THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: September 12, 2023 - Continued to September 26, 2023

Subject: Conditional Zoning Request for 1 Oak St

Staff Resource(s): Ben Woody, Assistant City Manager; Stephanie Monson Dahl, Planning and Urban Design Director; Will Palmquist, AICP, Principal Planner

Action Requested: Adoption of an ordinance to conditionally zone all portions of the properties located at 1 Oak St from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP-CZ).

Project Location and Contacts:

- The project site totals 10.5 acres (PINs 9649-51-0876, 9649-51-5764, and 9649-51-7393)
- Owners: First Baptist Church of Asheville, YMCA of Asheville

Project Conditions

- Affordable housing is proposed as part of the project:
    - A minimum of 20% of the residential units provided in Phase 1 will be designated affordable to those earning at or below 80% of Area Median Income (AMI) for a minimum of 20 years.
    - A minimum of 20% of the residential units provided in Phase 2 will be designated affordable to those earning at or below 80% Area Median Income (AMI) for a minimum of 20 years.
    - 50% of all affordable housing units will be reserved HACA Housing Choice Vouchers, unless said vouchers are not available.
- The project proposes ground-floor commercial/retail uses in substantial conformance with that demonstrated on the site plan drawings, including a minimum of 50-75% (excluding vehicular access areas) on the public street-facing, ground-floor facade for each building. Vehicle access and service area are excluded from the total.
- The project will preserve trees identified for preservation on the master site plan drawings that are deemed healthy by the City arborist and shall protect trees during construction as per UDO Sec. 7-11-3(c)(2). If any designated trees are damaged or lost as a result of construction activities associated with the Project, the Project will replace them with the same or similar species in the same place, or other location within the Project area determined by the City arborist.
- The Project shall meet stormwater requirements found in Sec. 7-12-2(f). The maximum pre-development runoff coefficient value/curve number to be applied shall be calculated according to existing survey conditions at the time of Conditional Zoning adoption. The Project shall utilize green stormwater infrastructure devices including rain gardens, green roofs, bioswales, pervious surfaces, underground detention equipment, etc. to manage stormwater quality treatment for a minimum of 20% of the Project's requirements.
- A Traffic Impact Analysis (TIA) will be required through the NCDOT process. The Project shall implement any recommendations identified through the TIA review process. In addition, the TIA will include the following:
    - Analysis and mitigation of any access points to the Project that are shown to negatively impact adjacent intersections.
    - Consideration of freight and service delivery access to minimize impacts to adjacent roadways.
    - Consideration of a Transportation Demand Management (TDM) and parking management plan to discourage single-occupancy vehicle usage.
    - Evaluation of improvements to the pedestrian connectivity network, including the consideration of new crosswalks as necessary.

Project Conditions added/amended since 9/12/23 Council hearing

- 50% of all affordable housing units will be reserved HACA Housing Choice Vouchers, unless said vouchers are not available.
- In the event that the minimum required affordable housing is not provided in Phases 1 and 2 of the development, the Project will contribute $6,000 per constructed hotel guestroom to the Affordable Housing Trust Fund, the Reparations Fund, or the Community Land Trust.
- The Project will not include any short-term vacation rentals, unless the regulation of such use is prohibited by NC State law, or unless such use is allowed by the City of Asheville.
- The Project will not use any gates or other barriers that permanently restrict access, unless as needed for access to parking garages.
- Given the nature of a phased development proposal, the developer shall maintain an ongoing dialogue and collaboration with the surrounding community throughout the development process including the process and agreements made to date with the East End neighborhood.
- The Project will foster diversity and inclusion by creating meaningful connections to include hosting a Minority and Women-Owned Business Enterprise (MWBE) outreach program for connection with MWBE Vendors, connecting prime contractors with subcontractors, and providing project information to qualified MWBE participants in advance to help align opportunities.
- 1,800 maximum off-street parking spaces.
- The Project will provide electric vehicle charging stations in the proposed parking garages.

