

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
June 13, 2017

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, June 13, 2017 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Pro Tem Gary Caldwell called the meeting to order at 6:28 p.m. with the following members present:

Mayor Pro Tem Gary Caldwell
Alderman Jon Feichter
Alderman Julia Freeman
Alderman LeRoy Roberson

The following members were absent:
Mayor Gavin Brown

The following staff members were present:
Rob Hites, Town Manager
Woody Griffin, Town Attorney
Amie Owens, Assistant Town Manager/Town Clerk
Eddie Caldwell, Finance Director
Elizabeth Teague, Development Services Director
Bill Hollingsed, Police Chief

The following media representatives were present:
Cory Vaillancourt, Smoky Mountain News
Allison Richmond, The Mountaineer

1. Welcome /Calendar/Announcements

Mayor Pro Tem Caldwell welcomed everyone to the meeting and noted that Mayor Brown was still under the weather and unable to attend the meeting this evening. From the events calendar, the following were mentioned:

- June 26 – Haywood County COG meeting – Maggie Valley is hosting
- July 4th - Stars and Stripes Parade and downtown activities
- July 4th – Town offices will be closed

2. Adoption of Minutes

Alderman Roberson made a motion, seconded by Alderman Freeman, to approve the minutes of the May 23, 2017 regular meeting, as presented. The motion carried unanimously.

B. PRESENTATIONS

3. 100% Clean Energy and Green Jobs Presentation

Susan Williams, former educator and environmental supporter, addressed the board. She presented information on Clean Energy and Green Jobs noting that Waynesville should treasure the natural beauty in the area. Ms. Williams noted that there are Increasing concerns about the health of the environment including global warming and alarming droughts. Ms. Williams highlighted that several other municipalities have signed resolutions of support for a stat and national goal of 100% clean energy by 2050 and the creation of green jobs. Mayors of Franklin, Sylva and Asheville have already signed such resolution.

Ms. Williams asked the Board to consider such resolution and the benefits for Waynesville things such as the economics of good paying jobs – being pro-active now shows the vision to move forward.

Mayor Pro Tem Caldwell added that the Town has always been concerned with efficiencies and green building as noted in the Town Hall and newly renovated Public Services building. He added that Western Carolina University monitors the watershed and that research is on going related to the reservoir and its capacity.

Alderman Feichter thanked Ms. Williams for her presentation and commented that he would like to see this Board adopt a resolution in support of this initiative. He added that is it important for Waynesville to be known for exhibiting leadership in this area especially if nearby municipalities are pursuing recommended action. Alderman Feichter reminded the Board that initiatives such as these fit into the objectives of the Board and he wants Waynesville to be seen as a leader rather than a follower.

Alderman Roberson commented that this is an important issue; this is not a finite world that is already stressed. Climate change is occurring and it is important to seek out alternatives and provide necessary job growth as well.

Ms. Williams thanked the Board for the opportunity to speak and Mayor Pro Tem Caldwell in turn thanked Ms. Williams for her presentation. The Board will consider a resolution of support at its next regular meeting.

4. County-wide Warning and Notification System

Sheriff's Lt. Tony Cope and Assistant Emergency Management Coordinator Zack Koonce presented information on a proposed county-wide warning and notification system. Lt. Cope explained that in light of the ever changing real world events, it is imperative to be able to notify our citizens and visitors of emergencies in a timely manner. The system – Everbridge – is used by larger municipalities and is a more robust system than is currently utilized by Haywood County and its municipalities. The Everbridge system allows for registration via text and can be used for emergencies as well as for informational postings such as festival information or boil water notices.

Assistant Manager Amie Owens added that this would be a shared contract between all local governments and would result in a savings of approximately \$1,200 annually for the Town of

Waynesville with increased capabilities and unlimited use. The Town would still be able to send regular and town-specific emergency announcements through this system and have the added benefit if there is a county-wide emergency that everyone would be sending out the same information to citizens and visitors. This system has many more features for cell phone users than our existing system and visitors can receive messages by simply entering a keyword.

