
In May of 1999, City Council approved the development of a Traffic Evaluation Plan for downtown as it related to the improvements at Pritchard Park. This particular proposal requested reimbursement of this Plan by the Transportation Advisory Committee for the MPO Transportation Planning Work Program budget. The upfront costs of this study were paid out of the Pritchard Park budget with the understanding that, once funds were received as part of the MPO, reimbursement would be made to this account.

The Parks and Recreation Department recommends City Council approve the budget amendment, in the amount of \$38,312.53, to reimburse the Pritchard Park renovation account for the development of the Downtown Traffic Evaluation Plan.

ORDINANCE BOOK NO. 18 – PAGE

T. RESOLUTION NO. 00-166 - RESOLUTION CONFIRMING MEMBERS TO THE MINORITY BUSINESS COMMISSION

Summary: The consideration of a resolution confirming the appointment of six members to the Minority Business Commission.

On May 26, 1998, City Council adopted Resolution No. 98-63 adopting a City-County Minority Business Plan.

The composition of the Minority Business Commission consists of 13 members, 10 of whom are nominated by various groups and three of whom are minority business owners nominated by the Minority Business Commission. All nominees are considered and appointment by both the City Council and County Commission.

Mr. Ronnie Blythe, representing Asheville Business Development Center, and Ms. Grace Dorn, representing the National Association for the Advancement of Colored People, both of whom are completing terms on the Commission, have been nominated by their respective organizations for new terms which will extend through August, 2002. Additionally, Ms. Claudia

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Thomas, owner of CAT Network Systems, is completing her term and has again been nominated by the Minority Business Commission for a new term through August, 2002.

Ms. Gráinne Brophy, owner of Altura Environmental, Inc., has been nominated by the Minority Business Commission to replace Ms. Vickie Gaddy whose term ended August, 2000. Ms. Brophy's term would run through August, 2002.

Mr. Gene Presley, representing the Council of Independent Business Owners (CIBO), and Ms. Katherine DeBrow, owner of DeBrow Construction, have resigned. Ms. Vonna Cloninger has been nominated by CIBO to serve Mr. Presley's unexpired term through August, 2001. The Minority Business Commission has nominated Ms. Ann Fulcher, owner of Carolina Mountain Construction, Inc., to serve the unexpired term of Ms. DeBrow through August, 2001.

City staff recommends City Council adopt the resolution confirming the appointments of six members of the Minority Business Commission.

RESOLUTION BOOK NO. 25 – PAGE 168

U. RESOLUTION NO. 00-167 - RESOLUTION CANCELING PUBLIC HEARING SET FOR SEPTEMBER 19, 2000, AT 5:30 P.M. AT STEPHENS-LEE COMMUNITY CENTER TO CONSIDER A CONDITIONAL USE PERMIT FOR RIVERBEND MARKETPLACE (I.E. WALMART) FOR DEVELOPMENT OF THE OLD SAYLES BLEACHERIES SITE LOCATED AT 437 SWANNANOA RIVER ROAD DUE TO DEVELOPER'S WITHDRAWAL OF REQUEST FOR PUBLIC HEARING

Summary: Pursuant to Asheville City Code sec. 7-5-5(e), the Asheville City Council has scheduled a public hearing for September 19, 2000, at 5:30 p.m. in the Stephens-Lee Community Center to consider the application for a Conditional Use Permit for the Riverbend Marketplace Shopping Center proposed for the old Sayles Bleacheries site at 437 Swannanoa River Road.

The applicant and the City's planning director have both advised the City Council that, as a result of a decision by the Asheville Board of Adjustment, the status of an essential element of the project is uncertain, and the Conditional Use Permit application is not ripe for consideration, and have accordingly withdrawn the request for a public hearing.

In the event that a new public hearing is scheduled, re-notification and re-advertisement will be required in accordance with City Code secs. 7-5-5(f) and 7-5-20.

Therefore, the public hearing by the City Council scheduled for September 19, 2000, at 5:30 p.m. in the Stephens-Lee Community Center to consider the application for a Conditional Use Permit for the Riverbend Marketplace Shopping Center at 437 Swannanoa River Road, is hereby cancelled.

