

Asheville City Council  
Planning and Economic Development Committee

3:30 p.m., November 15, 2011  
City Hall, First Floor Conference Room

**Minutes**

Present: Councilman Jan Davis, Chair; Councilwoman Esther Manheimer;  
Councilman Gordon Smith

Staff: Gary Jackson, Judy Daniel, Shannon Tuch, David Foster, Robert Griffin, Nathan Pennington, Stephanie Monson

The Planning and Economic Development Committee met on November 15, in the First Floor Conference Room, City Hall. Chair Davis called the meeting to order at 3:30 p.m.

**1. Approval of Minutes**

The Minutes from the July 19, 2011, meeting were approved as written.

**2. Updates**

**Relocation of Utilities in Public Right-of-Ways**

David Foster, Assistant Director, Public Works, gave the update. As the staff report had been finalized earlier in the day, Mr. Foster provided the information verbally. (Mr. Foster forwarded the staff report to the Committee the following day; please see attached.)

Of particular interest to the Committee was that the Public Works Department had performed an inventory of “dual locate” poles (poles where Progress had installed a new pole but old one remained in place) and had identified over 900 locations of these poles. Over the course of the summer, the department had worked with Progress Energy to have a contractor remove over 200 old poles and assisted in repairing sidewalks to an ADA compliant state. Councilman Smith questioned the number 200; Mr. Foster explained that the over 200 poles were in, on or adjacent to the sidewalk, and that the other 700 might be a concern from an aesthetic perspective, but from a transportation perspective, were not impactful.

Councilwoman Manheimer asked for clarification of the negotiations with Progress Energy. Mr. Foster responded that the City was negotiating with Progress Energy to have them (PE) become part of the City’s Utility Cut Program. If they participate, when requiring a utility cut in the street, they would call the Public Works Department, instead of a private contractor, to make the repair, thus assuring compliance with City standards.

The ordinance change that the department plans to bring forward with the changes to the Standards and Specifications Manual would eliminate all exemptions to permitting. The Committee was interested in using the strongest language possible to keep the poles out of the sidewalk. And that the agreement will secede to Duke Energy.

The Committee commended the department for their hard work, as they have come a long way in improving the situation since City residents had expressed an elevated awareness regarding utility placement in and adjacent to City streets.

### **Miscellaneous Sign Code Amendments**

Shannon Tuch, Assistant Director, Planning, gave the update. (Please see attached staff report.) Since PED was presented with the staff report in October with ideas for small code amendments related to signs, all of these amendments have been carried forward as either an amendment to Article 13 (sign code) and a few changes to Article 14 (temporary use section which is not a directly related to signs but has an impact on signs). One item that staff had been studying but was not included was second story signage. Staff continues to look at this issue, even though they have not been successful in finding good examples or models.

The staff report with to the Planning & Zoning Commission on November 2, and was approved. Staff is waiting to present to Council until Article 14 amendments are worked out, as staff feels it is important to present at same time even though they are separate amendments.

Ms. Tuch then brought to the attention of the Committee that although the sign code amendments had a focus of improved flexibility and providing new alternatives, an important issue to consider was changes to the digital billboards standards. After discussions with the Legal department, staff believes they can amend the standards that regulate the digital billboards, and not the regular billboards. This was discussed at Planning and Zoning, and it wasn't included in that particular wording amendment. Staff is doing the analysis right now on and will prepare a follow up amendment and pair it all together before it goes to Council. The two sign pieces and the temporary use piece will go to Planning and Zoning on December 7 and to full Council in January.

Finally, Councilman Smith expressed his concern about campaign signs being in public right-of-ways. Ms. Tuch responded that staff was aware of this concern, and that the strategy in place at this time was to contact the candidate and to make them aware of the situation. The biggest problem code enforcement officers encountered were signs going up too soon. Staff has recommended that the standards now say that signs can be in place 30 days prior to the first day of polling, which is the first day of early voting.

Councilman Smith made a motion to recommend the changes to the sign code amendments. Councilwoman Manheimer seconded the motion; the motion was approved unanimously.

### **3. New Business**

#### **River District Design Review Changes**

Terry Meek, Chair of the River District Design Review Committee (RDDRC), reported to the Committee. The RDDRC's draft proposal to amend the Unified Development Ordinance is included in the attached documents. The RDDRC gave the same presentation to the Asheville Area Riverfront Redevelopment Commission (AARRC); their comments are also attached.

The PED Committee expressed the following concerns:

- Reducing the threshold for review by the RDDRC from 5000 sq ft to 500 sq ft
- New construction versus redevelopment zoning regulations; tricky to apply different standards
- More time and cost on the part of the developer
- Additional staff time involved
- Ability to retain flexibility for innovation and creativity in the river district

Nathan Pennington, Urban Planner II with the Planning Department, presented to the Committee a statement combining the RDDRC thoughts and Planning Department's thoughts. (Please see attached.)

Staff stated that it is actually a philosophical question to be answered by City Council: at what threshold is review by staff, versus when review needs to move forward to review by the RDDRC. Mr. Meek explained that the 500 sq ft threshold was suggested because of some of the smaller properties along the river.

Action: Recommendations of the RDDRC be presented to full Council.

#### **COA as Coalition Member to LOSRC Brownfields Grant application**

Stephanie Monson, Urban Planner II with the Office of Economic Development, gave PED a copy of the letter that Council will be asked to consider on the consent agenda at their meeting on November 23<sup>rd</sup>. They will be asked to authorize the City Manager to sign a letter of agreement indicating that the City of Asheville will be part of a coalition, and that the coalition will be funded by an EPA grant, and therefore the City of Asheville would not directly receiving the money. There were no questions from the Committee.

#### **4. Presentations and Public Comment**

Timothy Sadler spoke of his concerns associated with the renaming of the Civic Center. He also expressed his support for weatherization loan programs.

Additional staff comments: Gary Jackson, City Manager, informed the Committee of his intent to reconvene the Development Council (Board of Realtors, home builders, people in the design services, engineering architects, regular investors, etc.) to get their input on a number of development issues. Judy Daniel, Planning Director, indicated that she would be coming to the Committee in January with the department's annual update.

The meeting was adjourned at 4:50.