

Regular Meeting

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Brian L. Peterson

**INVOCATION**

Vice-Mayor Bellamy gave the invocation.

**I. PROCLAMATIONS:**

**A. RECOGNITION OF ASHEVILLE PARKS AND RECREATION DEPARTMENT RECEIVING THE GOLD MEDAL AWARD FROM THE NATIONAL SPORTING GOODS ASSOCIATION AND THE NATIONAL RECREATION AND PARKS ASSOCIATION**

Mr. Larry Zehnder, Regional Director of the National Recreation and Parks Association (NRPA), Southeast Region, presented Mayor Worley and Mr. Irby Brinson, Director of Parks and Recreation, with the Gold Medal Award. Mayor Worley then recognized Parks & Recreation Director Irby Brinson for receiving the Gold Medal Award from the National Sporting Goods Association (NSGA) and the NRPA on October 16, 2002. He said the Gold Medal is the most prestigious award given through a partnership with NRPA and NSGA's Sports Foundation to honor the nation's outstanding community parks and recreation agencies for excellence in the field of park and recreation management.

**II. CONSENT:**

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 12, 2002, AND THE WORKSESSION HELD ON NOVEMBER 19, 2002**

**B. RESOLUTION NO. 02-181 - RESOLUTION ACCEPTING THE NEW STREET NAME OF "MOSER'S PLACE"**

Summary: The consideration of a resolution accepting the new proposed street name "Moser's Place."

Ron Moser Inc., owner of lots off of Maple Avenue, has petitioned the City of Asheville to accept the street name "Moser's Place." The new street will begin at Maple Avenue and end at the cul-de-sac on Moser's Place.

City staff recommends adoption of the resolution accepting the new street name.

**RESOLUTION BOOK NO. 27 – PAGE 280**

**C. RESOLUTION NO. 02-182 - RESOLUTION ACCEPTING THE NEW STREET NAMES OF "CHAMBERLAIN DRIVE," "LONGWOOD LANE," AND "LANDIS COURT" OFF NEW LEICESTER HIGHWAY**

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Summary: The consideration of a resolution accepting the new proposed street names of "Chamberlain Drive," "Longwood Lane," and "Landis Court."

Bostic Development LLC, owner of lots off of New Leicester Highway, known as Westmont Commons, has petitioned the City of Asheville to accept the street names of "Chamberlain Drive," "Longwood Lane," and "Landis Court." The new streets will begin at New Leicester Highway and end on Chamberlain Drive, Longwood Lane, and Landis Court.

City staff recommends adoption of the resolution accepting the new street names.

**RESOLUTION BOOK NO. 27 – PAGE 281**

**D. RESOLUTION NO. 02-183 - RESOLUTION RE-DESIGNATING THE ASHEVILLE STATE DEVELOPMENT**

## **ZONE**

Summary: The consideration of a resolution to re-designate the Asheville State Development Zone.

The State of North Carolina has designated certain census tracts in and around the City of Asheville as qualified for inclusion in a State Development Zone. Development zones were created to provide economic incentives to stimulate new investment and job creation in economically distressed urban areas.

The current State Development Zone for Asheville will expire on December 31, 2002. Application for re-designation is due and, if approved, will take effect January 1, 2003, for a period of two years.

Pursuant to the state-mandated guidelines, City staff has determined the area for inclusion in the new Development Zone. The total zone must have a minimum of 20% population below the poverty level.

Staff recommends approval of the resolution defining the State Development Zone to be effective January 1, 2003, through December 31, 2005.

### **RESOLUTION BOOK NO. 27 – PAGE 282**

#### **E. ORDINANCE NO. 2979 - BUDGET AMENDMENT FOR THE FILM FESTIVAL IN NOVEMBER OF 2003**

Summary: The consideration of a budget amendment, in the amount of \$28,250, to the Parks and Recreation Festival Enterprise fund to allow for the production of the inaugural Asheville Film Festival.

