

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Mid-Month Meeting
Minutes of January 16, 2014
1st Floor North Conference Room - City Hall

Present: Chairman Jeremy Goldstein, Vice-Chair Holly P. Shriner, Kristy Carter, Karl Koon, Jane Gianvito Mathews and Joe Minicozzi

Absent: Jim Edmonds

Pre-Meeting - 3:30 p.m.

At the Commission's pre-meeting, they primarily discussed certain elements of the UDO amendment creating definitions for parking structure. Staff also noted a two week delay in the Form Base Code project due to conflicts the consultant is facing. Chairman Goldstein requested that pre-meetings include any potential future discussion items desired by the Commissioners.

Regular Meeting - 4:00 p.m.

Chairman Goldstein called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- Ms. Shriner moved to approve the minutes of the December 4, 2013, meeting. This motion was seconded by Ms. Carter and carried unanimously by a 6-0 vote.
- Ms. Mathews moved to continue the appeal of a minor subdivision recorded in Plat Book 134, Page 171 of the Buncombe County Register of Deeds identified as PIN #9648.71.4686 located at 93 Caledonia Road and PIN # 9648.71.4425 located at 129 Caledonia Road in the Buncombe County Tax Records to March 5, 2014. This motion was seconded by Ms. Carter and carried unanimously on a 6-0 vote.

Agenda Items

- (1) **Request for the review of a Level II site plan for the construction of a 134,200 square foot industrial facility with a 34,062 square foot office area known as GE Aviation located at 502 Sweeten Creek Industrial Park, with the 18.36 acre tract being identified as PIN 9657.43-3150 in the Buncombe County Tax Records. The property is owned by Buncombe County and the contact is Jon Creighton.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans to construct a manufacturing facility with associated site improvements in the Industrial zoning district. This project is considered a Level II review pursuant to Section 7-5-9 of the UDO.

The project site consists of a single 18.3 acre parcel at 502 Sweeten Creek Industrial Park Road in the Sweeten Creek Industrial Park, zoned Industrial. There are other industrial uses to the south and west; RS-8 zoning to the east (Ray Kisiah Park – City of Asheville) and residential Buncombe County to the north. Portions of the site are within the 100-year floodplain – a certification of “no impact” has been submitted verifying that there will be no adverse impact due to this development.

The applicant is proposing to construct a new manufacturing facility for GE Aviation on the site, most recently used as a trucking terminal. The building is shown with a combined area of approximately 168,500 square feet. The manufacturing component is a single-story, 31'6" in height and contains 134,200 square feet. The office is located towards the front of the structure and is two-stories in height (38') and has a total of 34,062 square feet.

Plans show the site accessed via an existing driveway (right-of-way) from Sweeten Creek Industrial Park Road that circles around the rear of the building. The two-way (24') driveway provides access to the truck loading dock area on the southern end of the building. There are pedestrian pathways leading from the parking areas into the building and throughout the site but no formal sidewalks are required as there is no direct road frontage.

Parking is provided to the front and side of the building with a total of 244 spaces (including required accessible parking). There are 30 visitor spaces in the northern parking area and the remainder along the southwestern face of the building (front) are for employees. Bike parking is provided near the building as well as designated motorcycle spaces.

Landscaping is required for this project and includes a property line buffer adjacent to residential zoning to the north and east (type B 30') as well as parking lot and building impact landscaping. There is significant existing vegetation that will remain and be used for credits. While not required in Industrially-zoned areas, the project provides more than 2.7 acres of open space on the site (adjacent to the City park) and includes a walking trail through a wooded area.

In Industrially-zoned areas, height is limited to a maximum of 40 feet within 200 feet of a residential district. The proposal complies with this transition area requirement.

This project was approved with conditions by the Technical Review Committee at their meeting on December 16, 2013. No public comment has been received regarding this proposal.

Staff recommends approval of the project subject to compliance with the conditions as included in the TRC staff report.

Mr. Mark Cathey, from McGill Associates, responded to Ms. Carter when she questioned the Nationwide Permit 36 regarding the wetlands.

In response to Mr. Minicozzi, Mr. Cathey said that they explored at least 20 different options on placement of the facility on the property.

Chairman Goldstein opened the public hearing at 4:10 p.m. and when no one spoke, he closed the public hearing at 4:10 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Chairman Goldstein moved to recommend approval of the Level II site plan for the construction of a 134,200 square foot industrial facility with a 34,062 square foot office area known as GE Aviation located at 502 Sweeten Creek Industrial Park, subject to the following conditions (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (5) This project will undergo final

review by the TRC prior to issuance of any required permits. This motion was seconded by Mr. Minicozzi and carried unanimously by a 6-0 vote.

(2) Ordinance amending Chapter 7 of the Code of Ordinances to allow for updates to standards regulating LED lights.

Chief Sustainability Officer Maggie Ullman said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to allow for updates to standards regulating LED lights to better align the goals of reduced glare and dark sky concerns with energy efficient lighting goals.

In 2011, the Department of Public Works in support of the sustainability Master Plan, announced a multi-year plan to phase in new LED street lights. In order to support this change, a wording amendment was approved by P&Z in August 2012 stating that all new privately installed street lights would match the city's new LED street lighting standards as well as setting LED area lighting requirements.

At the December 4 Planning & Zoning Commission meeting, the Commission approved changes to the BUG rating requirement for area lighting, and to the lumen level requirements for area and street lighting. Since that time, staff has become aware of two more areas that need attention, specifically, the BUG ratings for 1) Lighting attached to structures or buildings, and 2) Street lighting.

Buncombe County Schools has run into an obstacle with the Lighting attached to structures or buildings section of the ordinance. They are attempting to replace wallpacks and canopy lights with efficient LED fixtures, however they are unable to find any products in the marketplace that meet our ordinance. Our current standard calls for a B-U-G rating of 0-0-0.

