

**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 May 15, 2014  
1st Floor North Conference Room - City Hall

**Present:** Chairman Jeremy Goldstein (left meeting at 6:27 p.m.), Kristy Carter (left meeting at 6:41 p.m.), Jane Gianvito Mathews and Joe Minicozzi

**Absent:** Mr. Jim Edmonds, Vice-Chair Holly Shriner and Mr. Karl Koon

#### **Pre-Meeting - 3:30 p.m.**

The Commission discussed the procedures for the meeting as two of them needed to leave before 6:30 p.m., and there was concern about maintaining a quorum. They also discussed the potential for submitting a letter of recommendation to the City Council regarding the land use implications of the various options for the I-26 connector.

#### **Regular Meeting - 4:00 p.m.**

Chairman Goldstein called the meeting to order at 4:00 p.m. and informed the audience of the public hearing process.

#### **Administrative**

- On behalf of the entire Commission, Chairman Goldstein thanked Planning & Development Director Judy Daniel for her service to the City of Asheville.

#### **Agenda Items**

- (1) Request for Level II review of a proposed 52,628 square foot building containing 48 residential units at 150 Coxe Avenue (Chrysler Lofts Phase II) on a .34 acre site, PIN 9648-38-4263. The property is owned by Coxe Avenue Properties, LLC and the contact is Brian Kaiser. Planner coordinating review – Alan Glines.**

Due to a conflict of interest by Chairman Goldstein, Ms. Carter moved to appoint Ms. Mathews as temporary Chair. This motion was seconded by Chairman Goldstein and carried unanimously on a 4-0 vote.

At Chairman Goldstein's request, Ms. Carter moved to recuse Chairman Goldstein from participating in this matter due to a conflict of interest. This motion was seconded by temporary Chair Mathews and carried unanimously on a 4-0 vote. At this time, Chairman Goldstein handed the gavel over to temporary Chair Mathews and left the meeting room.

Urban Planner Alan Glines oriented the Commission to the site and said that this a review of a Level II site plan review for new construction for 48 residential units and associated parking on a corner parcel in the south slope area of the CBD.

The project site consists of a single parcel with an area of .34 acre and primary frontage on Coxe Avenue and secondary access from Banks Avenue and frontage along Collier alley. The proposed building will fill the site and the associated parking structure will occupy the lower four floors of the building. There is not active use on this location but the site was planned for surface parking for the neighboring project approved as Chrysler Lofts in 2013. The lower level of the structure will provide parking for the existing Chrysler Building. The site is outside of the traditional downtown core and is in the tallest height zone. Coxe Avenue is a key pedestrian

street and the garage will have primary access from Coxe Avenue and an entrance to the second level with access to the upper deck levels from Banks Avenue.

The developer is proposing to construct a new building with 53,000 square feet of conditioned space with 48 residential units atop a four-level parking structure. The design details of the structure relates to the proposed uses, so that the lower levels with the parking structure have a different character than the residential units on the four top floors. All sides of the proposed building are fenestrated to varying degrees and the structure will be eight stories tall in total.

Primary pedestrian access will be from Coxe Avenue which will enter into a residential lobby and a commercial space with its entrance and frontage on the ground level of Coxe Avenue. This space provides a liner building to the parking structure with some additional fenestration which is a UDO requirement. Wide sidewalks surround both sides of the building and the existing Conabeer building

Parking is provided by the parking structure. Although off-street parking is not a requirement in the UDO, the development is parking for its needs and for the Chrysler Lofts development next door. On-street spaces are proposed along three street frontages surrounding the property.

Street trees are required for this project for the two street frontages. The project appears to meet the standards for landscaping providing trees in 5 X 5' grates and some in planter areas. The small planter area in front of the proposed building along Coxe Avenue was recommended to be limited during review at the Downtown Commission. The Collier Avenue improvements were shown on the plans for discussion only and are **not** intended to be a requirement for this project.

