

Tuesday - August 16, 1988 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Kenneth M. Michalove, Presiding; Councilmen

Mary Lloyd Frank, Wilhelmina Bratton, (seated at 4:20 p.m.), Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F.

Wolcott, Jr.

Absent: Mayor W. Louis Bissette and Councilman Norma T. Price

INVOCATION

The invocation was given by Councilman Walter Boland.

APPROVAL OF MINUTES - AUGUST 9, 1988 MEETING

Upon motion of Councilman Boland, seconded by Councilman Frank, the minutes of the August 9, 1988 meeting were approved as submitted.

APPROVAL OF MINUTES - JULY 26, 1988 MEETING

Approval of the minutes of the July 26, 1988 meeting

were withheld pending possible changes by Councilman Bratton.

I. PROCLAMATIONS:

A. Proclamation - "Women at Work" - Week of

August 21, 1988.

Vice-Mayor Michalove read the proclamation and presented a copy to Judy Nagle, Coordinator for Women at Work, and Ellen Clarke-Sayer, Project Chairperson.

II. PUBLIC HEARINGS:

A. Public hearing relative to Phase II, Westgate Shopping

Center.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on June 29, 1988, reviewed and approved the site plan for Phase II of Westgate Shopping Center, subject to the following

conditions:

1) Letter from N.C. Department of Transportation

approving entrance;

2) Signage package in compliance with Zoning

Ordinance; and

3) Closing of portions of Cliff Street.

Vice-Mayor Michalove opened the public hearing at

4:12 p.m.

The City Clerk presented the notice to the public

setting the time and date of the public hearing and the affidavit of publication.

Patty Tallerday, from the Planning Department, said

Phase II of the Westgate Shopping Center included a new building to be attached to the southern portion of the existing building, a new drive through, and a realignment of Cliff Street. She said the new addition would contain 23,900 square feet of retail space. She said no additional parking spaces would be required since existing parking meets the required standards. She said the developer has received approval from the North Carolina Department of Transportation for an entrance cut.

Ms. Tallerday said, in regards to Cliff Street,

there has been no documentation received for the dedication of Cliff Street. She said the developer would address this matter.

At the request of Vice-Mayor Michalove, Ms.

Tallerday read the following contingencies placed on the approval of Phase I of the Westgate Shopping Center Expansion:

(1) Proper dedication of Cliff Street;

(2) Provision of minimum 6' wide planted buffer on the west side of Cliff Street between Cliff Street and the parking area and that planted islands a minimum of 6' wide be installed on the east side of Cliff Street on approximately 120' centers. (3) Compliance with sign ordinance and primary sign be a maximum width of 30" for each post; (4) Inclusion of right-of-way trees on Patton Avenue; and (5)

Compliance with Erosion Control Ordinance.

The City Attorney said the contingencies placed on

the approval of Phase I of the Westgate Shopping Center Expansion Project should be carried over with the approval of Phase II with the exception of the proper dedication of Cliff Street, since this contingency is no longer applicable and has been satisfied from a legal standpoint.

Upon inquiry of Vice-Mayor Michalove, Charles

Melvin, representing the Westgate management, said the final disposition of the building on the east side of the property that was condemned had not been determined but some decision would be made in the near future after the engineers complete their evaluation of the building. He said, however, this building would not be a part of Phase I or Phase II of the expansion project.

Councilman Bratton took her seat at 4:20 p.m.

A discussion was held relative to the closing of a

portion of Cliff Street for the proposed realignment of the street.

Henry Stevens, of 46 Springwood Street, said he owns

property at 500 Westwood Place and felt the new expansion project would be an asset to the City. He said he was also glad that Cliff Street would remain open since this street also serves his property on Westwood Place.

Vice-Mayor Michalove closed the public hearing at

4:31 p.m.

Councilman Martin moved for the approval of Phase II

of the Westgate Shopping Center Expansion subject to the contingencies outlined in the approval of Phase I of the project being: (1) Provision of minimum 6' wide planted buffer on the west side of Cliff Street between Cliff Street and the parking area and that planted islands a minimum of 6' wide be installed on the east side of Cliff Street on approximately 120' centers. (2) Compliance with sign ordinance and primary sign be a maximum width of 30" for each post; (3) Inclusion of right-of-way trees on Patton Avenue; and (4) Compliance with Erosion Control Ordinance. Subject further to the conditions outlined for Phase II by the Planning and Zoning Commission being: 1) Letter from N.C. Department of Transportation approving entrance; 2) Signage

package in compliance with Zoning Ordinance; and

3) Closing of portions of Cliff Street as described

in a petition from the Westgate Corporation. This

motion was seconded by Councilman Price and carried

unanimously.

B. Public hearing relative to Overlook Village Shopping

Center.

