

Memorandum

April 15, 2011

TO: PED Committee
FROM: Judy Daniel, Director Planning and Development Department
RE: Momentum/Health Adventure Property

Upon learning of the demise of the Momentum project, the staff began to evaluate options for the City to consider regarding the site. A significant amount of infrastructure has already been completed including terraced parking areas (with retaining walls) and a bridge crossing the creek for the entry off Broadway across from the entrance to UNCA at Weaver Blvd. An attached memo from Public Works/Stormwater staff addresses questions regarding the current status of the stormwater / sedimentation control infrastructure.

Overall, this site has significant potential for development aligned with city policies and incentives. It is on a major thoroughfare, in the Sustainability Bonus designated area (due to proximity to transit and a greenway), in the Land Use Initiative area, has frequent transit service, and borders several major institutional uses. Uses to the southeast are residential, both single-family and multi-family. The zoning is Institutional and zoning to the northwest is also Institutional; residual zoning is either RS-8 (single-family) or RM-8 (multi-family).

The current zoning, Institutional, allows a residential density of 16 du/acre and a range of other non-residential uses (including passive uses such as stand-alone parking lots). Any new use proposed under Institutional would be required to install a planted buffer (as was proposed and approved for the Health Adventure). This zoning has no height restriction, except within the 100 foot transition zone where it is limited to the height in the bordering district (which would be 40 feet). Given the limited buildable area on the site (it is restricted by the creek buffers and terraced parking areas), height may be desirable for a developer seeking to maximize development potential; but the transition zone would afford substantial protection for neighboring uses.

If there is interest in rezoning options, a change to RM-16 would retain the same density for residential uses but eliminates the requirement for a planted buffer from the neighborhood side. A rezoning to RM-16 CZ would afford the opportunity to make the installation of a buffer an approval requirement. This district limits height to 40 feet, and certain uses, such as stand alone parking lots, are not permitted.

Alternately, rezoning to RM-8, which borders to the southwest, would limit height concerns; but might be counterproductive given all the attributes for additional density at this location that are supported in various city policies, incentives, and plans. That zoning would preclude eligibility for the sustainable density bonus.

The Legal staff will comment on the status of the property the City gave to this venture in exchange for building the greenway segment along Broadway.

Memo from Public Works, Stormwater

From: McCray Coates

To: Cathy Ball

Sent: Thursday, April 14, 2011

Subject: RE: Momentum

I visited the site today; it appears to have some new growth starting to show up currently. I think we can take another look at this in the next two to three weeks to see how much vegetation is out there at that time. There were no sign of off site sedimentation at our visit today. There is some maintenance work that will need to be done soon around a couple of the inlets to insure that no off site sedimentation occurs in the future.

This site was permitted under the old erosion control ordinance in which we did not require any bonds for re-vegetation. If it fell in the current ordinance, we would have required a bond.

We had previously issued them a NOV, last spring, for failure to maintain the erosion control devices for not seeding the site. They came in and seeded this site and established ground cover.

We have been monitoring the site. They were contacted a few weeks back and told they needed to perform some maintenance activities on the site. To date, none of that activity has taken place. We can move forward with a NOV for failure to maintain the EC devices, this NOV is without fines initially.

I will ask staff to closely monitor this site and if we see any signs of off-site sedimentation we document them.

The previous ordinance does allow for "the City to clean up off site sedimentation or mitigate other erosion related public safety and environmental hazards and charge the person in violation."