

Regular Meeting

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

Absent: None

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PLEDGE OF ALLEGIANCE
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Veteran of the US Navy Mary Winner led City Council in the pledge of allegiance.

INVOCATION

Councilman Mumpower gave the invocation.

I. PROCLAMATIONS:

A. RECOGNITION OF CITY OF ASHEVILLE EMPLOYEES IN 13th ANNUAL EXCELLENCE IN PUBLIC SERVICE AWARDS PROGRAM

Mayor Worley read a proclamation recognizing several City of Asheville employees who were winners in their respective categories in the 13th Annual Excellence in Public Service Awards Program. Employees recognized were Ed S. Stoll, Rita Baidas, Dan Stewart, Thomas M. Brooks, Ronald R. King, Lt. Sarah Benson, Sgt. Curtis Jones, Officer Dwight Arrowood and Detective Rondell Lance. Mayor Worley also noted that Lt. Sarah Benson, Sgt. Curtis Jones, Officer Dwight Arrowood and Detective Rondell Lance won the overall award for 2003.

B. RECOGNITION OF SENIOR CITIZENS WHO WILL BE REPRESENTING OUR AREA IN THE NATIONAL SENIOR GAMES

On behalf of City Council, Mayor Worley recognized Earl Acuff, Thomas Bennett, Ed Bullock, Day Carper, Melvin Ellison, Donald Giersch, Dick Gilbert, David Herbert, Marcia Keith, Kathy Littlejohn, Helen McKie, Jimmie McSwain, Clarke Mitchell, Claudia Nix, Dick Penick, Bob Rhudy, Bobbie Roberts, Larry Seymour, Mary Soyenova, Charles Sproles, Leigh Svenson, William Walker and Norm Wilhelmi who have already won their events in their respective age groups at the local Asheville-Buncombe games in the Spring of 2002, and went on to win in their age groups at the NC State Games in Raleigh (Fall 2002). Mayor Worley wished the individuals good luck as they represent our area in the National Senior Games on May 29, 2003, in Hampton Roads, Virginia.

C. INSURANCE SERVICE OFFICE RATING FOR BUILDING SAFETY DEPARTMENT

Mr. Ralph Dorio, Technical Coordinator with the ISO's office in New Jersey, and Mr. Vaughn Wicker, Regional Manager for the International Code Council, were pleased to announce that on May 1, 2003, Asheville, N.C., became the third city in the United States (joining Coral Gables, Florida, and Fremont, California) to receive the highest rating for building code enforcement possible from Insurance Services Office Inc. He said the evaluation results for Asheville's Building Code Effectiveness Grading Classification includes a "1" for new one and two family residential property and a "1" for new commercial and industrial property. Insurers across

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the country are starting to use the building code evaluations as a key factor in assessing risk and determining homeowners and commercial insurance premiums.

Mr. Dorio said that only 3 jurisdictions out of 14,754 municipalities that have been evaluated in 44 states over the past eight years have obtained the Class "1" rating. Asheville improved its 1998 rating of Class "2" by focusing on continuous improvements in building inspection and plan review, including a rigorous ongoing training program for building personnel.

On behalf of City Council, Mayor Worley said the City of Asheville is proud of Director of Building Safety Terry Summey

and the entire Building Safety staff as they constantly pursue ways to improve our services and enforce the code.

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 13, 2003**
- B. MOTION SETTING A PUBLIC HEARING ON JUNE 10, 2003, TO CONSIDER ADOPTION OF THE 2003-04 ANNUAL OPERATING BUDGET**
- C. RESOLUTION NO. 03-90 - RESOLUTION AUTHORIZING THE MAYOR TO CONVEY DISPOSAL PARCEL 74 ON MARTIN LUTHER KING JR. DRIVE TO WNC HOUSING INC.**

Summary: The consideration of a resolution authorizing the Mayor to convey Disposal Parcel 74 of the East End/Valley Street community improvement area to WNC Housing Inc. in the amount of \$12,000.

On May 13, 2003, the City Council directed the City Clerk to advertise for upset bids on property for Disposal Parcel 74 located on the east side of Martin Luther King Jr. Drive at the intersection of Miller Street. The advertisement ran in the Asheville Citizen-Times on May 16, 2003, as provided in N. C. Gen. Stat. sec. 160A-269. No response was received. Therefore, the offer to purchase from WNC Housing Inc. in the amount of \$12,000 was not upset and the sale to WNC Housing Inc. should be approved.

Approval of the resolution will authorize the sale of the property to WNC Housing Inc. for the amount of \$12,000.

City staff recommends adoption of the resolution authorizing the Mayor to convey property on Martin Luther King Jr. Drive to WNC Housing Inc. in the amount of \$12,000.

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- D. RESOLUTION NO. 03-91 - RESOLUTION AMENDING THE CITY COUNCIL 2003 MEETING SCHEDULE TO INCLUDE A BUDGET WORKSESSION ON WEDNESDAY, JUNE 4, 2003, AT 2:30 P.M., IN THE FIRST FLOOR NORTH CONFERENCE ROOM OF THE CITY HALL BUILDING, ASHEVILLE, N.C.**

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- E. RESOLUTION NO. 03-92 - RESOLUTION SETTING A PUBLIC HEARING ON JUNE 10, 2003, TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR HIGHWATER CLAYS INC.**

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Summary: The consideration of a resolution setting a public hearing on June 10, 2003, to consider an economic development incentive grant to HighWater Clays, Inc.

HighWater Clays, Inc. is a nationally recognized provider of clays, equipment, and services used to make pottery. The Asheville-based firm employs 27 people. The business is growing and the company is proposing an expansion of its operations in the River District. The owners have requested consideration for an incentive grant under the City of Asheville Economic Development policy. The company is proposing new, taxable, capital investment of \$725,000 for additional production equipment and facility improvements and the creation of 5 new jobs. The City of Asheville is considering offering HighWater Clays, Inc., a grant totaling \$7,500.

North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

City staff recommends Council approve the resolution setting a public hearing on June 10, 2003, to consider an economic development incentive grant to HighWater Clays, Inc.

