

Tuesday - July 11, 1995 - 5:08 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood (arrived at 5:15 p.m.) and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Gary McClure

INVOCATION

Councilman Watts gave the invocation.

I. PROCLAMATIONS: None.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE ZONING ORDINANCE TO ADOPT A NEW ZONING DISTRICT, R-3A, RESIDENTIAL SINGLE-FAMILY, HIGH DENSITY

ORDINANCE NO. 2226 - ORDINANCE AMENDING THE ZONING ORDINANCE TO ADOPT A NEW ZONING DISTRICT, R-3A, RESIDENTIAL SINGLE-FAMILY, HIGH DENSITY

Mayor Martin opened the public hearing at 5:11 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that the Zoning Ordinance currently provides for only one single-family zoning district, the R-1 district. This district requires a relatively large lot (12,000 square feet) for homes. Many neighborhoods in Asheville, particularly older neighborhoods, have lots much smaller than 12,000 square feet. A west Asheville neighborhood recently requested rezoning to protect and preserve its single-family character. Application of the R-1 district to their neighborhood would have resulted in the creation of non-confirming lots. At the advice of the Chairman of the Planning and Zoning Commission, the staff pulled the R-3A district standards from the draft UDO to serve this west Asheville neighborhood. The proposed R-3A district is a single-family district with a minimum lot size of 5,445 square feet. The proposed minimum lot size is compatible with the existing lot sizes in many of the City's older neighborhoods. The restriction of uses to single family residential would protect the single-family character of these neighborhoods. This amendment would place the description and standards for the R-3A district in the Zoning Ordinance. Mapping of this district to a certain area(s) would require separate action by the Planning and Zoning Commission and City Council.

The proposed Zoning Ordinance amendment establishing the R-3A zoning district and the standards for this district was recommended for approval by the Planning and Zoning Commission at their June 7, 1995, meeting. It was felt by the Commission that the proposed district would fill a gap in the existing Zoning Ordinance by providing a tool to protect the single-family character of older neighborhoods. The standards established by the proposed ordinance amendment take into account the smaller lot sizes of many of Asheville's older neighborhoods by permitting less restrictive setbacks in addition to the smaller lot -2-

size. Certain non-residential uses, including parks and playgrounds, are permitted uses in the proposed district. Other uses, including churches, day care homes, and home occupations, are identified as conditional uses.

At 5:15 p.m., Councilman Swicegood arrived at the meeting.

Councilwoman Field suggested the minimum lot size be rounded off to 5,400.

Upon inquiry of a member of the audience, Mr. Green said that mobile homes are not a permitted use in this new district.

Mayor Martin closed the public hearing at 5:17 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Sitnick moved for the adoption of Ordinance No. 2226, with the minimum lot size in the R-3A District being 5,400. This motion was seconded by Councilwoman Field.

On a roll call vote of 6-0, Ordinance No. 2226 passed on its first and final reading.

ORDINANCE BOOK NO. 15 - PAGE 140

B. PUBLIC HEARING RELATIVE TO REZONING TWO LOTS AT 18 PISGAH VIEW ROAD FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT

Mayor Martin opened the public hearing at 5:18 p.m.

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

City Attorney Slawter said that Mr. Craig D. Justus, attorney for the petitioner, requested that the public hearing be postponed until July 25, 1995, since it was his understanding that Councilman McClure would be absent from the meeting today. The petitioner would like the opportunity to present its rezoning request in front of a full City Council. A protest petition has been filed for this rezoning and it would take, in the absence of Councilman McClure, a unanimous decision of the City Council to approve his client's rezoning. Consequently, he asked that the public hearing be continued.

Vice-Mayor Peterson moved to continue this public hearing until 5:00 p.m. on Tuesday, July 25, 1995, without further advertisement. This motion was seconded by Councilman Watts and carried unanimously.

III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS: None

V. CONSENT:

Mr. Ralph Bishop asked City Council what authority they had to change State law, regarding the keeping of full and accurate minutes. City Attorney Slawter stated that there was nothing in the City Council Rules of Procedure that would be inconsistent with State law. Mr. -3-

Bishop also stated that, pursuant to Rule 7 of the City Council Rules of Procedure, he was not given an opportunity to address Council during their Pre-Council meeting.

A. APPROVAL OF THE MINUTES OF THE FORMAL MEETING HELD ON JUNE 27, 1995, AND ITS CONTINUANCE ON JULY 5, 1995

B. RESOLUTION NO. 95-111 - RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

Summary: This resolution will reappoint Harold Garland, Joe Enderle, Kevin Butler and Ray Burleson as members to the Board of Electrical Examiners, to each serve an additional two year term. Their terms will expire on July 1, 1997, or until their successors have been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 335

Councilwoman Field moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Swicegood and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

Mr. Gerald Green, Senior Planner, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission on July 5, 1995:

DEERFIELD EPISCOPAL RETIREMENT COMMUNITY

Mr. Green said that Deerfield Episcopal Retirement Community has submitted plans for an expansion of their existing facility located at 1617 Hendersonville Road. This project is proposed to have 2 buildings containing 100 skilled care units and 40 single family "cottages."

