

Buncombe County Planning Board
January 28, 2013

The Buncombe County Planning Board met January 28, 2013 in the meeting room at 30 Valley Street. Members present were Josh Holmes, Chairman Tom Alexander, Bernie Kessel, Jim Young, and Catherine Martin. Also present were Debbie Truempy and Gillian Phillips, Planning staff; Josh O'Conner, Zoning Administrator; Jon Creighton, Planning Director/Assistant County Manager; Dave Spector, CDM Smith; and Michael Frue, County Attorney.

Call to Order

Chairman Alexander called the meeting to order at 9:33 am.

Approval of Agenda

Mr. Holmes made a motion to approve the agenda. Ms. Martin seconded the motion and the motion passed unanimously.

Approval of Minutes (November 5, 2012)

Mr. Holmes made a motion to approve the minutes as submitted. Ms. Martin seconded the motion, and the motion passed unanimously.

Discussion of the Comprehensive Land Use Plan Update Process

Mr. Creighton introduced the Board to the Land Use Plan update process. He introduced Dave Spector, from CDM Smith. CDM Smith was hired as the firm that would provide technical assistance for the County in regard to the Land Use Plan update process. Mr. Creighton indicated that the last land use plan update was completed in 2006. He reminded the Board that they would be discussing concepts and not actually regulations, but policy to support further changes to ordinances. Mr. Creighton indicated that the Board would, in the next few months, discuss individual issues, and then staff would bring them the complete plan to review and approve.

Americans with Disability Acts

The Board was provided with an information sheet regarding this concept (Attachment A). Mr. O'Conner introduced the concept to the Board. There was further discussion regarding the process for updating the Plan. Mr. Creighton indicated that he did not see staff bringing the plan to the public for review as it was an update, and there was not a large amount of controversial ideas in the proposed plan. The Board discussed how the proposed concept would affect setbacks, and generally thought it was a good idea, as it made the process to construct a building simpler and more streamlined.

Airport Industrial District

The Board was provided with an information sheet regarding this concept (Attachment B). Mr. O'Conner introduced the concept to the Board. Chairman Alexander asked if the proposed zoning would affect height. Mr. O'Conner indicated that the district would not address the height issues, regarding the Airport, as this would be addressed through an overlay district at a

future point. There was some discussion regarding what properties would utilize this type of zoning. Ms. Truempy indicated that, at first, only properties owned by the Airport would be zoned as Airport Industrial.

Recognized Housing Types

The Board was provided with an information sheet regarding this concept (Attachment C). Mr. O'Conner introduced the concept to the Board. The Board discussed the concept and did not see any issues with it.

Cohousing and Intentional Communities and Interconnectivity

The Board was provided with an information sheet regarding this concept (Attachment D). Mr. O'Conner introduced the concept to the Board. The Board discussed the concept and did not see any issues with it.

Complete Streets and Interconnectivity

The Board was provided with information sheets regarding these concepts (Attachment E). The Board was also provided with PowerPoint slides regarding the concepts (Attachment F). Mr. O'Conner introduced the concept to the Board. Mr. Alexander raised concerns regarding maintenance costs regarding shared infrastructure. Mr. Holmes indicated that he thought the concept was fine, as the County was not mandating that the developers do anything, but informing them of the concepts. The Board discussed the concept and did not see any issues with it.

There was further discussion regarding the Land Use Plan process and what concepts the Planning Board would discuss in the future.

Adjournment

There being no one wishing to make public comment, Mr. Young made a motion to adjourn the meeting at 10:17 am. Ms. Martin seconded the motion and the motion passed unanimously.

Americans with Disability Act Requirements

Issue: In cases of building modification or retrofits which are necessary to accommodate the Americans with Disability Act, land use policies may inhibit timely interventions at a reasonable cost. The presence of land use restrictions applicable to ADA retrofits may deter such projects.

