

Tuesday – April 10, 2001 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor M. Charles Cloninger; Councilwoman Terry Bellamy; Councilwoman Barbara Field; Councilman Edward C. Hay Jr.; Councilman Brian L. Peterson; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Bellamy gave the invocation.

ADDITIONS TO THE AGENDA

Councilwoman Field asked that a matter dealing with the Building Code be placed under "Other Business"

Councilman Peterson asked that a matter dealing with the Civic Center be placed under "Other Business"

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING APRIL 8-14, 2001, AS "INTERNATIONAL BUILDING SAFETY WEEK"

Councilwoman Field read the proclamation proclaiming the week of April 8-14, 2001, as "International Building Safety Week" in the City of Asheville. She presented the proclamation to Director of Building Safety Terry Summey and Fire Chief Greg Grayson, who briefed City Council on some activities taking place during the week.

II. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 27, 2000, AND THE WORKSESSION HELD ON APRIL 3, 2000

B. ORDINANCE NO. 2799 - BUDGET AMENDMENT TO ESTABLISH A BUDGET FOR THE URBAN TRAIL'S STATION 2: "CROSSROADS"

Summary: The consideration of a budget amendment, in the amount of \$59,000, for a grant appropriation for the Urban Trail's Station 2: "Crossroads" and a resolution authorizing the City Manager to enter into a contract with Grace Hanson Corporation and Knox Galleries to develop bronze sculptures of two wild turkeys, one sow pig and one piglet.

The Asheville Urban Trail Committee and the Parks and Recreation Department are working in partnership to complete construction of the Urban Trail. Station 2: "Crossroads" is one of the final stations leading to the completion of the Trail. "Crossroads" is located in front of the Vance Monument in downtown Asheville and signifies Asheville's early history of the Native American footpath of the Cherokee that later became the Buncombe Turnpike used by farmers to herd livestock on its way to southern markets.

The City of Asheville applied for a grant in December 2000 to the Janirve Foundation. The grant was recently awarded in the amount of \$38,300. We have also received \$15,000 in

private donations and pledges for the remaining \$5,700 balance. All funds are designated for cost associated with developing the bronze sculptures of turkeys and pigs at Station 2: "Crossroads".

The Urban Trail Committee drafted the turkey and pig concept for Crossroads, and reviewed works by bronze sculpture artists. Artist Grace Hanson through Knox Galleries was selected to develop life size, bronze sculptures of two wild turkeys, one sow pig and one piglet at a price of \$36,500. The artist will commence work within five days of executing the contract agreement, and the work will be complete no later than December 2001.

The Parks and Recreation Department is responsible for the management and development of the Urban Trail along with the Urban Trail Committee.

The Parks and Recreation Department recommends City Council approve the budget amendment and resolution.

ORDINANCE BOOK NO. 19 – PAGE

C. RESOLUTION NO. 01-47 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GRACE HANSON CORPORATION THROUGH KNOX GALLERIES FOR SCULPTURES FOR THE URBAN TRAIL STATION 2: "CROSSROADS"

Summary: See Consent Agenda Item "B" above.

RESOLUTION BOOK NO. 26 – PAGE 327

D. RESOLUTION NO. 01-48 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS REGARDING THE USE OF AN OUTDOOR STORAGE MAGAZINE

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms regarding the use of an outdoor storage magazine.

The Asheville Police Department currently has a need to store equipment utilized by the Asheville Police Department Hazardous Device Team. The Bureau of Alcohol, Tobacco and Firearms (BATF) has designated funds to purchase a storage facility for our use at no cost to the City of Asheville. In return for the use of the storage facility, the City of Asheville must find a location to place the storage facility and allow the BATF access to one half of the storage facility.

A storage site has been identified and approved for facility placement which met federally mandated environmental guidelines, which include:

- Limited access to the facility
- Placement distances from inhabited areas
- Safety precautions

The BATF and the Asheville Police Department Hazardous Devices Team will utilize this storage facility.

