

Downtown Commission Meeting  
Minutes of April 21, 2017  
8:30 a.m.  
1st Floor North Conference Room - City Hall

**Present:** Chairman Michael McDonough, Presiding; Vice-Chairman Byron Greiner, Mr. Dane Barrager, Mr. Brent Campbell, Ms. Franzi Charen, Mr. Jimi Rentz (left meeting at 10:15 a.m.), Ms. Ruth Summers, Ms. Sage Turner, Mr. Tobias Weas and Ms. Pamela Winkler

**Absent:** Councilman Brian Haynes

Chairman McDonough called the meeting to order at 8:30 p.m. and informed the audience of the public hearing process.

**Administrative**

- Ms. Summers moved to approve the minutes of the March 10, 2017, meeting. This motion was seconded by Vice-Chairman Greiner and carried unanimously.

**Updates**

**Asheville Police Department Budget Request and Downtown Coverage**

Police Chief Tammy Hooper explained the Asheville Police Department's budget request and Downtown coverage. The Police Department has submitted a continuation budget request to the City Manager seeking the addition of 12 patrol officers, two sergeants and one lieutenant position for Fiscal Year 2018. The purpose of this would be to increase our Downtown Unit (DTU) from covering about 4-5 days per week to covering 7 days per week. The Department spends roughly \$450,000 on overtime each year to supplement our DTU. We have an increasing number of visitors each year and that demand continues to grow. We also have almost 22 development projects in the Downtown area, the South Slope and River Arts District. The development and growth that is projected over the next two years will easily overwhelm the resources we currently have. This will not double the number of officers you see Downtown at a given time. It will maintain what we have without the use of overtime. And, it will also address our ability to respond to the growth and development that is planned for the River Arts District and is going on in the South Slope. This also allows us to restructure how we respond to our calls for service and put additional resources in south Asheville, where there is also a great amount of development. This is a two-year plan to engage these resources.

Police Chief Hooper responded to various questions/comments from the Commission, some being, but are not limited to: would the attrition level drop if the officers were paid more; the DTU is highly focused on community policing, citizen engagement, and working with our tourist population; are the DTU officers trained differently; what kind of data was used to determine the number of new positions requested; request for better policing (increased pay and training), not just simply more policing; would a non-sworn person be suitable for possibly a de-escalation position; what kind of training do the Park Wardens in Pritchard Park receive; and why are additional police vehicles needed.

**Asheville Downtown Association**

Ms. Turner updated the Commission on some of the following activities of the Asheville Downtown Association: (1) announcement of headliners for Downtown After Five; (2) successful Easter on the Green; (3) awarded a \$10,000 grant from Keep America Beautiful to replace the cigarette butt collection receptacles in downtown; and (4) the Downtown Association issued a statement supporting the Police Department's initiative.

**Design Review Committee**

Chairman McDonough updated the Commission on Design Review Committee's reviews as following: (1) Haywood Street Bond Project and included in that was an early look at Haywood Street streetscapes; (2) expansion of the building at 45 S. French Broad; (3) modifications to the Downtown benches to discourage people from laying down which takes up all seating; (4) gravel lots used for parking Downtown; and (5) activating the Haywood Street property in terms of improvements necessary to meet the Unified Development Ordinance to allow temporary uses on the site such as food trucks.

**Haywood Street Visioning**

Chairman McDonough noted that the final report of the Haywood Street Visioning Task Force was provided to the Commission. The following table illustrates the various compatible and complimentary uses identified by the Task Force. Recommendations on temporary uses are also moving forward.

	<b>Civic</b>	<b>Mixed</b>	<b>Other</b>
<b>Active</b>	Community Gardening Farmers Market Performance Play Area Public Art	Local Food Local Retail Business Incubator Education Housing	Services & Utilities Offsite Public Gathering Safety / Security Traffic Calming
<b>Passive Green Civic Space</b>	Shade Native Landscaping Seating Water Feature Urban Trail Station Information Kiosk	Public Rest Rooms	Trash/Recycling Lighting Views Neighborhood Identity

In response to Vice-Chairman Greiner, Downtown Development Specialist Dana Frankel said that staff will report back to the Commission on May 12 with the plan to implement the interim uses..

