

Wednesday - April 23, 1997 - 5:25 p.m.

Civic Center Banquet Room

Unified Development Ordinance Joint Public Hearing with the Planning & Zoning Commission on Mapping of the Central and East Areas

Present: City Council Members: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson. Absent: None.

Present: Planning & Zoning Commission Members Present: Chairman Roderick Hudgins, Robert M. Swicegood II, Max Haner, Jane Gianvito Mathews and Karl Koon. Absent: James Torpey and William Johnson.

Chairman Hudgins called the Commission's meeting to order. Mr. Gerald Green, Senior Planner, called the roll and declared a quorum.

Mayor Martin called the City Council meeting to order. City Clerk Burleson called the roll and declared a quorum. Mayor Martin noted that City Council's public hearing on the proposed UDO text was continued from April 10 to April 23, 1997, in case it becomes necessary to consider changes to the proposed text.

Ms. Mathews moved to designate Mayor Martin to reside over the meeting. This motion was seconded by Mr. Haner and carried unanimously.

Mayor Martin then stated that the purpose of this public hearing is to receive comments from the public regarding the proposed rezoning and reclassification of land within the City of Asheville in connection with the anticipated adoption of the Unified Development Ordinance. The Asheville City Council and the Asheville Planning and Zoning Commission have taken the unusual step of scheduling a joint meeting for these public hearings in order that members of the public may address their concerns regarding rezoning or reclassification issues to both bodies at the same time. Although we would like to receive all public comment tonight and tomorrow night, and will stay as long as possible to do that, further public comment may be taken at the May 7, 1997, meeting of the Planning and Zoning Commission and at the May 27, 1997, meeting of the City Council, which will be continued sessions of this meeting. We want everyone who wants to speak to have a chance to do so.

As noted, the purpose of this meeting is to receive public comments on the proposed rezoning and reclassification of land within the City. We will not act to adopt any part of the proposals until both the Planning and Zoning Commission and City Council have had further opportunity independently to consider and discuss the proposals in light of the public input that we receive. The Planning and Zoning Commission will continue its public hearing until Wednesday, May 7, 1997, at 5:00 p.m. at which time it may take action on a recommendation to City Council regarding the proposed rezoning and reclassification. The City Council will continue its public hearing until Tuesday, May 27, 1997, at which time it is anticipated that the recommendations of the Planning and Zoning Commission on the proposed rezoning and reclassification will be before the City Council for action.

Mayor Martin said presentations by the public shall be limited to no more than 10 minutes for the main spokesperson for a group and no -2-

more than three minutes for other individuals. Additional information may be conveyed to the City Council in written form.

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

Mr. Paul Benson, Urban Planner, said that for over one and half-years the Planning staff has been working on the UDO mapping, consisting of 34,300 properties and over 31,000 acres. He reviewed the comparisons of the zoning districts - current and UDO. He then reviewed the overlay districts, which districts supplement or replace the basic zoning district requirements. He outlined the 2010 Plan's general land use goals. He explained the mapping strategy used by Planning staff, which was to (1) follow the land use recommendations of the 2010 Comprehensive Plan which was adopted in 1987 and amended in 1989, 1992, 1993 and 1996; (2) match zoning to existing development; (3) convert existing zoning to a corresponding district in the UDO; (4) rationalize zoning boundaries; and (5) avoid creation of nonconformities. He reviewed a chart of comparison of zoning by land use type which revealed (1) a slight declines (1-2%) in Industrial, Commercial and Office/Institutional zoning; and (2) a significant reversal in ratio of single/multi-family zoning.

By the use of maps and overheads, he reviewed the staff proposal for the UDO zoning in the Central Area and outlined how staff used the 2010 Plan goals in mapping the area, also taking into account the numerous comments from the community. The 2010 Plan goals for the Central area are as follows: (1) expanded Urban Center and/or creation of Urban Fringe; (2) medium density residential development in the East End Redevelopment Area; (3) medium density residential development adjacent to Aston Park; (4) low density development on steep hillsides of Beaucatcher Mountain; (5) low density residential development in Kenilworth and Kenilworth Forest areas; (6) expanded medical community surrounded by medium density residential development; (7) medium density residential development adjacent to expanded A-B Tech campus around Walton Street Park; (8) high density residential development throughout Urban Center; (9) medium to high density residential development in West End area; and (10) neighborhood trading in West End area. He then reviewed a chart of the Central area zoning changes which revealed (1) single family zones added; (2) slight increases in Industrial and Office/Industrial; and (3) significant reductions in Commercial and Multi-Family.

