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Tuesday - May 28, 1985 - 4:00 p.m.

Regular Meeting

Present: Mayor Larry McDevitt, Presiding; Vice-Mayor Wilhelmina Bratton; Councilmen Mary Lloyd Frank, Gordon Myers, Walter R. Boland, and Louis Bissette; Corporation Counsel William F. Slawter; City Manager Neal Creighton; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Norma T. Price.

INVOCATION

1. The invocation was given by Mayor Larry McDevitt.

APPROVAL OF THE MINUTES - MAY 21, 1985 MEETING

2. Approval of the minutes of May 21, 1985, meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

PROCLAMATION - "PUBLIC RADIO CELEBRATION WEEK" - WEEK OF MAY 28, 1985

3. Mayor McDevitt read a proclamation proclaiming the week of May 28, as "Public Radio Celebration Week."

Mayor McDevitt presented the proclamation to Barbara Sayer with WCQS-FM 81.1 Public Radio Station.

RESOLUTION NO. 85-80 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND AMONG THE CITY OF ASHEVILLE, THE COUNTY OF BUNCOMBE AND WALTER J. SKAYHAN, III

4. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville an agreement by and among the City of Asheville, the County of Buncombe, and Walter J. Skayhan, III.

Mayor McDevitt said this action culminates over five months of negotiations between the City, the County of Buncombe, and Mr. Walter J. Skayhan of Baltimore, Maryland. He said this project will be located at the intersection of Haywood Street and Walnut Street and involves the old J. C. Penney and Bon Marche properties. He said the reuse of these buildings will consist of approximately 60 residential units on the upper floors and 18,000 square feet of commercial space surrounding a pedestrian arcade which will access parking at the street level.

Mayor McDevitt said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Boland, Resolution No. 85-80 was unanimously adopted.

Upon inquiry of Ralph Bishop, Mayor McDevitt answered questions relative to the developer acquiring properties for the improvements.

Complete text of Resolution No. 85-80 will be found in Resolution Book No. 15 at page 216.

ORDINANCE NO. 1510 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED AT GASHES CREEK AND I-40 (GEORGE BEVERLY PETITION)

5. Consideration was given to the first reading of Ordinance No. 1510, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located at Gashes Creek and I-40 (George Beverly Petition).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held March 13, 1985, considered the request of Mr. George Beverly, Agent, that Ward 13, Sheet 33, Lot 68, and Ward 13, Sheet 34, Lot 11, be rezoned from R-2 Residential District to OI Office Institutional District. The property is known as Hemphill Knoll at Gashes Creek and I-40. After review and discussion, the Commission voted to recommend to City Council that a portion of Lot 68, Sheet 33, Ward 13, and a portion of Lot 11, Sheet 34, Ward 13, be rezoned from R-2 Residential District to OI Office Institutional District. This would leave a 100-foot strip of R-2 buffer on the southern border abutting the Blue Ridge Parkway and Lot 78, Sheet 33, Ward 13, and on the northwestern margin abutting Lots 37 $\frac{1}{4}$ and 8 $\frac{1}{4}$, Sheet 33, Ward 13. At the April 23, 1985, meeting, the first reading of this ordinance was postponed until May 28, 1985.

Verl Emrick, Director of Planning, noted Planning and Zoning Commission's recommendation to rezone the property stating that the Commission recommended that a 100-foot strip of R-2 buffer be provided around the property. He said the 100' strip, abutting Lot 78, should be left in its natural state. The developer agreed not to develop any part of this and that this would be left in its natural state.

George Beverly, petitioner for the rezoning, said the proposed use of the property would be a 160-unit hotel with a recreational complex in Phase I and a 240-unit condominium complex during Phase II of the project. He said the total project cost would be approximately 35 million dollars and would provide approximately 200 new jobs in the area. He said Phase I of the project should be completed in one to one and one-half years, and Phase II should be completed within two years.

Mayor McDevitt said members of Council were furnished copies of the ordinance and it would not be read in its entirety.

Councilman Boland moved for the adoption of Ordinance No. 1510. This motion was seconded by Vice-Mayor Bratton.

On a roll call vote of 6-0, Ordinance No. 1510 passed on first reading.

SITE PLAN OF SHAWNEE TRAIL APARTMENTS TO BE LOCATED ON SHAWNEE TRAIL

6. A public hearing was held relative to a site plan of the proposed Shawnee Trail Apartments to be located on Shawnee Trail.