Recommendation: Modify current land use policies to allow for consideration of potential exemptions and variances as they relate to the Americans with Disability Act. Under this recommendation, staff would be granted authority to make decisions regarding ADA specific retrofits which do not comply with current land use policies. From a general perspective, this would expedite timelines for approvals and lower the cost of ADA retrofits. While staff would have discretion to make such decisions there should still be an opportunity to defer decisions to the appropriate administrative body if the decision involves a larger community impact or if the need for the retrofit is unclear.

Key Elements:

- Currently such retrofits must go through the standard variance process. The applicant must submit at least 30 days in advance of the public hearing and is responsible for paying appropriate fees.
- Many facilities were designed in such a manner that such retrofits would create potential compliance issues with the Zoning Ordinance.
- Staff should retain the ability to defer the issue to a higher-level administrative body if the decision cannot be clearly made due to mitigating factors or community impact.
- “Government bodies are required to make reasonable modifications to policies, practices, and procedures to prevent discrimination on the basis of disability. Reasonable modifications can included modifications to local laws, ordinances, and regulations that adversely impact people with disabilities” (<http://www.ada.gov/comprob.htm>).
- This policy would allow for streamlined use of infill properties which may help in curbing issues of sprawl.

Airport Industrial District

Issue: Buncombe County has recently assumed jurisdiction for land use regulations over the Asheville Regional Airport and a number of the surrounding properties. The current designation of the airport (public service) is inappropriate for the operation of an airport and related facilities. In addition, businesses in the area surrounding the airport are offered little flexibility to apply for necessary land use policy changes which would support operations incidental to aeronautical facilities and related industries. These limitations potentially hamper airport facility expansion and economic development opportunities.

Recommendations: Buncombe County should provide an airport and industry specific district which accounts for the land use needs of the Asheville Regional Airport, while allowing industrial and commercial uses which are related to the operation of an airport. This district should support Federal Aviation Association limitations on residential housing, which would provide a clear separation between airport operations and new residential development.

Key Elements:

- The current zoning of the airport places the entire airport in a status of a legal nonconforming use. This status places certain constraints on future expansions of the airport.
- The current zoning classifications do not contain applicable uses or language that can address aeronautic specific issues.
- The current zoning does not account for the specific requirements of the Federal Aviation Administration in ensuring that residential properties are appropriately protected from airport land use impacts.
- The current land use policies do not account for unique opportunities in terms of aviation specific industries or air hub concepts.

Recognized Housing Types

Issue: Since the adoption of zoning in Buncombe County, the County has received a number of inquiries and complaints regarding non-standard structures (i.e. those not certified as HUD labeled manufactured housing or built to State Building Code) being utilized as permanent single-family dwellings. The Zoning Ordinance does not directly codify the requirements for a structure or vehicle to be utilized as a single-family residence. The use of non-standard structures as single-family housing is potentially detrimental to property values and creates issues of compliance with regard to other County regulations.

Recommendations: Buncombe County should adopt a policy that defines a permanent single family dwelling as any structure (or vehicle) which is utilized as a place of dwelling for more than 180 days each calendar year. Any structure or vehicle which is used in a permanent capacity should adhere to all applicable sections of North Carolina Building Code or should have the appropriate certifications for a HUD labeled manufactured home. Structures which are not inspected as permanent single-family dwellings should be licensed and tagged through the North Carolina Department of Motor Vehicles in order to be utilized as a temporary dwelling. Policies should be implemented to ensure that temporary dwellings are utilized in a manner which protects property values while allowing for recreational uses of land. Temporary dwellings should be allowed in rural jurisdictions and in areas that allow for public recreational uses of property. The Zoning Ordinance should prohibit those dwellings which cannot be classified as permanent single-family dwellings or temporary single family dwellings (with appropriate vehicular registrations) with the exception of tents or other similar amenities that are temporary and incidental to outdoor recreation.

Key Elements:

- Current policies do not provide clear direction in terms of how temporary dwellings should be addressed.
- Current lapses in policies make it possible for individuals to establish a residence without any life safety inspections.
- There have been a number of efforts to circumvent Building Code requirements in favor of creating low-cost housing scenarios which can be potentially disruptive to area property values.
- The use of HUD standards and NC Building Code to regulate housing provides a clear and equitable regulatory framework. Non-standard housing is not regulated by any discernible standard in most cases or is self-regulated by the industry.
- Non-standard housing has been found which is unregulated by either Building Code or Environmental Health regulations. Such sites pose risk to public health and safety and do little to protect surrounding property values.