*Fenestration and primary pedestrian entrance-* The project meets fenestration requirements which for the ground floor of Coxe Avenue is 70%; for Banks Avenue is 50%. Fenestration for upper floors is required to be 20%. The project architect has provided percentages that show that fenestration requirements are met.

*Base middle cap orientation-* The project is required to offer a clear distinction between the base of the building and upper floors and to provide a clear cap. Staff believes the design proposed provides a sufficient demarcation between lower floors and upper floors and the architectural details provides a clear cap. The base material is predominately masonry veneer and stucco for floors above the parking floors. The roof area changes color to a lighter material finish.

*Street Wall-* The project provides a street wall step-back at the streetwall height which is established at 66 feet for Coxe Avenue. This step-back and additional building setbacks along Banks Avenue provide a total of over ten percent of the lot area exceeding the UDO standards for step-backs.

*Tower Size-* This project is eight stories but is below the threshold for highrise structures so the tower design standards are not applicable.

*Streetscape-* The proposed streetscape follows the pattern established in downtown with concrete sidewalks. Although the plan does not define it, the sidewalk has been suggested by staff to be scored in a downtown running bond pattern. The sidewalks meet minimum downtown standards along Coxe Avenue and Banks Avenue and along Buxton, the limited right-of-way area will provide a slightly narrower sidewalk up to 8.5 feet wide. Street trees will be placed in tree grates and some additional trees will be located in planter spaces.

The project is proposing a masonry veneer along the lower floors of the parking structure. Above this level, the fifth floor and above the building will have a lighter stucco finish. At the

streetwall height, the material provides a stepback and different lighter color stucco. The roof structure is signified with a wider cornice line and bracketing. Clear glass and an aluminum storefront system will be used on the ground floor and a metal screen will be provided for the parking levels. Residential levels will have typical residential windows.

The adjacent Chrysler Lofts project (162 Coxe Avenue) was approved in 2013 to provide 24 residential units and ground level commercial space (totaling 28,000 square feet) and was a Level II project. Both projects combined together are still a Level II review subject to provisions of review found in 7-5-9.1 of the UDO.

This project was reviewed by the Technical Review Committee on March 17, 2014, who felt that technical standards could be met. The Downtown Commission provided consideration but continued the review until the May 9, 2014, regular meeting. The delay was caused by materials not being brought to the review session and some design disagreement between some materials submitted for review. At the May 9, Downtown Commission they unanimously supported the project. The Planning and Zoning Commission will be the final review body for this project.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Considerations:

- Coxe Avenue will receive a new high-profile investment
- Residential units provide needed 24-hour neighbors in a growing area of downtown
- What has been an eye-sore since 2007 will be redeveloped

Staff has reviewed the request and analyzed the requirements in the UDO and we believe that the project meets development standards and goals of the Comprehensive Plan and the Strategic Operating Plan. The Downtown Commission unanimously supported the project at their May 9, 2014, meeting.

Temporary Chair Mathews opened the public hearing at 4:24 p.m., and when no one spoke, she closed the public hearing at 4:24 p.m.

In response to Mr. Minicozzi about the Downtown Commission's conversation about the use of the alley, Mr. Glines said that the developer has pulled that off their plan and will move forward with the appropriate authorities, in conjunction with the neighbors, in the future to address that.

In response to temporary Chair Mathews, Mr. Brian Kaiser, representing the development group, explained where the service deliveries would be happening on the site. Temporary Chair Mathews felt it would be to look at a loading zone for those types of deliveries since the area will be growing and there is already a lot of double-parking taking place.

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 the proposed 52,628 square foot building containing 48 residential units at 150 Coxe Avenue (Chrysler Lofts Phase II) on a .34 acre site, subject to the Technical Review Committee conditions. This motion was seconded by Ms. Carter and carried unanimously on a 3-0 vote (with Chairman Goldstein being recused).

