

Asheville City Council
Planning and Economic Development Committee

3:30 p.m., February 21, 2012
City Hall, First Floor Conference Room

Minutes

Present: Vice Mayor Esther Manheimer, Chair; Councilmember Cecil Bothwell;
Councilmember Marc Hunt

Staff: Gary Jackson, Bob Oast, Sam Powers, Judy Daniel, Shannon Tuch, Julia Fields,
Nate Pennington

The Planning and Economic Development Committee met on February 21, 2012, in the
First Floor Conference Room, City Hall. Vice Mayor Manheimer called the meeting to
order at 3:30 p.m.

1. Approval of Minutes

The Minutes from the January 17, 2012, meeting were approved as written.

2. Updates

Haywood Street Property

Gary Jackson, City Manager, gave the update as follow up as directed by the Committee
at the last meeting. Mr. Oast, the City Attorney, and Mr. Jackson are trying to move
forward towards a decision point for Council on the McKibbon proposal that involves the
City Attorney drafting the purchase agreement and also involves for staff review of the
plan itself so that all understand how it matches up against the McKibbon Hotel Group's
proposal. They plan to come back to this committee at their March meeting with that
document – the contract as well as the plan – that will be a dry run to see whether or not
it is ready to go forward to full Council.

Vice Mayor Manheimer asked for clarification on what presenting the plan to Council
would include. Mr. Jackson explained that the plan would include size, height, mass,
number of units, square footage, and treatment of the surrounding property. They have
also asked the developer to produce sufficient modeling, either two dimensional or in the
RENCI computerized model, so that Council can see what it looks like and what
McKibbon would be delivering to meet Council's expectations of conditions in order to
execute a sales agreement.

Mr. Oast reminded the Committee that the plan would be subject to change as it goes
through the review process by both the Downtown Commission and Planning & Zoning
Commission.

Councilmember Hunt asked the question that, in addition to a sales contract, would there
be a development agreement? Mr. Oast explained that there would be, in order to
ensure that the purposes of law continue to be met. Mr. Oast also clarified that the
Committee would need to examine further at their March meeting as to how much of the

specific design would need to be included in the development agreement. He explained that the Committee would not see design of a fully rendered project in March, but would see it at the end of the review process, and he is trying to reconcile how all the elements of the review process work together in the development agreement.

Councilmember Hunt shared his opinion that whomever is engaged as a development partner, that the site is such a critical piece of property that relates to surrounding buildings and the fabric of downtown, that it is important that City Council take on the duty of making sure that it is entirely compatible with the downtown area which suggests that there should be specific design and uses laid out that go way beyond what the downtown master plan and zoning ordinances would require.

Mr. Jackson explained that the contract would lay out that Council would agree to sell subject to McKibbon meeting the conditions placed on the property by the City Council. That is the purchase agreement. The actual sale is a contract and would need a supplemental agreement of some nature that holds McKibbon to performance standards. Mr. Oast added that this contract of sale would include the more specific conditions, because by that time the project would have gone through the review process.

Councilmember Bothwell shared his opinion that Council should not allow the Basilica to drive Council to make a decision suddenly on something that had been in the background for quite some time. Upon reading the McKibbon proposal, Councilmember Bothwell commented that it said that McKibbon would do the project in two to three years, a timeframe that has expired. He also stated that McKibbon offered the only proposal at the time. Councilmember Bothwell's concern was that conditions have changed, and that the RFP issued at the time was no longer relevant, although he agreed that, under law, the City could not accept the Basilica offer. He felt that there had been enough community input for a park at the site that requiring at least a part of the development to include a park should be part of an RFP, or that the City should work with the Basilica to change the direction of Page Avenue and both entities contribute part of their lots to create a park. He suggested that the City move forward with the plan offered by the Transportation department to turn the property into a surface parking lot.

Councilmember Hunt spoke to his concern in turning the site into a surface parking in that using that space as a parking lot would negatively impact the vibrancy of downtown. His hope was that this Council could help direct the future of this property. By moving forward, he felt there was a chance to for a positive outcome. He stated his concern for reissuing RFP, and indicated that would most probably make developers hesitant to develop in Asheville.

Vice Mayor Manheimer commented that whatever the City ended up doing on the property, she was interested in it being done under a development agreement.

3. New Business

Sustainability Bonus

Shannon Tuch, Assistant Planning Director, referred the Committee to the handout, "Sustainable Development Project" (attached). The intent of the handout was to give basic information to have a conversation. Ms. Tuch reviewed the handout with the Committee.

Vice Mayor Manheimer questioned how it would affect density. Ms. Tuch replied that it would negate the need to a certain degree. Councilmember Bothwell asked for confirmation that the H+T index is geared towards the idea that housing that is near transportation is more affordable. Ms. Tuch replied that the report would identify the affordable areas in the city based on a transportation and housing cost formula.

The Committee asked to be updated on input from the other identified groups in six months or so.

Planning & Zoning Commission ETJ Membership Discussion

Judy Daniel, Planning Director, gave a brief history on ETJ membership on the Planning & Zoning Commission. Vice Mayor Manheimer volunteered to contact the County with additional questions.

Tunnel Road Corridor

Julie Fields, Urban Planner II with the Planning Department, presented the Committee with "Draft – A Proposal for East Asheville Corridor Study" (attached).

Terry Albrecht, representing the East Asheville Sidewalk Initiative, spoke in support of the study.

Vice Mayor Manheimer brought up the question of logistics and money. Ms. Fields referred the draft schedule, which was flexible, proposed in the draft. In terms of costs, most would be internal. Vice Mayor Manheimer also asked about how bringing in form based code into the corridor study ... would it fit in? Staff said that was definitely a possibility.

Councilmember Hunt questioned the zoning in the area; did the vision suggest zoning reclassification? Staff replied that the plan would ultimately produce goals, strategies and objectives for mixed use zoning.

Staff spoke in support of doing the study. Councilmember Hunt encouraged the group to consider all community goals when doing study. The Committee supported staff moving forward with the proposed schedule for the Tunnel Road Corridor Study.

Tree Ordinance

Councilmember Bothwell brought to the Committee the following item of New Business, which came out of the tree commission meeting. The suggestion was to put a committee together to look at the tree ordinance. The group would meet every two weeks for about 2 ½ months, and would look at the pieces of the tree ordinance that need to be addressed, and come up with suggested changes and present to Council. The Committee was in full support of this suggestion. Vice Mayor Manheimer requested that an update come to PED before going to full Council.

4. Unfinished Business

5. Presentations and Public Comment

Public Comment:

Anne Fitzgerald Smith introduced herself by stating that she cared passionately about what the City does to preserve what is unique and wonderful about our little mountain downtown. She then stated that she agreed with Councilmember Bothwell's position on the Haywood Street property that the City had no good reason to continue pursuing the offer by the McKibbon Hotel Group to build a hotel on the site. She stated her belief that if the City continues negotiations with MHG, and if the City does sell the property to MHG, there will be a hotel built on the site. Ms. Fitzgerald stated that several years ago, the citizens of Asheville had clearly demonstrated against having a hotel on the site by signing petitions and putting up a booth a Bele Chere for two years. She then listed her reasons for not building a hotel on the site.

The Committee thanked her for her input.

The meeting was adjourned at 4:30p.