Mayor McDevitt said the Planning and Zoning Commission at a meeting held April 3, 1985, reviewed the site plan of the proposed Shawnee Trail Apartments to be located on Shawnee Trail. The site plan was prepared by John Reid, Architect, for Mr. George Morosani, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to the following conditions: 1) receipt of a letter from NCDOT indicating that they will accept the storm drainage at the southwest corner of the property; 2) submission of an engineering study indicating the stability of the site; 3) buffering; and 4) compliance with Erosion Control Ordinance.

Mayor McDevitt opened the public hearing at 4:26 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, outlined the stipulations by Planning and Zoning Commission in recommending approval of the site plan. He said the developer had agreed to install an 8-inch fire line to the project. He said the project had also been approved for water consumption and had received commitments from the Metropolitan Sewerage District. He said a letter had been received from the NC Department of Transportation that the developer had submitted an erosion control plan. He said after staff investigation, it would be staff's opinion that the streets and roads in this area are adequate to handle the new development. He said access to the property would be on Beechwood Avenue. He said the developer had presented a report from Soil and Materials, Inc., relative to the stability of the site. He said the property is made up of fill material consisting of rock and fill dirt from the I-240 and Beaucatcher Cut project. He said the fill is approximately 70 to 100 feet deep.

John Reid, Architect for the developer, spoke in support of this project. He said the developer is not asking for any variances or changes in zoning, whatsoever, and the project met all requirements of the Group Development Ordinance. Mr. Reid detailed the engineer's report relative to the stability of the site. He answered general questions from members of Council relative to the report.

Mr. George Morosani, Developer, spoke in support of the project and requested approval.

William Cagle, Attorney for the developer, spoke in support of the project stating that the proposed plans meet all requirements of the Group Development section of the Zoning Ordinance.

Lem Moore, Director of Inspections, said a more comprehensive engineer's report would be needed prior to a permit being issued.

Richard Schumacher, Attorney for the Redwood Forest Homeowners Association, spoke in opposition to the proposed project. He said the project would have a serious effect on the Redwood Forest neighborhood. He said, in his opinion, the property is not zoned properly and should be zoned R-1 Residential District. He said the project poses problems with traffic, site stability, sewer, and access.

Kenneth Pankow, Engineer retained by the Redwood Forest Homeowners Association, presented a study relative to the stability of the site. He said the site plans should not be approved until a much more comprehensive engineering study is made and there is much more assurance of site stability.

Attorney William Radeker spoke relative to the site stability, the fill dirt, and the traffic problems in the area.

Mr. Eddie Greene also spoke relative to the site stability of the project.

Mr. Raymond Stepp, of Crockett Avenue, spoke in opposition to the project.

Mr. James Pack, adjacent property owner to the proposed project, also spoke in opposition to the project.

Mr. Birdsong, Engineer, said his company did the subsurface engineering study of the site. He said there would be long-term settlement in the fill, but this

would not affect the surrounding neighborhood.

After discussion, Mayor McDevitt closed the public hearing at 7:08 p.m.

The site plan for the proposed Shawnee Trail Apartments was not approved for the lack of a motion.

PUBLIC HEARING - SITE PLAN OF PROPOSED WOODBERRY APARTMENTS - OFF NEW CURVE STREET

7. A public hearing was held relative to a site plan of the proposed Woodberry Apartments to be located off New Curve Street.

Mayor McDevitt said the Planning and Zoning Commission, at a meeting held May 1, 1985, reviewed the site plan of the proposed Woodberry Apartments to be located off New Curve Street. The site plan was prepared by Butler Associates, Engineers, for Poff Construction Company, Christiansburg, Virginia, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to compliance with the Erosion Control Ordinance.

Mayor McDevitt opened the public hearing at 7:40 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission had recommended approval of the site plan subject to compliance with the Erosion Control Ordinance. He said the project would consist of 164-unit apartment complex. Ron Butler, Engineer for the proposed Woodberry Apartments, said the apartments would be privately owned, but financed with tax exempt revenue bonds issued by the Asheville Housing Authority because it is located in a redevelopment area. He said no government subsidies would be involved, but because the project is in a redevelopment area, it will be financed with these bonds. Twenty percent of the units must be occupied by tenants whose incomes are less than 80 percent of the average income in the Asheville area.

Larry Holt, Deputy Director of the Asheville Housing Authority said housing for low income residents is more readily available than homes for moderate income families such as those who would live in the Woodberry Apartments and that there is a significant need for such housing.

