City Council Agenda Item Request
Submit to Clerk's Office
No later than 30 days before proposed Council meeting

1. **Date submitted to Clerk's Office:** Jan 29, 2026

2. **Primary contact person and Department requesting agenda item:** Sam Starr-Baum, Planning & Urban Design.

3. **Requested Council meeting date:** March 10, 2026

4. **Subject:** Conditionally rezone the property located at 383 N. Louisiana Avenue from Office (OFF I) to Office - Conditional Zone (OFF I-CZ)

5. **Action Requested:** Public hearing to conditionally rezone the property located at 383 N. Louisiana Avenue from Office (OFF I) to Office - Conditional Zone (OFF I-CZ)

6. **Note if time sensitive, and why:** Yes–the applicants are proposing affordable housing, and are funding this with NCHAFA funds, which have a May deadline for permitting and entitlement

7. **Potential fiscal impact(s) - if known by staff at time of request:** None.

8. **Identify all vendor outreach for Minority & Women Owned Business Enterprises (MWBE).** No vendors are associated with the conditional zoning - not applicable.

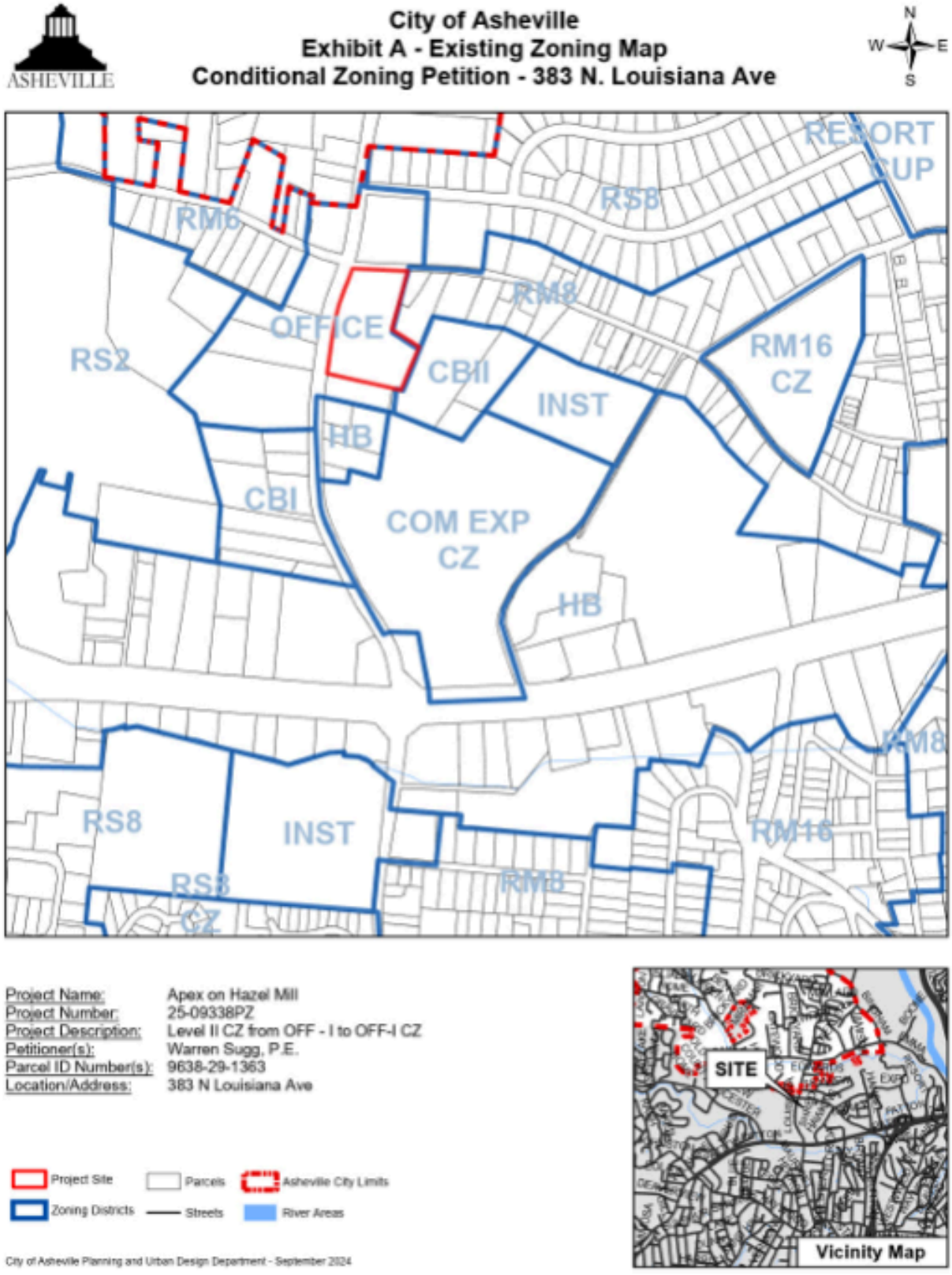
9. **Identify all Boards, Commissions and Council Committees with tentative dates - add in the vote and recommendation from each Board:**
    - Technical Review Committee (TRC) - December, 2025 - Approved unanimously.
    - Planning and Zoning Commission (PZC)- February 4, 2026 - Approved 7-0.
        - *The motion was made that the Planning and Zoning Commission recommend approval of the conditional zoning request for the property located at 383 N. Louisiana Avenue from Office (OFF I) to Office - Conditional Zone (OFF I-CZ) with the following conditions:* ***1)*** *The project conditions document, Exhibit E, be revised so condition number four limits the parking range allowed for the development to 104-128 vehicular parking spaces,* ***2)*** *The project conditions document, Exhibit E, be revised to include the following (which the applicant has agreed to):*
            - *All units (100%) shall be leased to households earning less than 80% of the Area Median Income (AMI) for Asheville, NC as established by HUD. The minimum affordability period for all units shall be 30 years and shall commence on the date of issuance of a Certificate of Occupancy for the property.*
            - *All of the affordable units will also accept, but are not restricted to, HUD (Housing Choice) vouchers.*
            - *Prior to issuance of Certificate of Occupancy for the property, the Developer shall record a Declaration of Restrictions setting forth the Affordability Terms, which shall become effective upon the execution and recording thereof. The Affordability terms must be met as evidenced by the North Carolina Finance Agency's Low-Income Housing Tax Credit program-qualified occupancy of all units in the development; and,*