At this point Mayor Martin opened up the floor for public comments. Everyone who spoke briefed Council on why the zoning should be changed to their requested zoning. The requests were as follows:

Mr. Fred Martin, President of the Kenilworth Forest Community Club, requested Kenilworth Forest be change from RS-8 to RS-4.

Ms. Lu Heetderks, 69 Park Avenue North, requested all property in the West End/Clingman Avenue area not currently occupied by an active business be zoned residential. This includes property along Roberts Streets, along both sides of Haywood/Clingman Avenue from the West Asheville bridge up to Hilliard Avenue, and the property along Hilliard Avenue, Knoxville Place and West Haywood Street up to Patton Avenue. She asked that the property at 100 Park Avenue North be restored to its original zoning of residential. She presented to City Council a petition containing 123 signatures supporting the request. Additionally, she requested that the lot (which they own) and which is adjacent to their house and that is our driveway (PIN No. 9638-08-98-7068) be zoned residential, not CI.

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Ms. Donna Anderson, Chair of the Administrative Council of the Haywood Street

United Methodist Church, asked that (1) the property which used to be the location of a supportive community institution (Queen Carson School) be zoned residential; and (2) all lands on both sides of Robert Street and on the west side of Clingman Avenue that are not currently in active commercial use, be zoned for an appropriate residential use. She presented City Council with a letter supporting the residents of the West End/Clingman Avenue community.

Ms. Jennifer Scovill, 23 Congress Street, requested her property be zoned to an office classification, not RS-8.

Mr. Herb Marsh, 84 Oakland Road, did not want their bed and breakfast inn to be a nonconforming activity in the RS-8 area. He asked that they be an allowed use in RS-8.

Mr. William Young, Vice-President of East End/Valley Street community, requested that their area be zoned RS-8.

Mr. Bill Bass, representing Dr. & Mrs. Killian, requested that specific property in the Charlotte Street area be changed from CBI to CBII and RM-8 to RM-16. He presented Council with a brochure regarding the overview of Charlotte Street.

Mr. Scott Dedman, Executive Director of Mountain Housing Opportunities, presented Council with the map from the 2010 Asheville City Plan regarding the future land use in the West End/Clingman Avenue area. Said map showed non-residential areas of concern where proposed UDO zoning would allow commercial/industrial uses not compatible with the 2010 Plan and non-residential areas of concern which should be zoned compatible with the residential neighborhood. He urged Council to zone the areas compatible with the residential neighborhood.

Mr. Jim Siemens, attorney speaking on behalf of the Jackson Park/Woolsey Neighborhood Association, requested Council to zone an area within the neighborhood from RM-8 to some lower density zoning.

Mr. Craig Justus, attorney representing the Hildebrands, presented Council with a letter dated April 13, 1997, from the Morningside Baptist Church Trustees which supported the changing of the zoning of the Hildebrand property (which joins their property) from RM-16 to Office Business District. He requested Council zone the Hildebrand properties off of Tunnel Road to Office Business, not RM-16.

Mr. Freddie Mitchell requested that property on Clingman Avenue be zoned commercial.

Ms. Beth Maczka offered Council suggestions for further analysis in order to help Council with their decisions before the UDO is adopted. There was discussion between Mr. Benson and Ms. Maczka regarding the chart of multi-family/single-family zoning analysis. She stated concerns that renters (who will be directly impacted) did not receive direct notice of these public hearings.

At 7:15 p.m., Mayor Martin announced a ten minute break.

