



TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
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Waynesville, NC 28786

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Ginger Hain (Chair)
Travis Collins (Vice Chair)
John Baus
Michael Blackburn
John Mason
Alex McKay
Tommy Thomas

Development Services
Director
Elizabeth Teague

Regular Meeting of the Planning Board Town Hall, 9 South Main Street, Waynesville, NC 28786 Monday, August 18, 2025, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
 - Consideration of Public Hearing(s) items 2 and 3 below to the next meeting on September 15, 2025, or to a Special Called Meeting if needed.
 - Council Meetings available: <https://www.youtube.com/@TownofWaynesville/streams>
 - Past Planning Board and Council Minutes available at: <https://www.egovlink.com/waynesville/docs/menu/home.asp>
2. Approval of Minutes as presented (or as amended):
 - June 16th, 2025.

B. BUSINESS

1. Public hearing to consider a Special Use Permit request to locate a monopole wireless communications tower at 311 Happy Hill Road in Waynesville, NC (PIN 8616-54-8639).
2. Public Hearing to consider a Special Use Permit modification request to add two additional rooms and build a deck at 109 Dolan Rd in Waynesville, NC (PIN 8615-19-4830).
3. Public Hearing to consider amendments to the Land Development Standards, Chapter 11 Signs.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 June 16th, 2025

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on June 16th, 2025, at 5:30 p.m. in the board room of the Town Hall at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Ginger Hain (Chair)
Jan Grossman
Travis Collins (Vice Chair)
Alex McKay
John Mason
Stuart Bass
Tommy Thomas

The following Board members were absent:

Michael Blackburn
John Baus

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Assistant Development Services Director
Alex Mumby, Land Use Administrator
Tyler Anderson, Stormwater Management Coordinator
Esther Coulter, Administrative Assistant
Ron Sneed, Board's Attorney

Vice Chair Ginger Hain called the meeting to order at 5:30 pm.

Development Services Director Elizabeth Teague welcomed everyone and informed the Board that the Council re-appointed John Baus and Michael Blackburn to the Planning Board for another term, and that Jan Grossman and Stuart Bass was rotating off of the Board. Ms. Teague stated that the Town greatly appreciates everybody's service, noting that Planning Board membership is a volunteer position that requires many hours and navigating very complicated subjects. She stated that she appreciated people's thoughtfulness and service.

Ms. Hain also thanked the members of the Board for their service.

Ms. Hain read through the process and procedures for the public hearing.

2. Adoption of March 17, 2025, minutes as presented or amended.

A motion was made by Board Member Jan Grossman, seconded by Board Member Alex McKay, to approve the May 19, 2025, minutes as presented. The motion passed unanimously.

B. BUSINESS

1. Public Hearing on as text amendments to Land Development Standards Section 3.10 related to wireless communication facilities and monopole communication towers.

Chair Ginger Hain opened the public hearing at 5:37 p.m.

Assistant Director of Development Services, Olga Grooman, read her staff report and stated that the purpose of the proposed text amendments is to better align the Land Development Standards with federal law and eliminate the Town's LDS provisions that imply a "use variance" from the Zoning Board of Adjustment, which is not permissible under North Carolina law.

Additionally, she asked the Board to clarify if LDS 3.10.4 permits 1 tower per full acre lot, then could a 2-acre lot have 2 towers clustered together. Or should each tower have its own acre.

Ms. Grooman submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan Goals:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.

Goal 5: Create opportunities for a sustainable economy.

- Support 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies.

And that the proposal is reasonable and in the public interest because it will better align the Town's ordinances with the Federal Communications Act of 1996 and applicable Federal Communication Commission's (FCC) regulations.

Ms. Hain asked if there were any comments from the public and hearing none, closed the public hearing at 6:07 p.m.

The Board members discussed the need for better cell coverage and the fact that during the hurricane, Verizon coverage disappeared completely. There was general consensus to bring the standards up to date with current federal and state laws and for the local standards to be clear. Ms. Grooman noted that the Town had permitted two cell towers close together on a 2.17-acre lot at the top of Reservoir Drive. This effectively clustered the towers together while staying within the guidelines of the supplemental standards. There was general discussion about the benefits of reducing disturbance by clustering towers, noting that a 1.5-acre lot could still only have 1 tower.