The Asheville Police Department recommends that City Council authorize the City Manager to execute an

agreement with the Bureau of Alcohol, Tobacco and Firearms to acquire and utilize this storage facility.

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E. RESOLUTION NO. 01-49 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASPHALT UNLIMITED OF ASHEVILLE, N.C., TO MILL STREETS LOCATED IN THE CENTRAL BUSINESS DISTRICT

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Asphalt Unlimited of Asheville, N.C. to mill streets located in the Central Business District.

Street milling is the removal of old surface material to reduce street elevation and allow new material to match existing infrastructure, such as curbs and storm drains.

The City is in need of a contractor to provide milling services for streets in the downtown area. In accordance with N.C. Gen. Stat. sec. 143-131, informal bids for paving and resurfacing services were solicited and three responses were received. The bidders are listed below:

Company	MB Part	Drug Free	Bond	Bid
Asphalt Unlimited Company	100%	Yes	Yes	\$2.50 a square yard
Slurry Pavers Inc.	No Bid	No Bid	No Bid	No Bid
Apac No Bid No Bid No Bid No Bid				

Funding for this project has already been allocated in the Public Works Department’s Capital Improvement budget.

The Public Works Department staff recommends City Council adopt the resolution authorizing the City Manager to enter into a contract with Asphalt Unlimited of Asheville Inc.

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F. ORDINANCE NO. 2800 - BUDGET AMENDMENT TO APPROPRIATE FEDERAL GRANT AND LOCAL FUNDS TO THE POLICE DEPARTMENT BUDGET TO REDUCE CRIME AND IMPROVE PUBLIC SAFETY

Summary: The consideration of a budget amendment, in the amount of \$139,346, to appropriate federal grant and local funds to the Police Department budget to reduce crime and improve public safety.

City Council authorized the City Manager to submit a grant application to the US Department of Justice, Local Law Enforcement Block Grant Program (LLEBG) on August 8, 2000 (Resolution No. 00-141). The grant in the amount of \$125,411 has been awarded. A local match of \$13,935 is required. The source of the local match is 110 0603 483 5315.

Under the conditions of the grant, funds are to be used to reduce crime and improve public safety.

City staff recommends Council adopt the budget amendment.

ORDINANCE BOOK NO. 19 – PAGE

G. MOTION SETTING A PUBLIC HEARING ON APRIL 24, 2001, FOR THE 2001 CONSOLIDATED ACTION PLAN

H. MOTION SETTING A PUBLIC HEARING ON MAY 8, 2001, TO EXTEND THE CITY'S EXTRATERRITORIAL JURISDICTION IN THE FAIRWAY GATEWAY AREA, THE LONG SHOALS ROAD GATEWAY AREA, AND AN AREA AROUND SARDIS ROAD HAVING INDUSTRIAL POTENTIAL – This item was pulled from the Consent Agenda for further discussion.

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolutions and ordinances and the Consent Agenda and they would not be read.

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

ITEM PULLED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION

MOTION SETTING A PUBLIC HEARING ON MAY 8, 2001, TO EXTEND THE CITY'S EXTRATERRITORIAL JURISDICTION IN THE FAIRWAY GATEWAY AREA, THE LONG SHOALS ROAD GATEWAY AREA, AND AN AREA AROUND SARDIS ROAD HAVING INDUSTRIAL POTENTIAL

Councilman Peterson felt that it would be a good idea to have a meeting in these three areas prior to the actual zoning of the areas so that City staff can get input from those residents on how those areas should be zoned. Mr. Green said that they would try to have a community meeting scheduled prior to the assigning the zoning, but it will really depend on the scheduling of the meetings regarding the comprehensive plan.

