

Tuesday - May 11, 1993 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Carr Swicegood gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY 17-21, 1993, AS "NATIONAL POLICE WEEK" AND MAY 19, 1993, AS "PEACE OFFICERS MEMORIAL DAY"

Mayor Michalove proclaimed the week of May 17-21, 1993, as "National Police Week" and May 19, 1993, as "Peace Officers Memorial Day" and presented the proclamation to Major Will Annarino.

B. PROCLAMATION PROCLAIMING MAY 18, 1993, AS "BIKE TO WORK DAY"

Mayor Michalove proclaimed May 18, 1993, as "Bike to Work Day" and presented the proclamation to Mr. Chris Johansen.

C. PROCLAMATION PROCLAIMING MAY, 1993, AS "ADOLESCENCE PREGNANCY PREVENTION MONTH"

Mayor Michalove proclaimed the month of May, 1993, as "Adolescence Pregnancy Prevention Month" and presented it to Ms. Kathleen Balough.

D. PROCLAMATION PROCLAIMING MAY 16-22, 1993, AS "NATIONAL PUBLIC WORKS WEEK"

Mayor Michalove proclaimed May 16-22, 1993, as "National Public Works Week" and presented the proclamation to Mr. Jim Ewing, Director of Public Works.

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II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO THE ADOPTION OF A SMALL AREA PLAN KNOWN AS THE HENDERSONVILLE ROAD CORRIDOR PLAN AS AN ADDENDUM TO THE ASHEVILLE CITY PLAN 2010

RESOLUTION ADOPTING A SMALL AREA PLAN KNOWN AS THE HENDERSONVILLE ROAD CORRIDOR PLAN AS AN ADDENDUM TO THE ASHEVILLE CITY PLAN 2010

Mayor Michalove opened the public hearing at 4:20 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Patty Tallerday, Senior Planner, said that the Asheville 2010 Plan identifies the need for additional neighborhood plans, small area plans, downtown development plans, etc. as part of the continuing planning process for the community.

The purpose of each small area plan is to provide, through intense public input, a view of the growth patterns in various areas around the City and to provide a more detailed and focused future land use guide for the purpose of planning and future zoning.

These small area plans are not zoning plans but are plans to guide growth, which hopefully is more reflective of the practical needs of all the property owners in the area and the accommodation of appropriated new needs and uses.

The Hendersonville Road Corridor Plan was initiated both by the Transportation Advisory Committee and the Planning and Zoning Commission for several reasons, (1) the need to look at the future land uses for this area, which is undergoing a major road widening project and disruption of commercial land along the corridor; (2) the need to guide future zoning strategies for this area and address some current rezoning petitions; (3) the need to plan now for the future capacity of the roadway so that traffic congestion can be minimized and other forms of transportation, namely bike routes, transit amenities and pedestrian travel can be incorporated as time goes by; and (4) the desire to make this entrance to the City as attractive as possible with continuity in landscaping and lighting.

Lastly, this plan is unique because it is the first small area plan to be presented the City Council as a 2010 -3-

Addendum, and it is also a plan featuring the two separate municipal jurisdictions - the City of Asheville and the Town of Biltmore Forest - which by legal descriptions are separated by the centerline of Hendersonville Road.

Both the Town of Woodfin and the Town of Biltmore Forest touch the Asheville City limit line. It's also true in other areas of the state - Chapel Hill/Carrboro, Highpoint and Greensboro, Raleigh and Garner and Charlotte with Pineville and Matthews. Planning in these areas encompasses all property owners in an area.

As with these cities, the planning process for our small area plan included property owners on both sides of the street. However, the planning approvals for this plan are separate actions with each jurisdiction focusing on their respective land use plans.

Mr. Tom Elmore, Land of Sky Regional Council, stated that this Plan is an attempt to recommend high intensity uses along the corridor and yet deal with systems of strip development. He spoke extensively about the way three ways the Plan will deal with strip development - (1) landscaping and lighting; (2) shared access; and (3) recommending a mix of land use types. He then described the characteristics of three versions of the land use map, Plan A (plan which came out of the public process), Plan B (staff revisions of Plan A which came out of the first meeting with Planning & Zoning Commission), and Plan C (further revisions adopted by Planning and Zoning Commission).

Upon inquiry of Councilmen Peterson and Swicegood, Mr. Nelson Smith, Town Administrator for the Town of Biltmore Forest, said that the City of Asheville asked the Town of Biltmore Forest for their participation in the Corridor Plan.