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

Councilman Ellis moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Dunn and carried unanimously.

III. PUBLIC HEARINGS:

ANNEXATION PUBLIC HEARINGS

Mr. Carter Pettibone, Urban Planner, explained that purpose of these hearings is for the City to explain the plan for extending City services to the proposed annexation areas, and to give all persons resident or owning property within the areas, and all residents of the City, the opportunity to be heard.

On March 25, 2003, the City Council adopted Resolutions of Intent beginning the annexation process for the following five areas referred to as the 2004 annexations: Deaverview Road, Crowell Road, Smoky Park Highway, Sand Hill Road, and Hendersonville Road Areas. The Annexation Services Plan was approved on April 8, 2003, and a public information meeting was held on May 15, 2003. Approximately 10 persons affected by the proposed annexations attended this meeting. On June 10, 2003, City Council will consider adoption of the ordinances extending the corporate limits, with an effective date of the annexations being June 30, 2004.

Mr. Pettibone said that annexation is defined as an extension of the City's corporate limits. Annexation areas under the statutes must be developed to urban standards. Once annexed, the property owners and residents are entitled to City services and are subject to the City's taxes and ordinances. The authority for annexation comes under the N. C. General Statutes. North Carolina state law recognizes that the cities need to expand their boundaries to include this growth so that we don't end up in a situation where an increasingly relatively smaller number of citizens are financing the urban infrastructure used by a much larger population. The fact is that people living in close proximity to cities benefit from the cities, and state annexation law is designed to include these people in the costs and benefits of governing and servicing the City.

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Mr. Pettibone explained the standards necessary to qualify areas for annexation – (1) at least 1/8 of the area's boundary must be adjacent to the current corporate limits; and (2) each area must meet at least one or more of four development tests - (a) population/density test; (b) subdivision test; (c) development test; or (d) nonresidential urban use test. The state also recognizes that certain areas within these annexation areas may be classified as non-urban areas and there are two qualifications that must be met.

He explained the City's annexation strategy has been to target areas (1) that are clearly developed, (2) where water and sewer infrastructure is in place, (3) that improve the City's boundaries, (4) eliminate pockets of urban development that are essentially surrounded by the City or where all access is through the City; and (5) disburse the annexation areas geographically instead of just targeting one direction.

He said that the five proposed annexation areas consist of 98 acres with a total population of 40 people. There are 77 individual businesses within the proposed areas, noting that the majority would be considered small businesses.

Mr. Pettibone then reviewed the various services that would be provided to the annexed areas. He then reviewed the following financial plan:

Revenue: Total ad valorem property tax revenue - \$128,364; Total state utility tax revenue - \$14,234; Total local option sales tax - \$49,400; Total Powell Bill allocation - \$2,082; and Total fees, permits, licenses and charges for services - \$1,683. Total revenue - \$195,763.

Annual recurring expenditures: Police (two additional officers) - \$70,000; Fire (rural fire department contracts expected to be in place for at least 5 years and the hiring of one Deputy Fire Marshall) - \$55,775; Solid waste - \$133; and Street lighting - \$2,160. Total recurring expenditures - \$128,068.

Annual capital expenditures: Police - \$75,000 (vehicles and associated capital equipment for the additional two police officers); Fire - \$30,000 (vehicles and associated capital equipment for the additional Deputy Fire Marshall position); Water lines - \$3,500; Rollout containers - \$160; Street lighting - \$2,820. Total one-time annual capital expenditure - \$11,480.

Mr. Pettibone said that the City has had more detailed boundary description work performed by the City's surveyor that will change the perimeter and contiguity of the annexation areas. No additional properties are included or deleted and those revisions will be presented to Council at their June 10, 2003, meeting.

Mr. Pettibone also noted that

A. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE DEAVERVIEW ROAD AREA

Mayor Worley opened the public hearing at 5:44 p.m.

Mr. Pettibone explained the Deaverview Road area – This is located at the intersection of Deaverview Road and Pisgah View Road. The land use is commercial and residential. This contains four lots totaling 1.48 acres. The estimated population is two. This area meets the development test.

City Attorney Oast said that N.C. Gen. Stat. sec. 160A-49 requires that the appropriate persons who handled those tasks make certain certifications regarding public notice provided for this hearing. Urban Planner Carter Pettibone and City Clerk Burleson have made the appropriate

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certifications. In addition, City Clerk Burleson has certified certain other ministerial facts regarding the availability of the Annexation Services Plan; the delivery of the statement of impact to Buncombe County; letters to volunteer fire departments and their responses; and letters to the solid waste providers and their responses. He asked that these certifications be entered into the record.

Mayor Worley closed the public hearing at 5:45 p.m.

Mayor Worley said that the ordinance to extend the corporate limits into this area would be considered by City Council on June 10, 2003.

B. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE CROWELL ROAD AREA

Mayor Worley opened the public hearing at 5:47 p.m.

Mr. Pettibone explained the Crowell Road area – This is located at the intersection of Crowell Road and Farm Street. It is also close to the intersection of I-40 and Smoky Park Highway. The land use is commercial. The access to this area is entirely through the City. The acreage is 2.28 and no estimated population. This area meets the non-residential use test.

When Councilman Dunn asked what is currently on the properties, Mr. Pettibone said that there is an auto repair business and the one to the west is a lodging facility.

Mr. Roland Herbstreit, owner of Smoky Mountain Auto Service, said that it will cost him and the other property owner (Mr. Patel) over \$12,620 a year in property taxes if they are annexed into the City. He said his share will be approximately \$3-4,000 and he will only save \$300 a year on insurance. He will not benefit from trash pick-up and will not be able to vote in City elections since he doesn't live on that property. He said that he employs five people with families that count on him and he may have to let one or two employees go to pay this added expense. He has been in business for over 18 years and already has a problem with paying his County taxes. Again, \$12,620 a year is too much money to ask two business owners to pay.