The Planning and Zoning Commission held a public hearing to discuss this project at its July 5, 1995, meeting, and no opposition to the proposed project was expressed.

The Planning staff and the Planning and Zoning Commission recommend approval of this group development on the condition that letters indicating adequate water supply and adequate fire protection be received by the developer.

The developer has requested approval of a zoning vested right in accordance with Article 14 of the zoning ordinance. Should the City Council be inclined to grant a zoning vested right, a vote for approval will need to be taken after an advertised public hearing. The granting of a zoning vested right will extend the effective approval of the project from 1 year to 2 years.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

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Councilwoman Field moved to set a public hearing on July 25, 1995, on the matter of a zoning vested right. This motion was seconded by Councilman Watts and carried unanimously.

SOUTHRIDGE II RESIDENCE HALL AT UNC-ASHEVILLE

Mr. Green said that this 76 room four-story residence hall will house 150 students on the UNC-A campus. The dormitory will be located adjacent to the existing residence hall near the southwestern corner of the campus.

On June 20, 1995, a notice was sent by the Planning and Zoning Commission to four adjacent property owners making them aware of the public hearing to be held by the Planning and Zoning Commission.

The City Planning staff recommended approval of the project with the condition of a receipt of a letter approving adequate water availability.

At the Planning and Zoning Commission meeting on July 5, 1995, there was no opposition to this proposed group development. The Planning and Zoning Commission reviewed the request and voted unanimously to recommend that City Council approve this group development with the one condition recommended by staff.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

OCCUPATIONAL SERVICES BUILDING AT A-B TECHNICAL COLLEGE

Mr. Green said that A-B Technical College is proposing the construction of a new 33,500 square foot building to house the Occupational Services classrooms. The building is to be located at the intersection of Victoria Road and Oakland Road on the A-B Tech campus. The site is zoned Office Institutional and is surrounded on three sides by Office Institutional zoning and institutional land uses. Zoning to the west of the site is R-2 and a single family neighborhood is located in this area. An existing building, the Hemlock Building, is located on the site and will be demolished to make room for the new structure. A portion of the site is heavily wooded and many of the trees will be preserved and incorporated into the required buffer and street trees. Access to the proposed building will be from Victoria Road and Oakland Avenue. All required services are available to the site. The development complies with all requirements established by the Zoning Ordinance. One neighboring property called to express concern about traffic in the area.

The proposed development was reviewed by the Planning and Zoning Commission at their July 5, 1995, meeting. Following their review of the site plans for the project, the Commission voted to recommend approval with the following condition: receipt of a letter approving a sewer allocation for the project.

Upon inquiry of Councilwoman Sitnick, Mr. Green said that the footprint of the Hemlock Building was approximately 6,000 square feet and the new building would be approximately 12,000 square feet, noting that the developer will try to reserve as many existing trees as possible.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

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ADDITION TO TRINITY INDUSTRIES ON BINGHAM ROAD

Mr. Green said that Trinity Industries, Incorporated is proposing the construction of a 36,000 square foot addition to their existing building located on Bingham Road near its intersection with Adams Hill Road. The site is zoned Light Industrial and the proposed use is permitted in this zoning district. Surrounding properties to the north, east, and south are zoned Light Industrial and are occupied by industrial uses. Property to the west of the

site is zoned R-5 and is occupied by low density residential development. The site is largely developed and the proposed construction will not have an adverse impact on surrounding land uses. Additional plantings are proposed to buffer the addition from the street and from adjacent land uses. The proposed development meets the requirements of the Asheville Zoning Ordinance.

The proposed development was reviewed by the Asheville Planning and Zoning Commission at their July 5, 1995 meeting. Following their review of the site plans for the project, the Commission recommended approval with the following conditions: (1) Receipt of a letters approving water & sewer allocations and verifying adequate water pressure for fire protection; (2) Receipt of driveway permit for proposed new drive; (3) Provide five parking lot buffer trees adjacent to new parking area on south side of site; and (4) Provide plan showing existing and proposed topography.

The Planning and Zoning Commission recommends approval of the plans for the addition to Trinity Industries with the four conditions.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

B. RALPH BISHOP

Mr. Ralph Bishop spoke to Council about their obligation to uphold their Oath of Office.

C. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville during the week of June 22-28, 1995: Deborah McLaurin (Police), David Jones Jr. (Water), Debbie Kelley (Water), Stoy Lankford (Fire), Courtney Ross (Parks and Recreation), Donna Mills (Fire), James C. Kennedy (Water), Kenndy Igwebuike (Water), Richard Clark (Water), Judy Blackburn (Streets), Dorothy Allen (Streets), and Larry Lindow (Water).

He said that these claims would be referred to Asheville Claims Corporation for investigation.

D. CLOSED SESSION

At 5:43 p.m., Councilman Swicegood moved to go into closed session to in order to preserve the attorney-client privilege. This motion was seconded by Councilwoman Sitnick and carried unanimously.

At 5:55 p.m., Councilman Swicegood moved to come out of closed session. This motion was seconded by Councilwoman Sitnick and carried unanimously.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:56 p.m.

CITY CLERK MAYOR
