square Agreement and Exhibit A map  
Pack Square resolution November 7, 2007  
Downtown Commission resolution November 9, 2007  
Tree Commission letter to City Council March 18, 2008  
Height elevation comparison sheet (two images)  
Parkside Condominium project summary and sustainability program paper



## ParkSide Condominium Project Summary

**The Project:** ParkSide will be a luxury 11-story mixed-use building adjacent to Pack Square Park. It will consist of a ground floor of retail/café/restaurant space to service park users and the Asheville community at large, 45 luxury residential condominiums, and in-building parking to service the condominium owners. The exterior of the structure will resemble the historic fiber of the adjacent buildings and downtown Asheville. The interior condominium space will be designed to maximize the views of the Park, downtown Asheville, and the surrounding mountains.

**Owners & Architect:** S.B.Coleman Construction is Asheville North Carolina's premier full-service contractor, having built and enhanced some of Asheville's most distinctive homes and commercial construction developments since 1949. S.B. Coleman's mission: To provide high quality construction services to create, improve, and enhance real estate. We are committed to consistently providing a quality of work that exceeds all expectations of excellence and customer satisfaction. We accomplish our goals with a team of highly trained professionals committed to continuous improvement of our company and our community, and who are driven by honesty, integrity, and dedication.

FMK Architects, located in Charlotte, NC, was founded in 1991 as a full service architectural design firm. From its inception, the firm's goal was to emerge as a practice rich in diversity, design innovation and professionalism. FMK's dedication to the *craft* of the profession and producing unique *solutions* for its clients have remained as top priorities for the firm, resulting in a focus that has benefited each and every one of FMK's clients and their projects. FMK's experience to date includes projects ranging from multifamily, commercial, cultural, educational to medical office facilities. FMK Architects has enjoyed particular success in the creation of award-winning urban mixed-use environments. This well-honed market expertise has allowed FMK to complete thousands of multifamily units in a variety of mixed-use and mixed-income developments throughout the Carolinas.

**Site & Architecture:** ParkSide will be located adjacent to the 6.5-acre Pack Square Park. The total site is 17,865 square feet while the building footprint is 12,581 square feet. Approximately 3,256 square feet may be deeded to the County to allow for a public road as illustrated in the Pack Square Park design. ParkSide will be replacing the functionally and economically obsolete Hayes-Hopson building, the adjacent alley, and the "Old County Jail" fronting Marjorie Street.

ParkSide has been designed to resemble the historic fiber of the adjacent buildings and downtown Asheville by incorporating such details as brick veneer facades, cast stone details and cornices, arched windows, bronze-colored metal windows, and canvas awnings. The building has been set back from the front (north) lot line to provide the requested view corridor to the City Building and to allow for Court Plaza, the street that will connect South Spruce Street with the City Building. The ground floor will provide both indoor and outdoor retail/café/restaurant space to service the park.

**Green Elements:** ParkSide, LLC and FMK Architects are committed to the principles of green building. ParkSide will be designed with green technologies, energy-saving features and conservation-minded standards. We accept responsibility as the creators of ParkSide to respect the natural beauty and air quality of Asheville for generations to come.

ParkSide will support green building in terms of both the use of efficient building practices, materials, and appliances, but also inherently supports green practices as an urban high rise. By providing 45 residential condominiums ParkSide protects our mountain lands, drastically reduces the public costs required to support infill (vs. suburban) growth, conserves a tremendous amount of energy and land, and consumes fewer fuels that contribute to CO2 in the atmosphere.

**Benefits to the Community:** ParkSide provides a number of benefits to Pack Square Park and the community. The following are excerpts from the "Pack Square Design Guidelines" created for Pack Square Park and the Pack Square Conservancy and recognized by the City of Asheville. ParkSide supports and accomplishes each of these goals:

- ❑ "These public improvements will also create development opportunities that are part of the strategy to bring new life and activity to the perimeter of both Pack Square and City-County Plaza."
- ❑ "The addition of new buildings in this area will complete the enclosure of public spaces with attractive buildings designed to be sympathetic and compatible with existing architecture. Additionally, this development will provide new retail, entertainment, office, and residential space for downtown."
- ❑ "Currently, the space suffers from lack of definition and the absence of critical mass of uses."

ParkSide also provides a number of other benefits to the community:

- ❑ The project will provide several retail shops/restaurants on the Park level and 45 residents on the park, creating "eyes on the park" and improving safety for Park users 24 hours a day, seven days a week.
- ❑ Proceeds from revenues generated by the project will be used according to ParkSide, LLC and S.B. Coleman's broad based philanthropic mission to provide funding to many important and deserving non-profit organizations in our community.
- ❑ Tax revenue generated by ParkSide is estimated to provide each year \$193,200.00 to the City of Asheville, \$241,500.00 to Buncombe County, and \$69,000.00 towards the School Tax, for a total of \$503,700.00 in annual property tax revenue.
- ❑ ParkSide will provide retail and food services to park users at a location where none are currently provided, while 45 new consumers of downtown services will be added as a result of the project.