City Attorney Oast said that N.C. Gen. Stat. sec. 160A-49 requires that the appropriate persons who handled those tasks make certain certifications regarding public notice provided for this hearing. Urban Planner Carter Pettibone and City Clerk Burleson have made the appropriate certifications. In addition, City Clerk Burleson has certified certain other ministerial facts regarding the availability of the Annexation Services Plan; the delivery of the statement of impact to Buncombe County; letters to volunteer fire departments and their responses; and letters to the solid waste providers and their responses. He asked that these certifications be entered into the record.

Mayor Worley closed the public hearing at 5:52 p.m.

Mayor Worley said that the ordinance to extend the corporate limits into this area would be considered by City Council on June 10, 2003.

C. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE SMOKY PARK HIGHWAY AREA

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Mayor Worley opened the public hearing at 5:52 p.m.

Mr. Pettibone explained the Smoky Park Highway area – This area is made up of one single property. This will bring the total split-jurisdictional commercial property into the City. It is a pocket of development and the access is primarily through Smoky Park Highway, which is in the City. This area meets the non-residential use test. Currently there is an auto sales business on the property. The acreage is 0.86 with no estimated population.

Mr. Michael Fryar, property owner, explained that the prior owner of this property had been paying City taxes since 1981 on a building that was not in the City. When he bought the property, he had to spend a whole day of straightening the mess out. He said he did not want any City services.

City Attorney Oast said that N.C. Gen. Stat. sec. 160A-49 requires that the appropriate persons who handled those tasks make certain certifications regarding public notice provided for this hearing. Urban Planner Carter Pettibone and City Clerk Burleson have made the appropriate certifications. In addition, City Clerk Burleson has certified certain other ministerial facts regarding the availability of the Annexation Services Plan; the delivery of the statement of impact to Buncombe County; letters to volunteer fire departments and their responses; and letters to the solid waste providers and their responses. He asked that these certifications be entered into the record.

Mayor Worley closed the public hearing at 6:00 p.m.

Upon inquiry of Councilman Dunn, City Manager Westbrook pointed out that it was the previous owner of this property and that owner should contact Buncombe County who is responsible for sending out tax bills.

Mayor Worley said that the ordinance to extend the corporate limits into this area would be considered by City Council on June 10, 2003.

D. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE SAND HILL ROAD AREA

Mayor Worley opened the public hearing at 6:01 p.m.

Mr. Pettibone explained the Sand Hill Road area – This area is made up of four properties totaling 4.24 acres total. This area meets the development test. The primary access is through the City and the estimated population is zero.

Upon inquiry of Councilman Dunn, Mr. Pettibone said that on the property is located the Enka-Candler Post Office/Library, a commercial building and a third building which is under development. City Attorney Oast said that the City can annex county-owned property.

City Attorney Oast said that N.C. Gen. Stat. sec. 160A-49 requires that the appropriate persons who handled those tasks make certain certifications regarding public notice provided for this hearing. Urban Planner Carter Pettibone and City Clerk Burleson have made the appropriate certifications. In addition, City Clerk Burleson has certified certain other ministerial facts regarding the availability of the Annexation Services Plan; the delivery of the statement of impact to Buncombe County; letters to volunteer fire departments and their responses; and letters to the solid waste providers and their responses. He asked that these certifications be entered into the record.

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Mayor Worley closed the public hearing at 6:04 p.m.

Mayor Worley said that the ordinance to extend the corporate limits into this area would be considered by City Council on June 10, 2003.

E. PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE HENDERSONVILLE ROAD AREA

Mayor Worley opened the public hearing at 6:04 p.m.

Mr. Pettibone explained the Hendersonville Road area – This is bounded by Glen Bridge Road to the north, Old Shoals Road to the west and Buck Shoals Road to the south. The property totals 89.45 acres with 39 individual properties. This is mainly commercial and industrial, with a few residential properties. The primary access from Hendersonville Road is through the City. The estimated population is 38. It meets the development test. There is also some non-urban areas.

Councilman Mumpower asked if Day International, who employs 300 people, was contacted to see what type of impact we would be creating on them if annexed. Mr. Pettibone responded that they have not had any communication from them at all. Councilman Mumpower then suggested the City "reach out" to them for their input.

Councilman Dunn pointed out that even though the population in this area is 38, we may be talking about closing a business that employs 300 people. He felt we should start looking at incentives to keep larger employers.

Mr. Fred English, City resident, felt that when other areas get annexed, he gets less service. He felt the City should be more concerned about how to get industry to our area than trying to annex people and businesses.

Mr. Marion Lewald, with Smoky Mountain Auto Services in the Crowell Road area, said that she understands the impact of a business that employs 300 people, but her business has five employees and it seems like the City isn't as concerned about driving out small businesses.

City Attorney Oast said that N.C. Gen. Stat. sec. 160A-49 requires that the appropriate persons who handled those tasks make certain certifications regarding public notice provided for this hearing. Urban Planner Carter Pettibone and City Clerk Burleson have made the appropriate certifications. In addition, City Clerk Burleson has certified certain other ministerial facts regarding the availability of the Annexation Services Plan; the delivery of the statement of impact to Buncombe County; letters to volunteer fire departments and their responses; and letters to the solid waste providers and their responses. He asked that these certifications be entered into the record.

Mayor Worley closed the public hearing at 6:12 p.m.

Mayor Worley said that the ordinance to extend the corporate limits into this area would be considered by City Council on June 10, 2003.

F. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A 252 UNIT MULTI-FAMILY PROJECT LOCATED AT THE CORNER OF ENKA LAKE ROAD AND SAND HILL ROAD KNOWN AS NORTHVIEW AT BILTMORE LAKE

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ORDINANCE NO. 3025 - ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A 252 UNIT MULTI-FAMILY PROJECT LOCATED AT THE CORNER OF ENKA LAKE ROAD AND SAND HILL ROAD KNOWN AS NORTHVIEW AT BILTMORE LAKE

Oaths were administered to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process.