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In connection with the Asheville Film Commission, the Cultural Arts Division has been researching the implementation of a film festival for the Asheville area. This event will draw a national audience, have a positive economic impact to the area, and generate revenue for the enterprise fund. The Parks and Recreation Department is requesting an amendment of \$28,250 to the Festival Enterprise Fund to begin planning and implementation of this event. Projected initial sponsorship sales of \$28,250 will offset this cost by the close of the Fiscal Year 2002-03.

The Asheville Parks and Recreation Department recommends approval of this request and the support of City Council in establishing the Asheville Film Festival.

### **ORDINANCE BOOK NO. 20 – PAGE**

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#### **F. MOTION ADOPTING THE FISCAL YEAR 2003-04 BUDGET SCHEDULE**

Summary: The consideration of a motion approving the Fiscal Year 2003/2004 budget schedule.

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The proposed Fiscal Year 2003/2004 budget schedule identifies specific dates for completion of all phases of the budget process leading to adoption. Key phases of the budget process include submission of departmental requests, presentation of the proposed budget to City Council, a public hearing and formal adoption. Adoption of the Fiscal Year 2003/2004 budget is scheduled for June 24, 2003.

City staff recommends City Council adopt the Fiscal Year 2003/2004 budget schedule.

#### **G. RESOLUTION NO. 02-184 - RESOLUTION APPOINTING A CHAIR AND MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD**

Summary: The term of Mr. Ralph Morris, as a member and Chair to the Alcoholic Beverage Control Board, expired on November 13, 2002.

On November 19, 2002, it was the consensus of City Council to have the City Clerk prepare the proper paperwork to (1) appoint Debora Holmes-Young as Chair to the ABC Board until her term expires, or until her successor has been appointed; and (2) appoint Thomas R. Bell to serve a three year term, term to expire November 13, 2005, or until his successor has been appointed.

Upon inquiry of Councilman Dunn, Vice-Mayor Bellamy explained that there was an ABC employee embezzling money

from one of the stores and the issue has been addressed.

#### **RESOLUTION BOOK NO. 27 – PAGE 283**

##### **H. RESOLUTION NO. 02-185 - RESOLUTION APPOINTING MEMBERS TO THE FILM COMMISSON**

Summary: Pam Turner, Cindy Pomeroy, Kathleen Bobak and Guy Chancey have resigned as members of the Asheville Film Commission, thus leaving two unexpired terms until November 1, 2003, and two unexpired terms until November 1, 2004.

On November 19, 2002, City Council instructed the City Clerk to arrange the proper paperwork to appoint Ray Sanow and Michael Rangel to each serve until November 1, 2003, and to appoint Stephen Lutz and Diedra Smith to each serve until November 1, 2004. All appointments are until their successors have been appointed.

#### **RESOLUTION BOOK NO. 27 – PAGE 284**

Mayor Worley 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.

Councilman Mumpower moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

### **III. PUBLIC HEARINGS:**

#### **A. PUBLIC HEARING TO CONSIDER AN ORDINANCE DESIGNATING THE BYNUM HOUSE AS A LOCAL HISTORIC LANDMARK**

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#### **ORDINANCE NO. 2980 - ORDINANCE TO DESIGNATE THE BYNUM HOUSE LOCATED AT 200 MACON AVENUE AS A LOCAL HISTORIC LANDMARK**

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

Interim Historic Resources Director Stacy Merten said that this is the consideration of an ordinance to designate the Bynum House, located at 200 Macon Avenue, as a local historic landmark. This public hearing was advertised on November 15 and 22, 2002.

