

Wednesday - April 24, 1997 - 5:00 p.m.

Civic Center Banquet Room

Continuation of Unified Development Ordinance Joint Public Hearing with the Planning & Zoning Commission on Mapping of the South, West and North Areas

Present: City Council Members Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; 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: None.

Present: Planning & Zoning Commission Members Present: Vice-Chairman Robert M. Swicegood II, Max Haner, Jane Gianvito Mathews, William Johnson and Karl Koon. Absent: Chairman Roderick Hudgins and James Torpey.

Mayor Martin stated that the purpose of this public hearing is to receive comments from the public regarding the proposed rezoning and reclassification of land within the City of Asheville in connection with the anticipated adoption of the Unified Development Ordinance. The Asheville City Council and the Asheville Planning and Zoning Commission have taken the unusual step of scheduling a joint meeting for these public hearings in order that members of the public may address their concerns regarding rezoning or reclassification issues to both bodies at the same time. Although we would like to receive all public comment tonight, and will stay as long as possible to do that, further public comment may be taken at the May 7, 1997, meeting of the Planning and Zoning Commission and at the May 27, 1997, meeting of the City Council, which will be continued sessions of this meeting. We want everyone who wants to speak to have a chance to do so.

As noted, the purpose of this meeting is to receive public comments on the proposed rezoning and reclassification of land within the City. We will not act to adopt any part of the proposals until both the Planning and Zoning Commission and City Council have had further opportunity independently to consider and discuss the proposals in light of the public input that we receive. The Planning and Zoning Commission will continue its public hearing until Wednesday, May 7, 1997, at 5:00 p.m. at which time it may take action on a recommendation to City Council regarding the proposed rezoning and reclassification. The City Council will continue its public hearing until Tuesday, May 27, 1997, at 5:00 p.m. at which time it is anticipated that the recommendations of the Planning and Zoning Commission on the proposed rezoning and reclassification will be before the City Council for action.

Mayor Martin 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.

Mayor Martin opened the public hearing at 5:13 p.m.

Mr. Paul Benson, Urban Planner, said that for over one and half-years the Planning staff has been working on the UDO mapping, consisting of 34,300 properties and over 31,000 acres. He reviewed the comparisons of the zoning districts - current and UDO. He then reviewed the overlay districts, which districts supplement or replace the basic zoning district requirements. He outlined the 2010 Plan's general land use goals. He explained the mapping strategy used by Planning staff, which -2-

was to (1) follow the land use recommendations of the 2010 Comprehensive Plan which was adopted in 1987 and amended in 1989, 1992, 1993 and 1996; (2) match zoning to existing development; (3) convert existing zoning to a corresponding district in the UDO; (4) rationalize zoning boundaries; and (5) avoid creation of nonconformities. He reviewed a chart of comparison of zoning by land use type which revealed (1) a slight declines (1-2%) in Industrial, Commercial and Office/Institutional zoning; and (2) a significant reversal in ratio of single/multi-family zoning.

Mayor Martin said that City Council has come to a consensus that it is not necessary to have commercial development in the Beaverdam Valley area.

By the use of maps and overheads, he reviewed the staff proposal for the UDO zoning in the South Area and outlined how staff used the 2010 Plan goals in mapping the area, also taking into account the numerous comments from the community. The 2010 Plan goals for the South area are as follows: (1) preserve and protection of Biltmore Village Historic District; (2) Sweeten Creek industrial park expansion; (3) medium density residential development adjacent to commercial business center south of Blue Ridge Parkway; and (4) commercial business center between Blue Ridge Parkway and Mills Gap Road. He then reviewed a chart of the South area zoning changes which revealed (1) small gain in industrial; (2) loss of commercial; (3) loss of office/institutional; and (4) reduction in multi-family and gain in single-family residential.

At this point Mayor Martin opened up the floor for public comments. Everyone who spoke briefed Council on why the zoning should be changed to their requested zoning. The requests were as follows:

Mr. Tim Davey, 211 Blake Mountain Circle, requested his property and the newly acquired property (.45 acres) to be zoned RS-2.

Mr. Bill Frue, attorney representing Ingles Markets Inc., requested a 37 acre tract owned by Ingles in West Asheville be zoned to a regional business district making it possible for commercial and residential purposes, not RM-8.

Mr. Roger Chipman, owner of Exotic Pets and owner of two lots where Sweeten Creek Road crosses Royal Pine Drive, requested his property be zoned something more compatible with what is in the area now - like commercial and multi-family.

