

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor Terry M. Bellamy; Councilman Joseph C. Dunn; Councilman James E. Ellis; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; and Councilman Brian L. Peterson; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

CONSENT:

City Council Community Meeting on October 29, 2002, at the Public Works Facility located at 161 S. Charlotte Street at 7:00 p.m.

Contract with the Asheville Citizen-Times

Summary: The consideration of a resolution authorizing the City Manager to sign a weekly frequency advertising contract with the Asheville Citizen-Times.

Each year City staff and the staff of the Asheville Citizen-Times reviews retail advertising that the City has placed during the year to determine what rates the City will qualify for the following year. This year, the City qualifies for a weekly frequency rate of 16 to 31 column inches per week.

The open rate for advertising in the Asheville Citizen-Times is \$47.96 per column inch daily and \$64.67 per column inch on Sunday. This contract will allow the City to advertise for \$30.45 per column inch daily and \$41.43 per column inch on Sunday. Based on the amount of advertising placed in 2002, the City will save \$59,534 by signing the weekly frequency contract.

This contract is valid for all City departments that advertise with the Asheville Citizen-Times, including the Asheville Civic Center.

Staff recommends approval of the resolution authorizing the City Manager to sign a weekly frequency advertising contract with the Asheville Citizen-Times.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

UPDATE ON UDO AMENDMENT REVIEW

- City Attorney Oast said that this Unified Development Ordinance amendment is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearing, which has been re-scheduled to October 8, 2002. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Create Neighborhood Corridor Zoning District

- Chief Planner Gerald Green said that this ordinance revision was reviewed by City Council at it's August 20, 2002, worksession and as a result of comments made at that worksession, the amendment is being brought back again for review. He said that this is the consideration of an ordinance amending the Unified Development Ordinance (UDO) to create a new mixed use in-fill corridor zoning classification, the Neighborhood Corridor District, which

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incorporates City Council direction for Smart Growth and sustainable development initiatives as well as input from the community.

Since the first presentation of the Neighborhood Corridor zoning district to City Council on August 20, 2002, staff has met with the Coalition of Asheville Neighborhoods, Economic Development Task Force, and the self-named Broadway Coalition (development interests and neighborhood residents). A number of meetings have been held with the Broadway Coalition group and several changes have been made to the proposed district. Most of the discussion and changes have centered on uses permitted along the corridor, the scale of the potential structures and some requirements for mixed-use projects. The items that staff feels

could be changed are noted here:

(1) Permitted Uses:

Remove Bars and nightclubs

Add Pubs that by definition serve food (will require a revision to the definition section of the ordinance).

Remove Parking decks

Ensure That parking structures can be built as a part of an allowed project in the district in the parking standards section of this district.

(2) Scale and Height:

A series of incentives have been created to encourage projects to meet the community goals of affordable housing, a variety of residential units, and some balance of office and retail uses. These incentives also allow some of the neighborhood concerns about height and building scale to be addressed. The following illustrates this incentive program:

- Base Density permitted in NCD = 24 units/ acre Bonus to 32 units / acre
- Building footprint maximum in NCD = 12,000 S. F.
- Building square foot maximum in NCD = 24,000 S.F. Bonus to 48,000 S.F.
- Base building maximum height in NCD = 3 stories Bonus to 4 stories

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Incentive Table

| Incentives | Mixed Use | Residential |
|---------------------------------------|---|---|
| Density > 24 units / acre | Minimum 20% square footage in building retail or office | In combination with, 25 % of units provided are affordable units OR 25% of the units are < or = to 700 S.F. each and 10 % of the residential units are affordable. |
| Building square footage > 24,000 S.F. | Minimum 25% of building s.f. is retail OR minimum 20 % s.f. is retail and 15 % s.f. is office | In combination with a minimum of 25 % of building s.f. are residential units |
| Height > than 3 stories | | Minimum of 25 % of building s.f. are residential units |

(3) Design Standards:

To ensure that new projects are in keeping with the scale and bulk of the surrounding neighborhoods a few additional design and operational issues have been included in the language for the district that takes their inspiration from the Charlotte Street Overlay District: Where new building facades will be wider than 45 feet the façade surface shall be subdivided into portions not exceeding this distance by varying setbacks, roof forms, or other architectural elements.

We also propose to change the wording in the NCD to require that upper level windows make up at least 25% of the wall surface to allow a fuller range of uses to utilize the upper floors of buildings. The previous ordinance proposed that upper level windows make up 40% of the wall surface.

The Board of Adjustment will be authorized to consider requests to waive some basic design standards for all buildings (articulation and fenestration).

In presenting these changes to City Council, staff does not intend to suggest that all parties are in total agreement with every item in the revised provisions of this district. Some members of the community still have concerns about the height of the structures permitted, some about the size of the footprint of the structures. What staff has tried to do is reach a compromise that will alleviate the bulk of the concerns that they have heard. Staff feels that the incentive table will do just that and create a healthy mixed use community along our medium sized corridors where this district is applied.

City staff recommends City Council provide direction with regard to any changes desired for this district prior to the public hearing.

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Discussion occurred regarding the proposed changes and suggestions were made regarding affordable housing and sidewalk standards.

It was the consensus of City Council to continue the public hearing, which is scheduled on October 8, 2002, until either October 22, 2002, or November 12, 2002, so that the Planning Department can continue to meet with groups to review the proposed ordinance. The continuation date will be determined by the Mayor and noted prior to the meeting of October 8, 2002.