When Ms. Winkler asked about a maintenance and clean-up plan from the food trucks to avoid rats, Ms. Frankel said they plan to treat the site as a temporary park so the Parks & Recreation Department will be extending pest control and other contracts they have to that space as well.

In response to Mr. Barrager, Ms. Frankel said that at this point she was not entirely sure about the issue of public restrooms.

Chairman McDonough said that after the Commission reviews the final report, if they are comfortable with it, to offer their support to City Council.

Ms. Turner moved to support the Haywood Street Visioning Task Force's final report. This motion was seconded by Mr. Barrager and carried unanimously.

**South Slope Visioning**

Principal Planner Shannon Tuch provided the Commission with a summary of the meeting they recently had regarding the South Slope Visioning. She provided the Commission with a list of the advisory team, representing 12 different organizations. The kick-off meeting was

well attended. The team was provided with a background of the area and they defined the South Slope study area. They also discussed how the project will be broken into three phases (1) research, engagement and community workshop engagement; (2) workshop and other public engagement pieces; and (3) plan creation and adoption. The team then settled on six goal areas including (1) promoting and planning for multi-modal transportation; (2) encourage and support a strong local economy; (3) guide and promote quality development; (4) respect and foster a unique sense of place; (5) plan for and prioritize strategic infrastructure; and (6) supporting a safe environment. Then the team identified objectives in each goal area. Lastly they identified the community stakeholders and how best to engage them in this process. Ms. Tuch said they believe it will be a 12-14 month process and hope to have the community workshop this summer.

### **Downtown Update Report**

Downtown Development Specialist Dana Frankel updated the Commission on some of the following downtown projects and initiatives:

Budget Process FY 17/18 - The City Manager will submit a draft budget to City Council on May 5th in advance of the May 9th Council Meeting; it will be publically available at that time. There will be a public hearing on the proposed on May 23rd. Council is scheduled to adopt the budget on June 13th.

Downtown Commission Ordinance Amendment - Following the Downtown Commission's recommendation, an ordinance amending affiliation requirements for the Asheville Downtown Association seat on the Commission (that it be filled by a board member or executive director of the organization) was adopted by City Council at their March 28th meeting.

Haywood Street Visioning - Staff is working on an RFP/RFQ for design services to create design options based on the community advisory team's recommendations. Staff is also working on implementation of temporary uses on the site, and will come to the Downtown Commission in May with a proposal.

Pack Square Park - The lawn will open on May 1st. A pipe in a pump vault for Splashville is being repaired and will open following the repair.

A Pack Square Park Master Plan is underway, commissioned by the NC Arboretum (with Pack Square Park Conservancy funds.) Staff will provide an update on that project and seek feedback from the Downtown Commission in June.

Pritchard Park - Pritchard Park landscape improvements are expected to begin this month. At no time will be Park be closed in its entirety.

Work hours will be typically 8 a.m. to 5:30 p.m. Monday – Friday. Orange construction fencing will be used to limit pedestrian traffic in current work areas. This will mostly be installed around the large mulched area around the large Oak tree and along Patton Avenue. Parking for work crews will be along the north side of College Street directly across from Pritchard Park near Tupelo Honey. The meters there will be bagged and the spaces reserved for their use only. There will be some work requiring loading/unloading from the loading zone in front of the police parking space, but that should be limited.

The project is slated for completion by the end of July, pending factors such as weather.

Walkable Wall Street - The next Walkable Wall Street event is scheduled for Saturday, May 13th and is being planned in collaboration with Strive Not To Drive. The street will be closed to vehicles from 2 p.m. to 12 Midnight. Businesses will offer special promotions and activities in the street, a passport program will be offered and Asheville on Bikes will start and end their Bright Light Biker ride on Wall Street. This is the third in a series of events to test Wall Street as a

pedestrian-only street. The goal is to support businesses while promoting walkability, pedestrian safety and place-making

Haywood Street Bond Project - The City's Capital Projects Department is initiating planning/design work on the resurfacing and sidewalk reconstruction of Haywood Street (from Patton to Flint) funded by the transportation bond. An RFQ will be released soon for engineering/landscape architects to do design and planning. There will be opportunities to provide feedback on design. Construction expected in early 2019.