Summary of Petition:

Review Process

- The project will be reviewed as a conceptual master plan and follow the typical conditional zoning process for projects located in the CBD, as prescribed in UDO Sec. 7-5-9.1.
- Specific design details, building heights, number of residential units, and square footage of other uses are not required for this phase of review, but are defined as an appropriate range of uses to allow for appropriate review by approving bodies.
- Following the adoption of the conditional zoning, which will define the general parameters of the development and its programming, the project will be reviewed in multiple phases through Final TRC Review.
- Each project phase would not need to return to City Council for a conditional zoning amendment as long as the plans meet the zoning parameters established in the prior conceptual master plan entitlement process.
- Each project phase would require review and approval by the Design Review Committee, as well as ministerial site plan review and approval by the Planning & Zoning Commission.

Project Site

- The project site consists of three properties totalling 10.5 acres.
- The site is bound by Charlotte St to the east, College St to the south, Oak/Woodfin St to the southwest, Central Ave to the west, and the I-240 east offramp to the north.
- The site currently consists of the following uses:
    - YMCA of Asheville on the northern parcel (30 Woodfin St)
    - First Baptist Church of Asheville on the middle parcel (5 Oak St)
    - State Employees Credit Union (SECU) building on the southern parcel (1 Oak St).
    - Large surface parking lots are located around and between these existing uses.
- The site is currently zoned Central Business District (CBD).
- Given the size of the project (over 100,000 s.f.) a conditional zoning to the Central Business District Expansion - Conditional Zone (CBD-EXP) district is required.
- The site is designated “Downtown" on the city’s Future Land Use (FLU) Map. A change in the FLU designation will not be required.
- The project site is located outside of the Traditional Downtown Core.
- The southern parcel at 1 Oak St where SECU is located is within the Hotel Overlay District allowing small and large hotels.
- The subject property is located within both the Intermediate Height Zone and Tallest Height Zone. The Intermediate Height Zone covers the majority of the middle parcel at 5 Oak St where the First

Baptist Church is located and allows for maximum building heights of 145'. The Tallest Height Zone covers the northern and southern parcels on either side of the First Baptist Church and allows for a maximum height of 265'.
- Oak/Woodfin St, Charlotte St, and College St are identified as Key Pedestrian Streets.
- The First Baptist Church is identified as an Existing Visual Landmark.

Overall Project Proposal
- New building construction includes a total of five new buildings totaling approximately 1,120,000 s.f. including approximately 400-650 residential units, 133,000-250,000 s.f. of office, 75,000 - 120,000 s.f. of commercial, 165-300 hotel lodging guestrooms, and 60,000-75,000 s.f. of YMCA space.
- Other site improvements include a seven-level parking garage with approximately 800 spaces and an eight-level parking garage with approximately 900 spaces, as well as new interior roadways, sidewalks, surface parking, and on-street parking.
- The proposed building heights and uses for each building is as follows:
    - Building 1: 6 stories tall with YMCA space, residential, and retail.
    - Building 2: 20 stories tall with hotel/lodging.
    - Building 3: 6 stories tall with office and commercial.
    - Building 4: 19 stories tall with residential and commercial.
    - Building 5: 6 stories tall with residential and commercial.

Site Layout and Design
- There are no density, structure size, impervious surface, lot size, or lot width requirements in the CBD.
- Minimum and maximum front yard setbacks in the CBD district are 0', with exceptions made for buildings that front on sidewalks and other urban streetscape amenities.
    - The project is seeking a technical modification for front yard setbacks.
- A stepback of a minimum 10' in depth is required at the street wall height along at least two-thirds of the length of the street-side façade. The requirement only applies along rights-of-way less than 75' wide, and therefore only Building 4 on Central Ave is required to provide this stepback.
    - The project is seeking a technical modification for no stepback for Building 4 along Central Ave.
- For buildings taller than 75', a side step-back that equals one-half of the width of the façade above 75' is required.
    - The project is seeking a technical modification for required step-backs for buildings taller than 75'.
- The maximum horizontal wall dimension in any direction is limited to 145' for additional floors above 75' in height.
    - The project is seeking a technical modification for maximum horizontal wall dimensions for floors above 75' in height, but not to exceed the following:
        - Building 1: 250'
        - Building 2: 260'
        - Building 3: 260'
        - Building 4: 300'
        - Building 5: 260'
- The building frontages along Oak/Woodfin St, which are designated as a Key Pedestrian Street, are required to cover 80% of the property's frontage.
    - The project is seeking a technical modification for the minimum 80% frontage coverage requirement.

