THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: November 9, 2021

Subject: Conditional Zoning Amendment Request for 511 Brevard Rd.

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

Action Requested: Amendment to Ordinance No. 4702, adopted October 9, 2018, for the property located at 511 Brevard Rd. to remove a restriction prohibiting drive-through facilities.

Project Location and Contacts:

- The project site consists of a moderately sized 2.97 acre parcel located at 511 Brevard Rd. (PIN 9627-97-4214).
- Owner: Bear Creek Holdings LLC

Summary of Petition:

- Ordinance No. 4702 was adopted by the Asheville City Council on October 9, 2018 rezoning the property located at 511 Brevard Rd. from Highway Business (HB) to Lodging Expansion - Conditional Zone (LODG EXP-CZ) and Highway Business - Conditional Zone (HB-CZ).
- The purpose of the rezoning was to permit the construction of a 106 room hotel with associated site improvements (surface parking, sidewalks, landscaping, etc.) on approximately 2 acres, and to reserve a one acre parcel to the north for future outparcel development.
- Permits to construct the hotel were issued in August 2019 and the hotel is currently under construction.
- The outparcel remains undeveloped.
- Included in the project conditions for the 2018 conditional zoning was a restriction prohibiting drive-through facilities, prioritizing a pedestrian environment and sidewalk connectivity.
- The 2018 City Council staff report includes the following statement:
    - *The outparcel at the corner of South Bear Creek and Brevard Road is proposed to be conditionally zoned as HB-CZ.*
    - *The benefit of this is to ensure proper connectivity between the two future parcels including sidewalks, and a sidewalk along South Bear Creek for the frontage of the outparcel.*
    - *The applicant has agreed to prohibiting drive-thrus associated with uses for the outparcel.*
- Condition #12 from the 2018 adopted ordinance reads:
    - *12. Future uses on Lot 2 shall conform to uses permitted in the Highway Business District and comply with all applicable standards as required in the UDO and other technical standards.*
    - *No drive-throughs will be permitted on Lot 2 [Emphasis].*
- Other multi-modal requirements included:
    - A new five-foot sidewalk with a five-foot landscape strip shall be constructed along the entire frontage of Lot 1 (hotel) and Lot 2 (outparcel) along South Bear Creek and Brevard Roads.
    - A sidewalk and crosswalk will connect the sidewalk on South Bear Creek to the hotel building.
    - A transit shelter installed at the stop on Brevard Rd.
    - A shuttle service to guests.
    - A pedestrian signal across S. Bear Creek Rd., pending NCDOT approval.
    - Right-of-way to be set aside for a pedestrian crossing on Brevard Rd., pending NCDOT approval.
    - A 5-15’ wide greenway easement, pending Buncombe County approval.
- The Hominy Creek Greenway is proposed along Hominy Creek and will eventually connect to a segment on the same side of Brevard Rd. and to the existing greenway along the French Broad

River.
- The applicant is now requesting that the prohibition of drive-through facilities be lifted on Lot 2.

Comprehensive Plan Consistency:
- The comprehensive plan does not directly address drive-through facilities but does include goals for economic and business development including facilitating real estate development; however, this goal is focused on development that maximizes public benefit (p. 200-201).
- Other business development goals are not as directly relevant, including supporting small and local business, greater job diversity, improved wages and improved access to affordable housing (p. 176-199).
- The comprehensive plan also includes multiple goals that could be viewed as being inconsistent with the request including:
    - Improving multi-modal access, walkability and the pedestrian environment (pp. 134-138; 146-148; 150-151; 160-162; 245-246; 250-252; 290-291), and
    - Improving air and water quality and reducing carbon emissions (pp. 144; 208-210; 228-229; 230-231)
- The future land use (FLU) map identifies the subject property as belonging to the "Urban Corridor" future land use category which describes the vision of moving from the existing commercial, vehicle-oriented development to mixed-use development that incorporates multi-modal access.

Compatibility Analysis:
- Prototypical HB site design is generally consistent with the adjacent RB zoning, and with the Buncombe County zoning of Commercial Service.
- The site is also located near Interstate 40 and controlled access right-of-way where drive-through facilities are commonly located.
- However, as part of the 2018 conditional zoning, Lot 2 was zoned HB-CZ with the only condition being that drive-through facilities would be prohibited to minimize potential conflicts between pedestrian and vehicular traffic which was more consistent with the future land use vision and goals.

Council Goal(s):
- This request is most closely aligned with the council goal of *A Thriving Local Economy;* however, it could also be viewed as being inconsistent with the council goals of *A Well-planned and Livable Community* and *Transportation and Accessibility.*

Committee(s):
- Planning & Zoning Commission - October 6, 2021. The PZC recommended denial of the amendment, 6:0.
- Note: This request did not include any changes to the approved site or building plans and, therefore, did not require review before the Technical Review Committee.

Staff Recommendation:
- Staff concurs with the Planning & Zoning Commission and recommends denial of this amendment request based on the reasons stated above.
- Should the applicant wish to further pursue development that included a drive-through, staff would recommend that the applicant explore a site plan revision illustrating how a proposed drive-through may be compatible with these goals.

Suggested Motion to Deny:
- I move to deny the conditional zoning amendment to Ordinance No. 4702 for the property located at 511 Brevard Rd. regarding the elimination of a prohibition on drive-through facilities and find

that the request is not reasonable, is not in the public interest, is inconsistent with the city's comprehensive plan, and fails to meet the development needs of the community in that the request: 1) is inconsistent with the future land use category in regards to multi-modal access, 2) is contrary to numerous goals for improved pedestrian safety and comfort; and 3) does not support goals for reducing carbon emissions.

Attachment(s)

(1) Exhibit A - Existing Zoning Map (2018)
(2) Exhibit B - Aerial Map
(3) Exhibit C - Existing Future Land Use Map
(4) Exhibit D - 2018 Approved Site Plan
(5) Exhibit B1 - Proposed Project Conditions (Revised)
(6) Ordinance No. 4702 (October 9, 2018)
(7) PZC Recommendation
(8) PZC Minutes (Oct. 6, 2021)
(9) Excerpt of 10-9-18 City Council Minutes