Councilwoman Field stated that the Corridor Plan was generated by the Transportation Advisory Committee which is the Asheville Urban Area. The

Asheville Urban Area includes Asheville, Biltmore Forest, Black Mountain, etc. All of those areas are a part of the Asheville Urban Area and that is how the North Carolina Department of Transportation relates to the City of Asheville. She said the City could not have done the corridor study without money from the Department of Transportation.

Vice-Mayor Ellison felt that Plan C is more favorable to the property owners who have been impacted the most by the widening of Hendersonville Road.

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At this time, Ms. Tallerday answered several questions related to the different plans.

Coming out from a buffering discussion, Councilman Worley suggested the following language be inserted on page 4 of the Plan: "In places where the commercial use area abuts a residential street on the east, a buffer should be required between the commercial use area and the street. This can be accomplished by leaving as little as one foot of the commercial use lot zoned residential where it abuts the street. This will also serve to prevent use of the residential street by commercial vehicles seeking access to the commercial lot and will further serve to prevent intrusion into the residential area."

Mr. Carl Ricker, property owner on Hendersonville Road, felt that his comments made at the prior public hearings were not incorporated into any of the plans. He stated, among other things, that he recommended Plan C but felt that there were several items in the Plan that would not work. He stated concerns related to the pedestrian activated crosswalks and felt there would not be a lot of pedestrians crossing Hendersonville Road. He also mentioned concerns about the one driveway access per parcel.

Mr. Loyd Kirk, owner and operator of the Forest Manor Motor Lodge on 866 Hendersonville Road, felt that the area is really a commercial district and should be viewed as such. He spoke in support of Plan C. He did recommend that a 35 mph zone be maintained north of Rock Hill Road in the interest of safety.

Ms. Beth Maczka, President of the Affordable Housing Coalition, read a resolution adopted by the Coalition resolving that (1) the City limit the potential for intrusion of commercial and other non-residential uses into residential areas of the City, such as the area off Hendersonville Road currently under consideration, to minimize the losses of affordable housing units; (2) that City Council instruct the Planning and Zoning Commission and the Asheville Planning Department to assess, consider, and publicize the potential loss of affordable housing in all future zoning requests; and (3) if property with affordable housing units are to be rezoned non-residential in the future, that an equivalent amount to the sum of the ad valorem and sales taxes which inure to the City from such property be dedicated to the creation of new, affordable housing units, or in the alternative that the party seeking the change in zoning provide one-for-one replacement of housing units affected in exchange for the granting of the zoning request.

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Ms. Ilene Shroat, 40 Fairview Street, urged the Council to preserve the neighborhoods and spoke in favor of buffering.

Mr. David Quinn, resident of South Asheville, spoke in support of a combination of Plans A and B. He stated that residents do not want an increase of intensity of commercial traffic nor do they want an intrusion of more commercial development back into the neighborhoods. He stated concern of the

traffic flow onto the side streets.

Ms. Myra Fuller, resident of Montford and representative of the Coalition of Asheville Neighborhoods, spoke in opposition of the rezoning of residential properties along the Hendersonville Road Corridor to commercial property status. She felt that the Planning and Zoning Commission ignored the efforts put forth by the residents in the area and urged City government to respect the comments made by neighborhood groups. She spoke in support of Plan A because that Plan was a compromise between the residents and the business owners.

Mr. Greg Gregory, resident of South Asheville, felt that there was good public participation in this process but the public participation was disregarded by the Planning and Zoning Commission. He urged the Council not to allow commercial intrusion into the residential neighborhoods.

Mr. George Morosani, property owner on Hendersonville Road, spoke in support of Plan C. He objected to all the comments made by speakers who were not property owners on Hendersonville Road.

Mr. Edward Rutkowski, resident of Crowfields, urged the Council to protect the interests of people who live to the south of Hendersonville Road.

Ms. Mercedes Krider, resident of Hendersonville Road, urged the Council not to zone residential properties commercial because doing that would eliminate low income housing availability.

Ms. Carolyn Wallace, representative of Citizens for Quality Development, spoke about several issues including the opposition of rezoning residential neighborhoods.

Ms. Darlene Sahara, owner of a low-moderate income home, was concerned about losing low income housing.

Mr. Al Wilson, Azalea Development Company, felt that more thought needed to be given to all the corridor plans for the City. He did support Plan C.

