

**Meetings fail to resolve CTS pollution issues**

-- Story on page 2

**City's Master Plan development rolls on**

- Story on page 6



**Reidinger Review: Edward Norton stars as Bruce Banner in new "The Incredible Hulk"**

-- Story on Page 10



WEEKLY NEWS MAGAZINE

FREE!

# The Asheville Tribune

June 19 – June 25, 2008 Vol. 12 No. 25

DEFENDING THE PEOPLE'S RIGHT TO KNOW WESTERN NORTH CAROLINA EDITION

Complimentary Copy

**Coleman: "We didn't know we had to submit an RFP" -- Story on Page 3**

## City Hall red tape blocks ParkSide land swap plan



Bill Fishburne, Tribune Senior Editor

# Road to Perdition

ASHEVILLE – If there is a road to hell, it goes through downtown Asheville and it is paved with good intentions.

This is the only logical conclusion to draw when you follow the path that has led developer Stewart Coleman, City Manager Gary Jackson, the Asheville City Council, the Pack Square Conservancy, the Downtown Association, the County Commission and a half-dozen other groups to be at such odds over the ParkSide condominiums.

Setting aside the controversy, ParkSide is an elegantly designed building that could define Pack Square's margin, populate Asheville's central downtown park, and make a significant contribution to the economy.

Despite that, Coleman, an

Asheville native, builder and developer, finds himself in a situation where he is being castigated for planning the ParkSide building next to Pack Square and just 125 feet in front of the corner of City Hall. As currently proposed, ParkSide will occupy the site of the old Hayes & Hopson building Coleman bought from Wallace Hyde in March 2006, plus an adjacent tract that he acquired from Buncombe County in November, 2006, that is best known as the site of a large Magnolia tree.

The key issue at hand is that the Magnolia tree tract may have been part of George Willis Pack's 1901 bequest of land to the city which was to be used "forever" by the people as a public park. Even that is unclear since Pack's second bequest

no longer carried that wording.

Coleman bought the tract from the county in November, 2006, as part of the commission's consent agenda. Coleman made a bid of \$322,000, and was the only bidder. A 10-day upset bid period followed but no other bids or objections were received. The county subsequently sold Coleman's company the land, and he began to make plans for the building.

Coleman's concept is a mixed use building that would include retail space and a restaurant on the main floor, offices on the second and third floors, and condominiums the rest of the way up. As originally proposed it would have more than 100,000 sq. ft. of interior space and would reach 11 stories into the sky. The latest plan reduced it to nine stories and approximately 96,000 sq. ft.


The size reduction enabled Coleman to obtain approval for the project without going to City Council. That solved one of his political problems but created yet another furor amongst the building's opponents. Objections that seem to be based on facts are, in fact, suspiciously subjective. Coleman, like most other developers, consulted with the former city development director, Scott Shuford, prior to presenting his plans and prior to acquiring the Magnolia tree site. This was characterized as a "secret meeting" even though it was held in a city hall conference room.

The sale of the Magnolia tree land was also met with suspicion when the first tax assessment listed its value at \$600,000. Coleman appealed, pointing out that prior to his purchase, the county hired an appraiser who valued the land at \$322,000. Subsequently, the tax department reduced the assessment to \$306,000. The differences between an appraisal and a tax assessment are significant. An appraisal requires that a qualified and licensed appraiser visit the site and estimate its value based on many factors including what is the best and highest use of the land. A tax assessment, by contrast, simply looks at the location and judges it based on nearby property values. The tax assessor never actually visits the property.

When the controversy erupted, many sides weighed in. In May, 2007, Conservancy Chair Carol King, head of the Carol L. King & Associates, PA, a CPA group, called assistant city manager Jeff Richardson to complain about the sale of the Magnolia tree site. King continued her opposition into the winter, eventually calling commissioner David Gantt, commission chairman Nathan

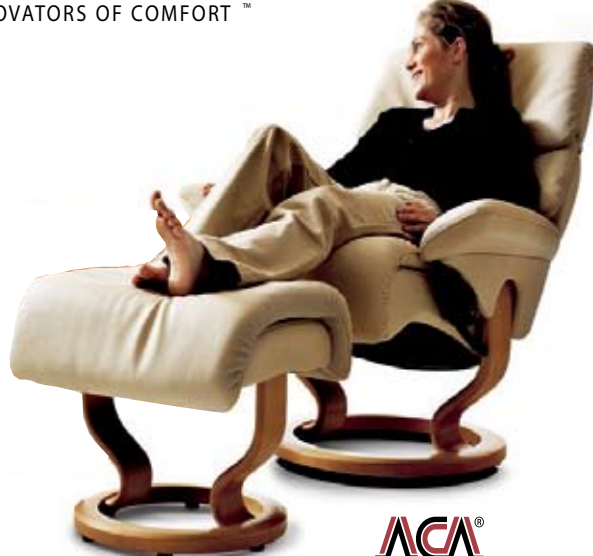


An early 2006 rendering of the ParkSide building built on the Hayes & Hopson location shows it intrudes well into the Pack Square area. Coleman's current plan uses the Magnolia tree plot to the East to gain space, allowing him to back up the front edge of the building 25 feet to the South.