Cohousing/Intentional Communities

Issue: Economic difficulties associated with a constrained real estate environment as well as desire for higher levels of community integration have caused a demand for housing models such as “cohousing” and “intentional communities” to emerge. These models allow for multiple families or individuals to establish both shared housing and shared communities (with common infrastructure). The current land use regulations may pose potential limitations on such communities thus limiting potential opportunities for senior populations, agricultural communities, or other communities established around a specific purpose.

Recommendation: Buncombe County should work to integrate concepts from cohousing and intentional community models in order to allow for more flexibility in residential options. Such housing models should be allowed under current multi-family provisions within the Zoning Ordinance and modifications to relevant land use policies should be made to allow for more flexible housing options. This flexibility should not circumvent other existing land use policies related to densities, conditional use standards, etc. In addition these provisions for cohousing and intentional communities should remain separate from standards designed for those living in group homes or other assisted living type facilities.

Key Elements:

- Both cohousing and intentional community scenarios occupy a number different development types. In both scenarios there are shared facilities and unique design parameters that may function outside of our current codes.
- With respect to intentional communities, such as senior housing, the relationships between mixed-uses and the Permitted Use Table is not altogether clear. This recommendation would clarify those relationships.

Complete Streets

Issue: The N.C. Department of Transportation adopted a “Complete Streets” policy in July 2009. The policy directs DOT to consider and incorporate several modes of transportation when building new projects or making improvements to existing infrastructure. This policy facilitates the use of existing and new NCDOT road networks as multimodal facilities and insures a pattern of constant progress in recognizing the needs of multimodal users. At a County level, there is currently a lack of coordination between County approvals for development projects and potential Complete Streets improvements in the surrounding areas. Failure to examine projects within the context of Complete Streets developments may cause missed opportunities for multimodal connections between existing transportation projects and new developments.

Recommendation: Buncombe County review processes should begin to incorporate an assessment of a project’s connectivity with existing multimodal networks and potential Complete Streets improvements. Such review should be integrated with existing administrative reviews and should function to make the applicant aware of potential changes to the surrounding transportation network as well as to allow the applicant the opportunity to maximize the multimodal options available at the development site. In projects which require administrative reviews beyond the staff level, the applicant should submit information pertaining to the development’s interaction with Complete Streets to the appropriate board.

Key Elements:

- This process is not to create binding requirements for Complete Streets connectivity or pedestrian infrastructure but is intended to facilitate better information flow that prevents disjunction between development and Complete Streets efforts.
- The Complete Streets process is still relatively new to NC DOT. The French Broad MPO is examining current projects as part of its Technical Coordinating Committee and Technical Advisory Committee, this process will allow staff to communicate future intent beyond most of our development cycles.
- The French Broad MPO is currently in the process of developing a regional Complete Streets policy which will allow for a more tailored process which accounts for topography and road conditions.