Mr. Steven Baldash presented Council with pictures in the Cornell Street area next to the South Forest Shopping Center. He requested that his property on Cornell Street be zoned Office District, not RS-8.

Mr. Al Mojannier, representative of the Interfaith Alliance for Justice, was concerned about the substantial reduction of multi-family zoning. Vice-Mayor Field responded that the City receives a certain amount of Community Development Block Grant and HOME consortium money, and through our non-profits we put the majority of it into affordable housing. However, the City can only build, at the most, 100 units a year. The private section has to step in and provide affordable housing over and above that. She felt that any multi-family housing added to our community will add affordable housing.

By the use of maps and overheads, Mr. Benson reviewed the staff proposal for the UDO zoning in the West Area and outlined how staff used the 2010 Plan goals in mapping the area, also taking into account the numerous comments from the community. The 2010 Plan goals for the West -3-

area are as follows: (1) medium density residential development north of Emma and adjacent to industrial area; (2) Steep hillsides along west bank of French

Broad River reserved as open space, north of Smoky Park Bridge; (3) strip office/commercial development limited along Patton Avenue; (4) commercial center at intersection of Patton Avenue and Haywood Road; (5) linear greenway park along west bank of French Broad River south of Smoky Park Bridge; (6) medium density residential development across from proposed riverside park; (7) Sand Hill ballfield development; (8) office/institutional distribution center located at Brevard Road - Farmer's Market area; (9) low density residential development between I-40 and Hominy Creek; (10) floodway/open space buffer adjacent to low density residential development in Pond Road area; (11) industrial center adjacent to Hominy Creek and BASF plant; (12) commercial center at intersection of Brevard and Sardis Roads; (13) medium density residential development along Leicester Highway at Spivey Mountain Road (14) low density residential development in areas with poor access and urban services - Gorman Bridge - Dryman Mountain Road area; and (15) commercial center at intersection of Smoky Park Highway and I-40 with medium density residential on outskirts of center. He then reviewed a chart of the West area zoning changes which revealed (1) significant loss in industrial; (2) some loss in commercial; (3) small gain in office/institutional; and (4) significant gain in single family/loss in multi-family.

Mr. Tom Plemmons, resident on Sand Hill Road, responded that his property be zoned light industrial.

Mr. Don Isenhower requested that the property bounded on the north end by Peach Street, on the west side by Appalachian Way and on the southern side by Shadowlawn which is currently zoned RM-8 remain and further requested for the mobile home overlay for possible rental community.

Ms. Lucy Crowell, resident on Pond Road, said that the part of her property that is in the City's jurisdiction (34-1/2 acres) has been light industrial. She requested her property be zoned commercial industrial, not RS-2.

Mr. Roy Chapman, property owner of 87 Riverview Church Road, requested that his small mobile home park and adjoining property be zoned RM-8 with a manufactured home rental community overlay.

Ms. Linda Purcell, Co-President of Malvern Hills Community Club, requested their neighborhood zoning be changed from RS-8 to RS-4.

Mr. David Nash, resident of Crestmont Avenue, requested his zoning remain RM-8 and the City expand those areas throughout the City for more diverse neighborhoods.

Mr. Dennis Campbell, representative of the Falconhurst Neighborhood Association, requested his neighborhood be zoned RS-8, not RM-8.

Mr. George Saenger, attorney representing owners of a 64 acre tract (bordered by Holbrook Road and Crowell Road) at the intersection of I-40 and U.S. 19-23, requested the property remain commercial industrial. He presented Council with a letter dated April 24, 1997, from Mr. Philip G. Carson.

Ms. Kathryn Trueblood, resident on Pond Road, requested her property be zoned commercial industrial, not RS-2.

-4-

Ms. Margaret Sexton, Secretary to the Wilshire Park Community Club, stated that Council rezoned their neighborhood recently from R-3 to R-1A and now their area is proposed to be zoned RS-8. She urged Council to keep the 500 square foot spacing requirement for the duplexes, triplexes and quadruplexes. Her

neighborhood does not want a 20-40 unit apartment complex built.

Mr. Bob Ledford, representative of residents from new Leicester Highway from CJ's Hair Design to Eliada Home Road, requested that area be zoned commercial or commercial service, not RM-6 and RM-8.

Mr. Jonathan Guest, resident in Falconhurst, requested his neighborhood be zoned RS-8, not RM-8.