The Bynum House is located within the Grove Park Neighborhood, at 200 Macon Avenue, .7 miles Northeast of its intersection with Charlotte Street on a 5.7-acre tract of land. The boundaries of the proposed designated property, however, do not include the full tax parcel, but encompass a 1.17-acre parcel. The structure is located along the approach to the Grove Park Inn, nestled on a heavily wooded lot. The property backs up to the Grove Park Inn Country Club, which is located to the west and is surrounded by the Battle house to the north, Longchamps apartments, across the street to the east and single family housing to the south. The grounds slope away steeply from the house and the surrounding landscape had at one time been neglected. Recently, however, an effort has been made to reclaim some of the original landscape design features.

The Bynum House is an outstanding example of early 20<sup>th</sup> century Tudor Revival style architecture and survives nearly unchanged since its construction in 1923. Architect Ronald Greene designed the House for Curtis and Florence Bynum. Greene is best known for his commercial and civic structures, such as the Jackson Building on Pack Square, the Claxton School and the Longchamps apartments, to name a few. While the Bynum house is not a rare example of the Tudor Revival style in Asheville, the house is significant for its fine architecture, featuring a well-executed and detailed design and high degree of integrity. After nearly 80 years the interior finishes and treatment are consistent with the style of the house and much of the interior remains intact. It is also one of a few Tudor Revival style dwellings constructed of stone in the City.

Designation of this site as a local historic landmark makes the property owner eligible for a 50% reduction in property taxes. Currently the tax appraisal for the structure is \$1,470, 800 and the entire 5.77 acre tract of land is appraised at \$577,000. The approximate tax deferral is \$4,684.

The ordinance designates the Bynum House a local historic landmark. The property included in the designation consists of the Bynum House and 1.17 acres. The designation includes, the exterior of the house, some interior details and landscape features. When a property is designated historic, restrictions are placed on the property, and any modification to the land or

structure must receive a Certificate of Appropriateness from the Historic Resources Commission of Asheville and Buncombe County. All improvements must follow the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

It is important that properties of local significance are preserved and protected for cultural, historic, and economic reasons and for the benefit of future generations.

The Historic Resources Commission of Asheville and Buncombe County (HRC) by unanimous vote recommends to the Asheville City Council that the Bynum House be designated a local historic landmark. Staff concurs with the recommendation of the HRC for this designation.

Upon inquiry of Councilman Dunn, Ms. Merten explained how someone could get his or her property designated as a local historic landmark.

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Mayor Worley closed the public hearing at 5:29 p.m.

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

Councilman Mumpower moved for the adoption of Ordinance No. 2980. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

#### **ORDINANCE BOOK NO. 20 - PAGE**

#### **B. PUBLIC HEARING TO CONSIDER AN ORDINANCE DESIGNATING THE GROVE PARK COUNTRY CLUB CLUBHOUSE AS A LOCAL HISTORIC LANDMARK**

#### **ORDINANCE NO. 2981 - ORDINANCE TO DESIGNATE THE GROVE PARK COUNTRY CLUB CLUBHOUSE, LOCATED ON COUNTRY CLUB ROAD ON THE GROUNDS OF THE GROVE PARK GOLF COURSE, AS A LOCAL HISTORIC LANDMARK**

Mayor Worley opened the public hearing at 5:30 p.m.

Interim Historic Resources Director Stacy Merten said that this is the consideration of an ordinance to designate the Grove Park Country Club Clubhouse located on Country Club Road on the grounds of the Grove Park Golf Course, as a local historic landmark. This public hearing was advertised on November 15 and 22, 2002.

The Grove Park Country Club clubhouse is located on Country Club Road, .3 miles north of its intersection with Kimberly Avenue, on the grounds of the Grove Park Golf Course. The proposed designation encompasses 2.56 acres of the golf course parcel. The clubhouse is located on the north side of the golf course, overlooking the 18<sup>th</sup> green, and just southwest of the Grove Park Inn. The rolling terrain of the eighteen-hole golf course, with its manicured landscape, provides a fitting setting for the clubhouse.

