draftTRC STAFF REPORT

TO: TRC Members and Project Applicant
DATE: June 3, 2019 (meeting date)
PREPARED BY: Jessica Bernstein, Urban Planner II
APPLICANT: Jim Diaz
SUBJECT: Conditional Zoning - Jettie Rae's | 19-03385PZ

TRC RECOMMENDATION	Approve with Conditions

Summary Statement:
Request to review conceptual plans for a restaurant and pavilion use with a conditional zoning from River Arts District Form Code Open Space/Public Facilities (RAD-OSP) to River Arts District Form Code River Conditional Zone (RAD-RIV CZ). This project is considered under conditional zoning pursuant to Sections 7-7-8 and 7-8-29 of the UDO.

The property parcel is addressed as 144 Riverside Drive (PIN 9638.88-8040) and is owned by Riverlink Inc; the applicant is Jim Diaz.

Review:
Site - The project area consists of a single parcel with an area of 1.29 acres with frontage on Riverside Drive. The site is zoned RAD-OSP, as are parcels adjacent on either side, with RAD-RIV across Riverside Drive. The site is currently vacant.

Overall Project Proposal - The applicant is proposing a restaurant use on the site as well as an open-air pavilion, spaces for airstream pop-ups and a storage container structure for bathrooms, storage and a bar as well as open space. The proposal also includes approximately 36 surface parking spaces.

Revisions received for the 6/17 TRC meeting clarified which site elements are already constructed/approved as a part of the RAD TIP (driveway aprons, sidewalk, street trees, street lights, utilities, greenway, greenway lighting).

Access, Sidewalks, Parking, Mobility
The site is accessed via TWO driveways from Riverside Drive, 24 feet in width (constructed as a part of the RAD TIP). More information is needed on the uses as a whole but based on the overall use of the site being "eating and drinking establishment," a minimum of 30 parking spaces are required; 36 are proposed. The parking area is proposed as gravel. Both long and short term bicycle parking is required; plans show six bike racks with 12 spaces (exceeding the minimum required which is 3); long-term bike storage will be provided in storage area.

Sidewalks are shown along the frontage - more clarification is needed on how the proposed streetscape design complies with the requirements of the district. As noted above, the sidewalk configuration was already approved as a part of the RAD TIP.

The greenway runs along the western side of the site and there is an existing river access that

will remain. Plans indicate two ADA-compliant pedestrian routes into the site from the greenway.

Parking lot lighting will not be included as there is lighting already approved along the frontage and greenway.

Landscaping
Landscaping is required for the project and includes street trees, vehicular use planting, street buffer and dumpster screening (will be screened with a fence per plans). Native riparian vegetation is encouraged.

Design
The project is required to undergo design review and the applicant met with the Design Review Committee on a number of occasions (most recent meeting is scheduled for May 30th). A formal vote by the Asheville Area Riverfront Redevelopment Commission is required and is scheduled for June 13, 2019.

Zoning - RAD-RIV is intended to accommodate a variety of medium to large-scale residential, commercial and mixed use buildings that address and conform to the flood zone protection requirements. The suitability and compatibility of the request will be evaluated in subsequent reviews.

Conditions - The following conditions will be requested by the applicant:

- ~~More information needed to determine the conditions for the project , including details on how the project complies with build-to-zone (required 55%), intention for the airstreams as temporary or permanent, possible encroachment into parking setback, transparency requirements, standards on pedestrian access, planting strip requirement. *Plans will either need to be revised to comply or a detailed list of proposed conditions will be needed to be reviewed before the project can move out of TRC.*~~
- RAD TIP elements that have already been approved and constructed will remain and be incorporated, including sidewalk location and width, street tree placement, driveway apron locations and width, street lighting, greenway, benches, greenway lighting
- Build-to-zone required to be 55%, applicant is proposing 41.5%
- Airstreams are a permanent use on the site but are removable per flood emergency plan
- Six parking spaces encroach into the parking setback between 1-6 feet (required to be 10 feet)
- *Restrooms will be available to the public - may need to formalize the hours and signage notifying public use prior to P&Z...*
- *May want to consider formalizing a public access through the site from the public greenway to the public ROW...*

Required Reviews - Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on April 22, 2019. The project has met several times with the River District Design Review Committee (the design was not supported by the Committee at their vote on 5/30/19) and is required to be voted upon by the Asheville Area Riverfront Redevelopment Commission (June 13, 2019).

This project is ultimately approved by City Council and requires review and recommendation by the Planning & Zoning Commission (anticipated for the July 2019 meeting). Final TRC review is needed prior to issuance of any permits.