If a public hearing on the same Conditional Use Permit application is scheduled again, the applicant shall pay all of the costs associated with re-advertisement and re-notification of said public hearing.

If no public hearing is requested on or before December 15, 2000, on said application, it shall be deemed withdrawn.

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Upon inquiry of Councilman Peterson, City Attorney Oast said that no special consideration or preferential treatment is being given to this applicant and that if any similar situation would come before City Council, the

City would handle it in a similar way.

RESOLUTION BOOK NO. 26 – PAGE 170

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

Vice-Mayor Cloninger moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Bellamy and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A MODIFICATION FROM THE SUBDIVISION STANDARDS FOR ROCKING PORCH ROAD SUBDIVISION

Mayor Sitnick opened the public hearing at 5:37 p.m.

Urban Planner Carl Ownbey said that this is the consideration of a motion approving a modification of the subdivision standards to permit a subdivision on Rocking Porch Road to be served by a privately maintained road. This public hearing was advertised on September 1 and September 8, 2000.

The owners, Kenny and Kevin Osley, of the property on Rocking Porch Road (PIN No. 9659.18-42-9085) are requesting a modification of the subdivision standards (7-15-1.k.2.d) to permit a subdivision to be served by a privately maintained street.

Although City Council recently adopted a wording amendment to change the review process for major subdivisions, the ordinance did not amend the requirements for modifications to the development standards. The City Code requires that modifications to the subdivision standards be approved by City Council after a recommendation from the Technical Review Committee (TRC) and the Planning & Zoning Commission. The subdivision standards require that all residential lots abut a publicly maintained street and the owners are proposing residential development from a privately maintained street.

On June 5, 2000, the City was presented with a preliminary plat for a 10 lot subdivision. The plat indicated a private street extension approximately 500 feet in length that will be constructed to City standards. This subdivision is within the extra-territorial jurisdiction and will be served by private wells and septic tanks.

On June 19, 2000, the TRC reviewed the preliminary plat and identified several concerns that needed to be addressed. On July 5, 2000, the Planning and Zoning Commission reviewed the preliminary plat and concurred. After their reviews, both TRC and the Planning & Zoning Commission recommended the modification to the subdivision requirements and approval of the preliminary plat with the conditions.

On August 15, 2000, the owners submitted the revised preliminary plat indicating that the technical revisions to the preliminary plat had been made.

The Planning and Development staff, the Technical Review Committee, and the Planning and Zoning Commission recommend that City Council approve the modification to the

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subdivision requirements to permit the subdivision of the 12 acre tract of land from a privately maintained roadway.

Mayor Sitnick closed the public hearing at 5:42 p.m.

Vice-Mayor Cloninger moved to approve the modification from the subdivision standards to permit a subdivision on Rocking Porch Road to be served by a privately maintained road. This motion was seconded by Councilman Worley and carried unanimously.

B. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO IDENTIFY COLLEGES AND UNIVERSITIES, VOCATIONAL AND TRAINING SCHOOLS, AND BUSINESS INCUBATION AS A PERMITTED USE IN THE INDUSTRIAL DISTRICT

ORDINANCE NO. 2740 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO IDENTIFY COLLEGES AND UNIVERSITIES, VOCATIONAL AND TRAINING SCHOOLS, AND BUSINESS INCUBATION AS A PERMITTED USE IN THE INDUSTRIAL DISTRICT

Mayor Sitnick opened the public hearing at 5:43 p.m.

Chief Planner Gerald Green said that this is the consideration of an ordinance to amend the Unified Development Ordinance (UDO) to identify colleges and universities, vocational and training schools, and business incubation as permitted uses in the Industrial District. This public hearing was advertised on September 1 and 8, 2000.