The Grove Park Country Club Clubhouse is significant in the areas of social history, entertainment and recreation, and architecture. The structure was originally built for the Asheville Country Club and is a fine example of the work of New York architect, Harrie T. Lindeberg, one of the foremost architects of the Country House movement. The rambling Grove Park Clubhouse embodies the ideas of the country house on a slightly larger scale and the golf course serves as the landscaped park.

The organizational framework for country clubs, as they spread throughout the United States were based on the gentleman's city clubs of New England. Eventually there was a movement towards a suburban or county club in the 1870's. The typical country club offered its members sporting grounds for hunting, golf and tennis in a pleasant setting and as an exclusive retreat for the wealthiest members of society.

Though the Grove Park Country Club clubhouse was constructed in 1925, the origins of the Asheville Country Club, who erected the building, date back to 1894 with the organization of the Swannanoa Country Club. As an interest in golfing began to increase, the Club's original course in West Asheville was considered inconvenient, thus a new course was established in north Asheville. The new course also proved unsatisfactory, and in 1898 the Club leased 5 acres of land at the end of Charlotte Street from George W. Pack, for the construction of a new clubhouse. The original clubhouse was moved in 1908 to Edgemont Ave. About this time the

golf course was expanded and the name of the Club was changed to the Asheville Country Club. The earlier clubhouse was also replaced with a new structure near the 12<sup>th</sup> tee of the present course. This clubhouse burned in the early 1920's, thus the present structure was commissioned for construction.

The Grove Park Inn maintained an interest in the golf course and financial health of the Club, contributing to the Club for the use of its facilities. The existence of the Club and golf course were important to the successful operation of the Inn. In 1976 the Grove Park Inn purchased the 100-acre golf course, clubhouse and pro-shop from the County Club of Asheville.

Designation of this site as a local historic landmark makes the property owner eligible for a 50% reduction in property taxes. The appraised value of the clubhouse is \$4,053,200, which excludes the value of the land, golf course improvements and other detached structures. The approximate tax deferral is \$11,957.

When a property is designated historic, restrictions are placed on the property. Any modification to the land or structure must receive a Certificate of Appropriateness from the Historic Resources Commission of Asheville and Buncombe County. All improvements must follow the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

The ordinance designates the Grove Park Country Club Clubhouse a local historic landmark. It is important that properties of local significance are preserved and protected for cultural, historic, and economic reasons and for the benefit of future generations.

The Historic Resources Commission of Asheville and Buncombe County (HRC) by unanimous vote recommends to the Asheville City Council that the Grove Park Country Club Clubhouse be designated a local historic landmark. Staff concurs with the recommendation of the HRC for this designation.

Upon inquiry of Councilman Mumpower, Ms. Merten explained that this has a social history associated with Asheville, which makes it primarily significant.

Mr. Christopher spoke about the many needs in Asheville and didn't think Asheville could afford to take it off the tax rolls.

Mr. David Holcombe, Interim Director of the Preservation Society, spoke about the future benefits of designating the Clubhouse as a local historic district.

Mayor Worley closed the public hearing at 5:42 p.m.

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

Vice-Mayor Bellamy moved for the adoption of Ordinance No. 2981. This motion was seconded by Councilman Ellis.

Planning and Development Director Scott Shuford responded to Councilman Mumpower who did not think that all citizens should subsidize the loss of the property taxes.

Councilman Dunn did have concerns about taking the property off the tax rolls; however, he did feel that it would benefit the citizens of Asheville in the future.

The motion made by Vice-Mayor Bellamy and seconded by Councilman Ellis carried on a 5-1 vote with Councilman Mumpower voting "no."

**ORDINANCE BOOK NO. 20 – PAGE**

**C. PUBLIC HERAING TO CONSIDER A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 25 RALEIGH ROAD TO ALLOW FOR THE CONSTRUCTION OF A RESIDENTIAL TRIPLEX IN A RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT**

**ORDINANCE NO. 2982 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 25 RALEIGH ROAD TO ALLOW FOR THE CONSTRUCTION OF A RESIDENTIAL TRIPLEX IN A RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT**

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 Worley opened the public hearing at 5:50 p.m.