Councilwoman Field moved to set a public hearing on May 8, 2001, to extend the City's extraterritorial jurisdiction in the Fairway gateway area, the Long Shoals Road gateway area, and an area around Sardis Road having industrial potential. This motion was seconded by Councilman Worley and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF THE AREA KNOWN AS OAKBROOK, PHASE 2, OF BILTMORE PARK LOCATED AT WHITE ASH DRIVE TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 2801 - ORDINANCE TO ZONE THE AREA KNOWN AS OAKBROOK, PHASE 2, OF BILTMORE PARK LOCATED AT WHITE ASH DRIVE TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Mayor Sitnick opened the public hearing at 5:15 p.m.

Urban Planner Paul Benson said that this is the consideration of an ordinance to zone Oakbrook, Phase 2, of Biltmore Park located at White Ash Drive to RS-8 Residential Single-Family High Density District. This public

hearing was legally advertised on March 30 and April 6, 2001.

The Planning and Zoning Commission, at their March 7, 2001, meeting, reviewed and recommended zoning the recently annexed parcels known Oakbrook Phase 2 as RS-8 Residential Single-Family High Density District. The property is located in the Biltmore Park development on Schenck Parkway, White Ash Drive and Dianthus Drive. This is a 24 acre area, consisting of 41 parcels, platted and being developed for a single-family residential subdivision. The adjacent property lies within the Biltmore Park development and is being developed with a mixture of uses.

The RS-8 District is designed to establish a high density residential area for single family dwellings where adequate infrastructure is in place to support the density and to stabilize and protect the residential character of existing neighborhoods while providing for a balanced mix of uses compatible with residential uses. Maximum density is 8 units per acre.

The RS-8 zoning will allow for higher density residential development in accordance with the Biltmore Park master plan, and the dimensions of the platted lots.

The Planning and Development staff recommends approval of the initial zoning of Oakbrook, Phase 2, as RS-8.

Upon inquiry of Councilman Worley, Mr. Benson said he would check to see if the common area was included in the legal advertisement and if not, would be zoned when the adjacent area is zoned.

Mayor Sitnick closed the public hearing at 5:18 p.m.

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

Councilman Worley moved for the adoption of Ordinance No. 2801 including the extra lot, if it was advertised. This motion was seconded by Councilwoman Bellamy and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF THE AREA KNOWN AS BURNSIDE, PHASE 4, OF BILTMORE PARK LOCATED AT WHITE ASH DRIVE TO RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 2802 - ORDINANCE TO ZONE THE AREA KNOWN AS BURNSIDE, PHASE 4, OF BILTMORE PARK LOCATED AT WHITE ASH DRIVE TO RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT

Mayor Sitnick opened the public hearing at 5:19 p.m.

Urban Planner Paul Benson said that this is the consideration of an ordinance to zone Burnside, Phase 4, of Biltmore Park located at White Ash Drive to RS-4 Residential Single-Family

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Medium Density District. This public hearing was legally advertised on March 30 and April 6, 2001.

The Planning and Zoning Commission, at their March 7, 2001, meeting, reviewed and recommended zoning the recently annexed parcels known Burnside, Phase 4 as RS-4 Residential Single-Family Medium Density District. The property is located in the Biltmore Park development on White Ash Drive. This is an 11.4 acre

area, consisting of 12 parcels, platted and being developed for a single-family residential subdivision. The adjacent property lies within the Biltmore Park development and is being developed with a mixture of uses.

The RS-4 District is designed to establish a medium density residential area for single family dwellings where adequate infrastructure is in place to support the density and to stabilize and protect the residential character of existing neighborhoods while providing for a balanced mix of uses compatible with residential uses. Maximum density is 4 units per acre.

The RS-4 zoning will allow for medium density residential development in accordance with the Biltmore Park master plan, and the dimensions of the platted lots.

The Planning and Development staff recommends approval of the initial zoning of Burnside, Phase 4 as RS-4.

Mayor Sitnick closed the public hearing at 5:21 p.m.

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

Vice-Mayor Cloninger moved for the adoption of Ordinance No. 2802. This motion was seconded by Councilwoman Bellamy and carried unanimously.