Uses in the Industrial District are currently limited to manufacturing and related uses. While this limited range of uses preserves industrially zoned property for industrial uses, it is not flexible enough to meet the needs of technological changes and new approaches to the uses of industrial sites. This limitation is exemplified by the proposed use of land donated by BASF to Asheville-Buncombe Technical Community College. The property is located adjacent to the BASF plant and is zoned Industrial. A-B Tech plans to locate classrooms and a business incubation center in the existing building. The classrooms would be used primarily for vocational education. The business incubation center would provide an area for start up businesses to locate, share resources, and receive assistance in the first years of their existence, helping to ensure their success. Currently, the Industrial District does not permit either of these uses. The proposed ordinance amendment would allow these uses by listing colleges and universities, vocational and training schools, and business incubation as permitted uses in the Industrial District. Future efforts such as that proposed by A-B Tech would be permitted by the proposed ordinance amendment, helping to strengthen the area's economy.

Mr. Green also read the definition for business incubation which is included in the ordinance amendment.

Upon inquiry of Councilwoman Field on why the ordinance excluded dormitories and other living quarters from the list permitted uses in the Industrial District, Mr. Ray Bailey, President of A-B Tech, said that they are prohibited from having dormitories by state statute.

Mr. Bailey said that there is bus service to Westridge Shopping Center and they would like to work with the City to see if they can get some bus service to this property which is located just across the road from the Shopping Center.

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Ms. Patsy Meldrum, attorney representing A-B Tech, spoke in support of the amendment in that it fits within the purposes of the Industrial District.

Mayor Sitnick closed the public hearing at 5:50 p.m.

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

Councilman Worley moved for the adoption of Ordinance No. 2740. This motion was seconded by Councilman Bellamy and carried unanimously.

ORDINANCE BOOK NO. 18 - PAGE

C. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE DEFINITION OF SIGN TO EXCLUDE CERTAIN ART AND WORKS OF ART FROM THE DEFINITION OF SIGN

ORDINANCE NO. 2741 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE DEFINITION OF SIGN TO EXCLUDE CERTAIN ART AND WORKS OF ART FROM THE DEFINITION OF SIGN

Mayor Sitnick opened the public hearing at 5:50 p.m.

Chief Planner Gerald Green said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) to revise the definition of sign to exclude certain art and works of art from the definition of sign. This public hearing was advertised on September 1 and 8, 2000.

The definition of sign currently found in the UDO is worded so that art and works of art are considered signs. As a result of this definition, the use of art and works of art by businesses is limited. Because art and works of art can be considered a sign, the placement of art and works of art at a business can limit the amount of signage that the business can display. Rather than limit their signage, businesses typically decide to abandon plans for incorporating art or works of art into their development.

With this proposed ordinance amendment, the Planning and Zoning Commission is endorsing a more whimsical approach to the incorporation of art and works of art by businesses in their building and site design. The City of Asheville is recognized as an arts city; this amendment acknowledges this recognition and removes a significant impediment to the placement of art and works of art throughout the City by private businesses. While loosening the restrictions on the incorporation of art and works of art in building and site design, the proposed amendment continues to identify distinctions between art and signs:

- The art or works of art cannot include logos in their traditional form;
- The art or works of art cannot include the name of the business; and
- The art or works of art cannot be an obvious portrayal of a product or service provided by the business.

With these limitations, the ability of businesses to incorporate art and works of art in their building and site design is increased while an appropriate distinction between signs and art remains.

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The Planning and Zoning Commission voted 6 – 0 to recommend adoption of the ordinance amendment. The Planning and Development Department staff supports the ordinance amendment.

At the August 15, 2000, worksession, it was the consensus of City Council to delete the restriction that the art or works of art cannot be an obvious portrayal of a product or service provided by the business.

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

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

Councilwoman Field moved for the adoption of Ordinance No. 2741, with the deletion of the restriction that

the art or works of art cannot be an obvious portrayal of a product or service provided by the business. This motion was seconded by Vice-Mayor Cloninger and carried unanimously.

ORDINANCE BOOK NO. 18 – PAGE

D. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR A-FRAME SIGNS IN THE CENTRAL BUSINESS DISTRICT

ORDINANCE NO. 2742 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR A-FRAME SIGNS IN THE CENTRAL BUSINESS DISTRICT

Mayor Sitnick opened the public hearing at 5:55 p.m.

Chief Planner Gerald Green said that this is the consideration of an ordinance to amend the Unified Development Ordinance (UDO) to establish standards for A-Frame signs in the Central Business District. This public hearing was advertised on September 1 and 8, 2000.