After hearing no questions about the procedure, Mayor Worley opened the public hearing at 6:13 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. Alan Glines, Urban Designer, 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. Glines said that this is the consideration of a revision to the Conditional Use Permit for a 252 unit multi-family project located at the corner of Enka Lake Road and Sand Hill Road known as Northview at Biltmore Lake.

On April 1, 2003, the applicant, Northview Properties, submitted development plans for a Level III site plan review. The property is located in the extraterritorial jurisdiction (ETJ) area of the City and the property is zoned RM-16 Residential Multi-Family High Density District. The proposed project consists of 252 apartment units in nine buildings on 31-acres (PIN No. 9617.17-01-9671) located on Enka Lake Road. The Technical Review Committee (TRC) reviewed the plans at its April 21, 2003, meeting and

recommended approval with conditions. Most of the TRC comments were addressed in revised plans submitted for Planning and Zoning Commission review. The Planning and Zoning Commission at their May 7, 2003, meeting voted to recommend approval of the plans with the remaining conditions identified by TRC, which are currently not addressed on the plans at this time.

Residential projects greater than 50 units in size are Level III projects, which are conditional uses in the RM-16 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.

The parcel is located on Enka Lake Road near the intersection with Sand Hill Road (City Exhibit 3 – Location Map). The zoning in the area reflects a wide variety of potential uses in the vicinity. To the north the property is zoned Highway Business District. To the south and east the property is zoned RM-16 Residential Multi-Family High Density District. To the west the property is zoned Industrial District. The development is accessed from Enka Lake Road by a central street with two residential streets coming from this central spine. Streets in the development will be private but will be built to City of Asheville standards.

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The development is accessed from Enka Lake Road by a new central street. This new street creates a T-intersection from which two main branches of the apartment community are served.

The apartments are located in nine structures located in the center of the property. The apartments will consist of 70 one bedroom units, 126 two bedroom units and 56 three bedroom units. A clubhouse and pool will also be located on the site (City Exhibit 4 – Landscape Plan).

The Unified Development Ordinance (UDO) requires 500 square feet of open space for every residential unit proposed. Based on the proposed development of 252 residential units 2.9 acres are required for open space. As proposed, the plan will preserve over 14 acres of open space with most this area in undisturbed woodland. Two playground areas for smaller children are provided on-site. Walking trails will create a passive recreation network throughout the property. A trail spur will also connect to Biltmore Lake below the dam.

Street trees and parking lot trees are provided on the plans. A landscape bufferyard is provided on the south side of the property. Credits for existing trees in many area of the site eliminate the need for additional landscaping.

Sidewalks are provided along the new entrance street and on one side of all parking aisles. A sidewalk will need to be provided along Enka Lake Road. In addition walking trails are provided throughout the property.

The engineers for the project have completed a traffic impact analysis (TIA) for the project. Lane additions along Enka Lake Road are the primary result of the TIA study. The developer has been working with the N. C. Dept. of Transportation (NC DOT) and the City Engineering Department to coordinate the proposed improvements. Widening of the bridge along Sand Hill Road over Hominy Creek is scheduled for work in 2004 and 2005. Widening of Sand Hill Road to Lake Drive also has a close timetable.

City Council must take formal action as set forth in section 7-9-9(c)(4) of the UDO, and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case (UDO 7-16-2 (c)). Staff's preliminary review, absent the benefit of public input, indicates that all seven standards are met.

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

The development is within standards of development practice set forth by the City of Asheville. Public safety providers reviewed the project as part of the TRC review.

- 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 31-acre site is mostly wooded and slopes towards Hominy Creek. The developer is proposing to maintain nearly 15 acres as preserved green space land. Much of this area will act as undisturbed buffer along Hominy Creek. This buffer area will provide walking paths and other passive park style amenities.

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

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The proposed development is not expected to injure neighboring property values. The Northview project will be associated with the Biltmore Lake development already under construction.

- 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.

The surrounding properties include a school property and other wooded property and a stone quarry. This residential project will preserve some existing vegetation along Enka Lake Road and will provide landscape buffers to retain the wooded nature from both inside and outside of the project. As a part of the Biltmore Lake project, the Northview apartments will be a character defining project of the area.

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

The development will provide additional housing options for current and new residents of the City.

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

This area has been approved by the NC DOT for roadway improvements for Sand Hill Road. These improvements are on a timely schedule for this project. Other utilities will be adequately served in the area. Currently, Buncombe County will provide protective services in this community. If the area is annexed by the City of Asheville, then the City will extend services here. The plans for Northview have been coordinated with representatives of the NC DOT.

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

The roadway network in the Enka area has received increased traffic from Sardis Road, along Sand Hill Road to the area of Highway 19-23. The bridge over Hominy Creek on Sand Hill Road will begin construction in 2004 and continue to 2005. The remainder of Sand Hill Road from the bridge southeast to Lake Drive will be widened also in a timely manner. The Northview project development will add to this traffic situation. The developers have had discussions with the NC DOT to determine traffic improvement measures in the area.

The Planning and Zoning Commission voted 7-0 at their May 7, 2003, meeting to recommend approval of the plan with the remaining conditions identified by TRC, which are currently not addressed on the plans at this time. Planning and Development staff concurs with this recommendation.

Upon inquiry of Councilman Peterson about the City's policy regarding open space, Mr. Glines said that if an area is already unbuildable (e.g., a floodplain area) the developers do credit for counting that as open space.

Councilman Peterson asked if the City is imposing any requirements on the developer about contributing to the widening of Enka Lake Road since there are already some major developments in the near future. Mr. Glines said the developer is working with the NC DOT to widening Enka Lake Road with additional lanes to handle the turn traffic going into their development (City Exhibit 5 – Overall Site Plan).

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Councilman Peterson feared future problems with single entrance cul-de-sacs on large apartment complexes or developments that have only one entrance funneling traffic onto the primary access road.

