THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: October 25, 2022

Subject: Conditional Zoning Request for 848, 852, and 856 Hendersonville Rd

Staff Resource(s): Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director;
Will Palmquist, AICP, Principal Planner

Action Requested: Adoption of an ordinance to conditionally zone all portions of the properties located at 848, 852, and 856 Hendersonville Rd from Highway Business (HB) & Office (OFF I) to Highway Business - Conditional Zone (HB - CZ).

Project Location and Contacts:

- The project site totals 2.29 acres located at 848, 852, and 856 Hendersonville Rd (PINs 9647-91-4072, 9647-91-4116, 9647-91-6100).
- Owners: Ingles Markets Inc, Pantheon Investments LLC, Commerce Drive Holdings LLC

Summary of Petition:

Project Site

- The project site consists of three parcels totalling 2.29 acres located at 848 Hendersonville Rd.
- The site is currently zoned Highway Business (HB) and Office (OFF I).
- The applicant is requesting a conditional zoning of the site to the Highway Business - Conditional Zone (HB - CZ) district.
- The project site currently consists of a mattress factory and store.
- The site is designated “Urban Corridor” on the City’s Future Land Use (FLU) Map.
    - A change in the FLU designation will not be required.

Overall Project Proposal

- The project consists of redevelopment of the site to include three new retail buildings totalling 24,014 square feet.
- The proposed building at 848 Hendersonville Rd, located at the northwest corner of the site, will be a redevelopment of the existing mattress manufacturing and retail use on the same general footprint.
- It will be two stories tall (one story as viewed from Hendersonville Rd), and will consist of a mattress manufacturing space (on the lower level) and a retail space (on the main level).
- The proposed building at 852 Hendersonville Rd, located along the east and rear of the site, will be a new one-story building with an exposed basement, with a maximum of six retail spaces.
- The proposed building at 856 Hendersonville Rd, located at the southwest corner of the site, will be a new one-story building with a maximum of six retail spaces.
- Other site improvements include off-street parking, new sidewalks, and stormwater retention.

Site Layout and Design

- The maximum height of buildings allowed in the HB district is 60’.
- The maximum height of the proposed buildings is approximately 50’ as measured from the ceiling of the highest occupied floor to the primary level of fire department access.
- The HB district requires a minimum front setback of 35’, a rear setback of 10’, and a side setback of 25’ as the project site is on a corner lot. The project proposes a 35’ front setback, a 10’ rear setback, and 25’ side setback for the proposed buildings, except for the proposed buildings at 848 Hendersonville Rd and 856 Hendersonville Rd, for which technical modifications are being requested.
    - The proposed building at 848 Hendersonville Rd is a redevelopment of the existing building’s footprint and is seeking a technical modification for the required 35’ front setback and 25’ side setback to a 30’ front setback and a 10’ side setback.
    - The proposed building at 856 Hendersonville Rd is seeking a technical modification for the required 35’ front setback to a 30’ front setback.
- There are no impervious surface standards in the HB district.

- The project proposes a maximum impervious area of 76.3%.

Landscaping and Open Space
- Landscape requirements apply, including street tree, parking lot, and building impact.
- Open space shall be required at a rate of 10% of the total site as the project is meeting the incentive for stormwater standards. The project proposes 10% of the site (approximately 10,000 square feet) as open space.
- The subject property is classified as "Urban" under the tree canopy preservation standards with a classification of "Class B". The existing tree canopy is 44%. Due to no canopy being preserved, the project has a 15% tree canopy requirement which will be met through a combination of plantings and payment of fee-in-lieu.

Access, Sidewalks and Parking
- Vehicular access to the site is provided by an existing curb-cut at Hendersonville Rd, and new curb-cuts at Forest St and Cornell St (for loading access).
- A total of 81 parking spaces are proposed. Based on the proposed square feet of commercial space and expected employees for the manufacturing use, the minimum/maximum number of required parking spaces is 78/137 for the HB district.
- The HB district requires new 5'-wide sidewalks with an 8'-wide planting strip along Hendersonville Road, and new 5'-wide sidewalks with a 5'-wide planting strip along Forest and Cornell Streets.
    - The project proposes sidewalks and planting strips as required, except for a portion along Cornell St north of the loading access where no planting strip is proposed due to topographical issues.