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Ms. Patricia Skalski, 20 Aurora Drive, read a prepared letter detailing her concerns over the manner in which the Planning and Zoning Commission conducts its business and the process by which the Hendersonville Road Corridor Road Study occurred.

Mr. Harold Talbert, property owner on Hendersonville Road, spoke in support of Plan C.

Ms. Laura Deaton, Executive Director of the North Carolina Alliance of Transportation Reform, spoke about Council's need to reevaluate their appointment practices and policies for various boards and commissions. She spoke in support of Plan A with landscaping enhancements by NC DOT and pedestrian access.

Mr. Tommy Koontz, speaking on behalf of Biltmore Baptist Church, had questions on how this corridor plan would impact his church.

Ms. Polly Hickling thought that the theme of the 1920's lights was great, but felt that the lights would not light the 5 lanes adequately. She urged the Council to put in more lights, not fancier ones, along Hendersonville Road for safety. She also suggested a safer bike route.

Mr. Porter Morgan, owner of two houses on Center Street, urged the Council to keep the traffic from coming onto Reed Street.

Mayor Michalove closed the public hearing at 6:45 p.m.

Council then again discussed the variation in the three land use plans.

Councilman Moore spoke in support of the language Councilman Worley suggested to regarding buffering, but felt that the Corridor Plan was flawed from the beginning and would not support any of the land use maps.

Vice-Mayor Ellison felt a worksession with the Planning and Zoning Commission was needed.

Councilman Worley moved to insert the following language on page 4 of the Hendersonville Road Corridor Plan: "In places where the commercial use area abuts a residential street on the east, a buffer should be required between the commercial use area and the street. This can be accomplished by leaving as little as one foot of the commercial use lot zoned residential where it abuts the -7-

street. This will also serve to prevent use of the residential street by commercial vehicles seeking access to the commercial lot and will further serve to prevent intrusion into the residential area." This motion was seconded by Councilman Moore and carried unanimously.

At this time (6:50 p.m.), Councilman Worley moved to excuse Vice-Mayor Ellison due to his wife's impending delivery of a baby. This motion was seconded by Councilwoman Field and carried unanimously.

Councilman Swicegood moved to accept Plan C. This motion was seconded by Councilman Peterson and failed on a 3-3 vote, with Councilmen Peterson, Swicegood and Worley voting "yes" and Mayor Michalove, Councilwoman Field and Councilman Moore voting "no".

Mayor Michalove instructed the City Manager to set up a meeting with the Planning and Zoning Commission within two weeks.

Councilman Swicegood asked that Council be furnished with the amount of time and money already spent on this project.

At this time (7:00 p.m.) Mayor Michalove called a 5 minute recess.

B. CONTINUATION OF A PUBLIC HEARING TO AMEND ZONING OF 570-582 HENDERSONVILLE ROAD

ORDINANCE NO. 2025 - AN ORDINANCE TO AMEND ZONING OF 570-582 HENDERSONVILLE ROAD

Mayor Michalove stated that the public hearing on this matter was opened on January 5, 1993, and continued until this date in order to give the Council the benefit of the Hendersonville Road Corridor Study.

Ms. Carol Alberice said that 75% of the lot is currently zoned and developed commercially (CH) with one story retail shopping center and the remaining 25% is zoned residential (R-3) and vacant. Due to the widening of Hendersonville Road, there is now a lack of parking.

She said the terrain slopes steep to the east - Reed Street. Site access is both from Hendersonville Road and Reed Street. Reed Street is a narrow two-lane

residential street now affected by closing of several adjacent intersecting streets (Fairview, Center Streets).

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This request is to remove split zoning and allow the entire lot to be zoned CH Commercial Highway. The public comment received included 13 in opposition and 3 persons in favor. The Planning and Zoning Commission voted unanimously to rezone from R-3 Residential District to CH Commercial Highway District with no discussion.

There was some discussion relative to buffering requirements.

Mrs. William McClain, urged the Council to rezone the requested property. She stated, among other things, the lack of adequate parking.

Mr. Carl Ricker, property owner on Hendersonville Road, spoke in support of the rezoning.

Ms. Ilene Shroat, 40 Fairview Street, spoke against the rezoning.

Mayor Michalove closed the public hearing at 7:33 p.m.