Marla Tugwell spoke in opposition to the proposed Woodberry Apartments expressing concern about the visual impact and physical damage to Beaucatcher to build the apartments.

Mr. Neal Stewart, resident of the neighborhood, also spoke about the concerns of visual impact that the project would have on the mountain. He also spoke relative to problems with soil erosion.

Mr. Burton, with the East/End Valley Street Community Association said the residents in the area supported the project.

After discussion, Mayor McDevitt closed the public hearing at 8:41 p.m.

Vice-Mayor Bratton moved to approve the site plan of the proposed Woodberry Apartments to be located off New Curve Street contingent upon compliance with the Erosion Control Ordinance and further that the developers meet and receive approval of the landscaping plan for the project from Council. This motion was

seconded by Councilman Boland and carried on a voice vote of 5-1 with Councilman Frank voting "no."

PUBLIC HEARING - REZONING PROPERTY LOCATED AT THE CORNER OF CHARLOTTE AND CHESTNUT STREETS

ORDINANCE NO. 1520 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED AT NORTHWEST CORNER OF CHARLOTTE AND CHESTNUT STREET (W. NEAL HANKS, AGENT)

8. A public hearing was held relative to rezoning property at the northwest corner of Charlotte and Chestnut streets (requested by W. Neal Hanks, Agent).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held on April 17, 1985, considered the petition of Mr. W. Neal Hanks, Agent, that Ward 2, Sheet 26, portion of Lot 124, be rezoned from R-4 Residential District to CG Commercial General District. The property is located at the northwest corner of Charlotte and Chestnut Streets. After discussion, the Commission recommended that the property be rezoned as petitioned.

Mayor McDevitt open the public hearing at 8:43 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the proposed use of the property would be for a restaurant.

George Beverly spoke in support of the rezoning.

Mayor McDevitt closed the public hearing at 8:46 p.m.

Mayor McDevitt said members of Council were furnished copies of the ordinance and it would not be read in its entirety.

Councilman Frank moved for the adoption of Ordinance No. 1520. This motion was seconded by Councilman Myers.

On a roll call vote of 6-0, Ordinance No. 1520 passed on first reading.

PUBLIC HEARING - PROPOSED ADDITION OF A HEALTH CLUB AND TENNIS CENTER TO THE GROVE PARK INN

9. A public hearing was held relative to site plan of the proposed addition of a Health Club and Tennis Center to the Grove Park Inn.

Mayor McDevitt said the Planning and Zoning Commission at a meeting held on April 17, 1985, reviewed the site plan of the proposed addition to a Health Club and Tennis Center to the Grove Park Inn located on Macon Avenue. The plan was prepared by Mayse and Associates, Architects, Dallas, Texas, for Grove Park Inn, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council, subject to provision of appropriate buffering and compliance with the Erosion Control Ordinance.

Mayor McDevitt opened the public hearing at 8:49 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the project would be developed in two phases with two structures. He said the project would be constructed compatible to the architecture of Grove Park Inn. He said there are problems at present with the Erosion Control Ordinance; however, they are in the process of correcting the problems. He said provisions are being made for the appropriate buffering as requested by the Planning and Zoning Commission.

Jack Westall, Attorney for the Grove Park Inn, spoke in support of the project.

Mayor McDevitt closed the public hearing at 8:58 p.m.

Councilman Bisette moved for the approval of the site plan of the proposed addition of a Health Club and Tennis Center to the Grove Park Inn subject to the provisions of the Planning and Zoning Commission. This motion was seconded by Vice-Mayor Bratton and carried unanimously.

PRESENTATION OF 1985-86 BUDGET FOR THE CITY OF ASHEVILLE - SCHEDULING PUBLIC HEARING FOR JUNE 11, 1985

10. The City Manager presented the proposed 1985-86 budget for the City of Asheville and requested that a public hearing be scheduled on the budget for June 11, 1985. He said a copy of the budget would be available in the City Clerk's office for review.

Councilman Frank moved to schedule a public hearing relative to the 1985-86 budget for the City of Asheville for June 11, 1985. This motion was seconded by Councilman Boland and carried unanimously.

ORDINANCE NO. 1519 - AN ORDINANCE AMENDING ORDINANCE NO. 1498 EXTENDING THE NINETY (90) DAY MORATORIUM LIMITING THE DEVELOPMENT IN THE HAW CREEK AREA

11. Consideration was given to the second and third reading of Ordinance No. 1519, an ordinance amending Ordinance No. 1498 extending the ninety (90) day moratorium limiting the development in the Haw Creek Area.