The City of Asheville has run into an obstacle when it comes to LED street lighting product availability. There are currently four manufacturers of LED street lighting approved by Asheville's electric utility, Duke Energy Progress. Under our current ordinance, 2 of those 4 do not meet our guidelines for street lights installed in residential areas because their products are ever so slightly above what we have specified. This is problematic because when making a large purchase of street lights, having adequate choice in manufacturers can have a significant financial impact to the City.

The recommended solution is to adjust the BUG rating standards for lighting attached to structures or buildings and for street lighting, and the lumen output for street lights in residential areas, thus giving developers and the City greater product choice. The proposed changes are still consistent with the National Dark Sky Model Lighting Ordinance recommendations for backlight, uplight, and glare as well as lumen output.

She then reviewed the recommended ordinance language as follows:

1. The allowable backlight and glare ratings for LED lighting attached to structures or buildings should be raised from the current B0 and G0 to B2 and G2. This would bring the overall BUG rating to 2-0-2, which is still more conservative than what is allowed for area lights: 3-0-3.

Specifically, the text of section (j) 5. would read, "All LED lighting attached to buildings or structures shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of ~~B0, U0, G0~~ B2, U0, G2, unless otherwise exempted or excepted."

2. The allowable backlight and glare ratings for new street lighting on residential streets should be raised from the current B1 and G1 to B2 and G2. This would bring the overall BUG rating to 2-1-2, which is still more conservative than what is allowed for commercial

streets: 3-3-3. Additionally, the allowed luminance for residential districts should be raised from the current 6,000 lumens to 6,500 lumens. This is still well below what is allowed for commercial districts: 20,000 lumens.

Specifically, the text of section (g) 8 b. would read, "The maximum number of fixture lumens shall not exceed ~~6,000~~ 6,500 in residential districts and no more than 20,000 lumens in non-residential districts, unless otherwise allowed or exempted."

The text of section (h) 4 c (i). would read, "In residential districts - no greater than ~~6,000~~ 6,500 fixture lumens, with exceptions noted in subsection (5) below."

The text of section (h) 5. would read, "All LED street lighting shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B3, U3, G3 on commercial streets and major arterial DOT and City of Asheville roads, and a maximum of ~~B1, U1, G1~~ B2, U1, G2 on residential streets.

Exceptions:

- a. Use of LED street lights in residential areas over ~~6,000~~ 6,500 and up to 8,200 fixture lumens are allowed at intersections and safety sensitive locations, as deemed necessary by the director of public works."

Pros:

- Adjusts standards to allow energy efficient options for developers, property owners and street lighting.
- Encourages the use of energy efficient fixtures.
- Maintains limits to discourage unsafe glare and support dark skies.

Cons:

- Although still consistent with the National Dark Sky Model Ordinance, these changes do slightly relax the standards as it relates to public safety concerns regarding glare.

There is no direct municipal fiscal impact on the ordinance amendment itself. However by allowing for more product choice, the amendment would likely have a positive impact on the City's bottom line.

Staff recommends approval of the proposed wording amendment and finds that it is consistent with the City's adopted plans and goals.

Ms. Carter noted that due to fast-changing technology our ordinances always seem to be one step behind, and questioned if there was a way to give staff or some group some discretion in adjusting for those changes.

Ms. Mathews agreed that canopy lights that meet our ordinance are difficult to find; however, she found several wallpack products on-line that met our ordinance and wondered if there was a way to verify that products do not exist in the marketplace before we amend our ordinances.

Ms. Carter wondered if the wallpack products on-line that meet our ordinance are too expensive and not within the budget for developers at this time.

Chairman Goldstein opened the public hearing at 4:23 p.m. and when no one spoke, he then closed it at 4:23 p.m.

Ms. Mathews agreed with Ms. Carter in that our technology is consistently changing in this field and we should revisit our ordinance in one year. She suggested staff look to separate wallpacks from canopies because there are a lot of wallpack products in the industry.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Carter moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances to allow for updates to standards regulating LED lights; and to revisit the ordinance in one year. This motion was seconded by Chairman Goldstein and carried unanimously on a 6-0 vote.

(3) Ordinance amending Chapter 7 of the Code of Ordinances regarding electric fence standards.

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to add standards to allow the use of electrified security fences in zoning districts that allow industrial uses.

She said that earlier this year a local business requested a permit to install electrified security fences. These are not currently allowed or disallowed; but the Fire Marshall had concerns about the product and held the permit. The business owner with representatives from the fence company appeared before the Public Safety Committee in the summer. The Committee heard the information presented by the fence company and the concerns of the staff; and then requested further information from staff including practices of other cities in North Carolina. The Fire Marshall returned to the Public Safety Committee in October with additional information. That research revealed that there is no consensus in the state regarding this use. The cities of Fayetteville and Durham specifically allow them, Raleigh, Gaston County, and Cary specifically do not allow them, and Charlotte, while silent regarding them in their zoning, allows them by default.

After discussion the Committee directed staff to prepare a change to the appropriate city ordinances to allow the use of these fences for consideration by the full Council. The ordinance change presented reflects that request.

After internal discussion staff determined that the most appropriate location for the regulations (following practice in cities where the fences are allowed) would be in the section of the UDO that regulates fences and walls, Section 7-10-3. The modifications combine suggested model language from the company that sells these fences and criteria to address staff concerns.

As proposed these electric fences would be allowed only in the Industrial, Light Industrial zoning districts (use permitted by right, subject to special exceptions) and Commercial Industrial zoning district (conditional use permit) – as outdoor storage of supplies and equipment vulnerable to theft are most likely to be located in those districts. Further, they would be prohibited from being built within any public right-of-way, utility right-of-way, public construction easement, or within 1,000 feet of any residential use. The table below summarizes the proposed standards.