Mr. Kelley, representative of 850 area residents and businesses in the area of Pond and Brevard Roads, questioned what could be built in the Commercial Industrial zone (in particular if asphalt plants could be built). Mr. Gerald Green, Senior Planner, said the UDO is not as clear as it could be on the question of the asphalt plant. It is Planning staff's interpretation that asphalt plants will not be permitted in the Commercial Industrial district and staff is proposing a clarification to ensure that there is no question about that.

Mr. Carl Solesbee presented City Council with a petition containing approximately 93 signatures asking that "effective immediately that there be a 2 mile 'buffer zone' outside the extraterritorial jurisdiction of the City of Asheville to offset the building of an asphalt plant, or zoned as Heavy Industrial." City Attorney Oast said that although it is possible for the City in some limited circumstances to extend it's zoning regulations beyond the corporate limits, a two mile buffer zone is not something the City can do under the current circumstances.

Mr. Bruce Moss, owner of approximately 5 acres on new Leicester Highway, requested his property be zoned commercial or commercial service.

Mr. Barry Evans presented a petition containing approximately 850 signatures "to deny the rezoning of property on Pond Rd. from light industrial to heavy industrial, for the purposes of an asphalt plant. We strongly oppose the placement of an asphalt plant within a mile and a half of hundreds of homes and an elementary school, due to environmental, health and safety concerns for our home owners and their children."

At 7:00 p.m., Mayor Martin announced a ten minute break.

Mr. Dick Rice voiced concern regarding the need for affordable housing and also the need for preserving and protecting the taxpayers and property owners of the City. He questioned the percentage of multi-family in the West area. He asked Council consider schools as part of the infrastructure evaluation before granting large developments.

Mr. Tony Sayer presented Council with written comments dated April 24, 1997, from Mr. James A. Barrett, 270 Cumberland Avenue. Said letter, in part, reads "in light of the way the UDO text has turned out: (1) Order a re-mapping of the city that leaves many more multifamily housing zones (and much more multifamily area) throughout the city to allow for the possibility that more neighborhoods may incorporate mixed small multi-family developments and single-family housing.... (2) Order a re-mapping of the city that leaves much more higher density zoning in the central neighborhoods and in areas throughout the city that are -5-

buildable and near amenities.... (3) send a clear message that Asheville is not to become an exclusive community that relegates middle and lower income people to over-crowded and substandard housing or to the county to live in trailer parks; and (4) pass a housing bond issue so that lower income families can be empowered to buy a single family home so they can live in Asheville."

Mr. Tony Sayer, 27 Florida Avenue, requested that his neighborhood remain zoned RM-8 because he was happy to live in a multi-family zone. He was concerned about the statement that somehow the plans that are currently underway will meet all of the rental and affordable housing needs of the City for the next 25 years.

Mr. Earl Cobb, West Asheville resident, requested properties in West Asheville be zoned RS-8, not RM-6, RM-8 and RM-16.

Mr. Brian Peterson, resident on Vance Crescent, questioned why the property in the Vermont Avenue area is to be zoned RS-8 and RM-8 when it is completely filled in with single-family.

Mr. James Beck, West Asheville resident, requested that the 25 acres of property on Deaverview Road (which belongs to Deaverview Properties) and an additional six acres (which belongs to him), be zoned Commercial Industrial, not RM-16. He presented City Council with a letter dated April 24, 1997.

Mr. Lane Reid, resident in Falconhurst, requested his property be zoned RS-8, not RM-8.

Mr. Scott Dedman, representative of the Affordable Housing Coalition, asked questions relating to the multi-family/single family zoning analysis. He felt that the proposed mapping will perpetuate and extend the economic and racial segregation that exists in Asheville. He showed Council a map that compared the most exclusive zoning areas, which would be the RS-2 and RS-4, and the census tracts, which are less than 10% minority. He requested a sophisticated analysis by individuals who know fair housing laws to look at the effect of perpetuating racial and economic segregation in our City through the UDO.