Mayor Michalove said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman Worley moved to adopt Ordinance No. 2025 to rezone 570-582 Hendersonville Road from R-3 Residential District to CH Commercial Highway except for a one foot strip along Reed Street where such lot borders Reed Street. This motion was seconded by Councilman Swicegood.

On a roll call vote of 4-2, Ordinance No. 2025 passed on its first reading, with Councilwoman Field and Councilman Moore voting "no".

C. PUBLIC HEARING RELATIVE TO CHANGEABLE COPY SIGNS ON MULTIPLE TENANT DEVELOPMENT SIGNAGE

ORDINANCE NO. 2016 - ORDINANCE AMENDING CHAPTER 30, ARTICLE 9, TO ALLOW CHANGEABLE COPY SIGNS ON MULTIPLE TENANT DEVELOPMENT SIGNAGE

Mayor Michalove opened the public hearing at 7:35 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Julia Cogburn, Planning Director, said that on April 7, 1993, the Planning and Zoning Commission, reviewed -9-

and recommended an amendment to the zoning ordinance to allow changeable copy signs as a type of permitted signage for multiple tenant developments in all zoning districts except for the Central Business District.

These was a little discussion about non-conforming signs in the Central Business District.

Mayor Michalove closed the public hearing at 7:44 p.m.

Mayor Michalove said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman Moore moved for the adoption of Ordinance No. 2026. This motion was seconded by Councilwoman Field.

On a roll call vote of 6-0, Ordinance No. 2026 passed on its first reading.

Councilman Swicegood moved to suspend the rules and proceed to the second reading of Ordinance No. 2026. This motion was seconded by Councilwoman Field and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 2026 passed on its second reading.

Councilman Moore moved to suspend the rules and proceed to the third and final reading of Ordinance No. 2026. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 2026 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 222

D. PUBLIC HEARING RELATIVE TO A VARIANCE FOR BEAVER CREEK SUBDIVISION

Mayor Michalove opened the public hearing at 7:45 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Mary Weber, Urban Planner, said the proposed Beaver Creek Subdivision is located off of Beaverdam Road near Carter Cove Road. The 18-acre site will be divided into 8 lots. The heavily wooded site slopes upward to form a knoll, and Beaverdam Creek flows through it.

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She said the developer is requesting a variance on the right-of-way width from 50 feet, as required in the Subdivision Regulations, to 40 feet. The developer would like to minimize the amount of clearing and grading on the site and feels that 40 feet is adequate for an 8-lot residential subdivision.

She said that the Planning and Zoning Commission recommended approval of the preliminary plat as well as the variance, at their April 7, 1993, meeting, with three conditions:

1. Obtain driveway permit from NCDOT
2. Obtain permit from Army Corps of Engineers to widen bridge.
3. Obtain letter of water availability from the Water

Department.

She said the request before the City Council is for approval of the variance only and not for final plat approval.

Mayor Michalove closed the public hearing at 7:47 p.m.

Councilwoman Field moved to approve the variance to reduce the right-of-way width requirement of the subdivision regulations from 50 feet to 40 feet for the Beaver Creek Subdivision. This motion was seconded by Councilman Worley. This motion carried on a 5-1 vote, with Councilman Moore voting "no".

E. PUBLIC HEARING RELATIVE TO \$1,300,000 STREET AND SIDEWALK BONDS

Mayor Michalove opened the public hearing at 7:48 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

City Manager Bean said that the Finance Director was authorized to apply for approval of \$1,300,000 Street and Sidewalk Bonds on April 6, 1993. The Bond Order was introduced on April 27, 1993. This public hearing will accept public comments on the proposed bonds.

Mayor Michalove closed the public hearing at 7:49 p.m.

F. PUBLIC HEARING RELATIVE TO A VARIANCE FOR WESTLAND SUBDIVISION

At the request of staff, Councilman Worley moved to postpone this public hearing until June 8, 1993. This -11-

motion was seconded by Councilman Moore and carried unanimously.

III. OLD BUSINESS:

A. THIRD READING OF ORDINANCE NO. 1958, AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 10 SUNSET SUMMIT

Councilman Worley moved to continue this matter until August 3, 1993, due to a pending lawsuit. This motion was seconded by Councilman Moore and carried unanimously.