Councilman Peterson asked what would happen if the developer installed the sidewalks along Enka Lake Road and then in the future NC DOT widens the road. Mr. Glines said that he doesn't anticipate the widening of the road anytime soon, but if the road is widened by NC DOT, then NC DOT would have to replace the sidewalk. Councilman Peterson was concerned that since there is only a fixed pot of NC DOT money for Asheville and if that has to go to widen Enka Lake Road, then some other project that might be needed might not get funded.

Upon inquiry of Mayor Worley, Mr. Glines said that one outstanding condition needs to be met by the developer – a

sidewalk will need to be provided along Enka Lake Road.

Mr. Todd Ferrell, representing Northview Properties, spoke in support of the development. His only concern is the huge expense to the project to provide the sidewalk along Enka Lake Road. He explained there is the road, the shoulder of the road and then a 15-foot drop into a creek. He said that the 600 feet of sidewalk and 7 foot high retaining wall would need to be built against the creek on Enka Lake Road. A normal sidewalk costs about \$4.00 per square foot and this sidewalk/retaining wall will cost about \$28.00 per square foot. There is a difference of \$15,000 vs. \$96,000. He explained the sidewalk network already incorporated into the design (City Exhibit 4). He recommended that a sidewalk not be built along Enka Lake Road for purposes of safety.

Upon inquiry of Councilman Mumpower, Mr. Ferrell said that with regard to the sidewalk issue, the City's position has been that perhaps the standards could be lowered from the 6-foot requirement to work with the grades better, the area could be staked and then they could see how they could work within that. He was hesitant on that though because there are places where the shoulder drops into the creek and there is no way to do a sidewalk there unless a lot of fill, a retaining wall and removing trees. He felt that this will be a sidewalk that starts nowhere and goes nowhere.

Upon inquiry of Councilman Dunn, Mr. Ferrell said there are no unresolved stormwater issues.

There being no request from the applicant for rebuttal, Mayor Worley closed the public hearing at 6:44 p.m.

After a brief discussion about a sidewalk along Enka Lake Road, the City's Traffic Engineer Anthony Butzek said that they have worked with the developer's engineer on possible solutions. However, at this point he feels that a sidewalk along Enka Lake Road is what they would like to see be installed as part of this project.

Councilman Ellis suggested a condition be attached to the conditional use permit that the developer and City staff work out the final details on some type of sidewalk along Enka Lake Road.

Upon inquiry of Councilwoman Jones, Mr. Glines said that a one bedroom unit will be approximately \$700 climbing to \$1,100 for a three bedroom unit.

Councilwoman Jones felt that sidewalks are very important for the future and concur with sidewalks being a priority in the Planning Department. Councilman Peterson agreed that in the future there will be more development in that area and it will not be a sidewalk going nowhere.

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Councilman Mumpower said that spending a lot of money on a segment of sidewalk, when we don't know what will be happening on that road in the future, has risk attached to it.

Upon inquiry of Councilman Dunn, Mr. Glines said that this sidewalk would not be affected by the Sand Hill Road widening project.

Councilwoman Jones moved for the adoption of Ordinance No. 3025 granting a Conditional Use Permit for a 252 unit multi-family project located at the corner of Enka Lake Road and Sand Hill Road known as Northview at Biltmore Lake, subject to the conditions identified by the Technical Review Committee which are not currently addressed on the plans. This motion was seconded by Vice-Mayor Bellamy and carried unanimously.

ORDINANCE BOOK NO. 20 – PAGE

At 7:00 p.m., Mayor Worley announced a short break.

G. PUBLIC HEARING TO REZONE PROPERTY ON EAST OAKVIEW ROAD FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 3026 - ORDINANCE TO REZONE PROPERTY ON EAST OAKVIEW ROAD FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Mayor Worley opened the public hearing at 7:25 p.m.

Mr. Carter Pettibone, Urban Planner II, said that this is the consideration of an ordinance to rezone 7.96 acres located on East Oakview Road from RS-4 Residential Single-Family Medium Density District to RS-8 Residential Single Family High Density District. This public hearing was advertised on May 16 and 23, 2003.

The applicant, Habitat for Humanity who is represented by Keith Levi, is requesting rezoning of the 7.96 acres (PIN No. 9627.11-75-2688) in order to develop the property for uses permitted in the RS-8 District. The intent of the RS-8 District is to establish a high density per acre for single-family dwellings where public infrastructure is sufficient to support such development.

The property is located in the City limits on the south side of East Oakview Road, a dead-end street that connects to Brevard Road. It is also adjacent to the interchange of Interstates 26 and 40. The existing land uses in the area include single-family residences to the north across Oakview Road and to the east, which are zoned RS-4 and a commercial trucking terminal zoned Commercial Industrial to the south across Hominy Creek. Upon preliminary analysis, both water and sewer are available to the site.

A good deal of the southern portion of property lies in a floodplain and there is some steep topography in the western portion of the property that is not in the floodplain. Both of these factors contribute to reducing the actual development potential of the property. The applicant also believes that the higher density and smaller lot size permitted in the RS-8 District are needed in order to make development of the parcel feasible for its organization.

Rezoning the lot would allow the property owner the opportunity to develop the property for higher density single-family use than currently is permitted. The RS-8 zoning would also provide a better transition from the higher intensity Commercial Industrial zoning of the property's

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southern neighbors to the surrounding RS-4 zoning, which contains less dense single family residential. In addition, the property is located in a RS-4 District that is completely surrounded by either Commercial Industrial zoning or Interstate rights-of-way and the probable long-term outlook for this area would not be low density residential.

In consideration of the above, the proposed zoning change appears to be consistent with the intent and purpose of the Unified Development Ordinance.

The Planning and Zoning Commission voted unanimously to recommend approval of the rezoning of the property located on East Oakview Road from RS-4 to RS-8. City staff recommends approval as well.

Mr. Maurice Williams, resident on East Oakview Road, said that if the property is rezoned the owners will be able to build 64 houses on that property. If 64 houses are built, the road and bridge will not be able to accommodate that amount of traffic. However, it was his understanding that Habitat for Humanity proposes to build 14 houses and he urged Council, if they can, to limit the number of houses to 14.