**Schedule:** ParkSide is scheduled to begin construction in 2008 with a 14-month completion of the building's shell, and completion in 2010.

# **Sustainability Program Study**

The developers of ParkSide are committed to sustainability and environmental responsibility. This project will demonstrate “green” awareness and energy efficiency since it will be a landmark building in downtown Asheville for the next 40 years.

## **NC GreenPower**

ParkSide will contribute to the NC GreenPower Program, a statewide effort to support and improve the environment by using “green power” electricity generated from renewable resources such as solar, wind, biomass and water. As a large user of electricity, ParkSide will contribute as a “Champion Level” customer by contributing annually to NC GreenPower by purchasing 100-kwh blocks of energy.

NC GreenPower is a voluntary commitment to support renewable source energy. Progress Energy currently generates only 1% of its power from renewable resources (hydroelectric). By contributing to NC GreenPower, ParkSide will help to increase the usage of renewable resource energy in the future.

## **Design and Construction**

ParkSide will follow the U.S. Green Building Council suggestions and recommendations for new construction. The following LEED specific items taken from the USGBC Guidelines are proposed:

1. Rainwater collected from roof and above ground terrace drains will be stored in a large above ground cistern located in Level P1. This water will be recycled for irrigation of street trees and/or container plants around the perimeter of the building. In addition, ParkSide would offer to allow access to this water by the adjacent Pack Square Park for its use in irrigating some or all of the Park itself.
2. Reduce soil erosion, sediment and dust during construction
3. Re-Activate an unused site within the CBD
4. Provide bicycle racks and changing facilities
5. Parking incentives for low-emitting/fuel efficient vehicles
6. Provide covered parking
7. Use roofing materials with a high solar reflectance
8. Reduce water consumption for irrigation by 50%
9. Use water-conserving fixtures to reduce demand by 20%
10. Provide thorough Commissioning of building energy systems:
11. Utilize energy efficient HVAC and Electrical Systems
12. Reduce ozone depletion (no CFC refrigerants)
13. Contribute to NC Green Power (renewable resource energy) as a “Champion” sponsor
14. Utilize operable windows and doors
15. Provide storage and collection of recyclables
16. Divert 50% of construction waste from disposal

17. Utilize products with 10% recycled content, such as steel, concrete (fly ash), and finishes
18. Use regional materials from within 500-mile radius (10%)
19. Use FSC certified wood products
20. Meet minimum indoor air quality requirements of ASHRAE62.1 -2004
21. Prohibit smoking in Common Areas
22. Provide an Indoor Air Quality Plan during construction
23. Use low-emitting adhesives, sealants, paints, coating, and carpet systems
24. Use entryway systems that capture dirt
25. Provide a Lighting Control system
26. Provide individual comfort controls for over 50% of occupants
27. HVAC systems that comply with ASHRAE 55-2004
28. Provide post-occupancy thermal comfort survey
29. Create sustainable signage and provide educational materials to residents and guests
30. Provide a green housekeeping program using non-toxic, low-voc chemicals

### **Community Liaison**

To begin downtown business life as a good neighbor and to aide in preventing disruption to area businesses, ParkSide, LLC will establish a Community Relations Program guided by a liaison to mitigate the impact of development activities. The liaison will help to anticipate and prevent construction-related impacts, and will develop and implement a detailed approach with tools to support a neighborhood communication process and resolution of construction-related problems when they occur. Upon project approval, the liaison will work with neighboring businesses and residents well in advance of the project start date in order to facilitate a strong communications program prior to construction.

The liaison responsibilities include:

- Create a Community Relations Management Plan
- Develop relationships and supporting communications tools prior to beginning of construction
- Establish lines of communication between ParkSide, LLC, FMK Architects, neighboring businesses, and the City of Asheville
- Host meetings with neighboring businesses
- Personally visit neighboring business as a regular activity
- Maintain reports of requests, meetings, activities and resolution

**DATE:** 24 March 08

**TO:** Alan Glines and Members of the  
City of Asheville Planning & Zoning Commission

**FROM:** Mark Fishero

**PROJECT:** ParkSide Condominium  
FMKA.0703



**MESSAGE:**

Mr. Glines and Members of the Planning & Zoning Commission:

The purpose of this memo, as requested by Mr. Glines, is to address several issues related to the attached submittal drawings. For the most part, these drawings are identical to those submitted to and approved by the Technical review Committee (TRC) in their meeting on 17 March 08. However, during that meeting there were several issues raised that Mr. Glines felt should be addressed as a part of this submittal. These issues are as follows:

Revised Construction Staging Area Diagram

As a part of our TRC review, we received comments expressing concern about the fact that that diagram indicated construction fencing that would temporarily block the existing pedestrian sidewalk from Spruce Street to the new City Plaza. That same diagram also indicated construction fencing that would obstruct vehicular access along the western half of the new City Plaza. In response to these concerns, the diagram in this submittal package (see Sheet CS0.1) has been revised to move the construction fencing out of these two areas thereby eliminating the blockage of both the pedestrian and vehicular traffic in these areas.