The project was discussed at the Design Review Committee's March 21 meeting. The Committee discussed support for replacing the blue stone with concrete, and for creating a unique streetscape with elements such as seating, trees, public art, etc. There is \$778,000 for the project. The estimate for replacing and installing new blue stone is \$1.3 Million. The estimate for concrete with blue stone accents is \$938,000. The estimate for stamped concrete, with the granite curb, is approximately \$600,000.

Chairman McDonough said that the Committee discussed if it would be wiser to spend the money for a whole streetscape experience and not just for what is under your feet. The Committee generally supports removal of the blue stone, but may open to some accents.

Ms. Turner said that there are other great streets that need some improvements, and if there are savings, perhaps those could be used for the other streets.

## **New Business**

### **Downtown Public Safety Discussion**

Because Mr. Barrager felt they need a police presence 24/7 in Downtown and because the Downtown Police Unit has done a great job in fitting in with the community, Mr. Barrager moved that the Downtown Commission support Police Chief Hooper's increased budget request to increase the Downtown Police Unit. This motion was seconded by Vice-Chairman Greiner.

Vice-Chairman Greiner noted that the training for the Downtown Police Unit is very unique and when they augment the Downtown, they bring in officers that are not used with dealing with Downtown issues, such as homelessness, panhandlers, etc. We have worked hard over the past years to get a police presence 7 days a week in the Downtown. He also noted that there will be a savings.

Ms. Turner said that it seems to her that people are thinking we will increase police presence immediately, opposed to planning for the future when there is an increase in many things. She read the following excerpt from the Asheville Downtown Association's statement on this issue: "Data shows that the current number of residential units for the Central Business District is 997. There are an additional 700 units coming on line. Add to this and nearly 600 new hotel rooms. An additional 80,000 square feet of new office space. In the current Downtown Central Business District area the car breaking and entering have increased substantially from 137 in 2015 to 173 in 2016. Aggravated assaults have increased from 47 in 2015 to 56 in 2016. Domestic and non-domestic aggravated assaults have increased in the South French Broad area and rapes have doubled." Her point is that this is about our growing population, growing tourism and growing crime rates and how to plan for that when all of those new additions come on line.

The following individuals spoke in opposition of the additional funding for police officers:

Mr. Rick Shell, owner of Purl's Yarn Emporium  
Ms. Dee Williams, Asheville native and Chair of the NAACP Criminal Justice Reform Committee  
Mr. Patrick Conan, owner of a small web development company  
Ms. Najiyah Avery, mother of Jerry Williams who was killed by a police officer

The following individuals spoke in support of the additional funding for police officers:

Ms. Karen Ramshaw, Asheville resident and employee at Public Interest Projects  
Ms. Elizabeth Button, Heirloom Hospitality Group

Mr. Barrager said that he didn't think this proposal will address some of the past issues of the Police Department. This proposal is for the 24/7 policing of the Downtown, and the proposed expansion of the River Arts District and South Slope.

Ms. Summers felt that if we spend 2 years to train one officer, they should be required to remain on the Asheville police force for a certain number of years.

Ms. Charen would like to see a more comprehensive plan that includes retention, greater data transparency and greater access to data.

Ms. Turner said that the Asheville Downtown Association does help promote an on-going quarterly event called "Coffee with a Cop" and it is open opportunity to sit with officers and chat with them. You can meet the officers and understand they have families too. They want better training and salaries and this is something we all need to work together on.

Chairman McDonough offered a friendly amendment to include language that the Police Chief provide more data transparency, address training and retention issues, and public engagement. Mr. Barrager agreed to amend his motion. This friendly amendment motion was seconded by Ms. Turner.

The amended main motion carried on a 9-1 vote, with Ms. Charen voting "no."

### **Use of Gravel Lots for Parking in the Central Business District**

Downtown Development Specialist Dana Frankel said that in response to property owner requests and at the direction of City management, recommendations are being considered to allow vehicular parking on lots with gravel surfaces on a temporary basis in the Central Business District (otherwise prohibited).

This issue was discussed with the Downtown Commission's Parking and Transportation Subcommittee meeting on April 4, 2017, and with the Design Review Committee on April 18, 2017.