By the use of maps and overheads, Mr. Benson reviewed the staff proposal for the UDO zoning in the North Area and outlined how staff used the 2010 Plan goals in mapping the area, also taking into account the numerous comments from the community. The 2010 Plan goals for the North area are as follows: (1) commercial center at intersection of Merrimon and Beaverdam Roads; (2) strip office/commercial limited along Merrimon Avenue; (3) low density residential development in steep hillside areas; (4) greenway along Weaver Boulevard; (5) medium density residential development bordering UNC-A campus; (6) greenway along west side of Broadway; (7) institutional development along east side of Broadway; (8) preservation and protection of Montford Historic District; (9) commercial/office development along Charlotte Street from I-240 to Edwin Place and residential north of Edwin; (10) neighborhood trading center at Head of Montford; (11) phasing out industry/warehousing on east bank of French Broad River, north of the Smoky Park Bridge; (12) medium density residential development in the Hill Street area; (13) medium to high density residential development in the Chestnut-Liberty area and the Head of Montford; and (13) neighborhood trading centers in the Chestnut-Liberty area and the Head of Montford. He then reviewed a chart of the North area zoning changes which revealed (1) industrial unchanged; (2) small gain in commercial; (3) loss in Office/Institutional; and (4) loss in multi-family and corresponding gain in single-family. -6-

Ms. Pam Turner, Chairman of the Board of Trustees for UNC-A, voiced concern that the boundaries of the institutional zone intended for the campus have been drawn too tightly, in particular the proposed shrinking of the present zoning boundary near the southeast corner of the campus tract. At present Vivian/Nantahala Streets (actually one street), form a boundary line for the campus existing office institutional zone. The UDO map proposes to draw the new institutional boundary line perhaps 100 feet, or so, to the west of Vivian/Nantahala. They request the street be restored as the boundary line. She

also voiced concern that the proposed new zoning of the established residential areas to the south and east of the campus does not allow adequately for private sector development of appropriate housing options to meet the need of the University community. They requested RM-16 in a wider area.

Mr. John Quigley, President of the Jackson Park/Woolsey Neighborhood Association, presented City Council with a petition containing approximately 250 signatures, requesting their neighborhood be zoned RS-4, with exceptions noted on a map attached to the petition.

Ms. Betty Robinson, North Asheville resident, voiced concern about the proposed UDO dropping many current parking requirements. She also voiced concern about speculative grading requirements not required in commercial areas.

Ms. Mary Jo Brezny, Montford resident, expressed concern regarding the parking requirements in the UDO. She was concerned that a small area on Hill Street which was being zoned commercial has been increased to go up to the school property boundary on Montford Avenue.

Mr. Ron Dame, 171 Edgewood Road, requested his neighborhood be zoned something less than RM-8 and RS-8.

A man from the Edgewood Road area requested Council take into account health, safety and welfare issues and the proper density in neighborhoods that are very old with very narrow streets that cannot support, in many cases, the current traffic.

Ms. Glenda Burgin, 599 Old Toll Road, requested that the 3-acre vacant lot across the street from the Grove Park Inn not be zoned Resort.

Mr. Dennis King, resident on Old Toll Road, requested that the 3-acre vacant lot across the street from the Grove Park Inn not be zoned Resort.

Mr. Arnold Green, resident on Country Club Road, requested the Grove Park Inn golf course not be zoned Resort, but remain residential.

Ms. Dee Murphy, Barnard Avenue resident, said that a resident at 1 Sevier Street, was concerned about a commercial development in front of her home. Ms. Murphy then read a letter from her neighbor David Page, 12 Laurel Avenue, which opposed a zoning plan which allowed the University Place complex to be shoe-horned into a neighborhood whose infrastructure is already built out. Ms. Murphy then voiced concern on the thresholds in order to trigger public hearings.

Ms. Kathy Burd, 4 Salem Avenue, requested her neighborhood be changed from RS-8 to RS-4 and RM-8 to RS-8.

Ms. Mary Anne Cramer, resident on Lee Avenue, requested her neighborhood remain single-family. -7-

Mr. Dennie Martin requested his property at 55 Broad Street and the two vacant lots at the intersection of Crescent and Broad be zoned office or office business, not RM-8.

Mr. Mark McDermott said that he was at the homeless shelter earlier today and they have roughly 60 people there. He believed that is where some of the people that need affordable housing are tonight.

Ms. Laura Whitley, resident on Edgewood Road, requested the Edgewood/Barnard/Maney areas be zoned RS-4, not RM-8, and asked Council to

revisit the thresholds for public comment.

Ms. Leni Sitnick said that the institutional zoning along the east side of Broadway needs to be done with care and future thought. She felt people will find a way to appeal as development occurs, whether it's permitted by public hearing in the UDO or not. She was glad that Council will review the ordinance in six months and one year. She hoped Council will at some point consider participation fees for infrastructure. She hoped that asphalt plants and other poison-spewing industries are not allowed in any areas where there are people. Since enforcement is a major part, she hoped the City had adequate staff and funding. She also hoped that variances are granted only on a hardship basis.