Mayor McDevitt said on February 26, 1985, Council adopted Ordinance No. 1498 imposing a moratorium on property in the Haw Creek area for the issuance of any zoning or building permits and consideration of any request for group development review by the Planning and Zoning Commission through May 18, 1985. At this public hearing, Council will receive a report from the Planning and Zoning Department resulting from a comprehensive planning study of the area. Public comments with regard to said comprehensive planning study will also be received and the City Council will consider what action, if any, to take as a result of the comprehensive planning study, including the possibility of an extension of said moratorium. This ordinance passed on first reading at the May 21 meeting.

At the request of the Corporation Counsel, Councilman Bisette moved to amend Ordinance No. 1519 to include that "provided, however, that this extension shall not be applicable to the issuance of permits associated with the construction of single-family dwelling located more than 300 feet from a public sewer line. Provided further that in the event the North Carolina Department of Natural Resources and Community Development should lift its ban on sewer connections in the area; then in that event, this extension shall not be applicable to the issuance of permits associated with the construction of single-family dwellings within 300 feet of a public sewer line." This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1519, as amended, passed on second reading.

Councilman Frank moved to suspend the rules and proceed to the third reading of Ordinance No. 1519. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1519, as amended, passed on third and final reading.

Complete text of Ordinance No. 1519 will be found in Ordinance Book No. 10 at page 275-276.

ORDINANCE NO. 1515 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - (REZONING PROPERTY LOCATED AT 31 GRANBY STREET AND 18 ARDEN ROAD)

12. Consideration was given to the third reading of Ordinance No. 1515, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - (rezoning property located at 31 Granby Street and 18 Arden Road).

Mayor McDevitt said the Planning and Zoning Commission, at a meeting held April 3, 1985, considered the request of Mr. John Nilsson, Agent for Asheville Hand Center, that Ward 1, Sheet 8, Lots 141 and 143 be rezoned from R-2 Residential District to OI Office Institutional District. The property is located at 31 Granby Street and 18 Arden Road. After review and discussion, the Commission voted to recommend to City Council that Ward, 1, Sheet 8, Lot 141 and a portion of Lot 143, be rezoned from R-2 Residential District to OI Office Institutional District, leaving a 30 foot R-2 Residential District buffer along Granby Street and Arden Road. This ordinance was read on first reading on May 14, 1985, and on second reading on May 21, 1985.

Mayor McDevitt said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1515 passed on third and final reading.

Complete text of Ordinance No. 1515 will be found in Ordinance Book No. 10 at page 268-269.

ORDINANCE NO. 1516 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - REZONING PROPERTY LOCATED ON TUNNEL ROAD (STEVE RUSSELL, NCNB, AND M. M. PEARLMAN PETITION)

13. Consideration was given to the third reading of Ordinance No. 1516, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - rezoning property located on Tunnel Road (Steve Russell, NCNB, and M. M. Pearlman Petition).

Mayor McDevitt said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1516 passed on third reading.

Complete text of Ordinance No. 1516 will be found in Ordinance Book No. 10 at page 270-271.

ORDINANCE NO. 1517 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN

ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED AT 941 FAIRVIEW ROAD (JAMES SCHUMACHER PETITION)

14. Consideration was given to the third reading of Ordinance No. 1517, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located at 941 Fairview Road (James Schumacher Petition).

Mayor McDevitt said the Planning and Zoning Commission, at a meeting held April 3, 1985, considered the request of Mr. James Schumacher that Ward 7, Sheet 27, Lot 42, be rezoned from LI Light Industrial District to R-3 Residential District. The property is located at 941 Fairview Road. After

review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 27, Lot 42, be rezoned from LI Light Industrial District to R-3 Residential District. This ordinance was read on first reading on May 14, 1985, and on second reading on May 21, 1985.

Mayor McDevitt said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1517, passed on third and final reading.

Complete text of Ordinance No. 1517 will be found in Ordinance Book No. 10 at page 272-273.

CLAIMS - ASHEVILLE CLEANERS (WATER) - ELEANOR THOMAS (WATER) - W. B. RIDDLE (WATER) - VIOLA THOMPSON (WATER)

The City Manager presented claims received from Asheville Cleaners, Eleanor Thomas, W. B. Riddle, and Viola Thompson.

Mayor McDevitt referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Councilman Frank moved to adjourn the meeting at 9:10 p.m. This motion was seconded by Councilman Bisette and carried unanimously.

MAYOR CITY CLERK
