

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

Planning & Zoning Commission Meeting
Minutes of September 3, 2014
1st Floor North Conference Room - City Hall

Present: Chairman Jeremy Goldstein, Vice-Chair Holly P. Shriner, Jim Edmonds, Karl Koon and Jane Gianvito Mathews

Absent: Kristy Carter and Joe Minicozzi

Pre-Meeting - 4:30 p.m.

The Commission (1) discussed the items on the agenda for clarification purposes; (2) were updated on the report to Planning & Economic Development Committee regarding Level II reviews; and (2) were updated on the Riverside Drive Redevelopment Plan that goes to City Council on September 9, 2014.

Regular Meeting - 5:00 p.m.

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

Administrative

Vice-Chair Shriner moved to approve the minutes of the August 21, 2014, meeting. This motion was seconded by Ms. Mathews and carried unanimously by a 5-0 vote.

Agenda Items

- (1) Request for a Level II review for the construction of a four-story 94-room hotel located at 40 Westgate Parkway. The property is owned by FIRC Group, Inc., and the project contact is Tony Fraga. The property is identified in the Buncombe County tax records as PIN 9638-79-4616.**

Urban Planner Julia Fields oriented the Commission to the site and said that this is a request to review site plans for the construction of a 94-room hotel on 3 acres of a 22.29 acre parcel located at the Westgate Shopping Center. This project is considered a Level II review pursuant to Section 7-5-9.1 of the Unified Development Ordinance.

The project site consists of 3 acres of a 22.29 acre parcel located at the Westgate Shopping Center. It is located immediately to the south of the shopping center.

The applicant is proposing to construct a 94 room hotel (Country Inn and Suites) at the southwestern end of the shopping center property. The proposed structure would be four stories in height (40'9"), have a foot print of 14,500 square feet, and gross floor area of 52,578 square feet. In addition to the hotel rooms, conference rooms and amenities (pool, patios, etc.) are proposed. Additional parking for the shopping center (39 spaces) is also proposed.

Two access points are proposed. One access point is off of Westgate Parkway (private drive) that is accessed from I-240W. The other access point is off of Cliff Street (public street) also accessed from I-240W. Cliff Street is a City-maintained street, but with no recorded right-of-way. A sidewalk is proposed along the proposed newly-defined Cliff Street.

It is proposed that 133 new parking spaces (surface parking) would be created on the Westgate Center property as part of this development. These spaces include four handicapped parking spaces. There is also provision at the entrance to the hotel for bike racks (6 spaces). While the total number of spaces is over the maximum allowed for the hotel, the parking on the Westgate property is code compliant with the addition of the 133 spaces.

Landscaping required for the project includes street trees, street buffer, parking lot landscaping, and building impact landscaping. Due to the heavy presence of utility lines (underground and overhead) in the project area the applicant sought alternative compliance from the Tree Commission on the placement of required plantings. The applicant is providing a greater total number of plantings than is required even though they cannot meet the placement standards found in the ordinance. This request was approved by the Tree Commission on July 21, 2014. Urban open space amenities are provided meeting ordinance requirements.

The applicant has received approval from the Tree Commission as cited above. The applicant has received flexible development approval from the Interim Planning Director for very minor setback deviations on the front and corner side of the project site. The applicant is working with Building Safety staff on code compliance analysis/issues related to the proximity of the proposed building to the existing shopping center structures.

Staff recommends approval of the proposal as shown on the submitted plans based on the ability of the project to comply with all applicable technical standards.

In response to Mr. Koon about lighting of Cliff Street, Mr. Alex Fraga, representing the applicant, said that they will have lighting in their parking lot. Ms. Cathy Ball, Executive Director of Planning and Multimodal Transportation said that a Technical Review Committee condition is that Cliff Street be brought up to current City of Asheville standards, and if requested, they will light the street.

Chairman Goldstein opened the public hearing at 6:11 p.m. and when no one spoke, he closed the public hearing at 6:11 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, Ms. Mathews moved to recommend approval of a four-story 94-room hotel located at 40 Westgate Parkway, subject to the conditions in the Technical Review Committee staff report. This motion was seconded by Mr. Koon and carried unanimously by a 5-0 vote.

(2) Request for rezoning property from Institutional District to RM-8 Residential Multi-Family Medium Density District located at 21 Jefferson Drive. The property owner and project contact is Lee Lance. The property is identified in the Buncombe County Tax records as a portion of PIN 9648-08-3733.

Urban Planner Blake Esselstyn oriented the Commission to the site and said that the applicants, Lee and Rebecca Lane, are requesting review of a standard rezoning request for a portion of a parcel from Institutional District (INST) to RM-8 Residential Multi-Family Medium Density (RM-8).