At this time, Goldstein re-entered the meeting and temporary Chair Mathews handed him the gavel to continue presiding over the meeting.

**(2) Request for a wording amendment to the Unified development Ordinance Section 7-8 concerning residential development density standards in certain commercial zoning districts. Planner coordinating review – Judy Daniel**

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance regarding residential development density standards in certain commercial zoning districts.

As a part of staff ongoing evaluation of the UDO and its relationship to the 2025 Comprehensive Plan and Council priorities; the issue of residential density in commercial zoning districts began to rise to the top over the past year in terms of its disconnect between policy and regulations. Most of the commercial zoning districts allow some level of residential density, yet in most of these districts the allowed density would result in less intensity of use than the commercial uses allowed. Additionally, developers may be unaware of this residential potential. This alone is contrary to Council policies of moving toward more mixed use land use patterns. Concurrently, Council has become increasingly concerned about the need for more affordable housing, so an evaluation of how any changes to residential density could include affordable housing incentives was included in the staff research.

At the same time, the Commercial Industrial district has come under scrutiny because of increasing Council concern about the loss of industrially zoned land. So staff decided to evaluate whether residential development should be encouraged in this district. After this evaluation staff concluded that changes to the residential density are warranted and the changes noted on the spreadsheet are proposed.

The primary intent of these proposed changes is to provide an incentive for developers to consider using housing as part of a mixed-use development, or as the primary use on currently underutilized commercial property. It is a direct incentive, in that no benefits like green development or affordable housing are required. Those incentives have not been used and at this time, staff believes that Council is interested in options that will more directly incent multi-family housing in areas that are not as likely to face neighborhood opposition. We believe that tying the allowed density to already allowed commercial potential, is the best means to reassure adjoining residential property owners. The secondary intent is to provide an incentive for building affordable housing. The third intent is to suppress interest in residential development in the Commercial Industrial zone.

In determining a recommendation for added residential potential the staff evaluated the number of properties and acres mapped in each district and considered the development potential in each for commercial property. Our intent was to propose added density in the selected districts that approximated the potential intensity for commercial development in these zoning districts. The recommended districts are thus roughly equivalent in intensity to what is already allowed (taking into account setbacks, height, parking, buffers, etc.). There are too many variable factors for this to be exact, but the exercise led to a rough approximation of this potential that allows us to propose generally viable densities.

A limiting factor in development would be the type of development proposed. Using a table, she noted that densities in the Highway Business and Regional Business are already approximately at capacity unless structured parking is used. Development at a suburban scale with surface parking does not lend itself to graceful higher densities. The task would be to work with developers in these districts, which have so much redevelopment potential, to consider more urban development patterns that incorporate mixed use and higher densities, and requiring structured parking.

While this evaluation began as a method to increase residential density in these commercial districts overall, subsequent consideration of Council interest in affordable housing led staff to propose a secondary objective of also providing an incentive for building affordable

housing. The proposed change establishes increased density in all noted districts, and then allows additional density if 10% of built units are designated as affordable. The methodology was to consider the highest logical density expectation for these districts, setting that as the density with affordable housing; then reducing that density by a percentage (25% in most districts, 50% in the River District) to establish the base increased density. Legal staff has evaluated this methodology and concurs that it is within the parameters of zoning allowed in North Carolina as it is an incentive, not a requirement.

Council policy also led to the third proposal that substantially reduces residential density potential in the Commercial Industrial district. This proposal derives from Council's ongoing concern with the loss of industrially zoned property for residential or commercial uses in the past year or so. The Council has already requested a study of all industrial property to determine its actual viability for industrial needs in the early 21<sup>st</sup> Century. With that study pending, and with continued interest in rezoning of these properties, it seemed rational to reduce the already limited residential potential in this zoning district, making it more difficult to convert these properties to residential use.

