THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: October 12, 2021

Subject: Conditional Zoning Request for property located at 130 Charlotte St.

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

Action Requested: Conditionally zone a single parcel located at 130 Charlotte St. from Community Business I (CBI) to Commercial Expansion - Conditional Zone (COM EXP-CZ).

Project Location and Contacts:

- The project site consists of a single 2.34 acre parcel located at 130 Charlotte St. (PIN 9649-53-7348)
- Owner: Charlotte Holding LLC.

Summary of Petition:

- This petition is for the purpose of constructing an approximately 166,000 square foot mixed-use development that includes 186 new residential units and 4,500 square feet of commercial/retail space.
- The proposed new street address for the project would be 120 Charlotte St.
- The site is 2.34 acres in size and the proposed project will disturb the entire site.
- The current zoning is CB-I (Community Business I).
- The applicant is seeking a rezoning via conditional zoning to COM EXP-CZ due to the number of residential units and overall square footage requiring Level III review.
- Based on the Future Land Use map found in the Living Asheville Comprehensive Plan, the property is currently designated Traditional Corridor which calls for a mix of uses and higher density residential projects with buildings located close to the street and full multimodal access. No change to the FLU will be required.
- The maximum density in the COM EXP district is 20 units/acre but may be increased to 50 units/acre with the inclusion of 20% of all residential units being set aside as affordable. This project does include 20% of the units to be affordable but proposes 80 units/acre, exceeding the maximum and requiring modification.
- The entire parcel is located within the Charlotte Street Transition Overlay District and is included in the Charlotte Street Innovation District (or Municipal Service District).
- The subject property is also located in the Chestnut Hill National Register Historic District. The period of significance for this district is 1865-1929. There are no historic structures on the property and one non-contributing structure (former Fuddruckers restaurant) which is proposed to be demolished.
- The site has road frontage on Charlotte St. and E. Chestnut St. with vehicular access into the parking garage proposed from E. Chestnut St. The Traffic Impact Study contemplated access to the garage from Charlotte St. and will need to be updated to reflect the location change.
- The existing transit stop near the intersection of Charlotte St. & E. Chestnut St. will be retained with the addition of a transit shelter.
- New construction includes a single mixed-use, multi-storied commercial building. The building will range from 3-5 stories in height with the uppermost story stepped back from the vertical plane of the lower stories. The maximum height, as measured by the UDO, is 48’ with an overall structure height of approximately 54’.
- Housing is the predominant land use proposed with affordable housing included as part of the project, setting aside 20% of the total unit count (38 units) as affordable to those earning at or below 80% area median income (AMI) for a period of 20 years.
- Off-street parking will be accommodated through two levels of below grade structured parking which will supply approximately 231 parking spaces. Also included in the project is the creation of six on-street parking spaces located on E. Chestnut St.
- Almost 19% (18,941 square feet) of the site is proposed as community open space containing a combination of active and passive courtyards, as well as wide sidewalks. Sidewalks are available

for public use while the active/passive recreation areas will be restricted to residents and guests and will be privately maintained.
- The plans indicate that the required tree canopy preservation requirement (15%) will be satisfied through a combination of new tree plantings with a fee-in-lieu for the balance of the requirement.
- Streetscape improvements are noted along both road frontages and with a sidewalk/ped zone that ranges from 10-20' wide and will include street trees in grates or trees in planting islands.
- The project is seeking several modifications to development standards and does not comply with the COM EXP zoning standards only in that density exceeds the maximum 50 units/acre.
- The project does not comply with the Charlotte Street Transition Overlay District requirements in the following ways:
    - Building footprints exceed 6,000 square feet and gross floor area exceeds 12,000 square feet. (Note: projects that meet additional design criteria may exceed the maximum footprint and gross floor area by 25%; however, this project greatly exceeds those limits.)
    - Buildings exceed the two-story maximum allowable building height.
    - The dominant roof form is flat and not gabled or hipped.
    - Facades are greater than 35 feet.

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, which is one of the plan's identified growth areas (pp. 130-137, 178-180, 308-309).
    - **Make Streets More Walkable, Comfortable and Connected** - by supporting multimodal transportation such as transit, bicycling and walking through pedestrian and transit infrastructure improvements (pp. 146-151).
    - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** & **Increase and Diversify the Housing Supply** - by providing contextually appropriate infill development that includes housing, especially affordable housing (pp. 153, 178-184).