PLANNING:

Staff Recommendation: Approve with Conditions

1. No information provided on how multiple standards are met or if conditions are needed, including how much of the structure complies with the build-to-zone requirement, clarification on uses, duration and intent for the accessory "structures" (airstreams as mobile food vending or "permanent"), compliance with transparency standards, parking setback encroachment, compliance with entrance standards, planting strip / streetscape standards, compliance with ground floor elevation requirements. This information has been submitted by the applicant and added to revised plans and submittal materials. Conditions are revised above as well. JAB 6/11/19
2. Front setback would be permitted to be reduced to 0' due to ROW line location, please correct setback in data block on plans to note 0' for building and 10' for parking setback. OK, has been corrected on plans JAB 6/11/19
3. The parking setback (10') is not shown on plans - please delineate and note if any spaces encroach into that setback, which would necessitate a condition. Noted that six spaces encroach; added as condition JAB 6/11/19
4. Sidewalk width appears to comply but needs to be dimensioned on plans for compliance. Sidewalk is 10-12' in width and constructed as part of the RAD TIP with street trees in grates. JAB 6/11/19
5. Building impact landscaping is exempt in the RAD Form Code and can be removed from the plans if desired. Acknowledged by applicant but they prefer to leave on the additional landscaping JAB 6/11/19
6. Signage will be reviewed separately unless there are specific conditions the applicant is requesting related to signage. Staff may be suggesting conditions to limit or clarify signage visible from the greenway - will be discussed as project moved forward JAB 6/11/19
7. MSD Comment - **Plan shows temporary storage, bar and restroom building within MSD easement of 60" Interceptor line. This will not be permitted by MSD. This building will have to be moved to another location outside permanent public sanitary sewer easement. AT TRC, clarified that it's not the bar or bathrooms that are shown in the easement, it would be just the storage building.** If the building is going to move out of the easement, site plans will need to be reflected to show that prior to P&Z.

TREE COMMISSION:

Recommendation: Approved as Noted

1. **Approved**

TRANSPORTATION AND ENGINEERING: Andrew Cibor – 232-4586

Staff Recommendation: Continue Preliminary Approved with Conditions (6/13/19)

1. Site plan does not clearly indicate what improvements will be constructed by the proposed project or by others (e.g., RADTIP project) and how the proposed project improvements will tie into existing conditions/RADTIP (e.g., driveway access points). Design team clarified that vehicular access, drive aprons, sidewalk and greenway, street trees, grading, lighting, and utilities are included within the City's RADTIP project. (6/13/19, AC)
2. Please indicate driveway spacing dimensions on site plan. ASSDM Table 3-16 requires

minimums of 150' between driveways on same property, 50' from driveway on another property, and 10' from the property line. Response indicated dimensions are shown on the plans but they don't appear on what was provided for the resubmittal review. (6/13/19, AC)

3. The proposed land use is not clear and how it may impact traffic trip generation estimates. Please provide a peak hour trip generation estimate for the entire site upon completion of the proposed project to evaluate if a traffic impact study is required (UDO 7-11-6-b). A traffic impact study is required if the anticipated trip generation for the proposed project is more than 100 vehicles per peak hour. A 7,250 SF restaurant is not anticipated to generate 100 peak hour trips. Trip generation estimates for other proposed uses have not been provided and are unknown. (6/13/19, AC)
4. It is not clear on the site plan where the parcel boundary, and any existing or proposed easements are located (e.g., greenway). Boundaries are clarified and may be in the process of closing. (6/13/19, AC)
5. The site plan indicates 6 bicycle racks. Bike rack details will need to be provided to assure compliance with City standards. To see bike rack types accepted, see page 3-26 of the C.O.A Standard Specifications and Details Manual. Bike rack details will be required as a part of the final TRC review. (6/13/19, AC)
6. Please indicate sidewalk and greenway related dimensions (e.g., width) on site plan. Sidewalk width varies between 10' and 12' (including area for things like street trees). Greenway is 10' wide. (6/13/19, AC)
7. Depict the sight visibility triangle (10 feet by 50 feet) as required for City of Asheville maintained streets at the access point per 7-11-2(h) of the UDO. Area within triangles shall be constructed and maintained by owner such that cross-visibility at a level between 3' and 10' above the street elevation is not obstructed (ASSDM 3C.07) Sight triangles included on plans. (6/13/19, AC)
8. The submittal did not include any construction staging plans to understand anticipated construction related impacts. The construction staging plans must thoroughly depict all aspects of the construction phases including impacts to adjacent and nearby transit routes/bus stops, roadways, sidewalks, greenway, and streets; identify construction staging areas and parking areas or other transportation plans for construction workers and subcontractors (should be limited to the project site). Construction staging options have been identified and will need to be refined prior to final TRC. If staging is off site clarity on how transport between sites will impact the public and/or use of the public right of way will impact the public. Preference is to contain impacts to the project site. (6/13/19, AC)
9. Site plan does not appear to indicate any existing or proposed street, site, pedestrian, or greenway lighting. Please clarify the lighting plan. Please include RADTIP light locations on site plan to aid in the review and to provide additional context. (6/13/19, AC)

