

Thursday - April 3, 1997 - 5:00 p.m.

Continuation of Unified Development Ordinance Public Hearing on Text
from March 27, 1997

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; Assistant City Manager S. Douglas Spell; and City Clerk Magdalen Burleson

Absent: Councilman Thomas G. Sellers; City Manager James L. Westbrook Jr.

Mayor Martin reconvened the public hearing on the text of the UDO at 5:00 p.m. He said presentations by the public shall be limited to no more than 10 minutes for the main spokesperson for a group and no more than three minutes for other individuals. Additional information may be conveyed to the City Council in written form.

Mr. H.K. Edgerton, President of the Asheville NAACP, said that many members of the community, especially in the annexed areas, do not understand the UDO process. He questioned City Council's rationale that the Chairman of the Board of Adjustment and the Chairman of the Planning & Zoning Commission be appointees by the City Council.

Councilman Cloninger said that the Board of Adjustment and the Planning & Zoning Commission will both continue to have appointments by both City Council and the Buncombe County Commissioners. However, since both the Planning & Zoning Commission and the Board of Adjustment deal with property located in the City of Asheville or within the extraterritorial jurisdiction of Asheville and not property located in the County, he felt that the Chairperson of those two bodies should be City residents.

Pastor Pete Peery from the First Presbyterian Church said that he was concerned by the UDO could cause more segregation in Asheville, particularly economic segregation. He hoped that Council will make adjustments that will make sure that Asheville keeps the diversity in the neighborhoods. He asked Council to keep options for duplexes, quadraplexes, etc. in the areas that are now being proposed to be listed as RS8 zones. He also urged Council to be sensitive to the impact of the UDO on modest cost housing in this City.

Mr. Darryl Hart, Chairman of the Chamber of Commerce's Local Issues Task Force, said that Sec. 7-12-2 calls for allowing speculative grading as long as various control measures are put in place, such as effective landscaping, erosion control and stormwater runoff. He requested that Council does not make regulations for this activity anymore stringent. As it is currently written, it is something they can live with. He said speculative grading is important to economic development because it allows a potential developer to review what the property could look like. Some developers require speculative grading before they consider a property site. Unavailability of this activity could hurt local economic development attraction efforts. He also voiced concern about Section 15 K 4 E. It states that private streets shall not be permitted in subdivisions. The Chamber supports allowing private streets as long as they meet all the City requirements and specifications for public streets. The development of private streets should be market driven. Requiring all subdivisions to abut public streets and not allowing private streets could hamper development.

Mr. Chris Olivia, Realtor, felt that there was not much land in the City for

affordable housing. He said it has to be dense to make it -2-

cost effective. He asked Council to include a clause for a planned unit development to be reviewed for their aesthetic qualities.

Mr. Larry Thompson, Director of Blue Ridge Center, said that they conducted a survey last year of 300 mentally ill adults. The survey revealed that they preferred more independent living situations - apartments rather than boarding or family care homes. They wished to live in integrated settings with non-disabled persons rather than in specialty facilities such as group homes. The content of the Fair Housing Plan has been reassuring to his clients. The commitment by Council in the Plan helps reinforce the special needs population. They are concerned with provisions in the UDO which seem to restrict the availability of housing options for disabled citizens in particular, duplexes, triplexes and quadraplexes. The additional space requirements for duplexes, etc., seems to limit the possibilities of such housing being constructed. He asked Council to take steps to safeguard the option for duplexes, etc., to be located throughout the City in settings which allow our family members to live independent lives in harmony with neighbors.

Mr. John Travis, Haw Creek resident, hoped that whatever ordinance is adopted is fair for everyone. He was concerned with the provision that multi-family uses should be located a minimum of 500 feet from all other multi-family uses. He felt 500 feet provision might be okay in the County, but it was too much separation in the City of Asheville. He hoped Council would examine where they really stand on fair housing and stressed that the disabled really need sidewalks and a choice of residential housing which includes realistically obtainable small apartment projects.

Mr. Larry Holt, employee of the Housing Authority, stated that they are concerned with affordable housing and they see rental housing as affordable housing being more than just a single-family detached residential structure. The Housing Authority has spent the last three years looking for scattered sites for replacement housing. He requested that Council reconsider the 500 foot restriction on placement of two, three and four family homes, primarily because if you can locate a tract of land that would lend itself to single-family and some of the two and three family homes, that 500 foot restriction could create a real problem for the development of these affordable units. He asked Council to leave the opportunity for other developers that can take advantage of various incentives to provide affordable housing.