          3) *The Planning and Zoning Commission recommends that the applicant team work with the City Transportation Department to explore widening of external sidewalks along North Louisiana Avenue and Hazel Mill to 6 feet.*

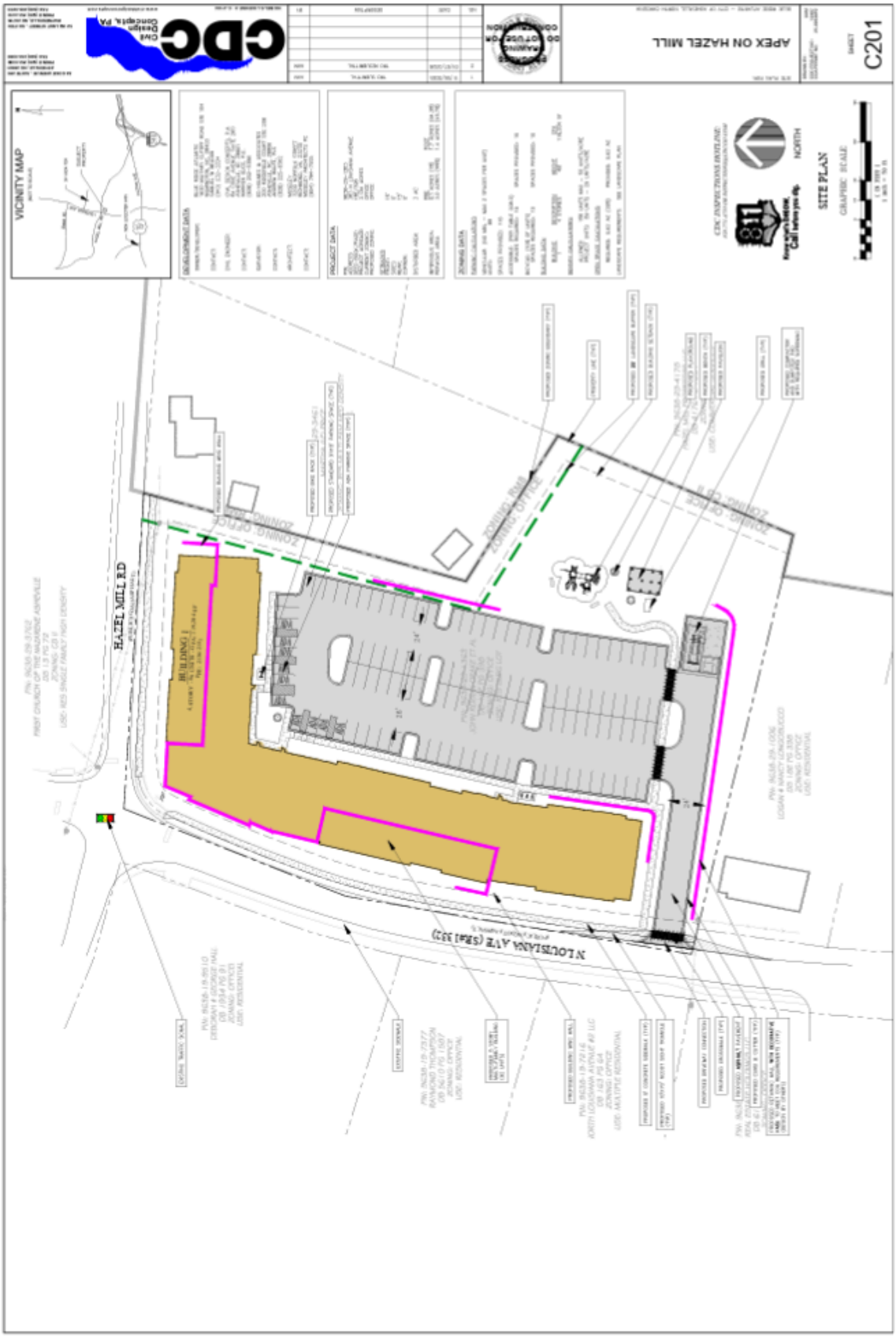
10. Identify key issues:

- Owners Betty Hampton, Marlisa Faris, John Drake, and Mark Drake and Agent Warren Sugg of Civil Design Concepts submitted the application for a rezoning from Office (OFF I) to Office - Conditional Zone (OFF I-CZ) on November 15th, 2025 after registering the required neighborhood meeting, and attending additional community meetings.
- The project includes 89 affordable housing units in one apartment building.
- The current site is undeveloped, and is within the neighborhood boundary of the Poder Emma Legacy Neighborhood
- This project qualifies for a reduced review threshold given the size and affordability components being met under UDO Section 7-5-9. Accordingly, this is a level II conditional zoning to the Office - Conditional Zone (OFF I-CZ) district, rather than the usual level III conditional zoning to a Residential Expansion (RES-EXP) District.
- This project is proposed as a Conditional Zoning because the underlying zoning district, OFF I, has a 4,000 square foot building footprint maximum. The proposed building exceeds this by 27,898 square feet
- The project is mostly technically compliant but is requesting technical modifications through the conditional zoning process for:
    - 4,000 square foot building footprint area
    - Five foot-wide sidewalks along North Louisiana Avenue.
    - Five foot sidewalks internal to the site
    - Exceeding the maximum building height by 8 feet.

Existing zoning map and vicinity:



Site Plan:


APEX ON HAZEL MILL
C201
VICINITY MAP
SITE PLAN
HAZEL MILL RD
N LOUISIANA AVE (SR#1 332)
BUILDING 1
ZONING: OFFICE
ZONING: RM8
ZONING: OFFICE
ZONING: CB II
NORTH

Elevations:



4 OVERALL - SOUTH



3 Elevation OVERALL - EAST



2 Elevation OVERALL - NORTH



1 Elevation OVERALL - WEST

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