



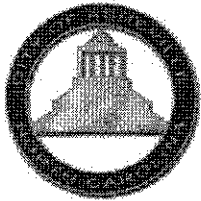
From: Brian Postelle <bpostelle@mountainx.com>
Subject: **Parkside staff report**
Date: May 23, 2008 5:13:39 PM EDT
To: Jon Elliston <jelliston@mountainx.com>
Cc: Jason Sandford <jsandford@mountainx.com>
2 Attachments, 23.4 KB  

Begin forwarded message:

From: "Shannon Tuch" <stuch@ashevillenc.gov>
Date: May 23, 2008 5:04:27 PM EDT
To: <bpostelle@mountainx.com>
Subject: P007351.DOC

Please respond to let me know that you received this.

ST



**TO: Planning and Zoning
Commission**

DATE: April 2, 2008

**FROM: Shannon Tuch, ASLA, Interim
Planning and Development Director**

**Prepared by: Alan M.
Glines, Urban Planner**

**Project: Parkside
Condominiums Level III review**

Proposal: Mixed-use building meeting Level III project requirements review due to scale providing residential and commercial space and totaling

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

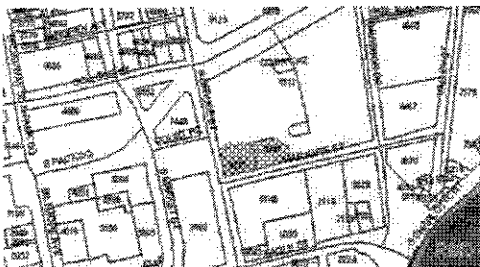
Site Address: 20 spruce Street (currently); 80 Spruce Street (proposed)

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 Zoning: CBD

Current Land Use: Office building, park use

Affected Roadways: Court Plaza, Spruce Street, Marjorie Street

Environmental Conditions: None noted

Site Features: Existing two story office building dating from 1890 +/-

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 by the Downtown Commission. The project is also located in the Pack Square Conservancy design area with separate review by the Pack Square Conservancy.

Compliance with Comprehensive Plan

The Asheville City Development Plan 2025 encourages the redevelopment of infill parcels with mixed-use higher density projects designed in a compact format in the downtown area to support Smart Growth goals and the continued vitality of the downtown area. New construction is anticipated as downtown continues to revitalize. Maintaining housing choices and affordability within downtown as projects are considered and encouraging sustainable green building techniques are also goals noted in the comprehensive plan. The proposed development is providing green building features but is not supporting affordable housing programs. 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. There is also a Pack Square Park goal noted as a long-term goal to explore the feasibility of a performing arts center located at the edge of Pack Square Park (at Site B location). The proposed development does not address workforce housing options with the current proposal.

Recent Zoning Actions: Several Level III projects have been approved over the past few years in the three block vicinity of this site including, Buncombe County Garage (2006), Ellington Hotel (2007), 60 N. Market Street Condominiums (2005), College Street Office Building (2005), 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 which encourages a wide range of commercial and residential uses, with no density or height maximums, no off street parking requirements but provides fenestration, setback and limited design requirements. 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. The natural slope of the street provides distinct floor pads 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 not an off-street parking requirement in the CBD, there are 75 garage parking spaces provided. The number of residential units could increase and the parking would be ample. The City Engineer approved the reduced distances between the two driveways. The proposed Court Plaza extension will be constructed as a part of this development which connects City Hall to S. Spruce Street. This street will operate in a one-way direction away from City Hall. The Engineering Department has stated that the street should be built to City standards and a right of way area established.

The building presents its primary facade along Court Plaza extension and the park space area. The building sets back from the property line at the park edge to protect the views between City Hall and the Vance Monument which has been a stated goal of the Pack Square Conservancy. A secondary benefit to this setback is that between Court Plaza and the building, a broad outdoor space is created that follows the edge of the new road and varies in width between 10 feet and 40 feet. This space will be used for dining and other active pedestrian uses. The natural slope of Spruce Street makes it difficult to provide a wrap-around retail space on this side of the building. At the corner of the building at Marjorie and S. Spruce Streets the retail floor level is 8 feet above the sidewalk level which is over head but still not high enough to provide a full floor tied to Spruce Street along this facade. After working with the Downtown Commission the developer's team did provide an entrance along Spruce Street into the main commercial space and the DTC provided a design modification to specific requirements to window fenestration and spacing and requirements for a retail edge along parking garages. As an aside for the site plan, the developers are not proposing any external building lighting besides normal sidewalk and pedestrian-scale lighting. 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 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 the park area, build it and maintain it but the actual ownership and rights of ownership would be maintained with Buncombe County. During the Pack Square Park master plan several sites in or around the park were outlined 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. The design review guidelines were approved by the City of Asheville (8/19/03) and Buncombe County (9/16/03) and a copy is attached to this report. The Pack Square Design Guidelines (PSDG) provide about 22 guidelines for construction in the Pack Square agreement area with six of these guidelines specific to development on Site B. Site B is the name for the site of 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. No design guidelines were created for the Hayes-Hobson Building site so the closest guidelines to be useful are the general guidelines for all construction and the Site B specific guidelines. All of the height and massing studies in the PSDG are specific and provided for Site B and this 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 (see attachment):

- the proposal blocked the view of the mountains between City Hall and the new building
- the height is too tall as recommended in the guidelines because the primary roof level (noted as the guardrail cornice) of the building (excluding the tower portion) is about 23 feet taller than the guidelines recommend. Considering 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 include:

- 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 20th 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. The DTC also considered the Pack Square Design Guidelines for the design. 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 a active outside uses at the edge of the park
- The design is taller than the PSDC 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 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
- Concern from the Asheville Tree Commission about loss of the large magnolia grandiflora tree and a letter to City Council to consider this
- 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 complaint 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 on its own but 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. Acknowledging that the building façade is already shifted back from the property line it shares with the park in order to protect the views to City Hall and environs which has reduced the overall footprint of the building, 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 is 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
- 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

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 staff conditions from the TRC report and 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

and with the standard staff conditions noted and 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
TRC	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