Alderman Freeman asked Police Chief Bill Hollingsed if he was comfortable with this change. Chief Hollingsed agreed with the change and noted that his dispatchers would be trained as users on the system. He added it was a great move.

Alderman Feichter made a motion, seconded by Alderman Freeman to approve the participation of the Town of Waynesville in the county-wide consolidated Warning and Notification system via Everbridge for a period of one year. The motion carried unanimously.

C. NEW BUSINESS

5. Request approval of Pension/Retirement Audit to be performed by Ray, Bumgarner, Kingshill and Associates

Finance Director Eddie Caldwell explained that there was a new requirement by the Government Accounting Standards Board (GASB) for reporting pension liabilities and expense. The Town of Waynesville was one of 60 local government entities chosen for audit to ensure that information from actuarial studies was accurate and correctly reported. This requires a formal audit and examination. Mr. Caldwell has spoken with the Town's auditors who would perform the examination at a rate of \$95.00 per hour with a total cost estimated at between \$3,500 and \$4,500.

Alderman Freeman noted that some of this information was contained in the regular audit as well. Mr. Caldwell confirmed that the actual booking of the liability had been included in the audit for two years.

Alderman Feichter made a motion, seconded by Alderman Roberson to approve the engagement proposal and authorize the Mayor Pro Tem to sign the engagement letter to examine the employee census data and related underlying payroll records of the Town of Waynesville for the year ended December 31, 2016, as presented. The motion carried unanimously.

6. Request approval of Amendment #6 to the 2016-2017 Budget Ordinance and Amendment #2 to the Renovations and Repairs to the Public Building Project Ordinance

Mr. Caldwell noted that the Public Works Building Improvements Project Ordinance was established and adopted by the Board on June 28, 2016. The costs of this capital project fund were budgeted to be funded from loan proceeds \$1,265,000 and transfers from other funds \$400,000.

The first amendment requested will allow the transfers to be completed from the Water, Sewer and Electric Funds to the Public Works Building Improvements Capital Project Fund. The transfer will be as follows: Water Fund \$50,760, Sewer Fund \$50,760 and Electric Fund \$50,761.

The second amendment will allow the close out of the Renovations and Repairs to Public Building Capital Project Fund and transfer the unspent funds to the Public Works Building Improvements Capital Projects Fund. This transfer will be \$247,719.

Alderman Freeman made a motion, seconded by Alderman Roberson to approve Amendment #6 to the 2016-2017 Budget Ordinance, as presented. The motion carried unanimously.

Alderman Roberson made a motion, seconded by Alderman Feichter to approve Amendment #2 to the Renovations and Repairs to the Public Building Project Ordinance. The motion carried unanimously.

7. Request approval of Amendment #1 to the Public Works Building Improvements Project Ordinance

Mr. Caldwell explained that he was requesting amendment to move loan payment on the Public Works Building Improvements Project to the Public Works Building Improvements capital project fund. Moving the loan payment to the capital project fund will centralize all costs during construction into one fund until the project is capitalized and completed. Mr. Caldwell added that the request for loan quotes asked the banks to schedule the first loan payment in the 2017-2018 budget but the winning quote requires a loan payment in the 2016-2017 budget. This amendment will make it easier to report all costs including the loan payment during construction to the Public Works Building Improvements capital project fund. Since the contingency has not been used or is not expected to be needed, Mr. Caldwell proposed the contingency expenditure line item be reduced \$56,950 to balance the amendment.

Alderman Freeman made a motion, seconded by Alderman Roberson to approve Amendment #1 to the Public Works Building Improvements Project Ordinance. The motion carried unanimously.

D. PUBLIC HEARING

8. Public Hearing to consider a Conditional District map and text amendment request at 909 Russ Avenue, and 88 and 186 Frazier Street, Haywood County Tax Parcel Identification Numbers 8616-12-9629, 8616-12-9531, 8616-12-7433, and 8616-12-4331 from Russ Avenue Regional Center Commercial District (RA-RC) to Russ Avenue Regional Center Commercial District Conditional District (RA-RC-CD)

Elizabeth Teague, Development Services Director, explained that she had received a request from MAB Management, LLC for conditional zoning to place a new retail development, the Waynesville Pavilion. The reason for the request is due to the complexity of the site and engineering requirements for retaining walls; parking requirements are similar to those at Ingle's.