All Council members disclosed that they have visited the site and would consider this issue with an open mind on all the matters before them without pre-judgment and that they will make their decision based solely on what is before Council at the hearing.

City Attorney Oast said that as documentary evidence is submitted, he would be noting the entry of that evidence into the record.

Mr. Carter Pettibone, Urban Planner, 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).

Mr. Pettibone said that this is the consideration of a conditional use permit to allow for the construction of a residential triplex in a RS-8 Residential Single-Family High Density District at 25 Raleigh Road.

On August 30, 2002, the applicant, Henry Mitchell, submitted an application for a conditional use to construct a triplex in an RS-8 District (PIN No. 9657.12-76-6565) on a 0.37-acre piece of property at 25 Raleigh Road (City Exhibit 3 – Location Map). The proposed project consists of a 2,612 square foot, 3-unit residential building with two dwelling units located on the ground floor and one unit above. The Technical Review Committee (TRC) reviewed the plans at its September 16, 2002, and recommended approval with conditions. The applicant has worked with City staff to address these conditions.

Residential triplexes are permitted as conditional uses in the RS-8 District. Conditional uses are uses, which because of their unique characteristics or potential impacts on the surrounding neighborhood and/or city as a whole require individual consideration of their location, design, configuration, and/or operation at the location proposed.

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The parcel is located within the City limits at the intersection of Raleigh Road and Oteora Boulevard just north of Interstate 40. The predominant land use and zoning in the area are single-family homes on properties zoned RS-8.

Triplices in single-family districts must be located a minimum of 300 feet from all other multi-family uses on the same side of the street. There are no multi-family uses located within 300 feet of the property in question along either Raleigh Road or Oteora Boulevard.

The Unified Development Ordinance (UDO) requires that the minimum lot area shall be 150 percent of that required for a single-family residential unit in the respective district. The parcel's 0.37 acre is nearly 300% of the RS-8's minimum lot size (1/8 of an acre).

The UDO requires parking be located in the rear and screened with vegetation from adjacent uses. Parking for the triplex will be in the rear of the lot and screened by a combination of existing and proposed trees and shrubs.

Triplices are required to have a single front entrance and other entrances as required. Only one entrance is proposed on the building front facing Oteora Boulevard, which will become the front of the lot. Other entrances to the dwelling units are located on the other elevations.

The UDO requires that triplexes must meet the requirements of the North Carolina Building Code. The project has received conditional approval from the Building Safety Department and will need to fully comply with these requirements at the time of building permit application.

In addition to the development standards for the zoning district in which they are located, conditional uses must meet certain general conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the

public health, safety, and welfare. The general conditions, which apply to all conditional uses, can be found in Section 7-16-2 (c) of the UDP. City Council must make seven (7) findings based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case. The findings are listed below. Following each finding is technical information from staff to assist Council in making these findings. The Asheville City Council shall not approve the conditional use application and site plan unless and until it makes the following findings, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case:

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The project received conditional technical approval from the Water Resources Department, the Fire Department, Metropolitan Sewerage District (MSD), Engineering, and other City Departments. The project must meet the technical standards set forth in the UDO, the Standards and Specifications Manual, the North Carolina Building Code and other applicable laws and standards that protect the public health and safety.

2. That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

The project must comply with all City standards in regards to maximum clearing and grading and erosion control. The site is also very level, which reduces the need to

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perform much clearing or grading. The location of the proposed building is in the center of the parcel in an area where a previous structure once stood and the site plan calls for a significant number of existing trees to be preserved and used to satisfy planting and buffering requirements. These factors help minimize the impact on the natural features of the site.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The UDO requirements and the physical design of the structure help to assure that the building fits within the single-family neighborhood surrounding it. Staff has also determined that the additional traffic generated will not adversely impact the existing road conditions or capacity.