The loss of potential industrial land has become a topic of particular concern for the Council, and they have conveyed the need for staff to plan for an evaluation of these properties in the context of a reconsideration of the comprehensive plan. This district is of particular concern as it is extensively used (currently a bit over 1,800 acres – the second largest in the city), and includes properties that may be important to preserve for industrial or commercial purposes. Since that evaluation is pending, staff proposes that the residential density potential be reduced to the 2 units per acre allowed for the other industrial districts. Although this does result in some loss of development potential, it is our understanding that most property owners in this district are more often concerned with preserving the commercial potential for these properties than the residential potential.

The changes noted in the ordinance and outline on the table propose additional residential density potential in the Office, Office II, Office Business, CB I, CB II, Institutional, River, Highway Business, and Regional Business districts; and a reduction in residential density potential in the Commercial Industrial district. No changes are proposed to the Neighborhood Business, Neighborhood Corridor, Urban Village, Urban Place, CBD, and Resort districts as they either have appropriate density or are comprised of too few properties to make the option realistically viable. And no changes are proposed for the Industrial and Light Industrial districts.

The proposed change sets a higher base density than currently allowed, with additional density allowed if a percentage of affordable housing (10%) is provided.

In response to Ms. Carter, Ms. Daniels explained there are other policy discussions surrounding incentives for affordable housing.

When Ms. Mathews asked if Council will revisit this issue in one year to see if the incentives are working, Ms. Daniel said that they probably will and that they are in the process now of reviewing incentives in general.

In response to Mr. Minicozzi, Ms. Daniel said that Affordable Housing Advisory Committee was very supportive of this amendment. She felt we need more ways to lure more developers to build more mixed-use projects.

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

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans (in the areas of economic development and mixed-use development), and based on information provided in the staff report and as stated in the staff recommendation, Ms.

Ms. Mathews moved to recommend approval of an amendment to Chapter 7 of the Code of Ordinances regarding residential development density standards in certain commercial zoning districts. This motion was seconded by Ms. Carter and carried unanimously on a 4-0 vote.

**(3) Request for a wording amendment to the Unified Development Ordinance Section 7-16-1 concerning the Homestay use, a Use By Right Subject to Special Requirements. Planner coordinating review – Judy Daniel.**

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance regarding the Homestay use, a Use By Right Subject to Special Requirements. She then pointed out several corrections to the ordinance before the Commission.

In recent years the City of Asheville has experienced increasing market desire for short term rentals in residential neighborhoods. That market pressure has led to an increasing number of complaints about illegal short term rentals, and more recently increasing pressure from advocates for them to become an authorized use.

The Council's Planning and Economic Development Committee requested staff to seek additional information on these uses and return with options for the Council to consider regarding how they are evolving and how other localities are addressing these trends. We found this to be an issue of great interest from both sides, with many options that could be considered. After substantial discussion the Committee requested staff to propose changes to the existing Homestay use, a use permitted by right subject to special requirements (USSR) in the RS-2, RS-4, RS-8, RM-6, and RM-16 zoning districts. The Committee further requested that staff return with additional research on short term rental of homes. This report proposes changes to the Homestay use.

Since the 2007 consideration the growth of the internet as a search tool has led to a dramatic expansion of many alternative forms of commerce; as traveler interest in renting furnished dwelling units for short stays has substantially increased. While these uses are in competition with both hotels and B&B's, they are offering different products. One is the rental of a home (with no owner present), the other is the rental of rooms in a home or accessory unit (similar to a B&B but with no food component). Neither is currently allowed.

Asheville has been primarily affected by two arms of this expansion, and economics are the basis for both:

- The first attracts those who are looking for more affordable alternatives to hotels and B&B's, who seek the "AirB&B" concept of renting a bedroom from a person looking for some occasional additional income. Those who rent to this market generally seem to see it as a means to assist with paying their rent, as the prices paid for that type of rental mean that they can host visitors a few times a month and get more income than they can from a long term roommate.
- The second attracts those who are primarily interested in a "home" setting in a convenient and attractive residential location with the advantage of having an outside sitting area and a kitchen. Those who rent homes are either second home owners (who can subsidize the cost of their home through rentals) or those in the property business who generate more profit from short term rentals than monthly renters.