Feedback from both committees yielded the following themes:

- Acknowledgement of the need for parking downtown, and specifically for monthly/employee parking.
- Concern about encouragement of long term (permanent) use of gravel lots for parking, and incentivizing surface parking lots downtown generally (as opposed to higher investment development)
- Concerns about aesthetic, economic, access and environmental impacts of site conditions, specifically in the Central Business District, of gravel lots used for parking

- General consensus that a higher standard should be maintained for the Central Business District and that if gravel lots are permissible for parking, some site improvements should be required

### **Options for Consideration**

#### **1) Amendment to UDO section 7-14-2(e)(2) Interim parking and construction staging.**

The detailed standards for this use is found in 7-16-1(41) and would be consolidated back to Article 14 for ease of administration.

### **Existing**

Vacant parcels may be used on an interim basis for temporary uses such as, but not limited to: construction staging or parking needs related to construction, or temporary uses on a property that has been approved for development but delayed in starting construction.

Permitted uses may include uses such as parking for construction staff, construction staging and equipment storage areas, and employee or business parking where existing parking is displaced due to construction activity, or other uses authorized on a temporary basis by the planning and development director.

Site improvements related to landscaping and paving shall not be required as the lot is being used on an interim basis.

All other local, state and federal regulations shall be complied with including driveway, grading, stormwater, handicap accessibility and sign regulations.

The city engineer will determine if sidewalks will be required during the term of the interim use.

The zoning permit for any such interim use will be valid for a period of two years but may be extended for additional two-year periods in conjunction with a valid, open building permit on the lot or the location of construction.

### **Amendment considerations**

- Add general parking as a permitted use (not necessarily tied to an open building permit) authorized on a temporary basis.
- Change interim period to two years with possible extension of one year periods (as opposed to two).
- Require a paved apron at the entrance and gravel restraint around the graveled areas to control spillage of stone and gravel.
- Introduce a maximum allowable area of .25 acres for the lots used for interim general parking.
- Curb cut width will be managed and approved through the application process
- Site landscaping and street trees would continue to be waived during the approved interim period

### **Pros:**

- May lead to additional employee/monthly spaces; makes use of existing vacant sites; creates tool for nonconforming/non-compliant sites to come into compliance

Cons:

- Allows for wider use of gravel lots in the Central Business District; may not meet high aesthetic, economic, access and environmental standards; does not allow for the prioritization of employee/monthly parking and would be open to all parking.

**2) Amendment to UDO section 7-11-2(b)(5) parking, loading and access standards**

**Existing Code Requirement**

*Parking Surface Treatment*

The material for surface parking spaces and corresponding access drives required by this section shall consist of suitable paving material which will prevent the exposure of subsoil. Suitable paving material for required parking areas includes, but is not limited to asphalt, porous asphalt, concrete, compacted stone (road bond), gravel and aggregates such as bituminous surface treatment (BST) and "chip and seal".

Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of grass as a parking lot surface is permitted for overflow and intermittent parking. Pervious paving systems are required for parking spaces which exceed the maximum number of spaces required by subsection 7-11-2(c). The use of grass or other vegetation as a parking surface is permitted only for parking spaces which are provided in excess of the maximum number of parking spaces required by subsection 7-11-2(c) or used for intermittent or overflow parking. Parking lots associated with arenas, sporting facilities, amphitheaters, fairgrounds, and religious institutions may, however, use grass or other vegetation for the entire parking lot.

Additional requirements are as follows:

- a. Parking lots utilizing road bond, gravel or vegetative surfacing are prohibited within the Central Business District.
- b. Parking lots utilizing road bond or gravel shall provide such material with a minimum thickness of at least four inches and must be maintained in a stable condition.
- c. Parking lots utilizing road bond or gravel shall be designed and constructed such that siltation resulting from stormwater run-off does not enter adjacent properties or public rights-of-way. The lots must be designed so as to prevent loose stone, aggregate or other materials from leaving the lot.
- d. All driveway aprons, which are defined as that portion of the parking lot entrance which abuts the street, shall consist of concrete, asphalt, or bituminous surface treatment for a length of at least ten lineal feet starting at the street and extending into the driveway. Subsection 7-11-2(g) sets forth specific driveway entrance requirements.
- e. The individual parking spaces shall be delineated in all parking lots, except lots utilizing road bond, gravel grass or other vegetative surfacing.
- f. All handicapped parking spaces and corresponding access paths to the building entrance shall consist of concrete, asphalt or bituminous surface treatment.
- g. All driveways with an average grade exceeding five percent shall consist of concrete, asphalt or bituminous surface treatment.
- h. Parking spaces serving one, two, three and four family dwellings are exempt from the requirements of this subsection.
- i. All driveways and parking lots shall be of sufficient strength and thickness to safely support fire emergency vehicles.