Landscaping and Open Space
- Landscape requirements are minimal and limited to street trees, and street buffers.
- Tree Canopy Preservation requirements are required.
- The site is located in the "Downtown" Resource Management District and the project is classified

as “Class A.” Tree Canopy Preservation requirements vary based on the existing tree canopy preserved, and can be met through on-site preservation, new plantings, or payment of fee-in-lieu.

Access, Sidewalks and Parking

- Access to the site is provided by a series of curb cuts and internal roadways, including a roadway/driveway connection between Charlotte St and Woodfin St.
- Sidewalks exist with varying widths along all street frontages of the site. New sidewalks are proposed along all street frontages at widths wider than the required 10’-wide minimum.
- Off-street bike facilities (“cycletracks”) are proposed at a minimum width of 5’-wide along Charlotte and College Streets.
- Off-street parking is not required in the CBD, except for lodging uses with a minimum of 1 space per 2 bedrooms, plus additional spaces as required for other uses within the hotel, and a maximum of 1 space per 1 bedroom, plus additional spaces as required for other uses within the hotel/motel.
    - The project is proposing a maximum of 1,800 parking spaces with the majority located in parking garages.
- Parking garages placed on a Key Pedestrian Street shall provide a full habitable story and use along the street-side facade with a minimum depth of 15 feet and an average minimum depth of 20 feet, or shall comply with the design and operation standards for openings and design organization requirements for new construction.
- Charlotte and College Streets are served by bus transit. There is a bus stop on College St near the corner of Oak St with a minimal bus shelter, as well as a bus stop on Charlotte St near the corner of the I-240 east off ramp with no shelter.
    - The project proposes to improve both of these transit stops into bus shelters, to be designed based on standard City specifications.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - Front yard building setbacks greater than 0’ to allow for an enhanced public realm and streetscape.
    - No building stepback at the streetwall height along Central Ave where a 10’ stepback across two-thirds of the facade would otherwise be required.
    - Maximum horizontal wall dimensions in excess of the standard maximum linear distance of 145’ for floors above 75’ in height, but not to exceed the following:
        - Building 1: 250'
        - Building 2: 260'
        - Building 3: 260'
        - Building 4: 300'
        - Building 5: 260'
    - No side stepbacks for the facade above 75 feet, instead of the required side stepback equal to one-half of the facade width.
    - The Project will not have to comply with the minimum building coverage of 80% along the frontage line for the primary Key Pedestrian Street frontage of Oak/Woodfin St.
    - No separate storefronts for the hotel building, where 50% of the street-facing facades would be required to be a separate, occupiable storefront with a separate entrance, and have a minimum depth of 15’ and average minimum depth of 20’.
    - No full habitable story and use along the street-side facade for the parking garage fronting on Charlotte St and associated with the hotel use, where this would otherwise be required at a minimum depth of 20’.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:

- **Encourage Responsible Growth** - by providing infill development in targeted growth areas (p. 131).
- **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing (pp. 179 & 183) in proximity to schools, transit and parks (pp. 246 & 251).
- **Increase Access to Safe Bicycling -** by expanding bicycle facilities and removing gaps in the city's bicycle network. (p. 151)

- The proposed development is compatible with the Future Land Use designation of "Downtown", which is proposed in part, that:
    - "Downtown continues to expand with new development and revitalization opportunities along the edges of the downtown core and via infill development."
    - "Downtown is also an important residential area and it benefits from having year-round full time residents. Opportunities for growing this sector of the downtown population through new development is important for the future including market rate and affordable residential housing."
    - "Downtown represents a version of Asheville's sustainable and resilient future as a place to live, work, relax and visit among a vibrant and engaging urban environment. With its rising popularity and recognition, management of its public spaces is paramount to ensure the downtown continues to be a desirable place for those that live in and visit Asheville."
    - Downtown is also the hub of the city transit system and in support of this, pedestrian and bicycle facilities should be a priority for getting into and around the downtown area. Toward this end, further enhancement of traditional and green infrastructure, such as sidewalks, stormwater, tree canopy, public spaces, broadband and multimodal connectivity should be prioritized and supported by sound urban design and placemaking principles." (p. 339)