Ms. Chris Hagood, resident on East Oakview Road, also asked Council to restrict, if they can, the number of houses to 14 and to move the proposed homes back off the road.

City Attorney Oast reminded Council that if the property is rezoned, they will be able to build the density per acre allowed by the ordinance, but it doesn't mean they have to build that many. Although it is possible to limit the number of units that can be built on a piece of property, this rezoning is not the vehicle within which to do that limitation.

Upon inquiry of Councilman Peterson, Mr. Pettibone said that if a developer wanted to build more than 50 units on that property they would have to come to City Council for a conditional use permit.

At 7:34 p.m., Mayor Worley closed the public hearing.

Mr. Keith Levy, representing Asheville Area Habitat for Humanity, said that they have preliminary site sketches for 14 houses on East Oakview Road and it is their intention to build 14 houses.

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. 3026. This motion was seconded by Councilman Ellis and carried unanimously.

H. PUBLIC HEARING TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH A NEW LEVEL III REVIEW CATEGORY FOR LARGER COMMERCIAL AND MIXED USE DEVELOPMENTS WITHIN ½ MILE OF THE DOWNTOWN CENTRAL BUSINESS DISTRICT

ORDINANCE NO. 3027 – ORDINANCE TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH A NEW LEVEL III REVIEW CATEGORY FOR LARGER COMMERCIAL AND MIXED USE DEVELOPMENTS WITHIN ½ MILE OF THE DOWNTOWN CENTRAL BUSINESS DISTRICT

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Mayor Worley opened the public hearing at 7:42 p.m.

Planning & Development Director Scott Shuford said that this is the consideration of an amendment to the Unified Development Ordinance to establish a new Level III review category for larger commercial and mixed use developments within ½ mile of the downtown Central Business District. This public hearing was advertised on May 16 and 23, 2003.

It has recently come to staff's attention that there are a number of properties proximate to downtown Asheville with zoning designations allowing large-scale development as a matter of right. These designations include the Highway Business District which allows up to 200,000 square feet of building floor area and the Regional Business District which allows an unlimited amount of building floor area. Level III (conditional uses) review thresholds for these districts are now 100,000 square feet.

In most cases, these zoning districts have been established in order to recognize existing uses that would be nonconforming in the "typical" zoning districts that adjoin downtown (e.g., Community Business I and Community Business II, allowing 12,000 and 45,000 square feet of building floor area, respectively). Because greater floor area than that allowed in Community Business II has the potential to negatively affect the development pattern surrounding downtown, staff has proposed a code amendment that would allow commercial and mixed-use projects close to downtown that contain 45,000 square feet of floor area or greater to be considered as Level III (conditional use) projects.

This proposal would not create any nonconformities and would still allow the full range of uses and scale of floor area of the underlying zoning district to be available to the property owner, while providing an opportunity for careful review of site impacts in order to maintain the community character of this key area. Properties on Tunnel Road and on the west side of the French Broad River would be exempted from the provisions of this ordinance.

In summary, this code amendment establishes a new Level III review category for larger commercial and mixed use developments within ½ mile of the downtown Central Business District. There are a number of zoning districts in the immediate vicinity of downtown that, while perfectly satisfactory for their current uses, have the potential to accommodate much more intensive land uses that may or may not be appropriate on the periphery of downtown. This code amendment would offer the opportunity for heightened review of larger commercial and mixed use projects in these districts. Areas physically separated from the downtown by geographic features would be exempted from this requirement.

On May 7, 2003, the Planning and Zoning Commission recommended approval of the proposed code amendment by a vote of 7-0. City staff recommends approval of the proposed code amendment as well.

After discussion initiated by Councilman Peterson, Mr. Shuford said that if the Council chooses to amend the ordinance to include developments within the Central Business District or within ½ mile of the Central Business District, he felt that it would be a too substantial a change and would recommend it be remanded back to the Planning and Zoning Commission.

When Mr. Shuford said that this Code amendment was not circulated for additional input (other than by the Planning & Zoning Commission public hearing), Councilman Mumpower felt he would have to vote against it. He felt that anytime we put additional controls on our community, we should solicit additional input.

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Upon inquiry of Councilman Dunn, Mr. Shuford said that even though this is a higher level of review for certain types of projects, the Council discussion and public input has added value to the projects.

At 7:55 p.m., Mayor Worley closed the public hearing.

Councilman Peterson felt this ordinance amendment is a step in the right direction and hoped that the City would continue to look at applying this amendment to the Central Business District as well.

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

Councilman Ellis moved for the adoption of Ordinance No. 3027. This motion was seconded by Councilwoman Jones and carried on a 5-2 vote, with Councilman Dunn and Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 20 - PAGE

IV. UNFINISHED BUSINESS:

A. ORDINANCE NO. 3028 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A NEW URBAN RESIDENTIAL DISTRICT

Mayor Worley said that the public hearing on this matter was held on April 22, 2003. Due to some language inconsistencies and the lateness of the hour on April 22, the matter was continued until this date.

Urban Planner Shannon Tuch gave a brief background of the ordinance amendment to establish a new high density, infill zoning classification called Urban Residential District.

Frequently in community meetings and planning forums and most recently, the forums for the City Plan 2025 comprehensive plan process, citizens have identified the need for:

- access to appropriately scaled mixed use neighborhood services located close to home
- improved pedestrian facilities, projects that relate to the street and attractive streetscapes
- more affordable housing throughout the community and a greater variety of housing choices
- broader transportation options

One of the most pressing problems facing the City of Asheville is the need for affordable housing. The Urban Residential District (URD) has been developed to increase opportunities for the development of affordable housing and a mix of other housing types by allowing for an increase in density, scale, and use in areas of the city where infrastructure can accommodate higher density, infill development. It is intended that the URD be located on significant transit corridors and/or in areas planned for high growth.

Providing residential units is the primary goal of the URD, however, it is recognized that there is significant need for basic commercial retail, office use, and other activities that support residential uses in proximity to high density residential areas. The URD recognizes this and incorporates other non-residential uses on a limited basis. The proposed URD is an opportunity

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to incorporate the City Council adopted Smart Growth and sustainable development goals that have been identified by the community during the last decade.