Energizer Standards	Storage battery only of no more than 12 volts DC
	No connection to any overhead power post
	No connection to more than one energizer per section
	Lightening diverter/arrestor required between fence and energizers
	Must be connected to a dedicated ground system
	Must be not be connected to any building or plumbing system
	Must be at least 10 feet from any buried pipes, wire, or other utilities
	Ground system cables must be properly insulated
Electric Charge	Must not exceed standards of IEC latest edition
	Must regulate voltage, pulse, amperage at all times
Fence Design	Must not interfere with nearby transmission lines

	Must not interfere with overhead utility lines or their maintenance
Alarm System	Must be equipped with a monitoring alarm system
	Must obtain a permit meeting City of Asheville standards
Height	The electric fence may not exceed 10 feet in height
	The perimeter nonelectric fence may not exceed 10 feet in height
	Any portion of either fence taller than 6 feet must be located beyond the front setback
	Any portion of either fence taller than 8 feet must be located beyond the front or rear setback
Separation	The electric fence must be separated from the perimeter nonelectric fence by an area between 12 and 36 inches wide
	The area between the fences must be free of vegetation or objects
	The lowest portion of the perimeter fence must be close enough to the ground to that no space exists.
Warning Sign	At least one warning sign must be placed on each side of the fenced area, no higher than four feet from the ground
	There may be no less than 25 feet between such signs
	There must also be at least one sign put onto any vehicle or pedestrian access gate.
	The sign must not be larger than 1 square foot in size, with lettering a minimum of 1 inch high
	The sign must be black, or black and red, on a white or yellow background.
	The sign must state: "Danger – Electric Fence" or "Warning – Electric Fence" in English and Spanish
	The sign must include an illustration indicating the potential for electric shock
Disconnect Switch	A disconnect switch in a "key box" of a design approved by the Fire Department must be installed at a location acceptable to the Fire Department that will disconnect the electric fence completely from all energizers if required by police, fire, or other emergency personnel
	The location of the switch must be clearly marked and easily observable and accessible from the main entry path

The proposal can be said to comply with the Asheville City Development Plan 2025 in that it works toward improving security options for businesses in Asheville.

The proposal can be said to comply with the City Council's Strategic Plan in that it works toward the goal of improving economic growth and financial sustainability by improving security options for businesses in Asheville.

There may be minor fiscal impacts. Based on the above findings and the analysis provided in the report, staff believes that the change will have some limited fiscal impact if enforcement by APD is needed when an alarm goes off.

Considerations:

- The primary benefit will be to increase security options for businesses with outdoor storage areas that are susceptible to theft.
- A concern would be increased risk of danger to police, fire personnel, stray animals, and children.

Staff recommends approval of this proposed change as it reflects the desire of the Public Safety Committee to provide this added security option for local businesses.

Mr. Minicozzi felt it was important that the cost is captured for any police calls the calls, and suggested any calls that the Police Department responds to should be handled similar to the calls that the Police Department responds to for burglar alarms.

When Ms. Mathews asked if we allow any other deterrents on fences other than electricity, Ms. Daniel said that there other deterrents but they are not in the UDO, but in the broader Code of Ordinances.

When Mr. Koon was concerned about the impact on fences to protect animals, e.g., chicken coops, Director of Development Services Shannon Tuch said that these fences are not designed for animals, noting there are specifications in the animal control ordinance, which is enforced by the Police Department.

When Ms. Mathews asked how the current fence was installed, Ms. Tuch said that the plans showed that it was a fence, and only after it was built and during a different plan review it was discovered that the fence was electric.

Mr. Koon was not comfortable with the correlation of between a security fence and any electric fence.

Chairman Goldstein opened the public hearing at 4:46 p.m. and when no one spoke, he then closed it at 4:46 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Minicozzi moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances regarding electric fence standards, with the amendment that cost of police calls are handled the same way the burglar alarm calls are handled. This motion was seconded by Ms. Shriner and carried on a 4-2 vote, with Ms. Mathews and Mr. Koon voting 'no'.

(4) Ordinance amending Chapter 7 of the Code of Ordinances regarding the definition of "parking decks, garages, structures" and "parking lots"

Urban Planner Julia Fields said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to add definitions of "parking decks, garages, structures" and "parking lots".

Ms. Fields said that in recent years Asheville City Council added a Table of Uses to Chapter 7 of the Code of Ordinances of the City of Asheville (the City's Unified Development Ordinance). This table provides a chart of various use types and indicates in which zones these uses are permitted or allowed subject to conditions.

Included in the list of uses presented in the table are the uses "parking lots" and "parking decks, garages, structures." Although they have always been in common use, these uses are not currently defined in the definitions section of the ordinance. That is primarily because definitions are often not provided unless or until a use causes concern because it is found that it is being interpreted in different ways be different people. While standard dictionary definitions apply when a term is undefined in the ordinance (per the rules of construction), it is better to add specific definitions of terms found in the code once they are found to cause unintended confusion as to their exact meaning. Regarding these terms, a recent rezoning case led to an appeal to the City's Board of Adjustment related to how staff interpreted these terms (which was consistent with past interpretations). After the Board of Adjustment confirmed the staff interpretation, we felt it would be helpful to confirm these definitions in the UDO, and definitions are proposed in the ordinance.

This proposed UDO text amendment adds two new definitions to Section 7-2-5 of the City of Asheville's Code of Ordinances. These definitions are as follows:

Parking lots. An area of land used for the storage, for limited periods of time, of operable motor vehicles not within a building. "Parking lots" do not include areas for the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles. "Parking lots" as a use type (Section 7-8-1(d)) are further defined as the principal use of a parcel of land for the storage, for limited periods of time, of operable motor vehicles not within a building. Such use may or may not contain an accessory structure on the parcel.

Parking decks, garages, structures. A multi-level building or multi-level portion of a building designed and used for the temporary or long-term parking of operable motor vehicles. "Parking decks, garages, structures" as a use type (Section 7-8-1(d)) are further defined as the principal use of a parcel of land for multi-level storage within a building for limited periods of time, of operable motor vehicles.