B. RESOLUTION NO. 93-58 - RESOLUTION AUTHORIZING SUBMISSION OF A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS FOR 1993-94

Mr. Marvin Vierra, Community Development Coordinator, said that this action will authorize submission of the CDBG application for 1993-94. Funding includes the following:

Affordable Housing Coalition \$ 20,000

A-B Community Christian Ministry 70,686

A-B Community Relations Council 14,500

Family Services Center 2,800

HACA-City Wide Rehab 320,000

HACA-Hillcrest Enrichment 30,314

HACA-Hill/Cherry St Neighborhood 225,500

HACA-HOPE-1 125,000

HACA-South Pack Square 23,000

Mountain Housing Opportunities 100,000

Neighborhood Housing Services 50,000

Opportunity Corporation 10,000
WNC Habitat for Humanity 175,000
HOME Project Administration 31,850
Disparity Study 38,637
C.D. Administration 154,247
Minority Business Program 71,466
C.D. Planning 30,000
Total \$1,493,000

Councilwoman Field suggested funding \$10,000 to MAGIC Community Gardens. It was her understanding, from talking to Mr. Vierra, that those funds were available from surplus funds.

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Mr. Vierra stated that the City could include the \$10,000 for MAGIC with no reduction in the other budgets. He felt that since the Housing Authority will be selling some property in the coming year, there will be surplus funds, but because the surplus amount is not known, they do purposely under-estimate program income.

Mayor Michalove said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Field moved to amend the resolution to add \$10,000 for MAGIC Community Gardens. This motion was seconded by Councilman Moore, with the understanding that he would not approve the funding for MAGIC next year.

Mayor Michalove voiced concern over funding social programs versus funding more for housing needs which are tremendous. He stated that he would like to look at the options available for surplus funds since the CDBG program can be amended at anytime.

Councilman Swicegood echoed the Mayor's concerns.

The motion made by Councilwoman Field above, seconded by Councilman Moore was then voted upon. The motion was defeated on a 2-4 vote, with Councilwoman Field and Councilman Worley voting "yes", and Mayor Michalove, Councilmen Moore, Peterson and Swicegood voting "no".

Councilman Worley then moved for the adoption of Resolution No. 93-58. This motion was seconded by Councilman Moore and carried on a 5-1 vote, with Councilwoman Field voting "no".

Mayor Michalove asked that the Housing and Community Development Committee talk about alternative uses for the surplus funds.

RESOLUTION BOOK NO. 20 AT PAGE 138

VI. NEW BUSINESS:

A. RESOLUTION NO. 93-59 - RESOLUTION APPROVING THE REPORT SETTING FORTH PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY

KNOWN AS THE OTEEN II ANNEXATION AREA

Mr. Paul Benson, Urban Planner I, summarized the Plan by saying that three more sworn police officer would be -13-

needed; a five-year agreement with the Riceville Volunteer Fire Department would be entered into (or an amendment to its current contract); and approximately 4,200 linear feet of 6-inch water line along Arnold Road, Miller Road and two private streets extending from Hickory Tree Road, fire hydrants and approximately 6,240 linear feet of 8-inch sewer line along Arnold Road, Hickory Tree Road, and private streets extending from Grassy Branch Road and Hickory Tree Road would be necessary. Solid waste collection and street maintenance services will be provided to this area on substantially the same basis and in the same manner as it is provided within the City on the date of annexation.

Mayor Michalove said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Moore moved for the adoption of Resolution No. 93-59. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 20 AT PAGE 140

B. RESOLUTION NO. 93-60 - RESOLUTION APPROVING THE REPORT SETTING FORTH PLANS TO PROVIDE SERVICES TO THE AREA PROPOSED FOR ANNEXATION WHICH IS GENERALLY KNOWN AS THE BEAVERDAM RUN ANNEXATION AREA

Mr. Paul Benson, Urban Planner I, said that N. C. Gen. Stat. sec. 160A-49, requires the City to approve the report extending City services to the proposed annexation area at least 30 days prior to the public hearing, which is scheduled for June 15, 1993.

He highlighted the Plan by stating that one more sworn police officer would be needed; a five-year agreement with the Beaverdam Volunteer Fire Department would be entered into (or an amendment to its current contract); and approximately 400 linear feet of 6-inch water line, a fire hydrant and approximately 350 linear feet of 2-inch water line along Sunnyside Lane would be necessary. Solid waste collection and street maintenance services will be provided to this area on substantially the same basis and in the same manner as it is provided within the City on the date of annexation.