The URD will encourage pedestrian activity by creating safe and inviting streetscapes with comfortable walking amenities. Traffic flow will be improved by limiting curb-cuts and requiring cross access between parcels. The URD will also make public transit a viable option by increasing density (i.e., the number of potential riders) in neighborhoods that are or can be served by the bus system.

Some of the long term benefits from developing any corridor in this pattern will be to build a livable community, strengthen the area's tax base, reduce driving trips on roadways, support mass transit, improve air quality and reduce sprawl.

The URD is not being developed with a particular corridor or area of the City in which it is to be applied. However, staff has been in preliminary contact with Mountain Housing Opportunities and the West End Clingman Avenue Neighborhood regarding the possible application of this new zoning designation in certain areas of this neighborhood.

At the Planning and Zoning Commission meeting on April 2, 2003, the Commission approved the creation of the Urban Residential District by a vote of 7-0. Staff also supports the adoption of this district.

She said that based on Council's discussion during the April 22 public hearing, staff proposes the following revisions:

1. Under Permitted Uses the following shall be inserted to read:
 - (b) Permitted Uses
 - (1) All non-residential uses are restricted to first story or ground level floor and shall not occupy more than 50% of the ground floor gross square footage. Note: The balance of ground floor gross square footage can be used for common areas supporting the principal residential use.
 - (2) Where a commercial use occupies the ground level, this use may be buffered by a non-residential office use on the remaining 50% of the ground level and on the second story that is directly above the commercial use. Under no circumstances can the total non-residential use exceed 30% of the building's total square footage.
2. Under Conditional Uses: "Pubs" has been removed.
3. Under Parking / Loading Standards the following text, taken from the Neighborhood Corridor District (NCD) Amendment, has been added to read:

. . . Rules requiring that shared and remote parking areas must be found in the same zoning classification are waived in the Urban Residential District. Residentially zoned areas may not be used to provide shared or remote parking for this district except that non-residential uses in residential districts may be used. Parcels will require a recorded agreement for the shared or remote parking arrangement.

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Also during the April 22 public hearing, City Council requested additional feedback from neighborhood and developer groups. Based on this feedback, staff would like to propose the following revision.

4. Under Height Standards the following has been revised to read:
 - (6) Height Standards: For multifamily development: Minimum 2 stories and maximum 4 stories with a maximum height of 54 feet. For single family development, the maximum height shall be 40 feet.

Ms. Tuch said that an additional amendment is requested as a result of soliciting additional comments: She suggested Council amend the minimum lot size for multi-family from 10,000 square feet (minimum) to 3,500 square feet (minimum).

Upon inquiry of Councilman Mumpower about any substantial advantages of this amendment, Ms. Tuch said that in order to build affordable housing that is of quality, developers require an increase in density and as our residential properties are currently outlined in the Unified Development Ordinance, they don't allow for this increase in density. We are looking to provide a residential district that affords some protection for residential living but allows for a larger density.

After a brief discussion, Councilman Peterson suggested amending the purpose of the URD to read "The Urban Residential District (URD) is established to ... and will be located on significant transit corridors and/or in high growth areas." Mr. Shuford explained how he could foresee problems by making that language so restrictive and felt we needed the flexibility.

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

Councilwoman Jones moved for the adoption of Ordinance No. 3028, with the amendment to the minimum lot size for multi-family being 3,500 square feet (minimum). This motion was seconded by Vice-Mayor Bellamy and carried on a 5-2 vote, with Councilman Peterson and Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 20 – PAGE

B. SECOND READING OF ORDINANCE NO. 3024 – AN ORDINANCE AMENDING THE SIDEWALK ORDINANCE TO IMPROVE THE ADMINISTRATION AND IMPLEMENTATION OF THE ORDINANCE

Mayor Worley said that the first reading of Ordinance No. 3024 occurred on May 13, 2003.

When Councilman Mumpower suggested restricting the number of carts that would be weather-protected, Councilwoman Jones felt there would be a problem of equity.

Councilwoman Jones moved for the adoption of Ordinance No. 3024 on it's second and final reading. This motion was seconded by Councilman Ellis and carried on a 5-2 vote, with Mayor Worley, Councilman Ellis, Councilwoman Jones, Councilman Peterson and Councilman Dunn (who had left the Chamber without being excused) voting "yes", and Vice-Mayor Bellamy and Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 27 – PAGE

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V. NEW BUSINESS:

A. UPDATE ON THE METROPOLITAN PLANNING ORGANIZATION EXPANSION

City Engineer Cathy Ball said that this is an update to Council on the status of the agreement to expand the Metropolitan Planning Organization for transportation.

The Metropolitan Planning Organization makes decisions regarding highway funding, transit funding, and long-range transportation plans. The City of Asheville is the largest municipality in the MPO. The urbanized area of Asheville is impacted by much of the regional travel, in the form of increased traffic congestion, road widening projects, and highway projects. In addition, the City of Asheville is the largest provider of public transit in the region.

For these reasons, staff is concerned with making sure that the City of Asheville is adequately represented on the MPO's policy board, and ensuring that project decisions are made with input from the jurisdictions that are directly impacted by the projects. Currently, the City of Asheville has two representatives on the policy board, known as the Transportation Advisory Committee (TAC).

The MPO is in the process of expanding to the Hendersonville area and the Waynesville area. The MPO currently has eight member governments: Asheville, Buncombe County, Biltmore Forest, Black Mountain, Fletcher, Montreat, Weaverville, and Woodfin. Nine new member governments will be added to the MPO. They are: Haywood County, Clyde, Canton, Waynesville, Henderson County, Hendersonville, Laurel Park, and Flat Rock, and Maggie Valley.

As a part of the expansion, the MPO must draft a new agreement known as the Memorandum of Understanding (MOU). All of the local governments must sign the agreement in order to participate in the MPO process. A draft agreement is under consideration by the TAC. The agreement will establish the committee membership and voting policies. The TAC will vote on this draft agreement at their meeting on June 19, 2003.