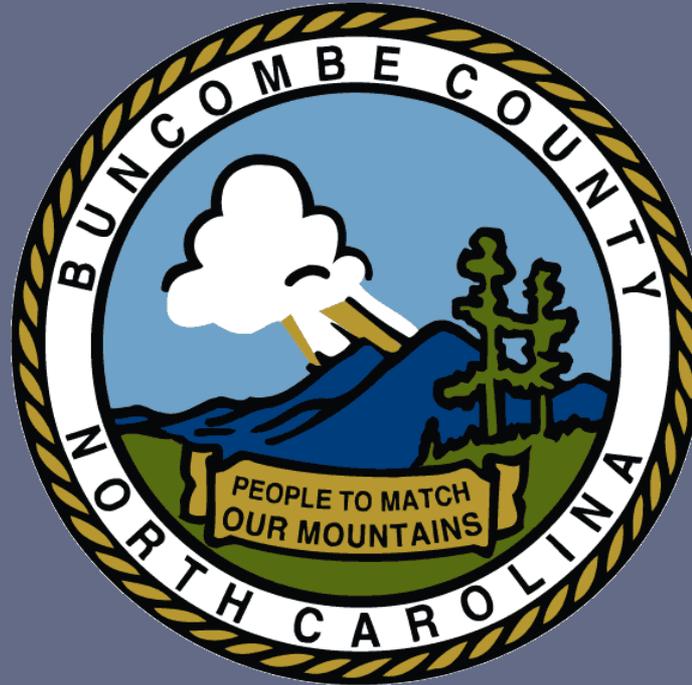
Interconnectivity

Issue: As areas of the County continue to develop in a more urban context, there are issues with a lack of connectivity between both commercial and residential development. Failure to account for or at a minimum address, interconnectivity between developments limits future development potential and exacerbates traffic safety and congestion issues. After a subdivision or a development is completed, it is difficult to make appropriate acquisitions and changes to promote connectivity, making the review process the most advantageous time to make necessary recommendations for interconnectivity.

Recommendation: Buncombe County review processes should begin to incorporate an assessment of a project's interconnectivity potential including opportunities for integration with other scheduled projects. Such review should be integrated with existing administrative reviews and should function to make the applicant aware of potential changes to the surrounding transportation network as well as to allow the applicant to understand where potential opportunities for interconnectivity between developments exists. In projects which require administrative reviews beyond the staff level, the applicant should submit information pertaining to the development's interaction with nearby land uses.

Key Elements:

- Topography makes interconnectivity extremely difficult, especially with regard to residential subdivisions.
- A lack of interconnectivity or a lack of planning for interconnectivity creates difficulties in developing commercial projects along corridors due to an abundance of drive aprons.
- Interconnectivity can present other desirable solutions for shared parking and better opportunities for site reconfiguration or redevelopment.
- Interconnectivity can capitalize on multimodal opportunities and can make mixed-use development more feasible.
- This recommendation is best suited toward urban and urbanizing sections of the County.



LAND USE PLAN DISCUSSION

Presentation to the Buncombe County Planning Board
Jan 28, 2012

LOCAL / SUBDIVISION STREET: RESIDENTIAL

PLAN VIEW



KEY ELEMENTS

- Carries traffic at a low speed.
- Street within a neighborhood or residential development providing direct access to land use.
- Provides additional linkages and connections within and to the overall street network.
- On-street parking typically occurs at different levels depending on land use characteristics. Parking demand will affect street width.
- Pedestrian activity is expected, encouraged, and to be accommodated.
- Local streets provide important connections in the bicycle network.
- Bike lanes are typically not necessary due to low speed and volumes, but are allowed. In some cases, local streets can serve as parallel bicycle or transit route to heavier traveled streets.