Ms. Teague noted that the Planning Board unanimously approved this and added three conditions and the developer has addressed all three conditions. The applicant has not officially gotten the right of way from the owners at the Sagebrush related to a turn lane, but negotiations are continuing.

Ms. Teague provided an extensive staff report that addressed all of the requirements for the conditional district rezoning and outlined the three conditions placed on MAB Management by the Planning Board. These conditions are:

1. That traffic planning be coordinated with NCDOT and a plan based on a traffic study be formalized prior to the building permit being issued;
2. That proposed landscaping be supplemented along the road frontage of Russ Avenue and the rear (western) boundaries of the property adjacent to the Love Lane Residential Medium Density, Mixed-Use Overlay District; and to
3. Add façade treatment along the side of the “Major A” building facing Frazier Street.

Ms. Teague provided an overview of staff’s review of environmental, infrastructure, parking lot and landscaping, signage, buildings and consistency with the 2020 Land Development Plan. Staff believes that the proposed Plan and subsequent Ordinance is consistent with the Town’s goals for Land Development as written in the 2020 Plan and that the proposed site plan and elevations represent an improvement to the area. The impacts of this project as proposed will be positive, expanding the pedestrian network, adding a transit stop, providing landscaping and stormwater controls where there currently are none, and providing new retail which will also create jobs. Ms. Teague added that staff recommends approval of the Plan and Ordinance as presented with the condition that traffic planning should continue to be coordinated with NCDOT to accommodate changes to Russ Avenue and future sidewalk installation and connection as shown. *(A full copy of the staff report is incorporated into these minutes as an appendix and is considered a part of this record.)*

John Argo, Principal Developer for MAB American Management, LLC addressed the Board. He noted that this was a wonderful opportunity and congratulated the Board on the building of its business environment with a new retailer and bringing other businesses to town. He added that he felt this re-development could spur a resurgence in town. Mr. Argo and his staff have been working with the Development Services staff for greater than 6 months and accepted the recommendations from the Planning Board and staff. He thanked the property owners who had also been integral in this process. Mr. Argo concluded by noting that the project engineer and architect would be speaking.

Jennifer Losurdo explained that MAB is going to invest \$15 to \$20 million in the acquisition of property, environmental abatement and phase I studies (which have been completed), demolition, removal of utilities and pavement, site improvements including grading, draining and stormwater management and retaining walls. She added that the goal is to revitalize the area and add a new retail center resulting in over 200 permanent jobs and approximately 200 construction jobs over the 18 month construction phase. This project will allow for the cleaning up of aged commercial buildings, roadway drainage improvements for Frazier Street and improved gateway into Waynesville.

Lengthy discussion was held related to the various topographic restraints and variance considerations.

Architect Rick Maxium addressed the building appearance and aesthetics. He provided graphic representations of the main building noting the use of rock and brick and the use of similar materials and color scheme as other businesses in the area. He noted the changes made since the first submission including the addition of a transit stop and improvements to the side elevation facing Frazier Street.

Alderman Freeman inquired if the transit stop would be covered. Mr. Maxium answered that it was not, but was part of the standard façade. Ms. Teague asked if an enclosed transit stop could be a modification for the front elevation. Mr. Maxim confirmed that this is a possibility.

Town Attorney Woody Griffin called the public hearing to order at 8:06 p.m. and reminded those who wished to speak to raise their hand, be recognized and once at the podium provide their name and address for the minutes and requested that comments be limited to three minutes.

No one addressed the Board.

Attorney Griffin closed the public hearing at 8:07 p.m.

Mayor Pro Tem Caldwell asked the Board if they had any additional questions. Alderman Feichter inquired about the traffic impact not only after the project is completed, but especially during the construction phases.

Ms. Losurdo explained that MAB has been working with the NCDOT and improvements to the development are part of the NCDOT permitting process for the project. While there will be an influx of traffic, the design will handle the current Russ Avenue traffic and improvements will match the proposed Russ Avenue improvements in the future.