Staff is bringing this item before Council to make the Council aware that the draft agreement does not provide any additional representatives to the City of Asheville or the other large jurisdictions in the MPO. This is based on a decision made by the TAC at their May 15, 2003, meeting. At that meeting, the TAC decided that each jurisdiction should get only one vote. Councilwoman Jones and Councilman Peterson expressed opposition to this structure. The Technical Coordinating Committee (TCC) recommended a structure that would give two representatives each to Asheville, Buncombe County, and Henderson County.

It should be noted that the draft agreement does include a number of provisions to give local governments the ability to make decisions about projects that impact their jurisdiction. These provisions are in Section 1.I of the draft agreement. These provisions would provide local veto power on certain project decisions. They would not, however, provide any additional representation on other issues that come before the TAC.

Almost all of the MPOs in North Carolina give additional representation to the largest jurisdictions in the MPO. In addition, the four largest MPOs in the state have weighted voting based on population. There are seventeen MPOs in North Carolina. The MPO in the Asheville area is now the seventh largest in the state.

At their meeting on June 19, 2003, the TAC will have an opportunity to once again discuss the draft agreement before taking a final vote. This is an appropriate time for the

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Asheville City Council to provide feedback to the TAC. After the TAC adopts the agreement it will be presented to each of the seventeen local governments in the MPO for their consideration.

City Engineer Ball said that the City of Asheville has to sign the MOU. If the City doesn't sign the MOU then it doesn't allow the Transportation Management Area to move forward. It is essential for us to work together to come up with an agreement that we can work with. Staff would like the ability to go back and work with the other local governments to be able to come up with something that more fairly represents the citizens of the City of Asheville as is shown by the other local governments who have TMA's.

Councilman Peterson, City's representative on the TAC, explained that the voting procedure should be on some relationship to proportionality of a town. Asheville needs to have a more significant voice and given the diversity of the larger areas (Buncombe County, Asheville, Henderson County, Haywood County) they need to have two representatives so that they are bringing in different views. He asked for Council to take a vote and express an opinion so at the next TAC meeting the rest of the Committee needs to know that Asheville has taken a firm stand.

Councilwoman Jones, City's representative on the TAC, said they are trying to do the best thing for the region and the best thing for Asheville. We are not asking for veto power, but asking for our citizens to have a bit more weight because of the huge amount of weight that so many of the projects have on our community. It does impact Asheville more. She felt this is about representation of Asheville citizens.

Councilman Mumpower asked why, in this region, do we have such a great resistance to giving Asheville more representation based on our population. City Engineer Ball said that her only guess is that maybe in the past there has been a perception that Asheville has held up projects.

There was a brief discussion initiated by Councilman Mumpower about the approach Council's two representatives on the TAC take when voting on matters.

Vice-Mayor Bellamy moved to support staff's proposal and direct them to continue to seek adoption of the staff proposal or something similar. This motion was seconded by Councilman Mumpower and carried unanimously.

VI. OTHER BUSINESS:

Claims

The following claims were received by the City of Asheville during the period of May 2-15, 2003: Travelers (Streets), Lee Smart (Parks & Recreation), Paul Branks (Streets), Stephen Furey (Water), Marilyn McDonald (Streets) and William Wilmer (Water).

The City received the following claims during the period of May 16-22, 2003: Hiram A. Lewis (Water), Hadiyah Saleem (Streets), Jerome C. Beloff (Water), Krispy Kreme (Water) and Glazer Architect (Streets).

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

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Fred English spoke on several issues regarding the Memorial Day Celebration, the lack of affordable housing in the Biltmore Lake projects, and support of the Asheville Police Department.

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Ms. Janet Bowman, Vice-President of the League of Women Voters, read a resolution unanimously adopted by the Board of the Asheville-Buncombe League of Women Voters which expressed serious concern regarding recent actions by elected and appointed officials which appear to compromise civil liberties guaranteed by the U.S. Constitution's Bill of Rights. The resolution asked for Council's immediate and thorough examination of these actions and their consequences, and encouraged affirmation of respect for and support of the legitimate rights of all our citizens.

Mr. Mike Fryar said it was his understanding that racing is prohibited at the French Broad River Park and questioned why they can race bikes there.

Richmond Hill Park

Ms. Terry Darakjy, Richmond Hill resident, spoke against the National Guard Armory at Richmond Hill. She felt the building of the new National Guard Armory will result in destruction of existing vegetation, trees, wildlife; will increase people in the area; will be a disturbing military presence; will make it difficult in getting emergency vehicles through area; there will be an upsurge of

criminal element; will be an increase of vehicular traffic, noise, lights and activity; there will be negative air quality issues affecting children and elderly; property taxes will be increased; there will be stress on water and sewer due to topography; and flooding and erosion.

Mr. Craig Young, resident on Hornot Circle, spoke against the proposed entrance to the new Richmond Hill Park on Richmond Hill Drive. He felt Council was wrong in allowing the entrance to the park through a neighborhood. He expressed safety concerns of the elderly who walk in the street and children who play and ride their bikes on the road.

Ms. Rebecca Becker, resident on Hornot Circle, said that most of the community is support of the Richmond Hill Park, however, not with the entrance. She also cited safety concerns for children and the elderly and the possibility of speeding through the community.

Since the conditional use permit has already been issued, a brief discussion was held regarding why there were no public comments at the City Council public hearing when the conditional use permit was issued. Planning and Development Director Scott Shuford said that there was ample opportunity given for input and described the formal property owner notification as well and the informal notification. Mr. Shuford said that he would provide City Council with information on the notification process and site access issues for this Park/Armory project. He said that at this point, the neighborhood has the option to file a lawsuit and follow the standard appeal process.

City Engineer Cathy Ball said that they did look at other options for the park entrance and this is the only one they were able to design an entrance into.

VIII. ADJOURNMENT:

Mayor Worley adjourned the meeting at 9:45 p.m.

CITY CLERK

MAYOR