Street Trees Along Marjorie Street Frontage

During the TRC meeting, the Tree Commission expressed concern about the lack of street trees along the Marjorie Street frontage. This was not shown at the time due to the fact that this sidewalk was already narrower than the 10' "standard" width. It was noted in the meeting that this narrow sidewalk was a by-product of the creation of the new Court Plaza and its related sidewalk along the north (Park) side of the building. During the meeting, the suggestion was made to pursue tree well "bump-outs" that would project beyond the existing sidewalk and into the existing row of parallel parking spaces. Since the TRC meeting, I spoke with Ken Putnam – City traffic Engineer – and he verbally approved such "bump outs". The drawings in this submittal have been revised to include four such tree well "bump-outs" along the entire Marjorie Street frontage.

Fire Truck Maneuvering Issues

As a part of our TRC review, we received comments expressing concern about the ability of a fire truck to maneuver in two locations – the turn from westbound Marjorie onto northbound Spruce Street and maneuvering through the new City Plaza onto the proposed Court Plaza. At the Marjorie / Spruce intersection, the concern stemmed from the relatively narrow width of Spruce Street between the heel of the angled parking spaces abutting the Fire Station and the curb extension just south of the parallel parking. This clear width was 12'-7". We were instructed to make sure that an "SU-30" vehicle could

make this turn without hitting cars parked in the aforementioned angled spaces. In preparing this study we discovered that there was, in fact, a minor conflict. However, this was easily remedied by a combination of increasing the curb radius from 10'-0" to 15'-0" and reducing the width of the parallel parking spaces along Spruce Street from 9'-0" wide to 8'-0" wide. As for the City Plaza maneuvering concerns, our study revealed that this is not a problem. To illustrate our analysis, we have added Sheet C3.02 – Vehicle Turning Movements – to our submittal set.

#### Balcony and/or Cornice Overhang Issues

During the meeting, a question was raised regarding whether or not any of our balconies or architectural cornice features extended beyond the property lines. Because our plan exhibits did not indicate the property line on all plan levels (they were just shown on the "at grade" levels), this was a difficult question to address. Since then, we have analyzed this issue and have included existing property lines on all of the building plan levels (Sheets A1.1 through A1.14). What we have discovered is that none of our balconies extend beyond the property lines in any location and there are four locations where the architectural cornices extend beyond the property lines. These encroachments are now shown as shaded areas on the relevant building plan sheets. Sheet A1.6 (Level 3 Plan) and Sheet A1.13 (Level 10 Plan) show a very small portion of cast-stone cornice at each of these levels that extends beyond the easternmost property line (parallel to Column Line "N"). Sheet A1.14 (Level 11 Plan) shows a very small portion of the horizontal "visor" cornice that extends beyond the Spruce Street property line (parallel to Column Line "A") and a larger "L"-shaped portion of that same cornice that extends beyond the easternmost and Marjorie Street property lines (parallel to Column Lines "N" and "8" respectively). It should be noted that all of these cornices are substantially above grade. Also please note that attached excerpt from Chapter 32 of the 2006 North Carolina State Building Code which allows such encroachments into the public right-of-way.

#### Project Summary / "Green" Architecture / Sustainability Program / Community Liaison

Our client has prepared a document that outlines overall project initiatives as well as programs that they intend to put in place for this project as it moves forward. Please see the attached document entitled "ParkSide Condominium Project Summary" for additional information.

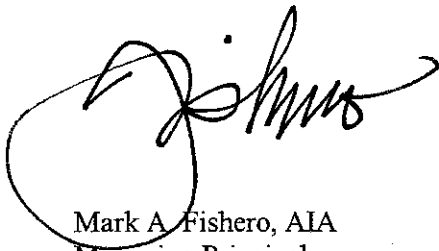
As with any project of this scale, there were a number of other more minor comments made in the TRC review process. In the short time since that meeting, we have not been able to make revisions related to these concerns. However, we have reviewed them in detail and are confident that all of these issues can be resolved without substantive changes to the project itself.

Our intent is to come to the meeting on April 2<sup>nd</sup> with a brief presentation that will further explain the project and will address how we feel that the project complies with the "seven findings" that your commission is charged with evaluating.

We look forward to your questions and comments during the Planning & Zoning Commission meeting on April 2<sup>nd</sup>.

Thank you in advance for your willingness to meet with us and discuss this project. We are confident that it is one in which both you and the citizens of Asheville will take great pride.

Sincerely:

A handwritten signature in black ink, appearing to read 'Mark A. Fishero', with a large, stylized circular flourish on the left side.

Mark A. Fishero, AIA  
Managing Principal  
FMK Architects

cc:           Stewart Coleman -- ParkSide Condominium, LLC  
              Tom Fawcett - ParkSide Condominium, LLC  
              Tom Israel - ParkSide Condominium, LLC  
              Ross Franklin - ParkSide Condominium, LLC