THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: February 22, 2022

Subject: Conditional Zoning Request for property located at 363 Hilliard Ave.

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

Action Requested: Conditionally rezone nine parcels located at 363 Hilliard Avenue from Central Business District (CBD) to Central Business District Expansion-Conditional Zone (CBD EXP-CZ).

Project Location and Contacts:

- The project site consists of nine parcels totaling 2.93 acres located at 363 Hilliard Avenue (PINs 9648-19-3115, 3278, 4329, 3422, 4116, 5140, 5391, 6205, and 6125).
- Owner: Delray at Hilliard Avenue LLC

Summary of Petition:

- New construction includes one five-story mixed-use building with 5,800 square feet of amenity/leasing space, 7,850 square feet of commercial space and residential units above; and, one three-story residential building.
- In total, the project will provide 187 new residential dwelling units.
- The applicant is seeking a conditional zoning due to the project proposing more than 50 residential dwelling units and a total square footage of more than 100,000 sq ft, as well as one design modification as indicated below.
- The subject properties are bounded by Hilliard Avenue to the south, Clingman Avenue to the west, and Pearl Street to the east.
- There are no density, structure size, impervious surface, lot size or lot width requirements in the Central Business District (CBD) zoning district.
- The subject properties are located within the tallest height zone as identified in Sec. 7-8-18(f)(7) which typically allows a maximum building height of 265'.
- The project has an overall maximum height of 70'.
- A portion of the property is located in a "Building Height Buffer Zone"; however, the overall height of the project is below the threshold that triggers additional stepbacks.
- The project proposes closing two public alleys.
    - One is located to the north of the project site, which is known as Rear Clingman Avenue. This alley is privately maintained and does not run through the block.
    - The other is located on the east side of the project site and is currently unopened.
- Off-street parking is not required; however, the project will provide 204 off-street parking spaces including 67 covered spaces, 134 surface spaces and three on-street spaces on Pearl St.
- Vehicular access to the property includes two driveways to the surface parking lot, one each on Hilliard Avenue and Pearl Street.
- Access to the covered parking will be internal to the site from the north end of the surface parking lot.
- The Hilliard Avenue entrance is proposed as a right-in-/right-out only.
- 10 foot wide sidewalks are proposed to be constructed along all three street frontages. Some of the sidewalk will be constructed within the city and North Carolina Department of Transportation (NCDOT) rights-of-way but portions will fall on private property, which will require an easement.
- Hilliard Avenue will be restriped to accommodate east and westbound bike lanes as well as a left-turn late eastbound onto Pearl St.
- The project site is a designated brownfield site and the applicant is in the process of finalizing the brownfield agreement.
- Landscape requirements are minimal and limited to street trees, street buffer and parking lot landscaping.
- Open space is not required but Tree Canopy Preservation requirements are required.
- The project proposes to meet this requirement through the combination of planting trees and paying a fee in lieu of the balance.

- Affordable housing is included in the Project:
  a. 5% of the units (9 units total) will be designated affordable to those earning at or below 80% Area Median Income (AMI) for at least 20 years from the date the CO is issued.
  b. Five (5) of the affordable units will accept housing choice (HUD) vouchers.
  c. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department.
  d. An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in the Buncombe County Register of Deeds prior to the project receiving final zoning permit.
- 87% of the site will be impervious. There are no impervious surface standards in the CBD zoning district.
- The project is seeking a modification as indicated in Exhibit E - Project Conditions:
  - Street-level facade openings less than the required 70% along Clingman Avenue for Building #1 (proposed is shown as 68%) and less than the required 50% along Pearl Street for Building #2 (proposed is shown as 35%).

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- This project meets a number of key city goals in the Living Asheville Comprehensive Plan including:
  - **Encourage Responsible Growth** - by increasing the city's housing supply and locating housing density and new jobs in a locationally efficient area (within an Innovation District) (pp. 130-137, 178-180, 308-309); and by prioritizing development within designated growth areas (p. 131).
  - **Increase and Diversify the Housing Supply** - by encouraging, supporting, and incentivizing more affordable housing options downtown and in proximity to goods/services, parks, transportation, and employment centers. (p. 179).
  - **Facilitate Real Estate Development that Maximizes Public Benefit -** by supporting the development/redevelopment of sites that are underutilized (p. 200-201).
  - **Implement Green Infrastructure and Enhance the Urban Tree Canopy -** by implementing low-impact development and other types of green infrastructure strategies that may include naturalized stormwater features (p. 209 and 224).
  - **Make Streets More Walkable, Comfortable and Connected -** by supporting multimodal transportation such as transit, bicycling and walking through pedestrian and transit infrastructure improvements (p. 146-151).

WECAN Citizens Master Plan

- The WECAN plan (adopted in 2000) envisioned Clingman Avenue, between Hilliard and Patton Avenues, as a mixed-use residential and commercial street, which would provide for the neighborhood's retail needs.

Compatibility Analysis:

- The project is located in the tallest height zone of the CBD where large multi-storied buildings are anticipated.
- The proposed mix of uses includes residential and retail, which are compatible and similar to the uses in the vicinity.
- The project is directly south of The Patton apartments and across Hilliard Avenue from the 360 Hilliard apartments, both of which are a total of four stories in height.
- A one-story USPS garage facility is located on Clingman Avenue between the project site and The Patton apartments.
- Two single-family houses are located on Pearl Street between the project site and The Patton apartments, but the impact to them will be limited as these houses are adjacent to the proposed surface parking and approximately 120 feet from the nearest proposed structure.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - November 15, 2021 - approved with conditions.
- Design Review Committee (DRC) - January 20, 2022 - **not** recommended for approval (5-0 vote). The DRC noted that the project design was too repetitive and suggested techniques to break up the massing of the building.
- The project team has since submitted new elevations and renderings of a revised building design in order to address these concerns.
- An informal review of these revised plans is scheduled for the next Design Review Committee on February 17, 2022.
- A summary of this discussion will be shared with City Council during the council presentation.
- Planning & Zoning Commission (PZC) - February 2, 2022 - approved unanimously.

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 363 Hilliard Avenue 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 other adopted plans, and meets the development needs of the community in that the request: 1) encourages responsible growth by prioritizing development in areas targeted for growth, 2) increases and diversifies the housing supply by providing more affordable housing options downtown; 3) supports the development of an underutilized site; and 4) supports multimodal transportation such as bicycling and walking.

Attachment(s)

(1) Exhibit A - Existing Zoning Map
(2) Exhibit A1 Map - Proposed Zoning Map
(3) Exhibit B - Aerial Map
(4) Exhibit C - Existing Future Land Use Map
(5) Exhibit D - Site Plans
(6) Exhibit E - Project Conditions
(7) Elevations & Renderings
(8) Ordinance
(9) TRC Report & Comments
(10) PZC Recommendation
(11) PZC Draft Action Minutes - Feb. 2, 2022