Mayor Michalove said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

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Councilman Moore moved for the adoption of Resolution No. 93-60. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 20 AT PAGE 154

C. MOTION RELATIVE TO THE MANUFACTURED HOUSING POLICY ISSUE FOR THE UNIFIED DEVELOPMENT ORDINANCE

Mr. Gerald Green, Senior Planner, said that the UDO Committee identified several policy issues on which direction was requested from City Council. Manufactured housing on individual lots was one of the policy issues forward to City Council for development of a recommendation. A special committee, the Mayor's UDO Committee, was established to develop recommendations on the policy

issues. As part of the process of developing the recommendations, public education sessions and public hearings were conducted on each of the policy issues. Public input, the recommendations of the Planning and Zoning Commission and of the UDO Committee, and staff input were considered in development the recommendations.

The following recommendation for addressing the issue of placing manufactured housing on individual lots is presented by the Mayor's UDO Committee:

"The following actions shall be taken to increase the opportunities for placement of manufactured housing in the city's planning area and to assure that the manufactured housing is compatible with the neighborhoods in which it is located.

Individual manufactured homes shall comply with the standards set forth in the standards for manufactured homes adopted by City Council in the fall of 1991. Issues addressed by these standards include:

- Minimum size of the home (only double wide homes permitted);
- Permanency of the home (removal of the tongue, axles, running lights, and towing apparatus);
- Placement of the home (to be compatible with surrounding site-built homes);
- Design standards for the home (roof pitch and siding);
- Permanent, continuous founding of brick, rock, or similar material must be provided;
- All additions (steps, deck, porch, etc.) must meet building code standards.

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Manufactured homes on individual lots shall be permitted through the use of appropriately designated overlay zones. The following criteria shall be used to identify potential overlay zones:

- Presence of existing manufactured housing in the area;
- Manufactured housing would be compatible architecturally with existing housing in the area. The appearance and character of site-built homes in the area are similar to manufactured housing;
- Vacant land upon which manufactured housing could be located is available in the area or there are existing, older manufactured/mobile homes would could be replaced with new homes meeting the standards approved by the City.

Overlay zones in which manufactured housing on individual lots would be permitted shall be identified and designated using the following procedure:

- Planning staff identifies certain areas which may be appropriate for designation as overlay zones. Property owners in an area may initiate investigation of an area as a potential overlay zone;
- Planning staff undertakes surveys of identified areas to determine whether they meet the criteria identified above for potential overlay zones;
- Areas meeting the established criteria are identified as possible overlay zones for manufactured housing;

- Staff will conduct neighborhood meetings in those areas identified as possible overlay zones for manufactured housing to solicit the input of property owners and residents. Public comments will be provided to the Planning and Zoning Commission and to City Council for their consideration when reviewing the requested;

- The request for designation as an overlay district will be treated as a rezoning request, with public hearings held by the Planning and Zoning Commission and City Council and final action taken by City Council."

Councilwoman Field moved to amend the policy issue to read as follows (underlining denotes amendment): "Overlay zones, in which manufactured housing on individual lots would be permitted, excluding R-1 and R-2 zones or their - 16-

equivalent in the new UDO, shall be identified and designated using the following procedure:" This motion was seconded by Councilman Worley and carried on a 5-1 vote with Councilman Moore voting "no".

Councilman Worley moved to adopt the above amended policy issue addressing the issue of placing manufactured housing on individual lots. This motion was seconded by Councilman Moore and carried unanimously.

D. MOTION RELATIVE TO THE GRADING IN THE BUFFER ISSUE FOR THE UNIFIED DEVELOPMENT ORDINANCE

Mr. Gerald Green, Senior Planner, echoed the statements made earlier relative to how this policy issue is now before Council.

The following recommendation for addressing the issue of grading in the buffer is presented by the Mayor's UDO Committee:

"When developing a site, the developer shall have two options regarding grading in the buffer:

1. Grading is prohibited in a strip with a minimum width of 10 feet along the side and rear property lines for sites over one acre; or
2. Grading is permitted in the buffer area and the developer is required to plant trees and shrubs which are 50% larger than normally required in order to quickly reestablish a visual buffer.

Utilities should be installed along the edge of the required buffer area and cross perpendicular to the buffer area. Grading in the required buffer area shall not exceed a 2:1 slope. Developers will be encouraged to provide as gradual a slope as possible in the buffer area to provide increased soil stability and a better planting environment for buffer trees and shrubs."

Councilman Moore moved to adopt the above policy issue addressing the issue of grading in the buffer. This motion was seconded by Councilwoman Field and carried unanimously.