Ms. Valeria Larrea, Montford resident and owner of a bed and breakfast, and Ms. Ann Colby, Montford resident and owner of a bed and breakfast, addressed Council regarding Secs. 7-16-1 C 9 and 10 as follows:

a. Clarification of Sec. 7-16-1 C 9 f. was received.

b. Sec. 7-16-1 C 9 d. was requested to be amended to read "A maximum of one (1) non-resident or two (2) part-timers of the dwelling may be employed," since it is very difficult to get full-time help that wants to do domestic work and part-times are frequently used.

c. Since multiple housing is proposed to be allowed under the RS4 and RS8 designations, B&B homestays should also be allowed in those areas since they do have only a prohibition on three or fewer rooms.

d. Since there are so many combined restrictions in the special use category that have to be met, B&B's should also be allowed in the RS4 -3-

and RS 8 designations where duplexes, triplexes and quadraplexes are allowed.

e. Sec. 7-16-1 C 10 b. states that "Bed and Breakfast Inns shall be located a minimum of 750 feet from other Bed and Breakfast Inns" They would like to have that section deleted. If a density requirement is felt necessary in order to keep an entire street or neighborhood from going B&B, a density proposal would be better. Once again, however, they would prefer to see the section deleted.

f. Sec. 7-16-1 C 10 c. states that the owner/manager shall reside in the principal structure and not in any accessory on the property. They asked this be amended to read that the owner/manager shall reside on the property and not be specific as to where.

g. Since accessory apartments are permitted as a use by right for all residential areas under the proposed UDO, they didn't think B&B's should be specifically not allowed to have accessory apartments.

h. Sec. 7-16-1 C 10 e., i., and j. address issues that essentially are meant to help determine how many guest units that one could have on a given piece of property. Their proposal would be that the minimum lot size be determined by the appropriate parking and the size of house together to generate the number of appropriate guest rooms.

i. Sec. 7-16-1 C 10 f. which states that "No existing structure shall be enlarged or expanded for the purpose of providing additional guest rooms," should be deleted. Most B&B's in Asheville are currently in historical areas and any additions or enlargements to structures would come under historical guidelines. If they are not in historic districts, any additions or enlargements have to meet the approval of the contiguous neighbors.

j. Sec. 7-16-1 C 10 k. notes that "signage shall ... not to exceed eight (8) square feet with a maximum height of four (4) feet...." HRC guidelines should be the most stringent of all of the guidelines and in those guidelines signs are not to exceed 9 square feet with no specific height required.

k. Clarification received of Sec. 7-16-1 C 10 I. which should read "No home of less than 3500 square feet shall be used for a bed and breakfast inn."

l. Sec. 7-16-1 C 10 n. be amended to read that "No building less than 35 years old shall be converted." Councilman Worley noted that the Planning & Zoning Commission recommended the wording change to read "No structure less than 30 years old shall be converted."

m. Sec. 7-16-1 C 10 m. was questioned regarding B&B's allowance of "four social gatherings per year to benefit non-profit groups." They asked that the sentence be deleted in its entirety or at least be modified to delete "to benefit non-profit groups". They used an example of a request for a wedding in a B&B.

n. A reference be made to noise restriction in this section and all the residential sections.

o. Speculative grading should be prohibited and requested developers use computer programs which would allow potential developers to show their property to any kind of buyers in various configurations rather than destroying trees, moving rocks and cutting away hillsides.

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p. Encouraged Council to require industry to co-locate on telecommunications towers and more importantly to require a bond be posted to make sure that the

tower is removed after non-use.

q. Encouraged diversity in neighborhoods.

Ms. Beth Maczka, Director of the Affordable Housing Coalition and resident of 7 Garden Terrace, presented Council with a list of "Common Grounds" that a group of 10 people (3 represented for-profit development, 3 represented the Coalition of Asheville Neighborhoods, 3 represented the Affordable Housing Coalition and 1 person represented transportation) agreed upon. Those were (1) need and desire for different style of input from whole community; (2) where does input go?; (3) we all love Asheville; (4) we are concerned that the UDO may create a city that doesn't meet the needs of all economic levels of citizens; (5) interest in design elements, standards, quality; (6) interest in leaving room for creativity, without so much structure to losing creativity; (7) design unto others, as you would have them design unto you; (8) need trust that "rules" will encourage high quality, appropriate design, and discourage what we don't want; and (9) need for integration between land planning and transportation infrastructure. She offered an example of design standards the Town of Davidson used. She reiterated the facts that support the need for affordable housing in Asheville. On page CDA-7 of the Zoning Ordinance, it defines multiple family dwellings - a residential building with three or more families. The national HUD standard said that buildings that are four units or less are considered single-family. She recommended Council consider changing that definition of multiple families to be five or more units and consider that small scale homes (4 units or less) are in fact single-family. In Sec. 30-5.1.1 referring to R1A overlays, in the moderate density residential district, the phrase which reads "to promote a suitable environment for single-family living" concerned her. She questioned what is a suitable environment for multi-family living. She felt that Sec. 7-11-5, traffic impact analysis, might be used as an excuse not to provide multi-family housing. She suggested that some communities be given incentives to have multi-family housing by prioritizing their sidewalks, street sign needs, greenspace, or park needs. She felt Council could be creative in motivating neighborhoods to embrace diversity. Sec. 7-12-4 reads in part to "provide land use densities to permit the best possible development of hillside areas in order to retain significant natural features." She felt that promoting only single-family can be more of an impact on the land than small scale multi-family.

Mr. Gerald Green, Senior Planner, said that in Planned Unit Development ("PUD") standards, especially on hillsides, they encourage clustering and to density bonuses for clustering and for providing affording homes.