Like many other "urban tourism" oriented places, Asheville has seen a substantial illegal proliferation of these types of uses. (A quick check of the primary internet sites reveals the many places that are available in the city.) Most cities, unless their economy is primarily based on short-term rental tourism (such as beach towns) have not allowed these uses in their residential neighborhoods or have not found them to be a problem.

Complaints and Concerns - Enforcement of the short term rental ordinance is complaint based only, due to staffing constraints. Complaints fall into two categories:

- Specific complaints about a rented house whose tenants are creating parking, congestion, cleanliness, or noise issues – or causing concern among neighbors who are disturbed by frequent transient occupants of a home. With news reports in recent years about home invasions, residential burglaries, and other disruptions those fears may have become exacerbated.
- Specific complaints about housing being rented from those who have been offended by the use and have done their own internet research and provided contact information regarding homes being offered for rent in their neighborhoods.

Staff follows up on both types of complaints, and although the number of complaints is low (12 in 2013 and 5 in 2012), the general resistance from neighborhood groups is consistent and follow-up on the use is time consuming and often difficult. All of these complaints have, however, been related to the rental of homes; not homestay type uses.

In addition to these types of complaints, the Bed and Breakfast Association and the Tourism Development Authority have expressed concerns since these uses are currently proliferating "under the table", not meeting health and safety requirements, and not paying any hotel/motel tax or business taxes, yet providing competition for legal businesses that are following all regulations. The Coalition of Asheville Neighborhoods has also long opposed the expansion of this type of use.

There are other concerns as well. The loss of long term rental units is seen as contributing to the shortage of rental housing in the city, especially smaller homes near downtown and transit routes. This type of renting is coming from those who rent homes as a business, since the second/vacation home owners would not otherwise have anyone living in their property. And it is not as much of a concern with the bedroom rentals.

Yet the use continues to proliferate, and the proponents are now petitioning staff and the Council for the opportunity to legitimate this business. Recently, a local advocacy group has been formed.

Staff research involved internet searches, information from the American Planning Association, and contact with other cities. While cities that are beach resorts have many examples of regulations for these uses, they are not wholly good examples for Asheville, since they are usually either a very casual community where there is an expectation that there will be a high percentage of homes are used for short-term rentals, or they are very highly regulated resort development communities.

As previously stated, Asheville already allows two types of short-term rental lodging in residential areas – Bed and Breakfast inns (B&B's) and "Homestays". Both are permitted as a Use by Right Subject to Special Regulations (USSR) and have similar restrictions. These uses generally work within neighborhoods because they are owner occupied, the regulations for them require off-street parking for their visitors, and the "on-site" management of the owners ensures that noise issues are minimal.

Those who wish to rent out bedrooms in their homes on a short-term basis usually conflict with the existing Homestay standards because they live in homes smaller than currently allowed, they wish to rent an accessory apartment (or garage apartment) on their property, they do not have off-street parking, or they do not wish to be required to serve a meal.

After observing the continued expansion of these uses, illegally, over the past several years; and substantial research of other tourism oriented cities and current market and regulation trends, staff believes that some adjustments to the Homestay option could be made without substantial concern. Although there will be continuing concerns regarding them whether changes are made or not, a benefit of the modifications is that they would allow properly managed operations to be made legal, allowing mitigation of the primary concerns. In addition, providing regulations that limit inconvenience to the surrounding neighborhoods, allow some extra income for homeowners, and provide the traveling public with lower cost lodging options, are desirable outcomes.