ORDINANCE BOOK NO. 19 – PAGE

C. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR ANCILLARY USE (PARKING LOT) IN A RESIDENTIAL DISTRICT AT THE CORNER OF CHARLOTTE STREET AND EDWIN PLACE

City Clerk Burleson administered the oath to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process. This process is the issuance of a conditional use permit, which is a quasi-judicial site specific act. At this public hearing, all the testimony needs to be sworn.

After hearing no questions about the procedure, Mayor Sitnick opened the public hearing at 5:25 p.m.

Chief Planner Gerald Green submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners), and City Exhibit 3 (Staff Report dated March 27, 2001), City Exhibit 4 (Large Site Plans), City Exhibit 5 (Staff Report dated April 10, 2001), and City Exhibit 6 (Charlotte Street Corridor Plan). This public hearing was advertised on March 16 and 23, 2001.

Mr. Green then said that this is the consideration of issuance of a conditional use permit for a parking lot to be located on property zoned RS-4 Residential Single Family Medium Density

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District at the intersection of Charlotte Street and Edwin Place. The subject property contains 0.32 acres.

The applicants (Mr. and Mrs. Reiser) are requesting a conditional use permit (CUP) for an 11 space parking lot to be located on a vacant lot located at the corner of Charlotte Street and Edwin Place. (City Exhibit 7) Parking spaces in the proposed lot will be used by the businesses and offices located in the adjacent mixed use building, which has been recently renovated. In addition, the applicants have agreed to permit the parking lot to be used by the church located just north of the site. The project site is located at the end of the

commercial section of Charlotte Street and is not within the Charlotte Street Transition Overlay District, although it is located within the Charlotte Street Corridor Plan study area. The approval of this ancillary use in this residential district holds the line on commercial intrusion into the residential zone. The site meets all the location requirements for ancillary uses in residential districts. Approximately 5,000 square feet of the site will be graded for the construction of the parking area. (City Exhibit 8) The parking area itself will be approximately 3,700 square feet. The site plans call for the parking area to be graveled in an effort to reduce run-off and to minimize the aesthetic impacts of the project. There is a ravine that runs east to west lot making access directly to this site from Lennox Street or from the parking lot behind the existing building difficult, if not impossible. The ravine also precludes the opportunity to move the parking area closer to the existing building. A number of trees and shrubs will be planted to serve as street trees and to buffer the site from adjacent uses. (City Exhibit 9) (City Exhibit 10) Low intensity bollard lighting will be used to minimize light intrusion on adjacent properties. The proposed hours of operation for the parking lot are 7 a.m. to 9 p.m. The major challenge with the proposed use is the traffic at the intersection of Charlotte Street and Edwin Place.

In developing the lot, the applicants worked with the City Traffic Engineer to identify the best traffic routing for the lot. As a result of working with the City Traffic Engineer and in order to minimize the impacts of the proposed parking lot on the existing traffic, the flow of traffic in the lot will be one way (entrance on Charlotte Street and exit on Edwin Place), with the exit being right turn only. He explained some of the reasons for this traffic flow pattern. No Traffic Impact Analysis was required for this project due to the small scale of the parking lot and to the fact that the parking lot will not attract additional traffic; it will only provide a safe parking area for customers and clients of businesses already located in the adjacent building.

The parking for the adjacent mixed use building currently has 4 spaces to the west of the building on Lennox Street, 4-5 spaces behind the building and customers and clients use on-street parking on both the west and east side of Charlotte Street.

The site location at the intersection of Charlotte Street and Edwin Place, which has remained vacant for more than 20 years, poses challenges for determining the best land use. The lot serves as the point of transition from the commercial area to the residential/institutional area. Although there are residential uses in the area, there are also commercial and institutional uses located on the adjacent corners of the intersection. It is difficult to expect this lot to remain vacant forever or to have a single family home developed on it. Under this proposal, and as stipulated by the ancillary use standards, the zoning of the property will not change from its current RS-4 designation. Until such time as residential or other appropriate development of the lot is proposed, it is appropriate to allow this small parking lot.