Standard comments; no specific response necessary

10. The developer is responsible for ensuring that all facilities in the public right-of-way comply with the current draft Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), available on the US Access Board website at http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines. Comment noted by development team (6/13/19, AC)
11. Any street, lane, or sidewalk closures will require a separate permit. For any temporary street/lane/sidewalk closure(s) during construction/renovation, the closure must follow all MUTCD (Manual on Uniform Traffic Control Devices) requirements for work zone traffic control. Contact David Keitt @ 259-5476 for information on the temporary closure process and obtaining a permit prior to any right of way closures. Comment noted by development team (6/13/19, AC)

PARKS AND RECREATION: Al Kopf – 259-5838

1. **Approved.**

BUILDING INSPECTIONS: Anne Graham - 271-6144

Staff Recommendation: Approve with conditions

1. Building code compliance, including Appendix G and ASCE 24, to be reviewed during permitting process
2. Service equipment to be located min. 2' above BFE with code compliant service platforms included
3. All site lighting to comply with ordinance 7-11-70

EMERGENCY ADDRESSES: Stuart Rohrbaugh: 251-4004

Staff Recommendation: : Approved as Noted. swr 5/14/2019

1. Proposed new building assigned 144 RIVERSIDE DR, ASHEVILLE NC 28801

FIRE DEPARTMENT: Brian Ronie – 251-4012

Staff Recommendation: Approve with conditions

1. Section 510 and City Ordinance EMERGENCY RESPONDER RADIO COVERAGE shall be provided per 2018 NC Fire Code ec. 7-11-9 Emergency Wireless Communications.
2. Restaurant to be sprinklered per NFPA 13
3. Hydrant to be within 100' of FDC

WATER RESOURCES: Chad Pierce, 259-5420

Staff Recommendation: Approve with conditions

1. A Letter of Commitment for water service has been issued for this project. All terms and conditions indicated in said Letter of Commitment are applicable to the proposed waterline extension.
2. The TRC review process does not constitute an approval of the proposed waterline extension as waterline extensions are received and reviewed separately by the Water Resources Department. Please submit plans for waterline extension approval to the Water Engineering Division for review, approval and permitting.
3. A 20 feet easement is required around all publicly owned and maintained water infrastructure. Minor landscaping improvements, shrubs or ground cover, can occur within the 20 feet easement of existing or proposed public waterlines. However, the planting of trees and erecting of structures, signs, etc., is restricted within this 20 feet easement.

PUBLIC WORKS: Chad Bandy – 259-5832

Staff Recommendation: Approve with conditions

1. Sanitation acknowledges that the site will be serviced by a private waste collection company. Advise that dumpster fence/screen be large enough to accommodate 2 standard 8-yard dumpsters (trash & recycle, with room for compost carts) in the event that use of hauler changes or hauler changes style of service from carts to dumpsters.
2. Coordinate with the Capital Projects Team on this project.
3. Right of Way disturbance permit will be necessary.

Stormwater/ Erosion Control/ Flood Info: Frank Rapp 259-5609

Staff Recommendation: Approved with Conditions for TRC

1. Conceptional plans without enough information for grading and erosion control comments.
2. Does not appear that stormwater will be required.
3. The project site lies within the Special Flood Hazard Area. Development must comply

with Section 7-12-1 of the City Unified Development Ordinance. (Code of Ordinances, City of Asheville, North Carolina, Part II, Chapter 7, Sec. 7-12-1)

4. Formal plans will need to be submitted for EC and Flood Approval.

MSD: Kevin Johnson – 225-8289

Recommendation: Approve with Conditions

1. MSD issued a wastewater allocation approval in the amount of 10,000 GPD for a full service restaurant on 4/11/2019
2. Since this project will serve food, pre-approval from MSD's Pre-Treatment Group is required for Grease Interceptor prior to installation. Field inspection approval will also be required after installation prior to release of C.O.
3. Building permit will not be issued until sewer service application has been completed and applicable fees paid.
4. No trees or permanent structures are allowed within permanent public (MSD) sanitary sewer easement. **Plan shows temporary storage, bar and restroom building within MSD easement of 60" Interceptor line. MSD is currently in discussions with development team for an easily removable connection that would allow repairs and replacement.** ...

REVISED PLAN SUBMITTAL INSTRUCTIONS:

For projects heading to **Planning & Zoning Commission: next meeting is July 18, 2019**

- A digital copy must be delivered prior to the Planning & Zoning Commission meeting no later than TBD**.** These sets shall be delivered to the online portal.

For ***Final TRC & Revisions:*** All Final Technical Review Committee and Revised submissions should be delivered electronically at https://develop.ashevillenc.gov/

Also included in these submittals shall be:

- A letter to the City addressing all TRC staff report conditions/comments. **The letter shall state the specific condition and how and where the items have been addressed on the revised plans.**
- The revised plans shall **clearly identify and illustrate** the revision noted in the staff report (i.e. a symbol on the plan noted with the number of the condition).
- All revised plans and documents shall be submitted in PDF format in addition to required hard copies.