A-frame signs are currently prohibited in all zoning districts by the UDO. As a result of requests from downtown businesses, the Downtown Commission developed general standards for A-frame signs and requested the Planning and Development staff to consider preparation of an ordinance amendment that would permit the signs in the downtown area and establish standards for them. In developing the proposed ordinance amendment, the Planning and Development staff reviewed the general guidelines developed by the Downtown Commission and obtained standards from other cities. Staff also inspected downtown sidewalks to ensure that A-frame signs could be placed on the sidewalks without restricting accessibility. The draft ordinance recommended for adoption by the Planning and Zoning Commission defines A-frame signs, permits them in the Central Business District, and establishes standards for them. The proposed standards address the following:

- Minimum and maximum sizes for the signs;
- Number of A-frame signs each business may have;
- Location/placement requirements for the signs;
- Safety standards for A-frame signs;
- Insurance requirements for the business placing the sign(s); and
- Permit requirements for A-frame signs.

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The intent of the proposed ordinance amendment is to permit the use of A-frame signs by downtown businesses as an additional means of advertising the business and/or the goods and services provided by the business. By identifying certain standards for the signs, pedestrian accessibility and general safety issues will be addressed. The Downtown Commission and the Merchants Action Coalition have endorsed the ordinance amendment.

The Planning and Zoning Commission voted 6 – 0 to recommend adoption of the ordinance amendment. The Planning and Development Department staff supports the ordinance amendment.

Mayor Sitnick closed the public hearing at 5:53 p.m.

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

Councilwoman Field moved for the adoption of Ordinance No. 2742. This motion was seconded by Councilman Worley and carried unanimously.

ORDINANCE BOOK NO. 18 - PAGE

IV. UNFINISHED BUSINESS:

Councilman Worley moved to amend the agenda to allow a report with regard to VISION. This motion was seconded by Councilwoman Bellamy and carried unanimously.

A. REPORT ON VISION BOARD MEETING

Councilman Hay said that he and Councilwoman Bellamy are on the A-B VISION Board and each year the VISION Board adopts short term projects. He was proud to report that out of 20-30 projects recommended, one recommendation that the Board adopted was his proposal to establish bus service between the City of Asheville and the Town of Black Mountain.

Councilwoman Bellamy was also proud to report that another project adopted by the Board was her proposal to look at 18-34 year olds and find out what we can do to keep our talent in our community and what we can do to attract that age group to our community.

V. NEW BUSINESS:

A. RESOLUTION NO. 00-168 - RESOLUTION SUPPORTING THE REPORT AND RECOMMENDATIONS OF THE COMMUNITY COORDINATING COMMITTEE REGARDING THE I-26 CONNECTOR PROJECT

Mr. W. Louis Bissette Jr. Co-Chair of the Community Coordinating Committee ("Committee") , refreshed Council's memory on the charge of the Committee and how this report documents the goals identified by public input at the I-26 Connector Design Forum held on July 21-22, 2000. The goals described are generated from official records of discussion table comments at the forum and summaries of citizen-developed mission statements at the forum wrap-up session. They have been evaluated by the Community Coordinating Committee and recommended for consideration. These goals provide the foundation for a citizen-based design alternative to be given engineering and environmental study both preliminarily and through the EIS. They also provide recommended criteria for EIS evaluation of all alternatives.

Mr. Brownie Newman, Co-Chair of the Committee, briefly reviewed the report as follows:

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Section 1 - Project Goals Identified by the Design Forum

Many facets of the project were discussed at the forum. The themes listed below summarize the most prominent concerns of area citizens. They provide a set of specific goals the community would like to see accomplished through the course of completing the I-26 Connector Project.

We, as a community, want a thorough, full and proper study of an alternative design which will accomplish these goals. At the same time, the community feels strongly that the ultimate completion date for the project should be maintained and expedited, if possible. We are hopeful that building community consensus around the design alternative that best accomplishes these goals will ultimately help expedite the project. Due to the inter-related nature of the issues raised, the immediate proximity of areas to be affected and the need to expedite completion of the work, the strong preference of the Community Coordinating Committee is for these to be addressed as a single project rather than multiple "phased projects."