4. That 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.

Within the surrounding neighborhood there is a range of different building footprint sizes. The footprint of the proposed building falls within this range. The proposed building is two stories in height as are some of the homes in the area, including the neighboring home to the north. The building also contains only one entrance on its front elevation, as required by the UDO and parking for the building is also located to the rear and will be screened by a mix of trees, shrubs, and fencing. These components help mask the multi-family nature of the structure. The actual density of the 0.37-acre parcel with 3 units on it translates to just over 8 dwelling units an acre, similar to what is permitted within the district.

5. That the proposed use or development of the land will generally conform with the Comprehensive Plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

The proposed development will comply with all applicable UDO and Standards and Specifications requirements, as well as any of the City's other plans and policies. The project will also help meet one of the City's smart growth policies, providing higher density residential infill development. The City's Comprehensive Plan indicates this area as planned for residential development and the proposed density of the project is similar to what is currently permitted in the district.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

The project received technical approval from the Technical Review Committee, which includes representatives of the Water Resources Department, MSD, Engineering Department, the Fire Department, and Public Works Department.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The project was reviewed by the Engineering Department during the TRC process and it was determined that the existing

roadway conditions and capacity were sufficient to handle any sort of increase generated by the proposed use.

The plan for the expansion was reviewed by the TRC at its September 16, 2002, meeting. The TRC identified a number of unresolved technical issues and recommended

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approval with the condition that these issues be addressed prior to final approval. The applicant has addressed a majority of these conditions and is working with the various City departments to address those outstanding.

Since all the conditions have not been addressed at this time, staff recommends approval with the following conditions:

- The applicant works with Planning and Development staff to determine appropriate entrance features for access points to the building that will help the building further blend in with surrounding buildings;
- The proposed building is constructed according to the North Carolina Building Code for Commercial Structures; and
- The applicant obtains all applicable permits for water, sewer, driveway, stormwater, and erosion control provisions.

Mr. Henry Mitchell, applicant, spoke in support of the conditional use permit.

There being no request from the applicant for rebuttal, Mayor Worley closed the public hearing at 6:02 p.m.

Councilman Ellis moved to adopt Ordinance No. 2982 to issue the conditional use permit for a triplex on property located at 25 Raleigh Road, subject to the following conditions: (1)

The applicant works with Planning and Development staff to determine appropriate entrance features for access points to the building that will help the building further blend in with surrounding buildings; (2) The proposed building is constructed according to the North Carolina Building Code for Commercial Structures; and (3) The applicant obtains all applicable permits for water, sewer, driveway, stormwater, and erosion control provisions. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

It was the consensus of City Council to ask the Planning staff to begin the process of amending the Unified Development Ordinance to not require duplexes and triplexes obtain a conditional use permit.

#### **ORDINANCE BOOK NO. 20 – PAGE**

#### **D. PUBLIC HEARING TO REZONE PROPERTY TWO PARCELS KNOWN AS BILTMORE PARK TOWN SQUARE EAST FROM RS-8 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO URBAN VILLAGE DISTRICT AND TO CONSIDER AN AMENDMENT TO THE BILTMORE PARK TOWN SQUARE MASTER PLAN**

#### **ORDINANCE NO. 2983- ORDINANCE TO REZONE TWO PARCELS KNOWN AS BILTMORE PARK TOWN SQUARE EAST FROM RS-8 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO URBAN VILLAGE DISTRICT**

Mayor Worley opened the public hearing at 6:03 p.m.

Urban Designer Alan Glines said that this is the consideration of a request to rezone two parcels known as Biltmore Park Town Square East from RS-8 Residential Single-Family Medium Density District to Urban Village District and to consider an amendment to the Biltmore Park Town Square Master Plan. This public hearing was advertised on November 15 and 22, 2002.

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On September 30, 2002, Biltmore Farms submitted a request to rezone two parcels from RS-8 to Urban Village in the City's extraterritorial jurisdiction area in the southern part of the City. In conjunction with this, an amendment is required for the Biltmore Park Town Square Urban Village Master Plan.