By the use of maps and overheads, he reviewed the staff proposal for the UDO zoning in the East Area and outlined how staff used the 2010 Plan goals in mapping the area, also taking into account the numerous comments from the community. The 2010 Plan goals for the East area are as follows: (1) low density residential development in environmentally sensitive areas; (2) medium density residential development in areas -4-

with services and access; (3) reserved open space on fill area at US 70/I-240; (4) commercial business center at intersection of US 70/Riceville Road; (5) medium density residential development adjacent to Lake Craig Park; (6) light industrial development in vicinity of Gashes Creek; (7) commercial business center expansion at River Ridge; (8) low density development in hillside areas; (9) Blue Ridge Parkway Regional Information Center; and (10) low density residential development adjacent to Blue Ridge Parkway. He then reviewed a chart of the East area zoning changes which revealed (1) 60% increase in single family; (2) 50% decrease in multi-family; (3) slight gain in industrial; and (4) slight decrease in commercial.

At this point Mayor Martin opened up the floor for public comments. Everyone who spoke briefed Council on why the zoning should be changed to their requested zoning. The requests were as follows:

Mr. Henry Mitchell, President of the Oakley Neighborhood Association, requested (1) Oakley be zoned single-family residential which comprises approximately 90% of their current use and (2) a maximum density which reflects their current density. He requested more zoning be changed from RS-8 to RS-4 in the Oakley neighborhood.

Mr. Derwin Williams spoke in opposition of RS-8 density in several parts of Oakley and asked that they be changed to RS-4.

Mr. Barber Melton, Vice-President of the Haw Creek Community Association, requested staff revisit the Community Business zone at the intersection of Miller Road, Beverly Road and the New Haw Creek Road. They don't have a problem with that intersection being zoned Neighborhood Business.

Ms. Susan Andrew, Kenilworth resident, requested that a section in Kenilworth (roughly Beaucatcher Road to the east and north, Aurora to the west and south, and Kenilworth Road completes the circle) be changed from the proposed RM-6 to RS-4. She stated that a petition will be forthcoming to City Council requesting this change.

Mr. Paul Reynolds, Treasurer of the Oakley Neighborhood Association, requested Oakley be zoned from RS-8 to RS-4.

Ms. Jane Hildebrand, resident of Chunns Cove, asked that her property off of Tunnel Road be zoned Office Business.

Ms. Nancy Williams, Oakley Neighborhood Association, requested Oakley be zoned from RS-8 to RS-4.

Mr. Jack Benatan, resident on Broadview Drive, requested Oakley be zoned from RS-8 to RS-4.

Ms. Jean Penland, resident on Utopia Road, requested Utopia Road be zoned RS-2, not RM-6.

Mr. Bill Kelder, resident in the Oakley community, requested Oakley be zoned from RS-8 to RS-4.

Mr. Jim Barrett, 270 Cumberland Avenue, stated that this UDO process appears to be making the City not visionary, but reactionary. He felt the UDO makes it very difficult to scatter affordable housing throughout the City.

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Mr. Paul Salks encouraged City Council to first increase the capacity of the

City limits through the annexation process before considering a high density zoning.

Ms. Dorothy M. Olson, 968 Tunnel Road, presented Council with a letter dated April 23, 1997. She requested her property not be zoned residential, but be included in the commercial corridor of Tunnel Road.

Mr. Dan Zorn, Haw Creek resident, presented a petition to the Planning & Zoning Commission. He requested that the Arco Road area be zoned RS-4 over to new Haw Creek Road.

Ms. Kristin Garner-Zorn, Haw Creek resident, requested that the Arco Road area be zoned RS-4 over to new Haw Creek Road.

Upon inquiry of Ms. Thelma Hughes, Parkway Forest resident, about how the UDO would affect subdivision restrictions, City Attorney Oast said that no matter what the zoning is, the deed restrictions would control what the property can be used as.

At 8:40 p.m., Mr. Haner moved to recess and continue the Planning & Zoning meeting until Thursday, April 24, 1997, at 5:00 p.m. in the Banquet Room of the Civic Center. This motion was seconded by Ms. Mathews and carried unanimously.

At 8:40 p.m. Councilman Worley moved to recess and continue the City Council meeting until Thursday, April 24, 1997, at 5:00 p.m. in the Banquet Room of the Civic Center. This motion was seconded by Vice-Mayor Field and carried unanimously.

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CITY CLERK MAYOR

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