There being nothing more to discuss, Mayor Pro Tem Caldwell noted that there were two motions required for this issue.

Alderman Freeman made a motion, seconded by Alderman Feichter to find the Waynesville Pavilion project consistent with the 2020 Land Development Plan. The motion carried unanimously.

Alderman Freeman made a motion, seconded by Alderman Roberson to adopt the ordinance creating the Russ Avenue Regional Center Conditional District as proposed. The motion carried unanimously.

E. CALLS FOR PUBLIC HEARING

9. Call for a Public Hearing to be held on July 18, 2017 to consider a request to abandon a portion of right-of-way in order to remove an existing encroachment at 76 Adams Street

Ms. Teague explained that a house and retaining wall built in 1978 sits on a piece of property underlying a portion of the cul-de-sac at the end of Adams Street. The property owner has asked for the Town to abandon or close that portion of the cul-de-sac right-of-way that holds the encroachment and is part of the legal lot. Removal of this portion of right-of-way will not alter or limit use of the roadway as it is now, nor will it impact access to any lots also served by the right-of-way. Town staff is researching the best legal procedure to remove the right-of-way from the underlying property.

The only action required at this meeting is to call for the public hearing.

Alderman Feichter made a motion, seconded by Alderman Roberson to call for a Public Hearing to be held on Tuesday, July 25, 2017 at 6:30 pm or as closely thereafter as possible, in the Board Room of Town Hall, located at 9 South Main Street, Waynesville to consider a request to abandon a portion of right-of-way in order to remove an existing encroachment at 76 Adams Street. The motion carried unanimously.

10. Call for Public Hearing to consider a voluntary annexation request by Encouraging Word Baptist Church in order to receive municipal services

Ms. Owens explained that the Town received a "Petition for Annexation of Non-Contiguous 'Satellite' Areas," executed by Encouraging Word Baptist Church. It is just outside the Town's Extraterritorial Jurisdiction and is not contiguous at any point with properties within the Town's Municipal Boundary. However, water and sewer services are being provided by the Town of Waynesville in this area already and there is no concern related to service provision and available connectivity.

Alderman Feichter made a motion, seconded by Alderman Freeman to call for Public Hearing to be held on Tuesday, June 27, 2017 at 6:30 p.m. or as closely thereafter as possible in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider the request for voluntary annexation from Encouraging Word Baptist Church for PIN 8615-92-2447 at 1408 Pigeon Road being 4.702 acres to receive municipal services. The motion carried unanimously.

F. COMMUNICATIONS FROM STAFF

9. Manager's Report –Town Manager Rob Hites

Wayfinding Signage Grant

Manager Hites reported that a grant application was presented to the TDA for county-wide wayfinding signs. The Downtown Waynesville Association sponsored the submission and all of the municipalities and county managers approved. The grant was approved for \$50,000 and will be used to hire a consultant for sign design and plan for placement. An additional grant will be requested in the next year to fund the actual signs.

Frog Level Parking Lot

Manager Hites explained that the existing lease on the Frog Level Parking Lot with the rail road has been on a month to month basis since 1992. The original lease did not allow for improvements to the lot. Manager Hites has negotiated a 10-year lease agreement that reduces the current monthly lease rate of \$200.00 to \$167.00 per month which is equal to the taxes for the property. Included in the new lease is permission to pave, add lighting and fencing between the rail road tracks and parking lot.

Manager Hites added that he and Attorney Griffin have worked on this and he has given tentative approval; however, insurance requirements must be reviewed. This item will be included on the next regular meeting agenda.

10. Attorney's Report – Town Attorney Woody Griffin

Attorney Griffin had nothing to report

G. CALL ON THE AUDIENCE

No one addressed the Board

H. COMMUNICATION FROM THE MAYOR AND BOARD

There was no additional information from the Board.

I. ADJOURN

There being no further business to discuss, Alderman Freeman made a motion, seconded by Alderman Feichter to adjourn the meeting at 8:25 p.m. The motion carried unanimously.

