

Tuesday - February 10, 1987 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and City Clerk William F. Wolcott, Jr.

Absent: Councilman Wilhelmina Bratton

**INVOCATION**

The invocation was given by Vice-Mayor Mary Lloyd Frank.

**APPROVAL OF THE MINUTES - FEBRUARY 3, 1987 MEETING**

1. Consideration was given to the approval of the minutes of the February 3, 1987, meeting.

Mayor Bissette announced the approval of the minutes as submitted.

**PROCLAMATION - FEBRUARY 8 - 14, 1987, "NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK"**

2. Mayor Bissette read a proclamation proclaiming February 8 - 14, 1987, as "National Salute to Hospitalized Veterans Week".

Mayor Bissette presented the proclamation to Bob Dawson, Director of VA Hospital, and James Fox, Chief of Voluntary Services.

**RESOLUTION NO. 87-24 - RESOLUTION OF APPRECIATION TO AREA FIRE AND RESCUE AGENCIES**

3. Consideration was given to a resolution of appreciation to area fire and rescue agencies.

Mayor Bissette said during the morning of January 22, 1987, Asheville firefighters were confronted with a major fire in the Globe Furniture Store in downtown Asheville. This resolution is to express sincere appreciation to Skyland Fire Department, Beaverdam Fire Department, Asheville Area Rescue Squad and Buncombe County's Emergency Operations Service for their help and assistance with the fire and for their unselfish dedication to the people of our City and surrounding communities.

Mayor Bissette recognized Chief Robert Griffin of the Skyland Fire Department, Lieutenant Carl Thorpe with the Beaverdam Fire Department, and John McDaris with the Buncombe County Emergency Medical Operations Service.

Chief Rukavina of the Asheville Fire Department said he appreciated the assistance given by the Skyland Fire Department in providing an aerial ladder, the Beaverdam Fire Department for providing standby services, and the Buncombe County Emergency Medical Operations Services for being at the scene in case of an emergency. He said the Sluder Furniture Company also provided shelter and coffee for the firefighters. He said this was a perfect example of

governmental entities relying on outlying communities for assistance in major fires. He said the Asheville Fire Department personnel did an excellent job in containing the fire to a small area.

Mayor Bissette thanked the agencies for their help and assistance and the Asheville Fire Department personnel for their professionalism in fighting this major fire.

Mayor Bissette read the resolution.

Upon motion of Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 87-24 was unanimously adopted.

Complete text of Resolution No. 87-24 will be found in Resolution Book No. **16** at page **274**.

### **PUBLIC HEARING - ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BEAVER LAKE CAB COMPANY**

4. A public hearing was held relative to the issuance of a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company.

Mayor Bissette said this action will authorize the City Manager to issue a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company pursuant to Section 24-34 of the Code of Ordinances of the City of Asheville upon proof of financial responsibility in accordance with N. C. Gen. Stat Sec. 20-280 for the operation of three (3) additional cabs.

Mayor Bissette said this matter was discussed during the pre-Council work session and it was the consensus of Council to continue this public hearing for two weeks until a zoning issue relative to the location and operation of the taxi cab company is resolved.

Cecil Jackson, Attorney representing Mr. Paul Davis, petitioner for the Certificate of Public Convenience and Necessities, requested that the public hearing be postponed until a later date giving him an opportunity to review the problem with zoning in this particular area.

Verl Emrick, Director of Planning, presented a petition received from approximately 80 property owners in the area opposed to the Beaver Lake Cab Company operating on Woodrow Avenue in a residential neighborhood.

Councilman Michalove moved to continue the public hearing until February 24, 1987, without further advertisement. This motion was seconded by Councilman Tisdale and carried unanimously.

### **SITE PLAN OF THE CLOISTERS, CONDOMINIUMS AND PATIO HOMES - CARMELITE SITE ON FAIRWAY DRIVE**

5. A public hearing was held relative to a site plan of The Cloisters (condominiums and patio homes), to be located on the Carmelite Site on Fairway Drive.