This wording amendment is designed to provide specific definitions for two terms found in the Unified Development Ordinance. "Housekeeping" amendments such as this one are not specifically addressed in any of the City's adopted plans.

Considerations:

- Provides a specific definition for terminology found in the Unified Development Ordinance.

City staff recommends approval of this wording amendment.

Ms. Carter felt that adding these definitions will affect some of the other standards in the UDO, and felt the Commission should continue this action until a later date.

Chairman Goldstein opened up the public hearing at 4:51 p.m., and when no one spoke he closed the public hearing at 4:51 p.m.

Mr. Minicozzi moved to continue this discussion until their mid-March meeting (March 20, 2013), and continue the public hearing until April 2, 2014, to provide the Commission with more information on the definitions and the expansion of definitions. This motion was seconded by Ms. Carter and carried unanimously on a 6-0 vote.

At 4:55 p.m., Chairman Goldstein announced a 5-minute recess.

Discussion Items

GroWNC Toolkit

Ms. Linda Giltz, from the Land-of-Sky Regional Council explained the regional plan and toolkit for GroWNC. She reviewed the 3-year process which is a listening and planning process that has examined issues relating to growth and economic development in the 5-county region. Residents of Buncombe, Haywood, Henderson, Madison and Transylvania Counties provided their input, ideas, and solutions related to economic development and job creation, natural and cultural resources, housing, transportation, land use, energy, and health that has helped to create a plan for our future.

GroWNC is an effort to generate interest within our community in collectively working together to create our future. GroWNC seeks to identify and implement actions, steps and ideas that will create more jobs, lower housing and transportation costs, and carefully use our natural and cultural resources so that our children and grandchildren can enjoy them.

Ms. Giltz then reviewed the GroWNC executive summary. Using the GroWNC website, she demonstrated how to navigate their website to obtain valuable information, including the land use modeling tool.

Mr. Minicozzi suggested coordinating with the Chamber of Commerce and other counties to get their incentive packages included on the website.

On behalf of the Commission, Mr. Goldstein thanked Ms. Giltz for informing the Commission on this very useful regional planning tool.

Consideration of the Haywood Road Vision Plan for Adoption by City Council

Urban Planner Alan Glines said that this is the consideration of adoption of the Haywood Road Vision Plan.

The Haywood Road Vision Plan has been developed through an initiative by the West Asheville Business Association and interested local residents to improve the corridor and identify revitalization strategies. The first meeting was held in 2002. Since the effort was organized by WABA, the initial efforts focused on encouraging new businesses, special events and beautification efforts. In 2003, staff from the former *City Development* office (a sub-unit of the Planning and Development Department) began to coordinate meetings and focus on major challenges and areas of potential for the corridor. Over time components that defined the future vision became the focus of the plan committee as the existing zoning, current infrastructure trends and a lack of a community future vision were seen as current challenges and future opportunities.

Over the number of years the progress was made on the plan but then would need to be postponed due to other department priorities or staff obligations. Major milestones in the creation of the plan are as follows:

- 2005 Focus areas of the plan were identified by the committee members
- 2006 Preference survey created and sent to adjacent property owners with 450 responses
- 2007 Large community meeting held to illustrate priorities of the survey and the focus areas for developing the plan and identifying strategies to implement
- 2009 Creation of the Downtown Master Plan requires meetings for Haywood Road to address changes to Central Business District (CBD) zoned properties
- 2010 UDO changes adopted to modify the downtown and the west Asheville CBD areas which reignites interest to complete the study for the remainder of the corridor
- 2011 Priorities are reviewed again and a second preference survey sent out to adjacent property owners to consider any changes in community priorities with 600 responses;
- 2012 Large community meeting held to correlate findings with the draft Vision Plan priorities and to finalize community strategies.
- 2013 City Council community meeting was conducted in West Asheville: points of the Vision Plan presented again and form based code process for Haywood Road introduced to the community; in September the planning charette for Haywood Road Form Code project with Code Studio team was held to address land use, potential growth and roadway issues

The final version of the plan developed through the wide range of community outreach identified six community priorities: Transportation and Streetscape Issues; Historic Preservation; Zoning and Land Use Issues; Economic Development; Safety; and Neighborhood Issues.

Transportation & Streetscape issue highlights include (1) Complete Streets and Streetscape Improvements; (2) transit improvements and a reduction of driveway curb cuts from 36%; and (3) increases use by pedestrians and bikes.

Historic Preservation issues highlights include (1) there are two historic districts in west Asheville; and (2) a form based code can help with historic preservation.

Land Use and Economic issues highlights include (1) consolidate zoning districts through form based code project; (2) community supports new mixed-use development (3) and creation of pedestrian districts with local character and new green space; (4) support for new and expansion of local businesses; (5) maintain variety of businesses and fill in with daily and weekly needs within the corridor; (6) streetscapes affect economic vitality; and (7) parking is a growing challenge.

Safety and Neighborhood issues highlights include (1) drive curb-cuts on corridor are a safety issue - 36% of the length of the roadway; (2) crosswalks and sidewalks with pedestrian signals needed - also I-240; (3) more pedestrians on the street make the entire community safer; and *4) facility social media and other out of the box ways to communicate with the community.

Each one of these priorities was identified with a list of needs or opportunities for improvement along the corridor. The items identified will be the focus of the City where appropriate and for others may be community driven efforts.

Two areas of the plan, Zoning and Land use and Transportation and Streetscape are being addressed through the Form Based Code process that is underway and will be finalized with the adoption of a new zoning code for sections of the corridor. These topical areas are getting a fine level of planning through this process.

Community plans are generally reviewed by the Planning and Zoning Commission and then are accepted in some form by City Council.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors in the city. The Haywood Road Vision Plan is a corridor based study looking at future development that provides direction for the community's growth and redevelopment. The Comprehensive Plan encourages neighborhood plans developed through community input and feedback.