The Technical Review Committee (TRC), who took action to approve it with conditions, reviewed this project for compliance with the technical requirements of the Unified Development Ordinance (UDO). The site plan has been revised to meet all the conditions except (1) Submittal of grading and stormwater management plans (must be submitted prior to issuance of any grading or construction permits); and (2) Driveway permit must be approved for each proposed

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driveway (to be obtained prior to construction of driveways). Both of those conditions would be met after a CUP is approved for the project.

The site plan submitted and the conditions identified by City staff assure that the impacts of the proposed project on the surrounding uses are mitigated.

The findings that must be made by City Council in the issuance of a CUP for the project are listed below with staff analysis for each standard (City Exhibit 11).

1. The proposed use or development of the land will not materially endanger the public health and safety. The proposed parking lot will provide a safe off-street parking area for clients and customers of the uses located in the adjacent mixed-use building. Both pedestrian and vehicular safety will be enhanced by the construction of the proposed parking lot.
2. The proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region. The proposed parking lot will assure the successful operation of the adjacent mixed-use community businesses by providing adequate and safe off-street parking for customers and clients. The parking area will also be used by members of a neighboring church, lessening the amount of on-street parking in the area on Sunday mornings.
3. The proposed use or development of the land will not substantially injure the value of adjoining or abutting property. A parking lot at this location, constructed as designed, will not substantially injure the value of adjacent or abutting property. Similar parking lots in the area, including those at the Unitarian Church and the Manor Inn, have not injured the value of adjacent or abutting properties.
4. The proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located. The proposed 11-space parking lot will cover less than 5,000 square feet of the 0.32-acre lot on which it is proposed to be located. A similarly sized portion of the property will be used for landscaping and buffering. Other parking lots in the area, including those at the Unitarian Church and the Manor Inn, are similarly sized or larger. The applicant is proposing a graveled parking lot in order to assure that it is in harmony with the character of the area.
5. The proposed use or development of the land will generally conform with comprehensive plan and other official plans adopted by the City. The Charlotte Street Corridor Plan, adopted in 1999, established several goals for the development of the corridor. Among these goals were the encouragement of shared parking, promoting mixed uses, and improving pedestrian safety. The proposed parking lot furthers the accomplishment of these goals.
6. The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities. All services are available at this location, as confirmed during the review of the proposed development by the TRC.
7. The proposed use will not cause undue traffic congestion or create a traffic hazard. The proposed parking lot will not create traffic; it will provide a safe location for off-street parking for the customers and clients of businesses and offices already located in the adjacent mixed-use building, as well as for members of the neighboring church. In developing plans for the parking lot, the design professional worked closely with the City's Traffic Engineer. The traffic flow and location of the driveways were identified with the input of the City's Traffic Engineer. Plans for the parking lot were reviewed and approved by the City's Traffic Engineer, who has determined that it will not create a traffic problem. Recent traffic counts in this area are:
 - Intersection of Charlotte Street and Edwin Place (AM Peak Hour) – 1200
 - Intersection of Charlotte Street and Edwin Place (PM Peak Hour) – 1300
 - Intersection of Charlotte Street and Edwin Place – 13,000 vehicles per day

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- Charlotte Street south of Hillside Street – 18,623 vehicles per day
- Charlotte Street north of Edwin Place – 5,000 vehicles per day

In accordance with the Charlotte Street Corridor Plan, a traffic study for the section of Charlotte Street from the I-240 interchange north is currently underway. Although the major focus of this study is the lane configuration on this section of the street, we have asked the consultants doing the study to carefully examine the intersection of Charlotte Street and Edwin Place, and the impact of the parking lot on the

intersection, as part of the study. The study, which will be completed in 60 to 90 days, may provide additional information regarding the best design of the parking lot.

