City of Asheville Staff Report

City Council Meeting Date: August 25, 2026

Staff Resources: Clay Mitchell, PhD, Urban Planner II; Chris Collins, AICP, Interim Director

Action Requested: Adoption of an ordinance to rezone a portion of the property at 23 Heritage Dr from Residential Multi-Family High Density (RM-16) to Highway Business (HB).

Project Location and Contacts:

- 23 Heritage Dr (PIN 9629-80-5624)
- Owner: American Society for the Prevention of Cruelty to Animals ("ASPCA")
- Applicant: David Alvarado

Summary of Petition:

- The applicant requests a rezoning of a portion of the property from Residential Multi-Family High Density (RM-16) to the Highway Business (HB) district.
- The subject property is currently split zoned along a line that follows from the zoning to the south of the subject parcel and divides the current parcel into HB and RM-16 zoning districts.
- The area of the subject parcel that is split zoned was created prior to the enactment of the current districts as evidenced in plat 29-62 dated to 1952.
- The parcel was acquired along with an abutting parcel by the Humane Alliance of WNC and then sold to the current owner in 2015.
- The subject property is currently in use by the American Society for the Prevention of Cruelty to Animals ("ASPCA").
- The applicant states that they wish to construct additional parking on the portion of the property zoned RM-16. This would effectively expand the footprint of the ASPCA operation, and therefore require a rezoning to a commercial zoning district.
- The entire subject property is designated "Urban Corridor" on the city's Future Land Use (FLU) Map. A change to the FLU Map is not required. The FLU boundary does not coincide with the current zoning boundaries.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated below.

Consistency with the Comprehensive Plan and Other Plans:

<u>Living Asheville Comprehensive Plan (2018)</u>

- The proposed rezoning supports the goals in the Living Asheville Comprehensive Plan, including:
    - **Encourage Responsible Growth** - by ensuring that new development has the appropriate infrastructure to support it (p. 132).

    - **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas (p. 201).
- The proposed rezoning is compatible with the Future Land Use designation of "Urban Corridor", which is described, in part, that "over time urban corridors could see infill redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure" (p. 344).
    - Highway Business (HB) is cited as an appropriate zoning district within the "Residential Neighborhood" Future Land Use category.

Compatibility Analysis:

- The purpose of the Highway Business District (HB) district is, "to address the needs of commercial development along major thoroughfares, permitting a wide range of commercial uses. Development which enhances the function of the thoroughfare and is sensitive to the appearance of the corridor is essential within this district. These major corridors are the gateways to Asheville and often define the first image of the city." (UDO Sec. 7-8-16).
- The proposed rezoning is compatible with the surrounding land uses, including:
    - The existing use on the property itself.
    - The larger surrounding commercial properties in the immediate proximity of the subject site.
    - Development of the parcel will require the establishment and maintenance of a landscape buffer pursuant to UDO Sec. 7-11-3.

Council Vision 2036 Focus Area(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):

- Planning and Zoning Commission August 5, 2026, Recommended Rezoning Approval: Unanimous vote.

Pro(s):

- Allows for the expansion of the current use consistent with the parcel and surrounding vicinity while providing a buffer to neighboring residential uses.

Con(s):

- None identified.

UDO District Comparison:

UDO Provision	Residential Multi-Family High Density (RM-16) - *Existing*	Highway Business (HB) - *Proposed*
Allowed uses:	• Multi-Family • Single-Family Detached • Duplex • Townhouse • Accessory Dwelling Unit • Cottage Development • Limited public, institutional, and recreational uses	• Multi-Family • Single-Family Detached • Duplex • Townhouse • Accessory Dwelling Unit • Cottage Development • Wide range of commercial and business uses.
Density:	2 units for first 2,500 SF lot area and an additional unit for each additional 1,000 SF of lot area	None.
Lot Size Minimum:	Min. 2,500 s.f.	None.
Lot Width Minimum:	Min. 40’	Min. 100’
Building Height:	Max. 40’	Max. 60’
Building Setbacks:	Front: 15’, Side: 6’ min, Rear: 15’ min	Front: 35’, Side: 0’ min, Rear: 10’ min
Landscape Buffer	None.	20’-wide Type A buffer adjacent to Residential Multi-Family Zoning.

Suggested Motion to Approve:

- I move to approve the rezoning request for a portion of the property located at 23 Heritage Dr from from Residential Multi-Family High Density (RM-16) to Highway Business (HB) and find that the request is reasonable, is in the public interest, is consistent with the city’s comprehensive plan and meets the development needs of the community in that the request: 1) Ensures that new development has the appropriate infrastructure to support it; and, 2) Establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan’s growth areas.

Attachment(s):

- This is the existing zoning map of 23 Heritage Dr - Exhibit A
- This is the proposed zoning map of 23 Heritage Dr - Exhibit A1
- This is the aerial imagery map of 23 Heritage Dr - Exhibit B
- This is the existing future land use map of 23 Heritage Dr - Exhibit C
- This is the draft ordinance - Draft Ordinance
- This is the rezoning application - Rezoning Application
- This is the Planning & Zoning Commission staff report regarding 23 Heritage Dr. - PZC Staff Report

- This is the Signed Planning & Zoning Commission Recommendation for 23 Heritage Dr. - PZC Recommendation (Pending)
- This is the Action Minutes of the Planning & Zoning Commission from August 5, 2026 - PZC Action Minutes (Pending)