ATTEST

James G. Caldwell, Mayor Pro Tem

Robert W. Hites, Jr., Town Manager

Amanda W. Owens, Town Clerk

APPENDIX TO THE MINUTES OF THE JUNE 13, 2017 BOARD OF ALDERMEN MINUTES

Board of Aldermen Staff Report

Waynesville Pavilion Conditional District Rezoning

June 13, 2017

Project: Waynesville Pavilion (Large Retail and Shops)
Location: 909 Russ Avenue and 88 and 186 Frazier Street
PINs 8616-12-9629, 8616-12-7433, 8616-12-9531 and 8616-12-4331
Acreage: 6.63 acres four lots combined.
District: Russ Avenue Regional Center Commercial District (RA-RC)
Applicant: MAB American Management, LLC which has a contract to purchase the four lots.

Background:

MAB American Management, acting as the development agency, Columbia Engineering, and Max Design Group Architects, have submitted site plans, elevations, environmental documentation and a traffic study to redevelop the project area into a 49,098 square foot retail store and a separate 7,200 square foot retail building of up to 6 units.

The project consists of 4 lots that will be recombined into a unified site. These lots currently include the Lodge Motel, the Red Barn and other retail buildings. The site plan in question **does not** include the property of the Sagebrush restaurant and parking lot.

MAB is applying for a Conditional District rezoning. If approved, their request would amend the zoning map for the area identified in their application to Russ Avenue Regional Center Conditional District (RA-RC-CD). Approval, or approval with conditions, amends the Land Development Standards as they apply specifically to these properties, and only to these properties as requested and as specifically shown on the Master Plan and included in the CD Ordinance. As a point of reference, the Ingles across the street is 127,967 square feet with an additional 9,200 square feet of retail and was approved by a Conditional District rezoning to RA-RC-CD in 2010.

Retail development is permitted in the RA-RC District, and therefore the applicant is not requesting any deviations from the permitted *uses* otherwise allowed. The applicant is requesting flexibility in Land Development Standards for the structure elevations, landscaping, parking lot and other infrastructure.

Conditional District rezoning is a tool that provides flexibility in design standards through site specific planning. According to the Town of Waynesville's Land Development Standards, Section 15.15:

"Conditional Districts (Section 2.6) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development."

If approved, this site plan and CD designation will replace any conflicting development regulations which would otherwise apply. Therefore the Board may recommend “reasonable and appropriate conditions including, but not limited to the location, nature, hours of operation and extent of the proposed use.” Such conditions or additional standards that the Board imposes, “shall be limited to improving conformance with the existing ordinance and/or addressing expected impacts generated by the development and use of the site.” The ordinance requires that an applicant have a reasonable opportunity to consider and respond prior to final action by the Board.

The Planning Board held a hearing on May 15, 2017 and made a unanimous recommendation to the Board of Aldermen for approval of MAB’s Conditional District Rezoning request, with three conditions:

4. That traffic planning be coordinated with NCDOT and a plan based on a traffic study be formalized prior to the building permit being issued;
5. That proposed landscaping be supplemented along the road frontage of Russ Avenue and the rear (western) boundaries of the property adjacent to the Love Lane Residential Medium Density, Mixed-Use Overlay District; and to
6. Add façade treatment along the side of the “Major A” building facing Frazier Street.

Since the Planning Board meeting, the applicant has submitted a revised elevation for the Frazier Street side of the building, an enhanced landscaping plan, and a Traffic Study recommending roadway improvements and driveway configurations which will require continued coordination with NCDOT.

The Plan was reviewed by the Town’s Technical Review committee on February 6 and April 24, 2017 and Town staff have provided feedback to the applicants team since that time and since the Planning Board Meeting which have informed revisions shown in the application package presented.

Revised plans and application were initially submitted May 1, 2017, and plan revisions in response to the Planning Board’s comments and conditions were submitted June 1-6, 2017. Included in the initial application were:

1. Cover letter and application form, including signature pages from individual property owners and MAB who holds the sales contract,
2. An enumerated list of requested variances to the Land Development Standards,
3. Site plans,
4. Landscape plan,
5. Topographical cross section (added to submittal at the request of staff),
6. Building elevations,
7. Survey information,
8. Utility plans,
9. Stormwater calculations, with pre-and post topography,
10. Grading and drainage plans,
11. Replacement of an existing culvert which runs through the middle of the property.