The Haywood Road Vision Plan fits within City Council's goal for Economic Growth and Financial Stability because the plan seeks to leverage investment in community infrastructure and create strong mixed-use neighborhoods. The plan relied on community input to develop goals for the corridor.

Staff recommends the adoption of the Haywood Road Vision Plan because it provides direction for the community's future and was developed with community input. He will bring the Plan forward for the Commissioner's review and adoption at their February meeting.

The following individuals spoke in support of the Haywood Road Vision Plan noting the hard work it has taken to get to this point with the help of residents and Planning staff (particularly Alan Glines):

Mr. Steve Rasmussen
Ms. Linda Giltz
Ms. Leslie Fay
Mr. Alan Ditmore
Ms. Alice Oglesby

Ms. Mathews noted that in term of historic preservation, the North Carolina historic tax credits are ready to sunset and we will be losing a big incentive for development.

There was discussion of how the Haywood Road Vision Plan will relate to the 2025 Comprehensive Plan.

When Mr. Minicozzi questioned a possible West Asheville Commission, using the model of the Downtown Commission, Mr. Glines said that topic came up a number of times through this process, and it's possible that they might come forward with a request at a later date.

On behalf of the Commission, Ms. Carter thanked the residents in the west Asheville area for their dedication to this Plan, noting what they have accomplished is a model for other corridors.

2025 Plan Land Use Recommendations

Ms. Carter said that the information captured in this summary document results from a series of Planning and Zoning Commission and Planning staff work sessions, which began to take place after a number of controversial or/or difficult rezonings came before the Commission. The Commission identified and prioritized a number of areas and corridors that need further attention because they fall into one or more of the following challenge areas outlined below. Maps of the Commission's study areas are available on the City's FTP site.

Ms. Carter, along with the assistance of Mr. Minicozzi, briefly reviewed with the Commission the following results:

Challenge One: Zoning Hot Spots

The City of Asheville's Planning and Zoning Commission began its conversation about zoning hot spots—those areas for which the existing zoning is not well matched with today's development pattern—in response to a handful of controversial applications that came before the Commission in 2012 and 2013. Of the rezonings that caused the Commission to look more closely at these areas, the properties in question were zoned according to the land use in place when the property received its zoned classification. In other words, the properties were zoned to match their current use rather than what the future use should be. For example, the Kenilworth/Caledonia properties and the current Harris Teeter site are two examples of zoning hot spots. When the UDO was adopted, the Kenilworth/Caledonia properties were zoned institutional to match the use on the largest parcel of the group of parcels, which at the time was Charter Behavioral Health, an inpatient mental health facility. When the facility closed and that use stopped, the zoning remained when the use transitioned from a truly institutional use to a multi-family use. Likewise, car lots were considered to be a highway business use, therefore, the former Deal Motors site, now Harris Teeter, was zoned Highway Business. In both instances, it is likely both properties would receive a zoning classification more fitting to the areas; and not what they are currently zoned. If the properties were zoned for the first time using the current UDO and using the comprehensive plan's vision for long term change, they'd likely be less controversial. It is the Commission's experience that these hot spots, when ready for development, become controversial and the development process becomes more unpredictable, as evidenced by the two examples provided above.

Therefore, the Commission, per the "Annual Review" process of the Comprehensive Plan (UDO 7-4-2(a)), the Commission, with the assistance of staff, studied the existing zoning map against the recommendations of the Comprehensive Plan. This study process was done to consider future redevelopment needs (UDO 7-3-2(a)(2)) as well as bench-test the zoning against the Comprehensive Plan (UDO 7-4-1, and 7-4-2). In that, the group identified a list of areas defined as "hot spots", and prioritized them according to several principles defined by the Commission. The Commission is recommending that City Staff address these "hot spot" areas in

order of priority and make recommendations for zoning amendments to make them more consistent with the recommendations of the 2025 Plan, per UDO 7-3-2(a)(1) and 7-4-2(a). The property owners should be involved with this process as early as possible, and the Commission seeks recommendations from Council as to the best process. Additionally, in many cases the direction in the 2025 Plan may provide useful guidance for the map and code amendment process which could resolve conflicts that have happened in the past.

Challenge Two: 2025 Plan Challenges and Changes

As the Commission hears and deliberates rezonings, members are required to decide whether rezoning decisions are, or are not, consistent with the City's 2025 Plan (or other adopted plans). There are times when it is difficult to determine whether or not a rezoning is consistent with the 2025 Plan, Some of the challenges the Commission encounters include:

There are rezonings where evidence leads some Commissioners to conclude that the rezoning is not consistent with the 2025 Plan, yet the proposed project is consistent with the rules in the UDO.

Some projects meet one goal in the Plan, but conflict with a different Plan goal. For example, the Plan supports an increased supply of multi-family housing, but should the Commission recommend rezoning an industrial parcel (also greatly needed) to accommodate multi-family projects?

The Commission has noticed areas of transition that are inconsistent with the 2025 Plan. For example, the area around Mills Gap/Hendersonville Road, identified as a mixed use area, is becoming a multi-family housing hot spot. There are also areas of transition that are not addressed by the 2025 Plan, such as areas annexed after the 2025 Plan was adopted, nor has the 2025 Plan been reconciled with other Plans, such as the Downtown Master Plan. Because the areas in transition are not directly addressed in the Plan, the Commission takes a piecemeal approach to rezoning recommendations, when it is the Commission's preference is to look at these areas holistically. For example, the Commission identified a number of development areas targeted as Urban Villages on the future land use map. Current market conditions aren't supportive of these types of projects, so how does the Commission look at the overall implications of the market conditions and development patterns rather than dealing with the conditions one project at time?

Therefore, the Commission, with assistance from staff, studied future land use maps in the 2025 plan to identify areas that were planned to develop in one way but are now developing differently and areas that, due to circumstances, will likely not develop in the way 2025 Plan intends. The Commission recommends a process that either amends the existing 2025 Plan, or ends with a new comprehensive plan for the City.