#### Amendment considerations

- Remove prohibition of parking lots utilizing road bond, gravel or vegetative surfaces in the Central Business District under (a) above.
- Since the allowance for gravel lots already applies city-wide, maintain compliance with other standards for landscaping, stormwater, driveway apron, etc.

#### Pros:

- Creates a tool and standards for nonconforming/non-compliant sites to come into compliance without standard paving materials while still meeting other standards such as stormwater, sidewalk and landscaping; may lead to additional parking spaces downtown.

#### Cons:

- May de-incentivize development or higher/better use of property; additional standards are costly; may not meet some measures of aesthetic and economic standards.

Ms. Frankel said that staff would plan to take one of the options to the Planning & Zoning Commission in May and would like to solicit the Commission's comments.

When Ms. Turner asked if the zoning permit for the interim use could be for a period of one-year only and then questioned where did the .25 acre come from, Ms. Frankel responded that those stipulations were discussed by the Design Review Committee. Chairman McDonough explained the Committee's discussion on the .25 acre maximum allowable area.

Ms. Turner said that she was not interested in Option No. 2. Even if the City found some land, it would take years to build a parking deck. We have a crisis now and she felt that interim parking can address that in the meantime. She suggested that if this is a 1-year period temporary permit that some type of renewal letter be sent to the owners.

Ms. Summers was concerned about the 2-year interim use permit with the possibility of additional 2-year extensions. She would be more comfortable with a 1-year temporary permit with the possibility of additional 1-year extensions, but was concerned the City may not be able to monitor that every year. Principal Planner Shannon Tuch said that there is monitoring and renewal notices issue with temporary use permits.

In response to Ms. Winkler and upon consensus of the Commission, Mr. Glines said they will move something similar to the following permanent requirement "Parking lots utilizing road bond or gravel shall be designed and constructed such that siltation resulting from stormwater run-off does not enter adjacent properties or public rights-of-way. The lots must be designed so as to prevent loose stone, aggregate or other materials from leaving the lot" as a requirement for the temporary use. Ms. Tuch said that we could keep the temporary gravel lots in the Central Business District separate from the interim construction staging.

After discussion, it was clear that there was no support for Option No. 2.

Ms. Karen Ramshaw, employee with Public Interest Projects, was not in favor of having gravel lots throughout the Central Business District but until there is more structured parking we need real alternatives for people.

It was the consensus of the Commission to refer this item back to the Parking & Transportation Subcommittee, with them specifically revisiting the time period for the interim use zoning permit and any extensions; and the maximum allowable area of .25 acres for the lots used

for interim general parking. After the Parking & Transportation Subcommittee's review, it will also be reviewed again by the full commission.

### **Community Representation on Subcommittee**

Ms. Summers said that the Parking & Transportation Subcommittee has decided to meet monthly. They will meet the first Tuesday of each month from 11:00 a.m. - Noon in the 5th Floor Conference Room in City Hall. The Subcommittee recommended that Ms. Karen Ramshaw and Ms. Meghan Rogers be members of the Subcommittee as well. She asked for the Commission's concurrence and asked if there were other community members the Commission would like to include on the Subcommittee.

Ms. Summers said that Assistant Planning & Urban Design Director Alan Glines, Downtown Development Specialist Dana Frankel and Parking Manager Harry Brown will likely be the staff assigned to the Subcommittee.

It was the consensus of the Commission that the Subcommittee review their membership and determine if other community members should be appointed to the Subcommittee as well.

### **Discussion of Design Review Procedures**

It was the consensus of the Commission to postpone this discussion until the May 12, 2017, meeting.

### **Public Comment**

Chairman McDonough said that next year the Commission should be prepared to weigh in on any budget issues as they relate to Downtown.

### **Adjournment**

At 10:55 a.m., Ms. Turner moved to adjourn the meeting. This motion was seconded by Ms. Summers and carried unanimously.