Supplemental information provided since the Planning Board meeting included:

1. A VHB Engineering memorandum and a Trip Generation Rates summary indicating the existing traffic of the site as it is now and the future proposed trips to be generated by the development;
2. Revised building elevation along Frazier Street with revised architectural view cross sections; and
3. A revised site plan indicating additional landscaping per the Planning Board’s direction.

Information provided for this hearing includes just those items that pertain to the Conditional District Rezoning. All other materials submitted are available in the Development Services Department.

Existing Site Conditions

The existing site is challenging for redevelopment and has several constraints which are notable in consideration of the deviations from the Land Development Standards requested.

- Topographically, the property increases in elevation toward the 23/74 expressway, and slopes down toward Russ Avenue, and therefore requires retaining walls at several locations, including along the NCDOT right-of-way for the expressway and at the western portion of the project area along Frazier.
- The site itself is restricted by shape in that the expressway curves west.
- Russ Avenue is scheduled for improvement with construction beginning 2022 (NCDOT Project U-5839). The Applicants have met with NCDOT and are designing to the future Russ Avenue roadway. The proposed vehicle and pedestrian access is designed to accommodate infrastructure that is not yet in place. Therefore the interior sidewalk is stubbed out to meet the Russ Avenue right-of-way and sidewalk as required along Russ Avenue will have to be guaranteed through a “fee-in-lieu” of construction. This means that the applicant will have to pay for the cost of the sidewalk along Russ to the town and the Town will use those funds toward construction of that sidewalk when appropriate as part of the NCDOT project.
- There is an existing stream within a culvert which comes from the expressway right-of-way, travels under the current Lodge and sagebrush properties and daylight at the corner of Russ and Frazier. The culvert will be replaced on that portion of the property within the proposed development.
- The property is surrounded on three sides by NCDOT right-of-way along 23/74 and along Russ Avenue and is bordered by the Town road of Frazier Street. However, the property at the corner is not part of the project and limits the property’s access points.
- Frazier Street has only 30’ of public right-of-way which slopes up to the west and the edge of right-of-way slopes down toward the north. Frazier Street will require retaining walls and other improvements and the applicant is seeking additional right-of-way from the property owners of the Sagebrush lot. The Town has already made known its support of expanding right-of-way in this area to the adjacent property owner and NCDOT.
- The property currently has little provisions for drainage and stormwater management.
- Existing structures will require demolition permits and have to be evaluated for asbestos.

Zoning and Surrounding Land Uses

This project does not change the use of the site as it exists now as a collection of individual retail buildings. A retail store is permitted outright in the RA-RC district as a General Commercial use.

To the north, the site abuts 23/74; to the east it abuts Russ Avenue and the Sagebrush property. To the south it abuts Frazier Street within the RC district but also in the southwest corner adjacent to the Love Lane Medium Density Residential District Mixed-Use Overlay District. The properties on the other side

of Frazier Street are primarily single-family residential. Therefore it is adjacent mostly to similar RC zoning on three sides, and RM Mixed Use zoning for a portion of the site.

RC redevelopment that is adjacent to RC Zoning would not require any buffering, but redevelopment adjacent to RM zoning would require Type A buffering. The applicant is seeking deviation from Section 8.4 in order to accommodate the site constraints of right-of-way and slope along Frazier Street.

Conditional District Application and Ordinance Request:

The attached application and list of variances covers the extent of the conditions and requests being submitted as part of the design and text amendments as would apply to the area of the Master Plan.

1. **Section 5.10.3.C.2 – Building glazing requirements.**
2. **Section 5.10.4.A – Rooftop equipment screening.**
3. **Section 8.4 Buffer yards.**
4. **Section 8.5 Street tree plantings.**
5. **Section 8.6.1.A Parking lot screening.**
6. **Section 8.6.2.B – interior parking lot plantings.**

Section 9.3 – regulates the Permitted Parking Locations on new development or redevelopment. The applicant is using this Conditional District Rezoning request instead of applying for a Special Use Permit in order to allow parking to be located in the front of the building.