Zoning Hot Spots and 2025 Plan Conflict Areas Table: A map amendment would be a change in zoning to conform to the area's actual or ideal development pattern, or to bring current zoning in compliance with the recommendations of the 2025 Plan.

Area	Summary of Area/Conditions	Commission Ranking
<i>Studied and Ranked as a Priority</i>		
Patton @ Louisiana	The intersection of Patton/Louisiana is listed as Urban Village. Underlying zoning is HB. Kmart may experience a retrofit or sale similar to the Hendersonville Road Kmart, though P&Z is split on	9.29

	whether the market pressure is there. Also, the 2025 Plan calls for modifications to Patton. These modifications could spur positive redevelopment of Kmart. This will need an area plan and work with NCDOT to get corridor changes suggested in the 2025 Plan. The lack of grid connectivity causes transportation congestion at the intersection.	
Beaverdam @ Merrimon	Like the Harris Teeter site, this is a large area zoned HB. The context of Merrimon is not a highway, and the zoning may be a legacy of the UDO implementation. Like Harris Teeter, the 2025 Plan has identified it to grow as "urban" area.	8.29
Richmond Hill @ River	2025 Plan calls for an urban node at Pearson bridge. Part of this land is in the floodway or on a steep slope. There have been dramatic changes to this area with the burning of Richmond Hill Inn and the relocation of the Armory since the adoption of the 2025 Plan. Additionally, the River District Design Review Committee has taken a more active approach to the River Area. Send to River Commission to get their recommendations.	7.43
Wilmington (Mini-Storage)	HB zoned area in the middle of W. Asheville neighborhood, probably a legacy of the UDO adoption. The potential for neighborhood conflict is great, given the context of this zoning.	6.86
Studied and Not Ranked as a Priority		
Lower McDowell	The 2025 Plan calls for this area to become an Urban Village, to complement its location between the Hospital and Biltmore Village. Zoning needs to be bench-tested against plans for hospital and changes to Biltmore Village to ensure compatibility.	4.29
Old Country Home	Area of HB Zoning not on the highway. Incongruent with what may work for property owners, and may be a legacy of UDO adoption.	4.00
Smoky Park near I-40	Area near the I-40, Smoky Park interchange that is called for becoming an Urban Village in the 2025 Plan. At the time of the adoption of the 2025 Plan, there were several "village styled" developments happening in the area, so the logic may have been to consolidate or streamline the process for others. The 2025 Plan also calls for this area to maintain its "Regional Commercial" status, which may be in conflict with the former recommendation.	2.86

Crown Plaza	2025 Plan calls for an Urban Village, though this area is also within the I-26 impact area. The Resort has reprogrammed themselves since the 2025 Plan, and I-26 is still in a holding pattern. The Asheville Design Center did study this area and crafted design options for Patton and redevelopment of this area as an Urban Village form. Their plan considers an alternative street section for Patton, that conforms to the recommendations in the 2025 Plan as a neighborhood corridor.	2.57
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Challenge Three: Campus Master Plans

The 2025 Plan calls for the City to work with some of the City's larger campus institutions (UNCA, AB Tech, Mission) in order to plan for land use changes around the campuses. It is the Commission's understanding that Planning staff does not have campus master plans for these institutions. This is also become more critical since changes by the legislature have changed the City's ability to grow (with the loss of annexation) so these non-taxable entities have an impact on the taxable basis of the rest of the community. It is desirable that they be efficient, which is the intent of the 2025 Plan.

Therefore, as recommended in the 2025 Plan, the Commission recommends that conversations with each of the larger institutions take place to encourage these entities to align their growth plans with the City's growth and development. For example, encourage infill, multi-modal transportation, sustainable development, etc. The Commission requests that the institutions share campus master plans (if they have them) or involve planning staff in their planning process (if they are creating one).

Campus	Summary of Area/Conditions	Commission Ranking
UNCA	Since the 2025 Plan adoption, UNCA has done several large development projects on campus and has increased activity in expanding their non-taxable area.	7.71
AB Tech	Since the 2025 Plan adoption, AB Tech has done several large development projects on campus and has increased activity in expanding their non-taxable area. They have also adopted a sales tax revenue stream to fund projects on campus. The conflicts of an AB-Tech project spurred this Commission's interest in the Map Amendment project.	7.71
Mission	Since the 2025 Plan adoption, Mission has done several large development projects on campus and has increased activity in expanding their non-taxable area. Mission's work has drawn the interest of City Council and City Staff. Conversations of a master plan have already been started.	7.71

Challenge Four: A New Development Environment

The growth management and development environment in which the Commission (and the City) now works differs greatly from the environment of 2003 when the City adopted the 2025 Plan. For example, recent regulatory changes, such as the relinquishment of the City's

Extraterritorial Jurisdiction and the end of forced annexation affect how the City can grow, which in turn raises a number of policy questions for the City. Additionally, based on conversations with the City's planning staff, there are a number of projects and plans on the horizon (e.g. Haywood Road Form Based Code, the Multi-Modal Transportation Plan, exploration of additional zoning tools to increase density) will affect the Commission's work. All of these questions and projects take time. Meanwhile, the Commission continues to make recommendations on proposed rezonings and other projects on a monthly basis. Therefore, the Commission requests an opportunity to engage with Council and staff to ensure that the Commission's decision making is in line with Council goals, policies, and upcoming projects.

Challenge Five: Expiring Projects

While evaluating the 2025 Plan maps, the Commission also worked with staff to identify large development projects with permits set to expire in January 2014. These projects were planned and permitted just as the economy took a downturn in 2007-2008. When the permits expire, the properties will either revert back to the original zoning or the Planning Director can assign a zoning classification. Therefore, the Commission, with assistance from staff, identified these projects and provided a basic recommendation regarding what should happen when the permits expire.