Ms. Nora Bradsher, 125 Furman Avenue and Secretary of the Charlotte Street Neighbors Association, requested Charlotte Street, from I-240 to Chestnut Street, be zoned CBI, not CBII. She asked that the Charlotte Street Small Area Plan Advisory Committee be allowed to complete their plan and then use this document to create a transition overlay. She said that she had a petition from 12 of her neighbors who agreed that this area should be zoned CBI.

Ms. Mary Parker, 95 Charlotte Street, said that the Charlotte Street Small Area Plan Advisory Committee generally approved the Planning staff's recommendations for that area with the exception of the property where the Ingles building burnt.

At 8:55 p.m., Mayor Martin announced a ten minute break.

Upon inquiry of Ms. Tammy Bradley, Mayor Martin explained that this a public hearing for City Council and the Planning & Zoning Commission to listen to comments from the community only.

Mr. Tom Muncy, 33 Maney Avenue, requested that the Chatham Road/ Fenner Avenue area be zoned RS-4, not RS-8.

Ms. Janet Hart, 60 Baird Street and Charlotte Street Neighbor Association President, requested that the area between Arlington and Town Mountain Road should be zoned RS-8; the properties on east Arlington toward Town Mountain Road should remain RS-8; the properties on East Chestnut Street between Furman and Charlotte Street should be zoned RM-8, not RM-16; Albemarle Road to Albemarle Park should be zoned RM-8; and Albemarle Place through the Von Ruck area should be zoned RS-4, not RM-8.

Mr. David Gould, member of the Neighborhood Association bordering UNC-A, requested the Edgewood Road area now zoned RM-8 to the north and south of Edgewood and Barnard be zoned RS-4 or RM-6.

-8-

Ms. Pauline Kaltsunis, representative of 853 Merrimon Avenue and 29 Johnson Drive, requested that 29 Johnson Drive (now zoned CBII) and the small strip behind 29 Johnson Drive (now zoned RM-8) be both zoned CBII.

Mr. Dennis Campbell, speaking on behalf of his mother-in-law who lives on Sevier Street, stated that the multi-family narrow strip that goes along Barnard Avenue and Sevier Street is totally unacceptable.

Mr. Andrew Hart, 60 Baird Street, requested that the lot where Ingles burnt be zoned CBI, not CBII.

Ms. Peggy DeBell, 131 Arlington Street, was glad that her property was zoned RS-4 and requested that the lot where Ingles burnt be zoned CBI with a

transition overlay for the entire Charlotte Street area, not CBII.

Mr. David Whitley, 210 Edgewood Road, suggested meeting with the Planning staff to come up with a more adequate zoning of his area which would be something less dense than RM-8.

Ms. Margaret Mull asked that her 3 pieces of property on Merrimon Avenue that are currently zoned differently (even though they are connected) be zoned the same designation. She also asked about parking requirements.

By the use of the overhead projector, Mr. Scott Dedman, property owner at the corner of Cumberland and Flint Street, showed Council areas with the same density being zoned differently.

At 9:35 p.m., Mr. Haner moved to recess this meeting of the Planning & Zoning Commission and continue it until Monday, May 5, 1997, at 5:00 p.m. in the large conference room on the Fifth Floor of the City Building for another worksession of the Planning & Zoning Commission on the proposed zoning district maps for the UDO, during which time only written comments will be accepted on the proposed maps and after which the meeting shall be further continued to Wednesday, May 7, 1997, at 5:00 p.m. in the Banquet Room of the Civic Center for continuation of this public hearing of the Planning & Zoning Commission. Comments at the May 7, 1997, meeting should be limited to new and original thoughts that have not been previously discussed and we will receive those at that time. This motion was seconded by Mr. Johnson and carried unanimously.

Mr. Swicegood noted that since the May 7, 1997, meeting is a regular meeting of the Planning & Zoning Commission, the public hearing portion will be handled under "Other Business" at the conclusion of the Planning & Zoning Commission meeting.

At 9:35 p.m., Councilman Hay moved to recess and continue this meeting of the City Council until Tuesday, May 27, 1997, at 5:00 p.m. in the Banquet Room of the Civic Center. This motion was seconded by Councilman Sellers and carried unanimously.

CITY CLERK MAYOR