Vice-Mayor Michalove said the Asheville Planning

and Zoning Commission on June 29, 1988, reviewed and approved the site plan subject to the

following conditions: 1) Letters of approval from NCDOT, FEMA, TVA, and Corp of Engineers prior to any grading on site; 2) Easements from Asheville Federal Savings & Loan and K-Mart; 3) Redesign of secondary entrance road to establish right turns only; 4) Outparcels to be reviewed separately by Asheville Planning and Zoning Commission; 5) Closing of Shawnee Trail by City Council; 6) Zoning of NCDOT right-of-way by City Council; 7) Resubmit landscape to AP&ZC for screening rear of buildings as much as possible from I-240; and 8) Sign contingencies as stated by staff (a. variance need on 1:1 ratio based on store frontage for attached signs per tenant, b. variances needed on 4' projecting signs per tenant, c. freestanding sign within 600' of right-of-way approved by City Council, d. outparcel signage to be reviewed by AP&ZC when needed, and e. Identification signs for outparcel A.- no freestanding sign, outparcel B. - freestanding sign 8' high, 75 square foot per face, and outparcel C. - freestanding sign 25'

high, 100 square feet per face).

Vice-Mayor Michalove opened the public hearing at

4:34 p.m.

The City Clerk presented the notice to the public

setting the time and date of the public hearing and the affidavit of publication.

Carol Albrice, from the Planning Department, said

the project would be constructed on undeveloped land, which is zoned CH Commercial Highway, and would contain 135,002 square feet of open air retail space. She said the project is consistent with Asheville's 2010 plan. She said the proposed parking meets all parking requirements. She said there would be an entrance off U. S. 74 with a new traffic light and a turn lane at this location. She said the project meets all group development requirements and all utilities are in order.

Ms. Albrice reviewed each condition placed upon

the project by the Planning and Zoning Commission stating that each contingency was either completed or in the process of being completed.

At the request of Council, Dale Kays, with

Centennial American Properties, submitted prints showing the proposed grading plans. He also answered questions from members of Council relative to proposed construction, grading, and buffering.

After discussion, Vice-Mayor Michalove closed the

public hearing at 5:02 p.m.

Councilman Frank moved for the approval of the

site plan for Overlook Village Shopping Center subject to the conditions outlined by the Planning and Zoning Commission and further that all easements be approved by the City Attorney. This motion was seconded by Councilman Martin and

carried unanimously.

C. Public hearing relative to Wal-Mart Store on Tunnel

Road.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on June 29, 1988, reviewed and approved the site plan subject to the following conditions: 1) Compliance with Erosion Control Ordinance; 2) Final approval from NCDOT on driveway location; 3) Encroachment agreement with NCDOT for stormwater drainage; 4) Signed easement agreements with Brenco, Inc., Arthur York and Sea-Nic Enterprises; 5) Variance granted for a 10' rear and 8' side setback - setback necessary for location of eastern corner of building and loading dock; and 6) Compliance with buffering ordinance by adding three

trees in the parking lot.

Vice-Mayor Michalove opened the public hearing at

5:05 p.m.

The City Clerk presented the notice to the public

setting the time and date of the public hearing and the affidavit of publication.

Patty Tallerday, from the Planning Department, said

the proposed Wal-Mart Store would be constructed on the property formerly occupied by Howard Johnson's Motor Lodge on Tunnel Road. She said the property is zoned CH Commercial Highway on all sides however the property borders R-3 Residential District in the rear on Beaucatcher Mountain. She said the project would be one building, with one tenant, containing

76,200 square feet of retail space. She said the project meets all parking requirements. She said one entrance would align with Show Biz Pizza and one existing road between McDonald's and a service station. She said there would be signalization at this location. She said the project would require the relocation of an existing water line around the building.

Ms. Tallerday reviewed in detail the conditions

outlined by the Planning and Zoning Commission stating which contingencies had been completed and which were in the process of being completed. Since there are a number of easements necessary for the project, she presented members of Council with a list of easements that would have to be obtained prior to approval of the project.

Gary Tysinger, President of Tysinger, Hampton &

Partners, owners of the project, answered questions from members of Council relative to the project, including buffering and grading.

A lengthy discussion followed between members of

Council, Mr. Tysinger, and Ms. Alexander, an adjoining property owner, who was concerned about buffering in the rear of the property which abuts her property. She requested that the developer provide a 40' buffer instead of the required 20' as outlined in the buffering ordinance.

Vice-Mayor Michalove closed the public hearing at

5:54 p.m.

Councilman Frank moved for the approval of the site

plan for Wal-Mart Store on Tunnel Road subject to the conditions outlined by the Planning and Zoning Commission; further that the approval is subject to execution of all outstanding easements with adjoining property owners as shown on the easement schedule on the boundary survey map of the site plan approved on August 16, 1988 by City Council, said easements subject to the approval of the City Attorney; further that the developer plant a buffer of white pine trees along either side of the new 30' water line easement from the 270' finished elevation mark to the connection point with the existing water line as shown on the Wal-Mart Grading Plan dated August 16, 1988. Buffering will be in accordance with the specifications of the buffering ordinance and is subject to approval by the Planning Director. This motion was seconded by Councilman Boland and carried unanimously.