On the other hand, our research has shown that some would continue to operate illegally and enforcement would continue to be a substantial concern, as by expanding the use, the City would need to more pro-actively enforce unpermitted Homestay uses. That has seemed to be the response in studied cities. Even so, the reality is that without a very extensive enforcement effort, there is actually no realistic way to keep people from posting rooms or homes for short term rental on the internet sites like VRBO or AirB&B.

As noted in the following table, a range of modifications to the "Homestay" standards are proposed that allow renting rooms in smaller homes, allowing rental of an accessory unit to the home – either part of the home (such as a "basement" apartment) or in an accessory structure (such as an apartment above a garage), eliminating the meal requirement, and requiring that the approval for the use goes with the owner only. The use would continue to be a USSR, staff approved with proof of meeting the requirements.

Staff believes these changes would be minimally disruptive since they adjust a use that already exists with built in safeguards. The standard most likely to prevent many older homes in Asheville from being approved is the requirement for off-street parking. Staff strongly advises not allowing this use when off-street parking is not available.

Staff has recommended reducing the size of home allowed from 2,500 sf to 1,200 sf, reflecting a strong desire for the use in several older neighborhoods of modest sized homes. That size reduction should not be a disruptive factor if off-street parking is available. Allowing short term bedroom rentals in popular neighborhoods where there is already tight on-street parking would cause concern.

#### HOMESTAY USE PROPOSED CHANGES

Element	Homestay Current	Proposed Change	Rationale for recommended change
Number of Rental Rooms	1-3 maximum	No change	
Occupancy Limit	Not noted	No change	Reflects existing standard for SF homes
Size of Structure	2,500 sf	<u>1,200 sf</u>	Smaller size allows more homeowners to participate
Minimum Lot Size	Not noted	No change	
Length of stay	1 -30	No change	
Meal required	Morning meal required, evening snack allowed	<u>No meal required</u>	Reflects market trends, no observable disadvantage
Residence of owner on property	Required	No change	

Percent of structure use	Maximum 25% GFA	No change	
Age of structure	Not noted	No change	
Meet NC Building Code	Not noted	No change	
Primary use	Residence	No change	
Parking Requirement	Off-street: 1 per rented room + space for owner and employee – at rear of the same lot and screened	Allow parking spaces in the front of the property, must still meet screening requirement	It is not unusual for homes to have a driveway or parking area in a front yard
Separation Requirement	500 feet from any other HS or B&B	No change	
Accessory Structure Rental	Not allowed	No change	Still being evaluated.
Accessory Apartment Rental	Not noted, but interpreted as not allowed.	No change	Still being evaluated; may be proposed as a separate use type.
Zoning Districts where use is a USSR	RS2, RS4, RM6, RM8, RM16	No change	
Employees Allowed	1 FTE	No change	
Annual safety inspection	Not currently required	No change	Since occupancy limit is not changed, no reason to add this
Annual proof of insurance for the use	Not currently required	No change	Some cities require this, but the owner should be aware of the risk
Approval runs with owner not with dwelling	Not currently required	Require	Ensures compliance and understanding of regulations by a new owner
Retail Activity	Not allowed	No change	

In response to Ms. Mathews, Ms. Daniels said that City Council will need to review the enforcement; however, she felt sure that those legitimate businesses will be looking for those who are conducting the same business illegally. Director of Development Services Shannon Tuch explained the violation structure, pointing out that all zoning fines go to the Board of Education.

Ms. Carter didn't see how these amendments will solve problems, but it will create the beginning of structure.

In response to Ms. Mathews about whether they would have to comply with the Minimum Housing Code, Ms. Tuch said that she will check to see if they have to have a building inspections before they get a permit.

When Ms. Carter asked about the proof of insurance, Ms. Daniels said that safety is the reason why the proof of insurance will be required.

In response to Ms. Carter, Ms. Daniels reiterated that at the direction of the City Council Planning & Development Committee, staff will further research short-term rental of homes.

At 5:13 p.m., Chairman Goldstein opened the public hearing.