Technical Modifications
- The project is seeking technical modifications to development standards through the conditional zoning process, some of which are the result of the project being moved closer to Hendersonville Rd, which increased the rear setback and buffering, after discussions with the community and review by the Planning & Zoning Commission. The technical modifications include:
    - A reduction of the required 35 foot front setback and 25 foot side setback for the reconstructed building at 848 Hendersonville Rd, consistent with the siting of the existing building, to a 30 foot front setback and a 10 foot side setback.
    - A reduction of the required 35 foot front setback for the proposed building at 856 Hendersonville Rd to 30 feet.
    - A reduction in the required planting strip for new sidewalk along a portion of Cornell St, where no planting strip is proposed instead of the required five foot-wide standard.
    - A reduction in the required 10 foot width of two parking lot islands to 8 feet in width.

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).
    - **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).
    - **Make Streets More Walkable, Comfortable and Connected** - by eliminating gaps in the city-wide sidewalk network (p. 147).
- The Living Asheville Comprehensive Plan generally notes the site as an "Urban Center" on the Preferred Growth Scenario Map (p. 303). However, the Future Land Use designation of the site is "Urban Corridor". Properties to the south of the project site, between Forest St and Deanwood Cir are designated as "Urban Center" in the Future Land Use map. Urban Centers are defined, in part, as "While they may currently be the location of commercial and office uses, the future focus

of urban centers will be mixed-use development including higher density residential development providing a wide range of multifamily housing types" (p. 341).

- The proposed development is compatible with the Future Land Use designation of the project site of "Urban Corridor" which is described, in part, as "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).

Shiloh Community Plan 2025

- The Shiloh Community Plan (adopted in 2010) provides goals and strategies for the neighborhood to achieve its long-term vision.
- The proposed development supports the following goal and strategy in the plan:
    - **Quality of Life Goal #3: Work to improve the livability of our neighborhood – particularly housing and safety.**
        - *Strategy 2. Improve pedestrian accessibility throughout the neighborhood (p. 29).*
- The proposed development ***partially*** supports the following goal and strategy in the plan:
    - **Quality of Life Goal #4: Protect, enhance and complement the existing character of Shiloh.**
        - *Strategy 3. Commercial incursion should be prevented in the Shiloh community (p. 39)*: The project does not propose changing any residential uses or residentially-zoned property to commercial. However, the rear property within the project site is zoned Office and serves as a buffer between the Highway Business zoning along Hendersonville Road and the residential zoning further into the neighborhood. This property at the rear of the site is adjacent to a single-family house which is zoned Office.
        - Following the project's review by the Planning & Zoning Commission on October 5, 2022, and following the condition and recommendation of their approval, the project was redesigned to include an increased rear setback of 20' from these adjacent residential uses. The project also proposes additional tree plantings along this property boundary, which is in addition to the previously designed six foot-high opaque fence and shrub (arborvitae) plantings.

Compatibility Analysis:

- The proposed commercial project is compatible with the surrounding land uses, including:
    - Suburban commercial uses located to the north and south of the site along Hendersonville Road.
    - Office-zoned property located directly to the east of the site.
    - Single-family houses located across Hendersonville Road to the west of the site (outside of the City limits), and further to the east of the site (located in the Shiloh neighborhood).

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) - September 19, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - October 5, 2022 - approved (Vote 7:0) with the following condition: 1) That the front parking aisle can be reduced to accommodate an eight foot-wide planting strip and five foot-wide sidewalk along Hendersonville Rd; and a recommendation that the Applicant work with City Staff to identify reductions in required setbacks and buffers in order to increase the buffer at the rear of the property.

Staff Recommendation:

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

Suggested Motion to Approve:

- Motion to approve the conditional zoning request for the property located at 848, 852, and 856 Hendersonville Rd from Highway Business (HB) and Office (OFF I) to Highway Business - Conditional Zone (HB-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) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas; and, 3) eliminates gaps in the city-wide sidewalk 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 - Site Plans & Building Elevations
(6) Exhibit E - Project Conditions
(7) Ordinance
(8) PZC Recommendation
(9) PZC Draft Action Minutes (10/5/22)
(10) TRC Report & Comments