Here's to your **comfort & health!**

THE INNOVATORS OF COMFORT™




[www.ekornes.com](http://www.ekornes.com)



Endorsed by American Chiropractic Association


Comfort is a state of being. Our chairs uniquely provide comfort for all. The Stressless® Glide system keeps your body in perfect balance. The Plus™ system provides optimum head and lumbar support. Start with the ComfortTest™ today and discover for yourself the true comfort of Stressless®.



Quality Home Furnishings Since 1946  
"Up the Valley In Black Mountain"


MON - SAT 9-5:30  
FREE LOCAL DELIVERY\*  
\*minimum purchase \$399.

(828) 669-5000  
TysonFurniture.com



**Togarrugs**

Turkish and Persian Rugs & Kilims  
Antique & New Since 1977



562 Long Shoals Road  
Asheville, NC 28704  
828.687.1968  
[www.togarrugs.com](http://www.togarrugs.com)

Continued on page 8

Bill Fishburne, Tribune Senior Editor

# Road to Perdition

Continued from page 3

Ramsey and possibly commissioner Carol Peterson, to propose the county form a partnership with developer David Payne to reclaim the land.

The proposal, as recorded on December 14, 2007 by County Manager Wanda Green in a telephone conversation with Payne (co-owner with his father (Jerry) of the Power Development company), would allow PD to acquire the land from Coleman, then partner with the Conservancy to knock down the Hayes & Hopson building for \$300,000 and move all the land into a \$3 million conservation easement. PD would receive the tax credits, according to Green's hand-written notes. Further, if PD decided to build on the property, Payne told Green the county would receive a percentage of the profits.

The relationship between King and the Payne company, if any, is unclear.

In July 2006, before he acquired the Magnolia tree tract, Coleman met with planning director Scott Shuford and economic development manager Sam Powers to discuss moving his proposed ParkSide building site further South to occupy land used by the city as a parking lot. Nothing came of the meeting. The three met again in December but Shuford tabled the discussion pending development of a Request For Qualifications (RFQ) to develop the parking lot land. Shuford said the city was going to hire a consultant and hoped to send out the RFQ in Feb. or March of 2007.

The RFQ was issued in May or June but did not include the property behind Coleman's building site. That left Coleman with no clear way to move his building away from the park. Meanwhile, the meter was running on his continuing investment to the tune of \$15,000 to \$20,000 per month.

Here is where the recollections of events by Coleman and Jackson begin to diverge.

Coleman remembers that Jackson contacted him between the 11th and 14th of July, 2007, to discuss making a presentation to city council on the possibility of an exchange of land. That would allow

Coleman's building to occupy the parking lot and the west end of Marjorie Street, which runs parallel to the park and is the access point to the underground City Hall parking garage.

Jackson remembers that "the sense of urgency was Stewart's. He was weighing his options on the property."

"We were well down the road

24, 2007, if he had something in his hands on Monday, July 23.

With that impetus, Coleman had his architects work through the weekend to prepare a proposal to relocate the ParkSide building at a cost of more than \$9,300. He understood that Jackson would make the presentation in closed session, but did not believe he was in any way short-circuiting

Bissette's conference room not too long ago and (city attorney Bob) Oast clearly stated the city has no process for exchanging land. So what RFP is he talking about? Gary (Jackson) was in the room at the time."

Councilman Carl Mumpower, speaking to The Tribune about the closed session on behalf of city council, says Jackson's presentation on Coleman's behalf would have required Council to "... step out of proper process for (divesting) one of the most premier land sites in the city. There is an established procedure for this, and Coleman didn't go through it."

"There are four or five players, including the county, that would have to be at the table to consider such a step."

The City's reluctance to short-circuit the process may be the correct approach from a bureaucratic

perspective but it ignores the reality of Coleman's situation. Meanwhile, at a meeting in November 2007, the Conservancy passed two resolutions introduced by their Design Committee. The first said the ParkSide building did not conform to the Pack Square Design Guidelines. The second, and more important of the two, said, "That the Board formally encourages the City of Asheville to pursue an exchange of land with the ParkSide Condominium project being moved to the south in accordance with the

boundary in the guidelines."

Separately, the Downtown Commission passed a similar resolution that stated, in part, "The Downtown Commission advises and urges City Council to act expeditiously...to pursue a land swap with the developer of the ParkSide condominium project...it would be advisable to either close and convey a portion of Marjorie street or to convey air rights over Marjorie Street."