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held January 14, 1987, reviewed a site plan of The Cloisters (condominiums and patio homes) to be located on the Carmelite site on Fairway Drive. The site plan was prepared by Jensen Engineering for Nappier and Gunnells Properties, Inc., Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to approve the project subject to the following conditions: 1) compliance with Buffering Ordinance; 2) compliance with Erosion Control Ordinance; and 3) that the second entrance (Carmelite Drive into Ambler Road) be continually maintained for emergency use only and not used by the project.

Mayor Bissette opened the public hearing at 4:40 p.m.

The City Manager 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 this project was reviewed on two occasions by the Planning and Zoning Commission. He said the initial plans that were submitted consisted of 260 units of condominiums and patio homes. He said the initial plans were rejected by the Planning and Zoning Commission due to a topography problem which indicated that the density of the project should be reduced. He said the plans were resubmitted with the density reduced

to 6.1 units which is in compliance with the R-2 Residential District. He said The Cloisters project now consists of 201 units, including 26 two-story condominium buildings with 6 units in each and 15 single-story patio home buildings with 3 units each.

By the use of a map, Mr. Emrick showed the location of the units on the property in question.

George Jensen, with Jensen Engineering, outlined the proposed project for members of Council. He said Nappier and Gunnells Properties, Inc. had just completed the Haywood Crossings project consisting of 70 units and has a good track record for developments in the City of Asheville. He outlined the details of The Cloisters project stating that the developer would refurbish the majority of the sewer line in the area and a new water system would be installed. He said the developer would be preserving as many trees on the property as possible. He said grading would be within 20' of the property line. He said in order to comply with buffering requirements, white pine plantings would be placed around the project. He said the closest unit would be within 35' of the property line. He said the existing fence surrounding the property will be replaced with a 6' chainlink fence with a gate and lock accessing Carmelite Drive into Ambler Road to secure the property. He said this entrance would only be used for emergency vehicles. He said the only exit and entrance to the property will be Fairway Drive adjacent to the Bi Lo Shopping Center. He said all parking requirements will be in compliance with two spaces per unit. He said the complex will include two tennis courts, a swimming pool, a clubhouse, and lots of green space. He said the condominiums will be priced in the neighborhood of \$50,000 and the patio homes for sale for \$60,000-80,000 and construction should begin in April.

Upon inquiry of members of Council, Mr. Jensen said the developer had attempted to meet with the Beverly Hills Homeowners Association; however, the residents had refused to meet with the developer.

Doyle Freeman, of 93 Ambler Road, Vice-President of the Board of Directors, Beverly Hills Homeowners Association, commented that several members of the homeowners association had attended the meeting the developer had arranged for the residents in the area. He said after reviewing the project the homeowners association supported the project. He requested that Council initiate a study by the Planning and Zoning Commission of the portion of the property now zoned O-I and requested that property be rezoned to R-2 Residential District.

Thomas Maynard, property owner in the area, asked questions relative to buffering. He also requested that Council amend the group development section of the zoning ordinance to require that setbacks of units in group developments be required. He said he felt buildings should be setback a minimum of 50' along Ambler Road and Gladstone Road.

Mary Henson, of 39 Ambler Road, asked questions relative to the breakaway gate to be placed on Carmelite Drive that would be closed and impassable to all but emergency vehicles during construction and after the complex is completed.

Bill Barley, of 68 Fairway Drive, also requested that Council initiate a rezoning of the O-I property to an R-2 Residential District designation. He said the purpose for this rezoning would be alleviate more intense development of the property that could be placed in the O-I district.

John C. Young, Jr., of 271 Fairway Road, spoke to members of Council relative to the traffic patterns in this area. He said he felt the project would create traffic congestion. He said, in his opinion, the exit and entrance to the project should be from Swannanoa River Road.

Mr. Jensen showed a diagram of the road indicating the traffic patterns in the area.

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

Councilman Price moved for the approval of the site plan of The Cloisters to be located on the Carmelite site on Fairway Drive subject to the conditions outlined by the Planning and Zoning Commission, with particular emphasis being placed that on the small access road connecting with Ambler Road be closed and impassable to all but emergency vehicles during construction and after the complex is completed; plantings around the property, and that the City staff be instructed to follow up on the traffic patterns in the area, particularly at the access onto Swannanoa River Road and the circular portion of Fairway Drive relative to safety factors in the area. This motion was seconded by Councilman Michalove and carried unanimously.

