THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: May 24, 2022

Subject: Conditional Zoning Request for property located at 1001 Patton Ave

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

Action Requested: Conditionally zone a parcel located at 1001 Patton Avenue from Highway Business (HB) to Commercial Expansion (COM EXP-CZ).

Project Location and Contacts:

- The project site consists of a 17.47 acre parcel located at 1001 Patton Avenue (PIN 9638-28-5358).
- Owner: Ingles Patton Avenue Exchange LLC

Summary of Petition:

- The property is currently zoned Highway Business (HB) and is designated “Urban Center” on the city’s Future Land Use (FLU) Map.
- The project area includes 17.47 acres located at 1001 Patton Ave and is identified in the Buncombe County land records as PIN 9638-28-5358.
- Due to the size of the project (over 100,000 square feet), the application is to conditionally rezone the subject property from Highway Business (HB) to Commercial Expansion - Conditional Zone (COM EXP - CZ).
- The project consists of a demolition and redevelopment of a vacant “Big Kmart” store, parking lot, and other vacant retail uses.
- New construction includes a series of one-story buildings that total five retail spaces, including an Ingles supermarket, and a “Gas Express” fueling station with a 220 square foot building.
- The total square footage of new construction is 149,754 square feet.
- The Ingles store and Retail #3 are attached and have a consistent floor plane.
- Retail #1 and Retail #2 are attached with a floor plane that is at an angle and slightly setback to the main Ingles building.
- Retail #4 is in a separate building at the front of the site.
- Access to the site is provided by three existing curb-cuts: one at Patton Avenue, one at Hawkins Lane, and one at N. Louisiana Avenue.
- The project proposes a pharmacy drive-thru at the front of the main Ingles building.
- The maximum height of buildings allowed in the COM EXP district is 80 feet. The maximum height of the proposed buildings vary from 18’-8” to 43’-8”.
- The COM EXP district requires that parking lots be located to the side or rear of all buildings fronting the primary street, and are encouraged to be placed to the side or rear of all buildings located along the internal access routes.
- The project is proposing the parking lots to be located in front of the Ingles grocery store and Retail 1, 2, and 3.
- A total of 421 parking spaces are proposed, 15 of which are handicap spaces, which is less than the min/max (428/749 spaces) required parking for the project.
- A total of 22 bicycle parking spaces is provided, which is the minimum required based on the number of automobile parking spaces being provided.
- Patton Avenue supports high frequency transit service. The nearest bus stop is located less than 200 feet west of the main entrance near the intersection with Louisiana Avenue, with a second stop located approximately 1/4 mile east near the intersection with Florida Avenue.
- Additional transit service is along N. Louisiana Avenue.

- The project proposes to improve the two bus stops located on N. Louisiana Avenue adjacent to the project site to bus shelters to the standard city specifications.
- The improvement of the bus stop on the west side of N. Louisiana Avenue is subject to that property owner's granting of an easement.
- The minimum front setback of 35 feet and rear setback of 25 feet are met. No side setbacks apply.
- The maximum impervious surface requirement is 80%; this project proposes a max impervious surface amount of about 64%.
- The COM EXP district requires sidewalks along frontages to be 10 feet-wide and sidewalks within the development to be 8 feet-wide.
- The project will include an 8-foot wide sidewalk with 5-foot wide planting strips along Patton Ave, and a minimum 5-foot wide sidewalk along Hawkins Ln.
- No new sidewalk will be constructed on N. Louisiana Avenue though a fee-in-lieu payment will be required.
- A sidewalk already exists on the west side of N. Louisiana Avenue.
- Sidewalks within the development will vary between 5 feet-wide and 6 feet-wide, with the exception of the sidewalk on the north side of the main east-to-west access drive which will be 10 feet-wide.
- The COM EXP district requires fenestration along the building facade(s) facing the primary access corridor, for a minimum of 40 percent of the ground floor horizontal dimension, which the proposed project complies with.
- The COM EXP district requires that all buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary facade to encourage access by pedestrians.
- The Ingles store and retail spaces number 1, 2, and 3 are proposed with entrances in excess of 75 foot intervals.
- Street tree, property line buffer and building impact landscape requirements are required and satisfied as proposed.
- Open space shall be required at a rate of 15% of the total parcel, and is proposed at 17.6%.
- The subject property is classified as "Urban" under the tree canopy preservation standards with a classification of "Class B" resulting in a 10% tree canopy requirement. This requirement is met with existing tree canopy located in the northeast of the site.
- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - Eight foot-wide sidewalk with a five foot-wide planting strip along Patton Ave, and a minimum five foot-wide sidewalk along Hawkins Ln. No new sidewalk will be constructed on N. Louisiana Avenue.
    - Sidewalks within the development will vary between five-feet wide and six-feet wide, with the exception of the sidewalk on the north side of the main east-to-west access drive which will be ten feet-wide.
    - Parking lots to be located to the front of the buildings fronting the primary street.
    - Loading berths limited to two for the Ingles Market and one per each future development onsite that is over 20,000 square feet.
    - Three driveways into the site, each from a separate roadway.
    - 421 total parking spaces instead of the required 428 spaces.
    - Building entrance spacing in excess of the required 75-foot distance.
    - No bike lanes into the development.

Consistency with the Comprehensive Plan:

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including by:
    - supporting the development/redevelopment of sites that are underutilized (p.201),
    - establishing accessible and well-connected commercial nodes (p. 201), and
    - eliminating gaps in the city-wide sidewalk network while prioritizing construction in underserved communities that have no sidewalks (p. 147).

- The proposed development is partly compatible with the Future Land Use designation of "Urban Center", which is described, in part that, "...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 subject property was originally included in the city's proposal to rezone several nodes along commercial corridors, such as Patton Avenue, into the new Urban Place Form District as recommended by Living Asheville.
- However, city staff removed the subject property from rezoning consideration due to concerns from adjacent neighborhoods about future increased property values and the potential impacts of displacement in their neighborhoods.

Compatibility Analysis:

- The proposed project is located directly on Patton Avenue (US Hwy 19/23) between N. Louisiana Avenue and Hawkins Lane, and is compatible with the suburban-style commercial development in the immediate vicinity, as well as the residential neighborhood to the north due to the vegetated area in the north of the project site which serves as a buffer.
- The city has received a letter of support for the project from the Emma Neighborhood Council/PODER Emma, which is located to the north of the subject property (see attached).

Council Goal(s):

- The council goal of *A Well-Planned and Livable Community* is most applicable.

Committee(s):

- Technical Review Committee (TRC) - January 10, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - May 4, 2022 - approved (Vote: 5-1) with the following conditions: 1) That the bus shelters proposed at N. Louisiana Avenue be relocated internally to the site if agreed to by the City's Transportation Department; and, 2) That the applicant engage with the neighboring community to identify local businesses that meet community needs and could be located within the new development.

Staff Recommendation:

- Staff recommends approval of the project, for the reasons stated above.

Suggested Motion:

- Motion to approve the conditional zoning request for the property located at 1001 Patton Ave from Highway Business (HB) to Commercial Expansion (COM EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan or other adopted plans, and meets the development needs of the community in that the request: 1) supports the development/redevelopment of sites that are underutilized; 2) establishes accessible and well-connected commercial nodes; and, 3) eliminates gaps in the city-wide sidewalk network while prioritizing construction in underserved communities.

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 & Elevations
(6) Exhibit E - Project Conditions
(7) Ordinance
(8) PZC Recommendation
(9) PZC Draft Action Minutes
(10) TRC Report & Comments
(11) Letter From Emma Neighborhood