Under the ancillary use standards, no further expansion is possible. The residential zoning of this parcel reserves the parcel for residential use at some point in the future. Although surface parking is not the highest and best use of the property, allowing it in the interim is an appropriate use to provide transition between the commercial uses and the residential/ institutional uses. This plan identified several goals for the future development of the corridor, among them the use of shared parking, using parking as a transition between commercial and residential areas, and promoting mixed use development. The approval of the CUP for the proposed project would further the accomplishment of all these goals. In addition, this parking lot helps to accomplish some of the policies set forth in the City's Smart Growth Policy, e.g. encouraging mixed uses, encouraging neighborhood scaled community businesses, and providing businesses which can be used by surrounding residential uses near those residential uses. Conditions recommended for the approval of the CUP for this project will ensure that the impacts on surrounding property owners are mitigated.

At the March 27, 2001, meeting, the City Council referred this matter to the Planning and Zoning Commission (Commission) for their review and recommendation. The Commission reviewed the project, heard comments from staff and the public, and discussed the proposed project. At the Commission meeting, 30 people spoke, not counting Ms. Reiser and her representative, Clay Mooney. Of these, 16 were opposed to the request, 13 were in support and one person simply asked a question.

Those who opposed the project cited several issues, some being, but are not limited to: traffic safety; negative impacts on property values; parking lot does not conform to the Charlotte Street Small Area Plan; project is incompatible with the neighborhood; on-street parking is available nearby on Edwin Place; the loss of open space; Conditional Use Standards No. 2 and 4 are not met; a drop-off zone should be created to address the child safety issue; a crosswalk should be provided on the east side of Charlotte Street; the parking lot design will force pedestrians to use the driveway apron to access the sidewalk creating a safety problem; noise, trash, lighting and other negative impacts on the immediately-adjointing property owner; the Reisers were unwilling to accommodate neighborhood concerns; and more traffic information is needed before making a decision.

Mr. Green then said that persons speaking in favor of the parking lot raised the following points, some being, but are not limited to: the high quality of the associated building rehabilitation project ensures that the design quality of the parking lot will also be very good; the quality and extent of the proposed landscaping is several times greater than other nearby projects; the parking lot will increase safety for visitors to the Reisers' building; increased landscaping will improve the harmony of the lot with the surrounding land uses; property values will not be negatively impacted; the parking lot supports a mixed use development as called for in City Smart Growth policies and in the Charlotte Street Small Area Plan; a much-needed handicapped parking space will be provided; and the parking lot addresses an historic parking problem.

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At the Commission hearing, the applicant and her representative made the following comments in addition to those raised above in support of the project: the parking lot access design is acceptable to the City Traffic Engineer; runoff will be carefully controlled through a swale system; grading will be minimized to create a level parking lot at the same grade as the adjoining sidewalk; unloading of musical instruments and children from on-street parking spaces is dangerous; creation of a drop-off zone on Charlotte Street would require the elimination of several on-street parking spaces, further compounding the overall parking problem; lighting and buffering will be designed to minimize impacts on adjoining properties; and the owners are willing to record a deed restriction that will limit use of the subject property to residential use and/or the parking lot in perpetuity.

After over five hours of public comment and deliberation, the Commission voted 2-2 on a motion to approve the proposed parking lot subject to staff recommendations, plus consideration of the traffic study. In accordance with the Commission's rules of procedure, a tie vote results in the defeat of the motion so the formal recommendation to the City Council from the Commission is to deny the request.

The Commission deliberation centered on the following issues. Those supporting the motion to approve felt the seven approval standards had been met and that, in general, the parking lot provided a safer environment for persons visiting the Reisers' building, especially handicapped persons and children. Even if the project did not improve the traffic situation in this area, there was no evidence that the lot would exacerbate it. Those opposed to the motion to approve felt that traffic safety issues were not adequately accommodated by the site design and that loss of this corner site for other development (primarily residential) was significant in light of the other concerns. There was a general desire on the part of the Commission to see if the results of the impending Charlotte Street Traffic Study would create changes in the street and intersection design and operational characteristics that would improve the overall safety of the parking lot access from both Charlotte Street and Edwin Place.