Legacy Plans	Summary of Area/Condition	What should happen when permit expires?
Carrier Point	Multi-unit development along Amboy set to expire on 1/14. Approved at RM16, underlying zoning is RM8.	Revert to RM8
Whitaker Hill	Like Montford Commons, the permit won't expire. The approved plan necessitates a great deal of infrastructure to accommodate the approved plan. The neighborhood has been very involved with this project. Pro: it has a tangible plan.	No changes needed
Silverman	Permit expires on 1/14. There is market interest in the area.	Reverted back to River
Montford Commons	Permit won't expire. The approved plan is very ambitious. The neighborhood is keenly interested in this project. There may be deed issues with the site, and the elementary school renovation will impact the plan to some degree. Pro: it has a tangible plan.	No changes needed.

Priority Corridors

While not exactly hot spots, the Commission also studied and ranked important corridors. The top corridors the Commission picked to evaluate are those that have a lot of development pressure and/or potential. The Commission believes that these corridors need special attention to address development that is in context with the desired character of the corridor, similar to the Haywood Road Form Based Code project.

Corridor	Summary of Area/Condition	Commission
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		Ranking
Studied and Ranked as a Priority		
Merrimon Avenue	Entire corridor, see hot spot conversation for few specific areas.	24
Patton Avenue	The Patton Connector was originally contemplated as a West Asheville bypass to expedite traffic to the Smoky Park Highway and on to Haywood County. That use was supplanted by I-40, and the suburban uses have largely transitioned to more local uses. The 2025 Plan contemplates this area for a large amount of infill development in several nodes.	18
Charlotte Street, South of 240	Lots of re-development potential, how to best use City owned land?	12
Charlotte Street, North of 240	A lot of potential, City owned street, existing corridor planning project	8
Hendersonville Road @ Mills Gap Road	Area of Hendersonville Road (between Hendersonville Road and Sweeten Creek) contemplated for Urban Village. Area has a history of mixed uses and industrial, also conversions to higher density residential. It lacks coordination between parcels and will have issues with NCDOT street sections, similar to issues of Patton and Merrimon.	7
Smoky Park Highway		2
Studied and Ranked as a Priority		
Tunnel Road #1	This span is from the tunnel to Kenilworth Road. It's the first wave of development of Tunnel, characterized by smaller lots and the central parcel is the old Innsbruck Mall. It has several local connections to the Kenilworth, Beaucatcher, and Chunn's Cove neighborhoods.	0
Tunnel Road #2	This is the span from Kenilworth to I-240, which is a larger lot and more isolated from neighborhoods. The development pattern is large scale regional suburban, with the Asheville Mall as the anchor development and a spur over to the Swannanoa River	0
Tunnel Road #3	This is the span from I-240 to the Parkway. This corridor was supplanted by the creation of I-40, and with it, the regional suburban uses have largely transitioned to localized commercial. Like Tunnel #1, there are many connecting neighborhoods in this corridor.	0
River Road	Refer to Riverfront Redevelopment Commission	0
Ashland Avenue	Expansion of Downtown CBD, Connection to Mission's plans for development.	0

Biltmore Avenue	Downtown to Biltmore Village, Connection to Mission's plans for development.	0
Hendersonville Road	Originally the main vehicular transportation route to Hendersonville, the route was superseded by the creation and expansion of I-26. Over time, the land patterns adjacent to Hendersonville Road have transitioned from rural to suburban and in some cases, urban. Given the land development patterns and the densities in South Asheville, the area will continue the urbanized trend as more development happens. The 2025 Plan contemplates this and calls for areas of higher capacity development as well as adjustments to the street section in places along Hendersonville Road. This corridor made the Commission's list because several developments have come in that didn't achieve the goals of the 2025 Plan, though they were compliant with underlying zoning.	

It was the suggestion of Ms. Mathews, and consensus of the Commission, to include Buncombe County and City of Asheville in the conversations to encourage these entities to align their growth plans with the City's growth and development.

Planning & Development Director Judy Daniel said that she has and will continue follow-up with UNC-Asheville, Mission Hospitals and A-B Tech on their campus master plans.

On behalf of the Commission, Chairman Goldstein thanked Ms. Carter and Mr. Minicozzi for spearheading this project and the enormous amount of time necessary to create this document.

Ms. Daniel said that she will be meeting with the City Council Planning & Economic Development about the Commission's conclusions.

Ms. Mathews moved to accept the summary document, with the addition of adding the City of Asheville and Buncombe County in the conversations to encourage these entities to align their growth plans with the City's growth and development. This motion was seconded by Mr. Minicozzi and carried unanimously on a 6-0 vote.

2025 Plan Update and Changes - Strategic Planning Efforts 2014 - 2018

Planning & Development Director Judy Daniel said that the City of Asheville is moving into a dynamic new phase of growth, requiring new strategies for moving into the future. Staff believes that the 2025 Comprehensive Plan, although visionary in its direction and strategies, is too complexly structured to provide the guidance for the challenges the City now faces related to resiliency in the face of climate change, shortages of affordable housing, food safety, the need to ensure sustainable neighborhoods that are but fully livable, walkable, and transit friendly.

To meet these challenges this Department recommends the following, with alternative options, for discussion with the Commission. Some of these strategies are already underway, some have been presented in past years to the Council and the time is now ripe for more bold action, and some are new recommendations.

Comprehensive Plan

New Comprehensive Plan Project - We recommend that Council authorize a new Comprehensive Plan effort that would begin in the latter part of 2014. This would be in the nature of a comprehensive vision plan for the city, not an older style, word/background heavy, comprehensive plan. It would establish a City-wide vision affecting all areas, and provide general conceptual visions for neighborhoods and corridors. The concept would allow subsequent form based code projects along the major commercial corridors and neighborhood centers to have a baseline for the more detailed visioning process required for those efforts. Staff would initiate and augment this effort with an extensive public education and outreach campaign, using the full range of traditional and new outreach tools.