Councilman Jones asked that Planning staff begin developing a list of pros and cons to amend the Unified Ordinance to require developers to meet with neighbors and not just strongly encourage them to meet with the neighbors. Councilman Mumpower felt a better way than creating another level of regulation might be to look for creative ways or incentives for that communication to occur. This matter will be placed on an upcoming worksession agenda.

CAROLINA AVENUE RIGHT-OF-WAY CLOSING

City Attorney Oast said that this matter is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearing, which has been scheduled for November 12, 2002. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Public Works Director Mark Combs said that this is the consideration of a resolution of intent to close the right-of-way known as Carolina Avenue from Mount Clare Avenue to its dead-end and setting a public hearing on November 12, 2002.

According to N. C. Gen. Stat. sec. 160-299, a City has the authority to permanently close a street or alley without regard to whether it has actually been opened.

To proceed with this process, Walter Christian, Montview Drive resident, on behalf of the Montview Drive Neighborhood, has requested to close the right-of-way known as Carolina Avenue from Mount Clare Avenue to the dead end.

Public Works Department staff has determined that the right-of-way known as Carolina Avenue, beginning at Mount Clare Avenue, and ending at the dead end, is not part of an adopted street plan and is not a City maintained right-of-way. Lots bordering Carolina Avenue are PIN Nos. 9649-09-26-1492, 1531, 0596, 0650, 0605, 1149 and 9649-09-16-8599, 8801, 9792, 9778, 9846, 9966 and 9649-09-27-0013, 0047, 0171, 0217 and 9649-09-17-8176.

The Engineering and Planning and Development Departments recommend that the right-of-way not be closed for the following key reasons:

- The right-of-way provides potential future access to developable property. Staff estimates that the existing right-of-way would facilitate the development of up to 14 lots;
- The Carolina Avenue right-of-way is important for the long-term transportation connectivity off Mount Clare. A current obstacle to the neighborhood is its lack of ready access to the local and state street network. Closing Carolina Avenue would potentially compound this problem in the future; and
- The right-of-way is essential for continuing the potential in-fill of single-family residential development. Closing the right-of-way may encourage multi-family or office development since there are owners who would not be likely to develop a single-family subdivision without better access.

City staff recommends that City Council adopt the resolution setting a public hearing for November 12, 2002, to close Carolina Avenue from Mount Clare Avenue to the dead end.

Councilman Peterson said that the adjoining property owners to the right-of-way have a concern of people walking and congregating in their backyards.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place this item on the next formal City Council agenda.

UPDATE ON CIVIC CENTER

- Mayor Worley updated City Council on a meeting he had with Mr. Crawford Murphy and Ms. Lillian Fisher regarding the performing arts facility on the grounds of the Renaissance. Mr. Murphy said that more detailed information will be available by Council's next informal update on November 5 and they requested to be allowed to make a presentation before Council at that time.

Councilman Mumpower felt it would be appropriate to allow a representative of The Dual Jewel Project to make a brief presentation to Council at the November 5 worksession as well because City Council is interested in hearing about organized efforts and proposals.

Mr. Scott Osborne, representative of The Dual Jewel Project, presented City Council with a printed update of the conception and development of the projects to date along with a power point disc.

Mayor Worley said that City Council has the Heery report and there are other things going on in the community. He understood it was Council's decision to give the remainder of this year for those projects to develop to a feasible stage and demonstrate their feasibility because that would impact how Council might make a decision on going forward with the Civic Center. In January of 2003, he understood that Council will look at overall picture, what the feasibility or likelihood of success of other projects would be, and then Council would weight that information and make their decision about moving forward. After a decision is made, the task will then be to go out and build support for the decision.

Discussion occurred regarding Councilman Dunn's comment about what the City's alternative is if City Council cannot reach a consensus, or there is no funding stream or no reliable groups to step forward to help with funding.

All of Council agreed that there are a variety of options including just maintaining the existing facility.

City Manager Westbrook said that approximately 4-5 years ago, a consultant estimated \$10 Million just to bring the facility up to Code.

Councilman Peterson felt that the first step might be to find out what is the minimum that has to be done and then build from there. Even if Council agrees to move forward on a particular plan, we may not get funding or public support for the plan.

Upon inquiry of Councilman Peterson, City Manager Westbrook explained why the City would probably do Certificates of Participation for the funding mechanism instead of General Obligation Bonds or Revenue Bonds.

It was the consensus of City Council to have a 10-15 minute each formal presentation by a representative for the performing arts facility and a representative for The Dual Jewel Project at the November 5, 2002, worksession.

BOARDS AND COMMISSIONS

- It was the consensus of City Council to readvertise for vacancies on the Civic Center Commission and the Downtown Commission.

- It was the consensus of City Council to have the City Clerk prepare the proper paperwork to reappoint Gene Bell as Chair to the Civil Service Board.

It was the consensus of City Council to have the City Clerk prepare the proper paperwork to appoint Jack Saye to the

Greenway Commission.

It was the consensus of City Council to appoint a City Council member to the Regional Water Authority.

MISCELLANEOUS

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A brief discussion was held on the following items: dumpster trash; why the City has an appointed Water Authority and School Board; and the possibility of Buncombe County joining in the lawsuit against the State regarding reimbursements.

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ADJOURNMENT:

Mayor Worley adjourned the meeting at 5:17 p.m.

CITY CLERK

MAYOR