Charlotte Street Corridor Plan (1999)

- The proposed development supports the following plan goals:
    - Mixed use development that introduces housing along the corridor (consistent with the Proposed Land Use map in the plan).
    - A sense of place along the streetscape, including enhancements, is encouraged to address a lack of cohesiveness and pedestrian-friendly infrastructure (p. 26).
    - Multimodal and pedestrian improvements, increasing pedestrian activity and parking capacity (pp.17-20).
- The proposed development can be seen as being inconsistent with one goal in the plan where new development is encouraged to be two to three stories in height and compatible with the historic character, massing and scale of Charlotte Street while preserving aesthetic amenities (pp. 24-27).
- While this building is 3-5 stories in height, it is consistent with the historic character and of the commercial buildings along the corridor. The plan also makes allowances for larger size buildings that otherwise align with the plan.

Plan on a Page - Living Asheville Appendix (2018)

- Living Asheville included a neighborhood planning initiative called "Plans on a Page (POP)" where neighborhoods provided feedback on their respective neighborhoods and geographies.
- The summary for North Asheville included the following recommendation, *"Given the existing character of the area, including historic districts/structures, there is a need to balance preservation with accommodation of new demand. The areas with the most potential for higher-density development are along the North's three primary commercial corridors: Broadway Avenue, Merrimon Avenue, and Charlotte Street. Therefore, strategies for North Asheville should*

promote maintaining local character in the residential neighborhoods, while encouraging higher-density development along the commercial corridors." (p. 360).

- The project largely aligns with the Plan on a Page by concentrating the intensity of the project (5 stories + commercial space) along the Charlotte St. corridor and stepping the building down as it abuts the residential properties to the north and west.

Compatibility Analysis:

- Adopted city plans envision a balance of new construction that activates Charlotte Street with historic preservation and neighborhood compatibility goals.
- The proposed zoning (COM EXP-CZ) and land uses are generally compatible with the surrounding zoning and uses, surrounded primarily by high density residential in 2-3 story buildings, or community based offices or businesses.
- Where the project abuts single family residences, the project will provide a 30 foot Type B property line buffer.
- The building has been designed in a way that incorporates design elements found in other buildings on the corridor.
- The building design is consistent with the Charlotte Street Transition Overlay District, which states, "It is not the intent that new buildings mimic historic designs, but rather that they combine elements from the historic design palette in new ways to achieve a design which is compatible with and complementary to the historic character of the street" (Section 7-9-10(f)(2)).
- The proposed building steps down in height where it abuts the adjacent residential properties.
- As stated above a change in the Future Land Use map is not required as the Traditional Corridor future land use designation contemplates a mix of uses and higher density residential projects with buildings located close to the street with multimodal transportation access.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - July 19, 2021 - approved with conditions.
- Planning & Zoning Commission (PZC) - September 1, 2021 - approved.

Staff Recommendation:

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

Suggested Motion:

- I move to approve the conditional zoning request for the property located at 130 Charlotte St. from Community Business I (CBI) to Commercial Expansion - Conditional Zone (COM EXP-CZ) and find that the request is reasonable, is in the public interest, and is consistent with the city's comprehensive plan or other adopted plans in that the request: 1) encourages responsible growth by increasing the city's housing supply and locating housing density and new jobs in a locationally efficient area, 2) makes streets more walkable, comfortable and connected by supporting multimodal transportation such as transit, bicycling and walking, 3) celebrates the unique identity of neighborhoods through creative placemaking; and, 4) increases and diversifies the housing supply by providing contextually appropriate infill development that includes housing, including affordable housing.

Attachment(s)

(1) Exhibit A - Existing Zoning
(2) Exhibit A1 Map - Proposed Zoning
(3) Exhibit B - Aerial Map
(4) Exhibit C - Existing Future Land Use Map
(5) Exhibit D - Site Plans & Elevations
(6) Exhibit E - Draft Project Conditions
(7) Streetscape & Parking Plan

(8) TRC Report
(9) Ordinance
(10) PZC Recommendation
(11) PZC Minutes