The estimate cost for such an effort, recommended to begin in the fall of 2014, would be in the range of \$150,000 to \$250,000 (depending on the complexity of issues to be addressed) and would probably take 1.5 to 2 years to complete and adopt. The lower level of detail should make it easier to complete, although the adoption process would require extensive public outreach.

Alternative - Should the Council not choose to allocate that level of funding, a reaffirmation of commitment to the principles and goals of the current 2025 Plan could be completed by staff with some contract planning assistance for public outreach and communications. The end product of this would propose modest changes resulting from the P&Z study or other groups such as the River Commission, and include a recommendation to fully revisit the 2025 Plan by 2018. The cost for a consultant for that effort would be in the range of \$30,000 to \$50,000. Staff would also initiate and augment this effort with an extensive public education and outreach campaign, using the full range of traditional and new outreach tools.

Corridor/Area Planning

We recommend that Council allocated funding for up to two "Form Based Code" corridor or area planning efforts each budget year for the next 5-6 years. Two per year is probably all that can be reasonably and thoroughly completed.

The cost for consultants for these efforts will vary with the size of the corridor or area, the existing level of agreement (or not) about what the "form" should be, and the complexity of issues to be addressed. We recommend that Council authorize funding each year for two efforts in the range of \$100,000 to \$250,000 depending on the complexity of the projects recommended for that year. The table below outlines these proposals, their cost ranges, and proposed timeframes. Pending discussion, staff will present Commission and staff recommendations to the PED Committee for their consideration on January 21.

UDO Update

While the UDO is already problematic and in need of updating, we recommend deferring that effort until completion of the revised Comprehensive Plan, as its vision will guide the changes needed. In addition, over time, as more corridors and areas have form code adopted, they will guide ongoing change to certain areas of the UDO, gradually replacing the majority of the existing Euclidian zones. The UFO update would be in the range of \$250,000 to \$350,000.

Certain areas of the UDO could, however, be updated independent of the comprehensive reconsideration. Staff will continue to propose some changes, as problems are noted; but areas such as the sign code could be evaluated before the full update. A consultant for that type of independent element work would be in the range of \$75,000 or so.

Planning Efforts

Element	Low Cost	High Cost	Start Effort	Completion	Actor
New "Vision" Comprehensive Plan	\$150,000	\$250,000	9/14	2016 or 2017	Consultant
OR					
Reconfirm/Update 2025 Plan	\$30,000	\$50,000	9/14	2015	Staff with contract Planner assistance for outreach effort
Form Base Code Rolling Corridor Plans – cost per contract/ 1-2 per year	\$150,000	\$250,000	7/14	2019 – 2020	Annual Cost for Consultant Fee
Full UDO Update	\$250,000	\$350,000	2017	2018	Consultant + Attorney
OR					
Partial UDO Update	\$50,000	\$100,000	2015	2016	Consultant

Staff Efforts

While the above recommendations are for consultant driven, staff-managed projects; there are also changes the staff can undertake concurrently that will enhance those efforts. These include:

- 1, After completion of the Comprehensive Plan, staff recommends renaming the majority of the existing zoning districts so that they reflect the character and intensity of the zone, not a "use" type. Most of the non-residential zones are already mixed use, and with that technical change, their name will reflect that. Similarly, the residential zones can be renamed to reflect the general character of their intensity rather than a "dwelling units per acre" indication. As the city moves toward an increased level of form coding, this change will allow people to more easily think of the zoning districts in this way rather than uses. We have already contemplated proposed names, and the technical requirements are small (just a UDO change), but the effort would require substantial public outreach, most efficiently completed as a part of the outreach efforts during and following approval of a new comprehensive plan.
2. Since the ongoing form code projects will take a number of years to complete, the city will be using existing zones, many of which are only mapped in a few places and are very similar to other existing zones. Staff proposes to undertake a study of these zones and make recommendations for consolidation of some of these zones, through the addition of criteria that mitigate the reasons that these occasionally used zones were created. This has been proposed before, but as we move away from the mental construct of Euclidian zoning, such proposals become more politically viable.

3. Evaluate potential for a revised effort to allow easier approval of duplex, tri-plex, and four-plex structures in single-family neighborhoods through use of standards relating to existing average structure and lot sizes in the neighborhood, providing adequate parking, and if possible, some architectural guidelines. The HRC Preservation Plan effort is considering proposing a new "conservation district" that has more architectural protection than a national historic district, but is not as strict and detailed as the standards in a local historic district. The combination of these efforts, paired with a staff study of existing multi-family structures in older neighborhoods that are considered acceptable in size and design, could be a means to add some density potential without being offensive to surrounding single family residents.

The table outlines these potential staff efforts.

Staff Projects UDO	Low Cost	High Cost	Proposed Start	Funding Cycle	Actor
Residential Density in Commercial Zones	\$0	\$0	Underway	NA	Staff
New Higher Density Multi- family Zones	\$0	\$0	Underway	NA	Staff
Collapse Zones	\$0	\$15,000	1/15	FY 2015	Staff with outreach Consultant
Rename Zones/Mixed Use	\$0	\$25,000	1/17	FY 2016	Staff with outreach Consultant
Form Based Density in Residential Districts	\$0	\$15,000	1/18	FY 2017	Staff with consultant

There was discussion of Ms. Daniel's planning efforts, some questions/comments consisted of: with all the consultants and staff time involved in these projects, should the City hire someone to do long-range planning; concern that the cost of the Haywood Street Corridor Vision Plan was \$100,000 and there are 13 recommended corridor plans on their priority corridors; implementing a form based code on the corridors which would compliment the existing 2025 Plan; and does the form based code need to be codified, and if so, request to make the UDO and the form based code more user friendly.

Other Business

Chairman Goldstein announced the next meeting on February 5, 2014, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 6:32 p.m., Ms. Carter moved to adjourn the meeting. This motion was seconded by Ms. Shriner and carried unanimously on a 6-0 vote.