The site sits on the west side of Jefferson Drive, about sixty yards south of West Haywood Street, in the West End/Clingman Avenue Neighborhood. The area proposed for rezoning consists of the northern portion (roughly 0.12 acres) of a parcel with a total area of roughly 0.3 acres. The southern portion of the parcel includes a single-family house built in 1905, but the northern portion, which is the subject area, is currently vacant, save some fencing and trees/shrubs. The lot slopes fairly steeply from the rear property line down to the frontage on Jefferson Avenue. A stormwater pipe crosses through the northwest portion of the subject area,

presenting an obstacle to development. The subject area is currently zoned INST, while the southern part of the parcel is zoned RM-8.

The applicant is proposing a standard rezoning of the subject area from INST to RM-8 to be consistent with the remainder of the parcel. The applicant purchased the subject area from the City of Asheville in May of this year, and a recombination plat recorded in February had indicated that the purchased area would be combined with the house lot. Further, the purchase agreement stipulated that the applicant would pursue this rezoning petition.

About a half-mile to the east, three rezonings from RB to CBD have been approved near Asheland Avenue in the last 15 months.

Three years ago, a property 150 yards to the northwest was initially zoned to RM-8, after years of having been omitted from the tax maps as part of the I-240 right-of-way.

The area to the north and west of the subject site is all part of the City of Asheville Transit Maintenance facility, zoned Institutional. To the south and east, Jefferson Drive is residentially developed, mostly with single-family homes, with RM-8 zoning directly to the south and east of the subject area, and some RM-16 zoning to the southeast. The proposed rezoning would simply move the dividing boundary between INST and RM-8 some 55 feet north and 90 feet east. Staff feels any uses allowed in the subject area would be appropriate and compatible with the vicinity under the proposed rezoning.

Often in the past, practice has been to assign Institutional zoning to large parcels of publicly-owned land, such as the City's property to the north and west. But, as has been discussed with recent zoning actions (e.g. near Caledonia Road, and the UNC-Asheville campus), the appropriateness of such zoning can be questioned when and if ownership shifts to the private sector. By carving off this portion of land south and east of the stormwater pipe and conveying it to a property owner on Jefferson Drive, the City and the applicant have created a small tract that now relates more to Jefferson Drive and the context of the detached residences than to the government-operated large parcel on the hill above which is accessed from West Haywood Street.

One of the principles most commonly invoked in the *Asheville City Development Plan 2025* (and other adopted plans) is compatibility; indeed, the words compatible and compatibility appear more than 40 times in the document. One example would be on page 31, under the Smart Growth Land Use Policies: "City staff is directed to [...] use existing zoning tools to promote compatible land use projects." As noted above, staff's assessment is that any of the uses permitted in RM-8 would be compatible in this specific location; however, many of the uses permitted in Institutional zoning would not.

The *Plan* also states that "Protection, preservation, and enhancement of existing neighborhoods must be as much a part of our development pattern as promoting new construction." While some may view such a downzoning as a reduction of development potential, staff feels that if this modest map amendment can offer an opportunity to adapt and enhance a distinctive century-old house on the block or add a compatible home next door, the benefit to this block, and hence the neighborhood, must be recognized.

Owing to the small extent of the proposed modification (less than one-eighth of an acre), the proposed rezoning can be said to neither support nor hinder the goals of the *Strategic Operating Plan*.

While not identified in either of the plans mentioned above, accepted zoning practice is to favor zoning district boundaries placed so as to follow property lines, and to avoid "split-zoning" of properties when possible. The proposed change would remedy such a split-zoning.

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

Considerations:

- Amending the zoning map would resolve a split-zoned situation.
- The proposed zoning would promote compatibility along Jefferson Drive, as encouraged in the *2025 Plan*.
- Preservation and enhancement of an existing neighborhood, a principle espoused in the *2025 Plan*, would be incrementally bolstered by the proposed change.
- If approved, the rezoning would result in a decrease in allowed density for this small area, reducing the capacity from two units to one.

Staff recommends approval of the proposed rezoning, finding that the shift in the zoning district boundary is consistent with City-adopted plans and strategic goals for development in this area.

Chairman Goldstein opened the public hearing at 5:15 p.m. and when no one spoke, he closed the public hearing at 5:15 p.m.

Finding that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the compatibility of uses and development standards would be improved compared to the existing zoning designation; (2) the preservation of the established immediate neighborhood of residences would be encouraged, Ms. Mathews moved to recommend approval of the rezoning of 21 Jefferson Drive from Institutional District to RM-8 Residential Multi-Family Medium Density District. This motion was seconded by Vice-Chair Shriner and carried unanimously by a 5-0 vote.

Other Business

Chairman Goldstein announced the (1) cancellation of the October 1, 2014, meeting; and (2) mid-month meeting on October 16, 2014, at 4:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 5:17 p.m., Mr. Edmonds moved to adjourn the meeting. This motion was seconded by Chairman Goldstein and carried unanimously on a 5-0 vote.