Councilman Price then moved that City Council initiate, through the Planning and Zoning Commission, a zoning study of the portion of the property now zoned O-I and that the property be considered for an R-2 Residential District designation. This motion was seconded by Vice-Mayor Frank and carried unanimously.

## **APPROVAL OF CONSENT AGENDA**

6. Mayor Bissette said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

## **RESOLUTION NO. 87-25**

### **A. Resolution authorizing the City Manager of the City of Asheville to sign a**

**commitment of site facility use for the nutrition program for Older Americans at certain recreation centers.**

**HIGHLIGHTS:** This resolution will authorize the City Manager to sign a commitment of site facility use for the nutrition program for Older Americans at Reid Memorial Recreation Center Senior Opportunity and West Asheville Recreation Center.

**FISCAL IMPACT:** Councilman Tisdale noted that the only cost involved in the use of recreation centers for nutrition programs would be for janitorial services. He said it was his understanding that this particular program would not create the need for additional janitorial services in recreation centers.

**Resolution No. 16 - page 275.**

### **B. Motion to schedule a public hearing relative to the Head of Montford Redevelopment Plan for March 3, 1987.**

**HIGHLIGHTS:** The Asheville Planning and Zoning Commission certified the

area to be a Blighted Redevelopment Area under N.C.G.S. 160A-500-526 on November 12, 1986. The plan was prepared by the Head of Montford Planning Committee and staff of the City Planning Department and Asheville Housing Authority. The plan was approved by the Asheville Housing Authority on January 13, 1987, and by the Asheville Planning and Zoning

Commission on January 14, 1987.

**FISCAL IMPACT:** Cost of the entire Head of Montford Redevelopment Project is estimated at \$17,326,058.00. The City has committed \$688,000.00 in CDBG Funds to the project to date.

**C. Motion to schedule a public hearing relative to amending Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville to create the Biltmore Village Historic District and to include the Chestnut-Liberty Historic District for February 24, 1987.**

**HIGHLIGHTS:** The City of the City of Asheville has decided to create an additional historic district for the City of Asheville. That district will be known as the Biltmore Village Historic District. The Montford Historic District is described and is regulated in Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville. The Chestnut-Liberty Historic District is described and is regulated in Article 14 of the Code of Ordinances. Since the provisions regulating the Districts should be identical, it would be more convenient to include all of the Districts in the same

Article of the Code of Ordinances of the City of Asheville.

**FISCAL IMPACT:** None

Upon motion of Councilman Boland, seconded by Councilman Price, the Consent Agenda was unanimously approved.

**REPORT RELATIVE TO ASHEVILLE CABLEVISION COMMISSION - COUNCILMAN TISDALE**

7. Councilman Tisdale, Chairman of the Asheville Cablevision Commission, said during the Commission's meeting on February 9, it was reported that during 1986 a total of \$110,537.13 was paid by Asheville Cablevision to the City of Asheville in franchise fees. He said this was an increase of \$9,812.34 over 1985. He said Asheville Cablevision also paid Buncombe County \$34,783.85 which was an increase over 1985 of \$4,685.25. He said the Commission is continuing to meet a monthly basis and he was pleased with the construction and expansion of their services.

**THOMAS MAYNARD - REQUEST FOR SETBACK REQUIREMENTS IN GROUP DEVELOPMENT**

8. Thomas Maynard again requested that Council consider amending the Group Development Section of the Zoning Ordinance to provide for setback requirements.

After discussion, it was noted by members of Council that more detailed summaries be given to members of Council on actions taken by the Planning and Zoning Commission.

**CLAIM - MICHELE EVANS (POLICE)**

9. The City Manager presented a claim received from Michele Evans.

Mayor Bissette referred the claim to the Corporation Counsel for investigation and recommendation.

**RALPH BISHOP - LOTTERY SALES**

9. Ralph Bishop again spoke to members of Council relative to the lottery sales in the City of Asheville. He also spoke relative to the "gambling joint", Sister Sophias, being moved from Biltmore Avenue into a church district.

**ADJOURNMENT**

Upon motion of Councilman Boland, seconded by Councilman Price, the meeting adjourned at 6:10 p.m.