Several individuals spoke in support and opposition to the amendments to the ordinance. Comments included, but are not limited to: changes are too restrictive; amendments should be consistent as possible with state and local regulations; number of rental rooms should be increased; there should be no percentage of structure use; some parking for the renters should be on-street; there should be no separation requirement; clarification on the proof of insurance; parking seems restrictive in an urban setting; lack of enforcement; increased activity in very dense neighborhoods; instead of restricting number of rooms, restriction should be on number of people; negative impact on the surrounding homes with the transient population; parking and screening needs to be better defined; include allowance for accessory apartments; on-line advertising should be required to provide transparency; permits should be displayed on the interior or exterior of the property; neighborhood should be provided with owner or manager contact information for concerns; designated agent to help with nuisance response plan; spend more time on encouraging neighborhoods to work together; safety concern from a crime standpoint; proposed change to 1,200 sq. ft for size of the structure is still too large; owner of the property should live on the property; freedom of homeowners to generate income; increase noise; will off-set the cost by having short-term rentals; absentee landlords concern; good way to keep money for the locals and not pay corporate hotels; the more homestays the less affordable housing and less rental housing; and homestays need to abide by minimum house code, i.e., well lighted exterior, emergency exits, posted First Aid kits, written instructions about emergency procedures, fire extinguishers, electrical outlets protected, sidewalks and walkways not in disrepair; emergency lights for power failures, etc.

At 6:00 p.m., Chairman Goldstein closed the public hearing, and announced a short break.

Chairman Goldstein said that the issue before the Commission is not whether they are in favor or not of homestays, but whether or not they support the changes to the existing ordinance.

Ms. Carter was concerned (1) that the latest revision of the ordinance posted on May 6 has not given the public ample opportunity to be reviewed; (2) the Level I application; (3) the need for extra resources for enforcement; and (4) conversation to be inclusive of the short term rental of homes and vacation rentals). Mr. Minicozzi agreed.

Ms. Mathews was concerned that we are looking at catering only to tourists which will ultimately destroy neighborhoods. She agreed that we will have a hard time with enforcement.

Chairman Goldstein noted that if the ordinance is tabled, the Commission will need to give Planning staff direction on how they would like to see the ordinance amended.

When Ms. Carter wondered what the original purpose is of the amendments, Ms. Daniels replied that the City Council Planning & Development Committee felt there is sufficient cause to allow the homestay use to be a little broader.

Because the request is not 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 deny denial of an amendment to Chapter 7 of the Code of Ordinances regarding the Homestay use, a Use By Right Subject to Special Requirements for the following reasons (1) the ordinance amendment lacks clear purpose and intent; (2) lacks enforcement mechanisms; and (3) because it should be looked at holistically with all types of rental uses. This motion was seconded by Ms. Mathews and carried unanimously on a 4-0 vote.

**(4) Discussion of Haywood Road Form Based Code**

Urban Planner Alan Glines provided the Commission of a very brief summary of the Haywood Road Form Based Code, including the comments he has received. Regarding the concern about the parking problems on Haywood Road, he said that he will meet with staff about a Transportation and Parking Strategy.

At 6:28 p.m. Ms. Mathews asked for public comment on this discussion topic.

Mr. Steve Rasmussen and Mr. Austin Walker, both supporting the Form Based Code as a redevelopment tool, and provided several suggestions for consideration.

At 6:35 p.m., Ms. Mathews closed the public comment period.

There was a brief discussion, in which Mr. Glines responded to questions, noting that he will review the Commission's comments and the public comments and bring this discussion item back to the Commission at the June 4 meeting.

**Other Business**

Ms. Mathews announced the next regular meeting of the Planning & Zoning Commission on June 4, 2014, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

**Adjournment**

At 6:50 p.m., Mr. Minicozzi moved to adjourn the meeting. This motion was seconded by Ms. Mathews and carried unanimously by 2-0 vote.