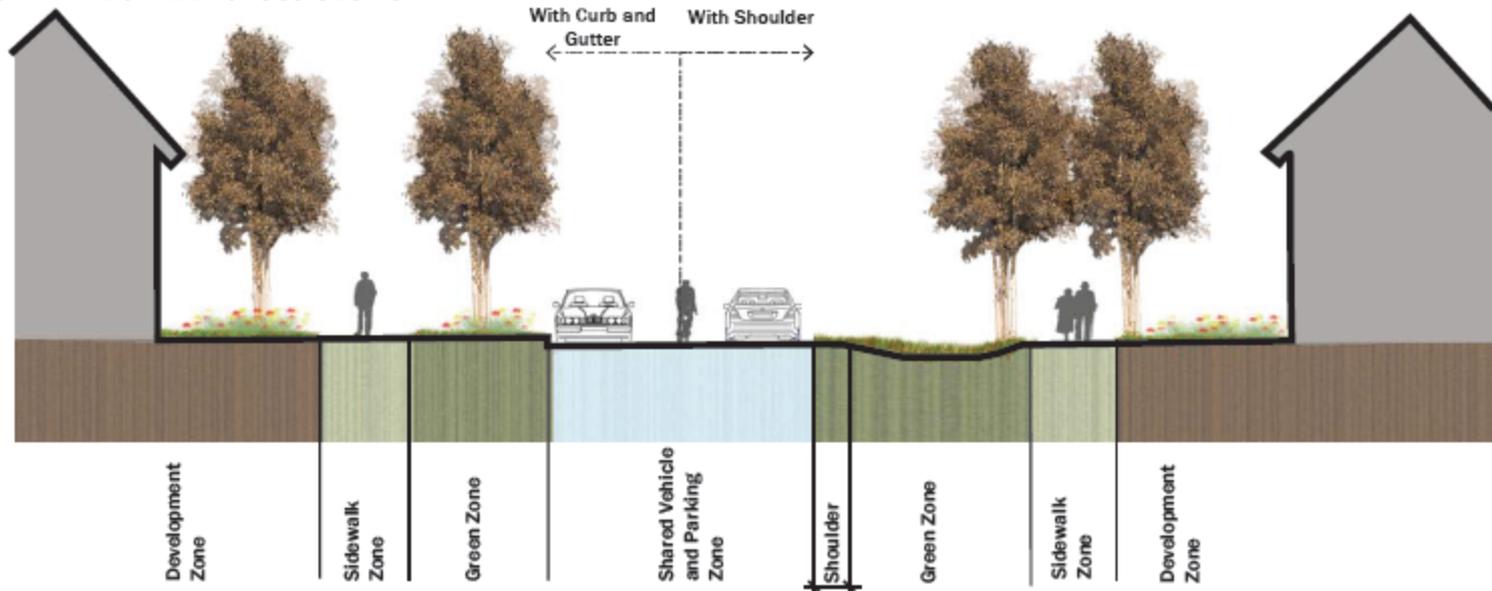
STREET CROSS-SECTION ZONES

-  **Development Zone:** Density and setbacks will vary, but all should be oriented to the street to support pedestrian access and activity along the street.
-  **Sidewalk Zone:** The pedestrian walk area is of sufficient width to allow pedestrians to walk safely and comfortably.
-  **Green Zone:** Consists of a planting strip (or, in very urban areas, a hardscaped area), with street trees between the sidewalk zone and the edge of street.
-  **Shared Vehicle and Parking Zone:** The primary travel way that includes mixed traffic (cars, trucks, buses and bicycles) and on-street parking. Local streets will be two lanes with varying provisions for parking.

* The discussion of local streets begins on page 59.

LOCAL / SUBDIVISION STREET: RESIDENTIAL

ILLUSTRATIVE STREET CROSS-SECTION



STREET COMPONENT DIMENSIONAL GUIDELINES

	Minimum Travelway F.O.C. to F.O.C. (feet)	Sidewalk Zone (feet)	Green Zone (feet)	Parking Zone (feet)	Lane Width (feet)	Shoulder (feet)
Local / Subdivision (Traditional Neighborhood Guidelines - Lane)	18'	5' - 6'	4' - 8'	very low demand	9' with no parking	4' - 6'
Local / Subdivision (Low Parking Demand)	24'	5' - 6'	4' - 8'	low demand	10' with low demand parking	4' - 6'
Local / Subdivision (Parking On 1 Side)	26'	5' - 6'	4' - 8'	7' on one side	9' with parking/ 13' with no parking	4' - 6'
Local / Subdivision (Parking On 2 Sides)	34'	5' - 8'	4' - 8'	7' on both sides	10' with one parked vehicle / 9' with two parked vehicles	4' - 6'

NOTES

1. Minimum travelway measured from Face of Curb (FOC) to FOC.
2. Median typically not provided on local streets unless for aesthetic reasons. If provided, lane widths will be increased by 2' - 5'.
3. Shoulder zone on local street typically has grass.

Street Designs

4



Traditional
Grid
Design
(circa 1900)



Curvilinear Loop Designs &
Beginning of Cul-De-Sacs
(approx. 1930 – 1950)



Conventional
Cul-De-Sac
Design
(since 1950)