III. OLD BUSINESS:

A. Ordinance No. 1705 - Second reading of an ordinance

relative to rezoning property from One Rotary Drive over to Caribou Road from R-3 Residential District to OI Office Institutional District.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on June 29, 1988, reviewed and recommended approval of rezoning Ward 7, Sheet 15, Lots 81, 82, and 231, and Ward 7, Sheet 11, Lot 20, from R-3 Residential District to OI- Office Institutional District. (Property extends from One Rotary Drive over to Caribou Road.) A public hearing was held and this ordinance passed on first

reading

on August 9, 1988.

Vice-Mayor Michalove said this ordinance was

previously read on first reading and would not be reread in its entirety.

On a roll call vote of 5-0, Ordinance No. 1705 passed

on second reading.

B. Ordinance No. 1704 - Second reading of an ordinance

relative to a proposed wording amendment to Asheville Zoning Ordinance, Section 30-9-4, District Sign Regulations.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on June 29, 1988, reviewed and recommended approval of amending the Asheville Zoning Ordinance, Section 30-9-4. District Sign Regulations, Subparagraph (D)(1) by adding a new item (b) as follows: "(b) Off-premise advertising signs three hundred (300) square feet per display face or less shall be allowed only in the CH Commercial Highway District, CS Commercial Service District, LI Light Industrial District and HI Heavy Industrial District. A public hearing was held and this

ordinance passed first reading on August 9, 1988.

Vice-Mayor Michalove said this ordinance was

previously read on first reading and it would not be

reread.

At the request of the Planning Department, Councilman

Martin moved to amend Ordinance No. 1704 to include CG Commercial General in the proposed Section 30-9-4. District Sign Regulations, Subparagraph (D)(1)(b). This motion was seconded by Councilman Frank and

carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1704 passed

on second reading, as amended.

IV. NEW BUSINESS:

V. CONSENT:

VI. OTHER BUSINESS:

COUNCILMAN BRATTON - COMPLAINT RECEIVED FROM RESIDENT AT

10 SASSAFRAS STREET

Councilman Bratton said she had received a call from Alice Mitchum at 10 Sassafras Street. She said Mrs. Mitchum is

concerned that Sassafras Street was officially closed by the City of Asheville at the request of the Housing Authority. Mrs. Mitchum is the only house on Sassafras Street and there is no access to her house. She said Mrs. Mitchum originally objected to the closing of the street. She said the residents at the corner of Sassafras Street and Martin Luther King Boulevard park a large vehicle at the corner which adds to Mrs. Mitchum's problem of access to her house. She said Mrs. Mitchum called the Police Department but they informed her there is nothing that can be done since this is not a public street.

After discussion, Vice-Mayor Michalove asked the City Attorney and the City Manager to look into this complaint.

RESOLUTION NO. 88-135 - RESOLUTION OF INTENT TO CLOSE A PORTION OF CLIFF STREET AND CALLING A PUBLIC HEARING ON THE QUESTION FOR SEPTEMBER 27, 1988

Upon motion of Councilman Frank, seconded by Councilman Boland, Resolution No. 88-135 was unanimously adopted.

Resolution Book No. 17 Page No. 226-227

CLAIMS - NEIL MORRIS (STREETS) - KENNETH BEAN (PARKING) - JESSIE PSYCHAS (STREETS) - MARMEL CORP. (STREETS) - LULA PIKE (SEWER) - AVL HEAD, NECK, EAR (SEWER) - JAN JAYNES (WATER)

The City Manager presented claims received from Neil Morris, Kenneth Bean, Jessie Psychas, Marmel Corporation, Lula Pike, Asheville Head, Neck, and Ear, and Jan Jaynes.

Vice-Mayor Michalove referred the claims to the Corporation Counsel for investigation and recommendation.

CLINTON GORHAM - REMARKS REGARDING 911 EMERGENCY SYSTEM

Clinton Gorham of 4 Waverly Court, Beverly Hills, spoke to members of Council expressing concern that the City of Asheville is contemplating having a separate dispatch system for the 911 Emergency Project. He said he felt it would be more logical to move the city's dispatchers and equipment to the County Health Department and have one centralized location. He said he was concerned that there would be delays of EMT's reaching the citizens of Asheville. He said in his opinion there are obvious delays already in the City of Asheville.

Mr. Gorham said he was also concerned that the Fire Department responds to all emergency calls. He said EMT units should be first priority on emergency calls. He said he felt this was a waste of taxpayer's money as well as causing additional confusion at the location in question. He said this procedure also ties up fire equipment.

Councilman Martin said the Council has expressed concerns about the 911 Emergency System and is striving to get the very best system for the citizens of Asheville. He said the City is not trying to take the place of EMS service. He said the Council is working with the County for a consolidated system in the future.

Councilman Frank said the Intergovernmental Services Committee is working on reaching an agreement for one centralized display system. She said she would send Mr. Gorham an article showing what other cities are doing in regard to a 911 system.

Mr. Gorham said city residents need to be assured that their calls will be responded to immediately by the appropriate agency.

The City Manager asked Mr. Gorham to talk with Chief

John Rukavina about his concerns.

ADJOURNMENT:

Upon motion, the meeting adjourned at 6:30 p.m.

MAYOR CITY CLERK