Compatibility Analysis:

- The proposed mixed-use project is generally compatible with the surrounding land uses, including:
    - The existing Four Points hotel located to the west of the project site across Central Ave, which has received approval for a large addition and site improvement.
    - The surface parking, TD bank building, office building, and First Congregational Church located to the southwest of the project site across Oak/Woodfin St.
    - The Hilton Garden Inn located to the south of the project site across College St.
    - The office and institutional uses located to the east of the project site across Charlotte St.
    - The East End Valley Street neighborhood to the southeast which is buffered from the project by topography and vegetation.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - March 6, 2023 - Approved with conditions.
- Design Review Committee (DRC) - Informal review on March 23, 2023.
- Multimodal Transportation Commission (MMTC) - Informal review on April 26, 2023.
- Downtown Commission (DTC) - Informal review on May 12, 2023.
- Design Review Committee (DRC) - May 18, 2023 - The project was formally reviewed by the DRC on May 18, 2023, where the project was approved with the following conditions: 1) That the proposed architectural precedence include a broad range of architectural styles and contextual responses; 2) That the proposed design exceed the UDO requirements for minimum sidewalk

widths, where appropriate and as shown in the conceptual master plan documents; 3) That the project prioritize greenwater stormwater infrastructure over conventional underground stormwater detention, at-grade and at rooftops; 4) That the project protect as many trees as practical and that any future plantings exceed the size and number as required in the UDO; 5) That the project considers the buildings' pedestrian scale, articulation and engagement along Central Ave, College St, and Charlotte St; 6) That the applicant develop a relationship with the East End Valley neighborhood, and other neighborhoods as appropriate, to mitigate construction impacts and help building community capacity; 7) In the event that the property line and existing intersection at Charlotte and College Streets is modified, that the project has the ability to better activate and engage with that corner of the site; 8) That the project's request for a modification to the streetwall stepback be granted upon judicious use of building articulation and streetwall activation, on a per building basis; and, 9) That the project utilize their property to enhance the public realm with elements such as wider sidewalks and bike lanes, as applicable with the conceptual master plan.

- Review by the Planning & Zoning Commission (PZC) - July 19, 2023 - Continued to the August 2, 2023 meeting.
- Review by the Planning & Zoning Commission (PZC) - August 2, 2023 - Approved (Vote 4:0) with the following condition: That the applicant work with staff to amend the Exhibit E - Project Condition #3 regarding the review criteria of future phases by the Design Review Committee, as necessary.

Staff Recommendation:

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

Suggested Motion to Approve:

- I move to approve the conditional zoning request for the properties located at 1 Oak St from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP-CZ) 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) provides infill development in targeted growth areas; 2) increases the supply of affordable housing in proximity to schools, transit and parks; and, 3) expands bicycle facilities and removes gaps in the city's bicycle network.

Attachment(s)

(1) Exhibit A - Existing Zoning Map
(2) Exhibit A1 - Proposed Zoning Map
(3) Exhibit B - Aerial Imagery Map
(4) Exhibit C - Existing Future Land Use Map
(5) Exhibit D - Conceptual Site Plans
(6) Exhibit E - Old Project Conditions
(7) Exhibit E - New Project Conditions
(8) Combined Plan & Presentation Set
(9) Ordinance
(10) PZC Recommendation
(11) PZC Draft Action Minutes (8/2/23)
(12) DRC Staff Report
(13) TRC Staff Report & Comments

Committee Review Recording Links

- Design Review Committee (DRC) - Informal review on March 23, 2023
- Multimodal Transportation Commission (MMTC) - Informal review on April 26, 2023
- Downtown Commission (DTC) - Informal review on May 12, 2023
- Design Review Committee (DRC) - Formal review on May 18, 2023

- Planning & Zoning Commission (PZC) - Formal review on July 19, 2023 (Part 1, Part 2)
- Planning & Zoning Commission (PZC) - Formal review on August 2, 2023