Staff Review Comments

Environmental:

- The project area is not within a regulatory floodplain.
- The underground culvert which conveys a perennial stream will be replaced.
- The project area is 6.63 acres of which 6.55 acres represents the total drainage area with 3.38 acres of that area currently considered impervious surface (“pre-development condition”). The proposed “post-development” condition for that same 6.55 acres will be 4.93 acres of impervious surface, a 1.55 acre difference which will require a stormwater permit. Calculations submitted with the stormwater plan shall meet the Town’s Stormwater Ordinance (LDS Section 12.5).
- The total disturbed area for the project will be 7.24 acres and will require a State sedimentation and erosion control permit. The project will involve changing the shape and size of the drainage areas on the site and increasing the grade of several slopes surrounding the project area. These will require retention walls subject to state building codes.

Staff concludes that the redevelopment as proposed will greatly improve the stormwater, drainage, and environmental conditions of the site.

Infrastructure:

- Adequate water and sewer is available for the project and will require line improvements. Applicant has been working with the Town's Public Services Department on water and sewer upgrades.
- The site has adequate access to power for the site either from Duke or from the Town of Waynesville.
- Existing driveways will be re-used and brought up to current Town and NCDOT standards. Applicants were able to meet with NCDOT staff and have been provided with plans for the Russ Avenue Improvement project, U-5839. This project is scheduled for right-of-way acquisition in 2020, and construction to begin in 2022.
- The project installs sidewalk infrastructure to connect pedestrians from Russ Avenue to the front door of the store. This sidewalk is stubbed out to connect to the future sidewalk along Russ Avenue that is planned as part of NCDOT project U-5839. The alignment of this facility will also provide the most practical route between the public sidewalk and the building entrance in accordance with Section 9.4.4, providing a pedestrian facility within the interior of the parking lot.
- Project proposes to use Frazier to access side and rear of the development, accommodating delivery trucks. This will require upgrades to Frazier that must be approved by the Public Works Director. The applicant has asked for the Town's and NCDOT's assistance in securing additional right-of-way at the corner of Frazier and Russ to accommodate a safer turning movement from Russ Avenue onto Frazier. The right-of-way requested falls within the right-of-way expansion being considered by NCDOT as part of U-5839.
- The Town requires a Traffic Impact Analysis (TIA) if a project is estimated to generate 3,000 vehicles per day or greater during an average weekday based on a 5 day average defined in the Institute of Transportation Engineers Trip Generation Manual. Study was undertaken in August and predicts a net change of 2,394 in Annual Daily Traffic and recommends improvements to ingress/egress as part of the redevelopment plan. The work and road design already completed for Russ Avenue by NCDOT, will also address traffic, access and turning movements in relation to this project as U-5839 progresses.
- The project will include a transit stop with bench and signage at the front of the store.

Generally speaking, this project is being designed for future traffic and road improvements as well as its own utility needs, and the applicant has done a good job in accommodating the infrastructure needs changing around them.

Parking Lot and Landscaping:

- Applicant seeks relief from Sec 9.3 which limits how parking may be located in the front of the store. In commercial applications within Regional Center Districts, this request would require a Special Use Permit, but can be addressed as part of the Conditional District process instead.
- The proposed parking exceeds the Town's minimum standards, Sec 9.2.1 (1 space/600sf), providing 246 spaces of which 11 are handicapped for the 49098 sf building and 40 spaces of which 2 are

handicapped parking for the 7,200 sf building. The client for this development requires 5.01 spaces for every 1000 sf, about three times the Town's minimum standard.