The rezoning consists of 2 parcels (PIN Nos. 9645.03-21-8311 and 9645.03-31-1212) totaling 11.68 acres. The property is currently zoned RS-8. Thirty single-family homes are proposed for this area of the urban village. In addition, three other areas are being further defined as a part of the Master Plan and will include 4 additional single-family homes and 10 live-work units in a duplex format (twin style housing). These latter areas are already zoned urban village district.

The area surrounding this parcel is zoned RS-4, RS-8 and Urban Village. The rezoning proposal area and the Master



Plan amendment will be added to an already approved urban village containing 290 residential units, 350,000 gross square feet of commercial space, 200,000 square feet of office space and 150,000 square feet of other non-defined space.

The site, which is currently wooded, will include several acres of open space counting towards the open space requirements for the entire urban village project. The open space area will be made up of a park near the new housing area and will include a greenway connection that will buffer the existing residential areas in the 'Olmstead' sections of Biltmore Park

The Urban Village zoning is established to create mixed-use higher density development that is economically vital and pedestrian oriented. Urban Village guidelines encourage vibrant streetscapes and a full range of retail and office uses as well as a variety of housing types throughout the development area.

The Planning and Zoning Commission met on November 6, 2002, and voted 6-0 in favor of the rezoning request. Staff also supports the rezoning request and amendments to the project Master Plan.

Councilman Dunn asked about the status of the N.C. Dept. of Transportation widening of Long Shoals Road. Mayor Worley responded that they are in the process of seeking property now.

Mayor Worley closed the public hearing at 6:11 p.m.

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

Councilman Mumpower moved for the adoption of Ordinance No. 2983 and to approve the amendment to the Biltmore Park Town Square Master Plan. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

## **ORDINANCE BOOK NO. 20 – PAGE**

### **IV. UNFINISHED BUSINESS:**

### **V. NEW BUSINESS:**

### **VI. OTHER BUSINESS:**

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#### **Henderson County Water Re-negotiations**

Mayor Worley updated City Council by stating that the Henderson County Commissioners will defer the water agreement re-negotiations matter to the new Commission members, which will take office in December, 2002.

#### **Violence on Women Worksession**

At the request of Councilwoman Jones, it was the consensus of Council that a worksession be held in January, 2003, regarding violence on women. She asked for a presentation by the Police Department on what their statistics are with regard to this issue, e.g., sexual assault, domestic violence, and calls to convictions.

#### **Claims**

The following claims were received by the City of Asheville during the period of November 8-21, 2002: Scott Sirkin (Water), Ann Lowder (Water), Barbara Penland (Sanitation), Julio C. Lopez (Water), Robert Carr – Tops for Shoes (Water), 21 Haywood Street (Water), Asiana Grill Buffet (Water), Stanley Gamble (Transit Services), Malvern Hills Baptist Church (Sanitation), Robert L. Harbin (Water) and Michael Fisher (Water).

These claims have been referred to Asheville Claims Corporation for investigation.

### **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Mr. Mickey Mahaffey, representing Peacemakers, spoke about the recently adopted amended solicitation ordinance. He said that we desperately need adequate public restrooms downtown. He felt that the City should begin discussions with Buncombe County and social service agencies on some form of facility to take severely alcoholic people. In addition, he felt that police officers should, on a regular and consistent basis, have a presence in the 3-5 "hot spots" where most of the problems are occurring.

Mr. Christopher asked Council to stop the dehumanization of the poor and treat them like our neighbors.

Mr. Stewart David felt that the amended solicitation ordinance will be found unconstitutional and when the next ordinance is drafted, he hoped that Council allows community involvement.

**VIII. ADJOURNMENT:**

Mayor Worley adjourned the meeting at 6:26 p.m.

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CITY CLERK

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MAYOR