E. MOTION RELATIVE TO THE SPECULATIVE GRADING ISSUE FOR THE UNIFIED DEVELOPMENT ORDINANCE

Mr. Gerald Green, Senior Planner, echoed the statements made earlier relative to how this policy issue is now before Council.

The following recommendation for addressing the issue of speculative grading is presented by the Mayor's UDO Committee:

"Speculative grading shall be permitted in all zoning districts with the requirement that landscaping be planted around the site. A landscape plan indicating required buffer trees and street trees must be approved by the planning staff prior to issuing a grading permit for the site. Landscaping as shown on the approved landscape plan must be planted upon completion of the grading. Speculative grading in all residential zoning districts shall be required to provide the buffering required for the most intensive use permitted in that zoning district. Landscaping of speculatively graded sites in all residential zoning districts shall, at a minimum, meet the minimum buffering requirements of the city.

The timing of when a developer can obtain a grading permit for any project shall be revised. The revision would require the site plan to be reviewed by planning staff prior to the installation of any erosion control measures, grading, or vegetation removal to assure compliance with the landscape requirements.

Reviewing a plan prior to grading would allow staff to suggest ways of preserving existing trees which could be used to fulfill buffer and landscape requirements. There is a provision in the current landscape ordinance that currently allows this. It states: "A plan to preserve existing trees shall be submitted for approval by the Director of Planning before the issuance of a provisional grading permit." Preserving trees to meet buffer and landscape requirements would reduce erosion, provide a more significant buffer, reduce objections from neighboring residents, and could save the developer money. The staff can also advise the developer where new plants are required to be planted. Other concerns about the site plan could be addressed before it is too late to do anything about it. The staff can also advise the developer if the proposed use is allowed before the site is graded."

Councilman Moore moved to adopt the above policy issue addressing speculative grading. This motion was seconded by Councilman Worley and carried unanimously.

F. ADOPTION OF THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,300,000 STREET AND SIDEWALK BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

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City Manager Bean said that this bond order was introduced on April 27, 1993, and this action adopts that bond order.

Councilman Moore moved to adopt the streets and sidewalks bond order. This motion was seconded by Councilman Worley and carried unanimously.

V. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 27, 1993

B. MOTION SETTING A PUBLIC HEARING ON JUNE 8, 1993, RELATIVE TO AMENDMENT TO THE ZONING ORDINANCE TO ADOPT WATERSHED PROTECTION REGULATIONS FOR THE CITY OF ASHEVILLE

C. MOTION SETTING A PUBLIC HEARING ON JUNE 8, 1993, RELATIVE TO SITE PLAN APPROVAL UNDER THE VESTED RIGHTS PROCEDURE FOR COGBURN DERMATOLOGY

D. MOTION SETTING A PUBLIC HEARING ON JUNE 8, 1993, RELATIVE TO SITE PLAN APPROVAL UNDER THE VESTED RIGHTS PROCEDURE FOR THE WINSTON PULLIAM DEVELOPMENT

E. MOTION SETTING A PUBLIC HEARING ON JUNE 8, 1993, RELATIVE TO ZONING SECTION I AT BRAESIDE TO R-1 RESIDENTIAL DISTRICT, SUBJECT TO THE WATERSHED PROTECTION OVERLAY DISTRICT

F. MOTION SETTING A PUBLIC HEARING ON JUNE 8, 1993, RELATIVE TO ZONING THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL PROPERTY AT WESTRIDGE MARKET PLACE TO CH COMMERCIAL HIGHWAY DISTRICT

G. MOTION SETTING A PUBLIC HEARING ON JUNE 15, 1993, RELATIVE TO BINGHAM HEIGHTS/RICHMOND HILL EXPANSION INTO THE EXTRATERRITORIAL JURISDICTION AND THE ZONING OF THE EXPANDED AREA

H. RESOLUTION NO. 93-61 - RESOLUTION REQUESTING MODIFICATION OF PROPOSED LEGISLATION AFFECTING THE RECREATION AND NATURAL HERITAGE TRUST FUND AND ESTABLISHING A PARK FUND IN NORTH CAROLINA

Summary: The 1991 session of the General Assembly enacted a bill that increased the excise tax on land transfers by \$1 per thousand with the understanding that the -19-

money would be used for the acquisition and improving parks and recreation facilities in North Carolina. Because of the shortfall of state funds, 85% of the revenues were placed into the General Fund. This year, the revenues are to go into a fund for state parks. This resolution would modify this proposal to the extent that 15% would be used for land acquisition with significant heritage value, 45% would be used for local park acquisition and development and 40% of the funds would go for state parks. This proposal has been introduced in the form of Senate Bill 733, and this resolution is support for SB733.