- Bicycle parking of 14 spaces has been provided in compliance with Sec 9.5.
- The site in its current condition has little to no landscaping and no canopy trees. Landscaping on the edge of the property is constrained by slope and right-of-way along Frazier and the Expressway. The ordinance requires 1 canopy for every 50' of roadway frontage in the RC District, but the plan provides for 18 as part of Parking lot screening, providing trees along Frazier, Russ Avenue, and 23/74 to the extent possible, and have supplemented 5 more trees behind the smaller retail shops structure and 4 additional trees to the rear of the lot, since the Planning Board Meeting.
- Canopy trees are required within the parking lot at a ratio of 1 tree to every 12 spaces, which would equate to 23 trees for a 286 space parking lot. 21 are provided, along with smaller scale plantings interspersed within the parking lot and along the front of the building. The ordinance requires parking spaces to be within 40' of a canopy tree, and approximately 20 just miss this space requirement. However, given the need for parking spaces and shopping cart stalls, the interior plantings appear to be maximized.
- The applicant is asking for flexibility in both the exterior and interior tree requirements in order to both accommodate their client and to try and squeeze the structures and parking spaces into a space constrained by slope and rights-of-way. Given the experience with the other commercial sites, the technical review committee generally feels it is important to maximize the number of parking spaces while providing landscaped areas that are large enough to support healthy shade trees.

While the geography of the site limits the ability to meet all of the landscape requirements, the developer has, I believe, met the spirit of the requirements, and has supplemented landscaping where they could to respond to the request of the Planning Board and staff's recommendation.

Signage:

- A full signage package has not yet been submitted, but elevations show signage locations and areas that are compliant with the Town's ordinance (Chapter 11, Section 7.2(E) states: "No more than three attached signs (excluding a single Pedestrian Sign where permitted) may be erected provided the total surface area permitted is not exceeded" for any single retail structure, and one wall sign for each tenant in multi-tenant buildings.

Buildings:

- Lighting and State and Local Building codes will be required as part of the building permit.
- The ordinance requires façades that face a street lot line to be broken up by glazing and façade treatments so as to avoid extensive blank walls facing public corridors. The smaller retail structure complies with the ordinance on all sides. The façade on the larger structure "Major A Retail" and that faces Russ Avenue is also compliant with the ordinance. The facades facing 23/74 would only be partially visible from the roadway because of the change of elevation and retaining walls.

- The façade of the “Major A” building along Frazier Street, however, will be visible to the adjacent roadway and adjacent properties. This façade is 115’ long and has been revised since the Planning Board Meeting to improve compliance with the Town’s design guidelines by breaking up the façade with changes to the roofline and the addition of pillars that segregate wall sections.

Staff finds that the revised elevation for side of the Building that faces Frazier Street is much improved. It includes changes to the roof line, multiple color tones, and the inclusion of pillars which break up the wall of the building. The applicant chose not to include additional glazing because of the drive through window and the internal programming of the building.

Consistency with the 2020 Land Development Plan

Staff submits that this Conditional District request is consistent with the Town of Waynesville’s 2020 Land Development Plan in that it re-uses and improves an existing commercial site promoting the “orderly growth, development and enhanced land values of the Town” (4-2 Land Use). Such re-use of a site is considered “in-fill development” which is the preferred alternative to commercial development outside of the Town or in more rural areas. The Plan as proposed also is consistent with the Comprehensive Plan in that it:

1. “Concentrates commercial development with residential development along transportation corridors...” (4-3 Land Use)
2. “Develops alternative transportation opportunities” (4-9 Transportation)
3. “Promotes the reuse of vacant or under-utilized industrial and commercial sites through the use of incentives ...” (4-19 Economic Vitality).

Staff Recommendation:

Staff believes that the proposed Master Plan and Ordinance is consistent with the Town’s goals for Land Development as written in the 2020 Plan and that the proposed site plan and elevations represent an improvement to the area. The impacts of this project as proposed will be positive, expanding the pedestrian network, adding a transit stop, providing landscaping and stormwater controls where there currently are none, and providing new retail which will also create jobs. Staff recommends approval of the Master Plan and ordinance as presented with the conditions that:

- Traffic planning should continue to be coordinated with NCDOT to accommodate changes to Russ Avenue and future sidewalk installation and connection as shown.

Requested Actions:

1. Motion to find the project consistent with the 2020 Land Development Plan.
2. Motion to adopt the attached ordinance creating the Russ Avenue Regional Center Conditional District as proposed (or as amended).