Ms. Maczka felt that PUDs are an innovative type of zoning, but felt they won't be utilized if a rezoning is required and with that kind of appeal process. She said in Sec. 7-16-1, numbers 11, 18, 19, 24, 33 and 55 are all types of housing which provide diversity in particular for low income, elderly and people with special needs. She was concerned about the restriction placed on them. She reiterated that the spacing requirement of 500 feet for two family, three family and four family units is excessive and the double, triple and quadruple lot size prevents units from being affordable. She encouraged City Council to ask for an analysis of what land, if any, will be left in order to site the duplexes, triplexes and quadraplexes with the existing restrictions.

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Upon inquiry of Councilman Skalski, Vice-Mayor Field said that there are approximately 22,500 living units in Asheville.

A representative from the Interfaith Alliance for Justice spoke about the negative effect of the UDO on affordable housing.

Mr. Steve Gruber, Asheville resident, spoke to Sec. 7-12-1 7 C. 6 and 7 and questioned if the Board of Adjustment would be amenable to recommending an alternate location or to granting a variance. He spoke in opposition to the spacing requirement of 500 square feet for duplexes, triplexes and quadraplexes and wondered what the rationale was for that requirement. He asked that the section stating that no two telecommunications towers should be constructed within 1320 feet from each other be reviewed so that we do not cluster them that close together.

Ms. Margaret Sexton, Secretary of Wilshire Park Community, said that her community doesn't have a problem with an occasional duplex, triplex or quadruple. It doesn't change the neighborhood like a 20-40 unit apartment complex would. She asked City Council to keep in the 500 square foot spacing requirement for the duplexes, etc.

Mr. Haywood Spangler, Case Manager at the Affordable Housing Coalition and candidate for ordination in the Episcopal Church, spoke as a citizen who rents. He asked that the UDO be crafted in such a way as to provide for the availability of affordable rental housing. People who live in affordable rental housing are hard working citizens who contribute to the flourishing of this community.

Ms. Elizabeth Bocklet, employee with the Affordable Housing Coalition and renter in the Kenilworth area, stressed that we must use our lands in the most efficient ways possible. She felt the restrictions on lot sizes and spacing requirements for duplexes, etc., should be eliminated.

Mr. Jim Barrett stressed that Asheville is a multi-racial community. He saw no need for the distinction between single-family and multi-family units. He voiced concern about the separate buffering requirements for off-street parking at duplexes, triplexes and quadraplexes. If group homes are limited to RM16 and 1/2 mile apart, he felt that might be in violation of the Fair Housing Act. He voiced concern that fraternity and sorority houses don't require their parking to be screened, but duplexes and triplexes do. He didn't understand why boarding houses are limited to RM16, but not bed and breakfasts. He also requested that they have to be 1200 feet apart. He asked staff to review the assisted living facilities if they are limited to RM16. He pointed out that sidewalks may not make sense in steep terrain or if there is no other sidewalk on the entire street. That might have an impact when you are trying to make housing more affordable. He hoped that Council's housing policy is to have diversity in all neighborhoods.

Mr. Jimmy Ramsey, property owner on Swannanoa River Road, felt the Swannanoa River needed to be dredged.

Ms. Minnie Jones, representative of low income people, spoke in support of affordable housing noting that many older people do not want to own a home that needs maintenance.

Mr. Hugh Kelly, student at UNC-A, felt that as Asheville grows there will be more of a need for service oriented jobs. He was concerned that the UDO unnecessarily reduces the amount of Asheville that will be allowed to have multi-family dwellings. He also felt the -6-

UDO unnecessarily limits those dwellings to 500 feet spacing requirements.

At 7:00 p.m., after asking if there was any further comment from the public, Councilman Worley announced a break.

At 7:28 p.m., after asking if there was any further comment from the public,

Councilman Hay moved to close the public hearing, noting the public hearing can again be opened. This motion was seconded by Vice-Mayor Field and carried unanimously.

City Council then reviewed the list of changes to the original draft as recommended by the Planning & Zoning Commission with Planning staff keeping a record of any desired changes or questions by individual Council members. It was agreed that only those recommendations for which there were desired changes or questions would be on the list for further discussion and possible vote at the next scheduled UDO meeting.

Council then reviewed the recommendations of the Planning staff and indicated which of those recommendations Council wanted to have on the list for further discussion and possible vote at the next scheduled UDO meeting.

City Council discussed changes that might be desired by individual members of Council and which had not appeared on the Planning & Zoning Commission's recommended changes or the recommendations of staff. By consensus, it was agreed that individual Council members would turn in their lists to the Planning Department by Monday, April 7, 1997, and that those lists would also be discussed and possibly voted on at the next scheduled UDO meeting.

At 10:45 p.m., Councilman Skalski moved to recess the meeting until Tuesday, April 8, 1997, at 6:00 p.m. in the Council Chamber on the Second Floor of the City Hall Building. This motion was seconded by Councilman Cloninger and carried unanimously.

CITY CLERK MAYOR