RESOLUTION BOOK NO. 20 AT PAGE 168

I. RESOLUTION NO. 93-62 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE AIRPORT AGREEMENT AND A LEASE AGREEMENT NO. 1 TO THE AIRPORT LEASE

Summary: The Airport Agreement and Lease entered into pursuant to the Airport Agreement provide for the lease from the City to the Airport Authority of a specifically described piece of property. The Airport Authority has acquired additional properties in the name of the City which need to be added to the Agreement and the Lease. This resolution will authorize the Mayor to sign Amendments to the Agreement and the Lease incorporating those properties. The Amendment to the Agreement will further authorize future amendments to the Lease without the necessity of approval of the County.

RESOLUTION BOOK NO. 20 AT PAGE 170

Councilman Worley moved for the adoption of the consent agenda. This motion was seconded by Councilman Moore and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

Mr. Gerald Green, Senior Planner, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following

actions were taken by the Planning and Zoning Commission on May 5, 1993:

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MEMORIAL MISSION IMAGING CENTER

Mr. Gerald Green said that the proposed development is located at Biltmore Avenue and Unadilla at the site of the old Newton School. The site is 5.7 acres and is flat except for a wooded ravine along the eastern portion of the site. The site is zoned Office-Institutional and the surrounding land uses include medical facilities to the north and west, a cemetery to the south, and a single-family housing neighborhood to the east.

The development request is for a 33,000 sq. ft., office building which will be two-stories high. Access will be off of Biltmore at Unadilla and the intersection is being redesigned to improve safety.

The hospital has met with the Kenilworth Neighborhood Association for over a year to work out an agreement on issues such as lighting and landscaping in order to minimize the impacts on the neighborhood. A 150-foot buffer with numerous mature trees will be preserved between the development and the neighborhood, and many additional trees will be planted along the top and bottom of the slope to provide an effective buffer.

The Kenilworth Neighborhood Association and the Community Foundation's Cemetery Committee have submitted letters supporting the proposed development. The project meets all requirements of the Asheville Zoning Ordinance. At their May 5, 1993, meeting, the Asheville Planning and Zoning Commission recommended approval of the plan with one condition which is that the developer must obtain a letter for wastewater allocation from MSD.

Upon suggestion of Councilman Swicegood, Mayor Michalove said that he would write a letter to Memorial Mission Hospital to see if they would repair the sidewalk below the parking deck construction as soon as possible.

Council accepted the report of the Planning & Zoning Commission, thereby approving the project by taking no action.

ST. JOSEPH'S AMBULATORY CARE CENTER

Mr. Green said that the proposed development is located between Biltmore Avenue and McDowell Street, off Victoria Road. The proposal is for a 64,000 sq. ft., three-story outpatient medical building and a six-level parking garage -21-

for 561 cars. The site is zoned Office Institutional and the surrounding land uses are medical facilities and single-family housing to the north and south, and medical offices to the east and west.

Access will be off of Victoria Road, Brooklet, and McDowell Streets. The hospital plans to widen the section of Hamilton Street near Brooklet Street and has petitioned the Public Works Dept. to formally close the alley near the existing medical building.

The project meets all requirements of the Asheville Zoning Ordinance. At their May 5, 1993, meeting, the Asheville Planning and Zoning Commission recommended approval of the plan with one condition which is that the developer must obtain a letter for wastewater allocation from MSD.

Council accepted the report of the Planning & Zoning Commission, thereby approving the project by taking no action.

B. CLAIMS

City Manager Bean said that the following claims have been received by the City of Asheville during the week of April 26-30, 1993: Allstate Insurance (Streets), Meryle E. Garr (Civic Center), James Potts (Sanitation), Autohaus of Asheville (Traffic Engineering), Carolyn Shotwell (Water), Tonya Jones (Police) and Otis McIntosh (Water).

He said the following claims have been received by the City of Asheville during the week of May 3-7, 1993: Warren Wilson College (Water), R. L. Bailey (Water) and River Dyeing/Finishing (Water).

He said these claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 8:35 p.m.

CITY CLERK MAYOR