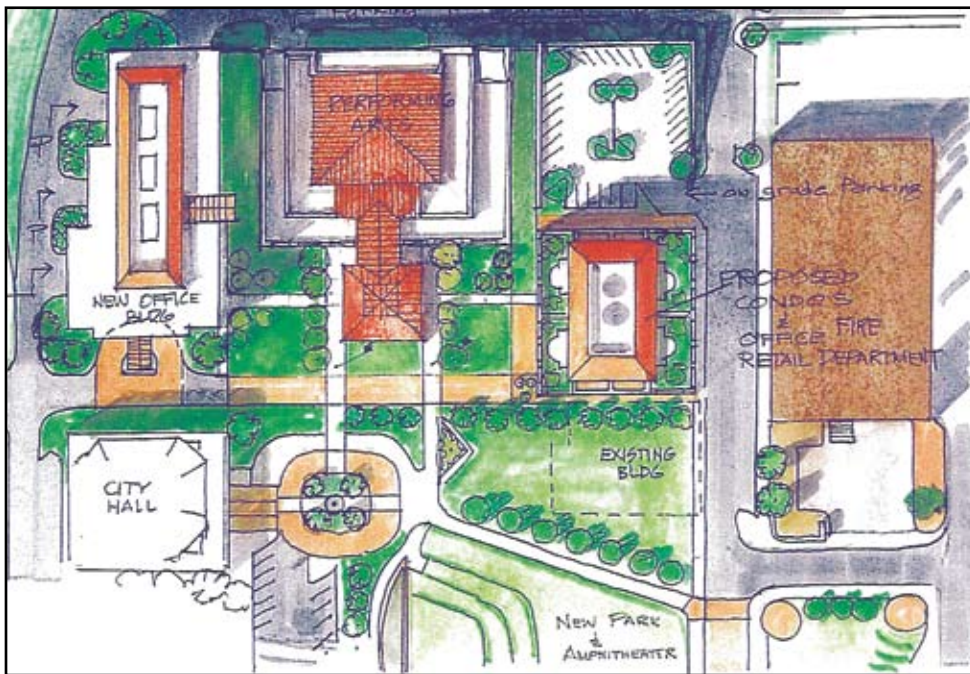
And that's where it stands. Council is waiting for the process to work so it can consider a proposal. The city staff is waiting for Coleman to submit an RFP. Coleman is looking for someone to tell him what RFP they're talking about, and two of the players Mumpower says should be at the table are urging the city to let Coleman move the building back, onto Marjorie street and the city parking lot.

In lieu of the land swap, Coleman intends to proceed with ParkSide on the Hayes & Hopson and Magnolia tree sites. Since he reduced the building's height it now has to pass the technical review committee again and also must receive city and county permits for road closings and an easement for emergency services. It is doubtful those can or would be used to block the process. The city's bureaucracy is often ponderous and woefully slow, but it is not in its nature to be political.

"I really believe in this building," Coleman told The Tribune. "It is a beautiful building that will define the park and place eyes on it 24x7. We have worked very hard to make it reflect the architecture and character of the surrounding buildings and space. I think it will benefit the community."

That may be in the eyes of the beholder. What is certain is that the issue has caused everyone involved significant grief, and the delays have put Coleman's costs into uncharted territory.

Good intentions, it seems, don't pay the bills. They just pave the road to perdition.



Coleman's plan to move the ParkSide building South, completely out of the Pack Square area and onto Marjorie Street and the city parking lot, "was reviewed with Scott Shuford in July of 2006, prior to the purchase of the Magnolia plot." This rendering also shows the proposed Performing Arts Center and another new office building. (See 2006 building rendering on page 3).

in the ParkSide project when he approached me (about a land swap). I informed him that the best way to proceed was to go to a council meeting and make a presentation. I said that here were some of the things that might make a good public/private partnership. Proceed at your own risk. The sense of urgency was his."

On that much, Coleman agrees. "Gary's right. We needed a decision almost immediately if we were going to move our building back onto their land. We couldn't wait more than 60 days to let our engineers and architects know where the building would be located. We had designed it to go on that property."

Jackson told Coleman he could get a proposal to council on July

established procedures.

"I would never in a lifetime have gone out and spent \$9,000 to make a proposal if he (Gary) hadn't requested me to."

The outcome of the meeting was that nothing happened. Council went into closed session at 7:33 p.m. during the July 24 meeting, recessing at 8 p.m. The session coincided with their scheduled dinner break. The closed session resumed at 11:53 p.m. and ended at Midnight, when the meeting was adjourned.

Council members who were present say there were several items on the agenda and the Coleman discussion occupied a very small portion of the 34-minute closed session.

Jackson says "I took his drawings to council for consideration. I made them aware of what Stewart had presented and sought their direction. They reaffirmed that they would be open to a discussion of it but he had to go through the RFP (Request For Proposals) process."

Coleman, who was directing his firms efforts to navigate the city's bureaucracy, says he never heard of the RFP process and is still unclear as to what it specifically might entail.

"We sat in (attorney) Lou

**Creative Images Hair Salon**  
 Spring forward with style!  
 Also offering pedicures, manicures, facials & waxing.  
 We Love Walk-ins!  
**645-5770**  
 184 Weaverville Hwy. in Woodfin  
 Open Tuesday thru Saturday from 10 am until...

**Conceptual Pack Square Park Development Plan**  
 Fit Study - Scheme 1  
 24 July 2007  
 for  
 SB Coleman Construction  
 Including:  
 Mid-rise ParkSide Condominium  
 Multilevel Parking Garage  
 Infill - Low-rise Retail / Residential

Cover sheet for the July 24, 2007, City Council presentation. The documents presented included seven renderings showing the ParkSide building moved back to the edge of Marjorie Street. (See front page cover aerial view).