A motion made by Board member John Baus, seconded by Board member Jan Grossman to approve the recommended text amendment for LDS 3.10.4 to permit 1 tower per full acre lot (i.e., a 2-acre lot can have 2 towers, and 1.5-acre lot can only have 1 tower), and that the amendment is consistent with the 2035 Comprehensive Land Use Plan to promote smart growth principles in land use planning and zoning, context-sensitive development, creates opportunities for a sustainable economy and reasonable and in the public interest. The motion passed unanimously.

A motion made by Board Chair Ginger Hain, seconded by Board member John Baus to recommend the text amendment as amended to the Town Council. The motion passed unanimously.

Chair Ginger Hain opened the public hearing at 6:18 p.m.

2. Public Hearing on a text amendment to Land Development Standards Chapter 11 related to clarifications and updates to signage ordinance.

Land Use Administrator, Alex Mumby brought forward discussion of updates to the signage code related to areas of the LDS signage chapter in need of clarification and updates within the following text amendments. He reviewed recommendations from Town staff as follows:

- Signage code definitions should be added under each sign type within the ordinance itself. While some definitions are found within LDS Chapter 17 definition, others are not defined at all or but unevenly provided within LDS Chapter 11. Adding all definitions to the text within Chapter 11, will assist applicants and code enforcement with understanding the signage regulations. Additionally, the use of the word “etc.” has been removed to provide clearer interpretation.
- Clarification of how signs within murals are interpreted, LDS Chapter 11. Computation of signage area is proposed to affirm that only the portion of the mural which contains the sign itself, specifically the lettering and logo, will count towards the maximum allowed signage in a district. This codifies the precedent for how staff has interpreted signs within murals in the past.
- Adjust the scale of signage in Regional Center and Commercial Industrial districts. The maximum allowed size for an attached sign is 15% of the wall face. Staff recommends a reduction to 10% of the

wall face for buildings that are free standing. For storefronts that are part of attached units within shopping centers, staff recommends that it remain 15%. This reduction in ratio would apply to new signage only and LDS Section 11.10 Maintenance and Non-Conformities would still apply to existing signs. As a reference, note that proposed replacement signage at Wal-Mart is only 1.5% of the total façade, and the sign on the side of the Cookout building is exactly 15%.

- Clarify what is meant by “portable signs,” and provide specific guidelines to make it easier for the public to use and comply with the rules. Specifically, provide guidelines for A-frame signs which the business owners put out during the day. Recommended dimensions would allow all current A-frame signs to remain, while additional placement guidelines have been added in order to keep the public way clear for sidewalk users.
- Replace the term “Master Development” with the term “multi-tenant shopping centers,” to better describe the development that Waynesville has. The existing ordinance states that “master development signs” may be 160 sq. ft. and 25 ft tall, without defining what a master development is. This is the largest allowable signage and is appropriate to shopping center developments with multiple tenants. This is how it is currently used throughout Waynesville.
- Provide specific guidelines for dimensions of neighborhoods signs. Neighborhood signage is subject to approval by the Planning Board, but the planning board is given no criteria from which to consider an application. Staff feels that the primary purpose of neighborhood signs is for wayfinding and to create a sense of entrance, and that the ordinance should reflect this. The maximum dimensions recommended are similar to signs allowed in low, medium, and Urban residential districts which is a maximum of 16 square feet. Staff also recommends limiting the height of signage to 6’ tall which is consistent with the Neighborhood Center District. Thirdly, staff recommends consideration for limiting the number of neighborhood signs to two (2) signs per entrance with up to a maximum of four (4) signs allowed per neighborhood. This would allow double signage at up to two main entrances, with options for other entrances

Mr. Mumby discussed that these issues have been brought forward because of recent signage permits. There was Board discussion on striking a more balanced ratio for commercial buildings in the Regional Center Districts. There was discussion in regard to what was meant by a “facsimile” sign, since there was no explanation or definition included in the ordinance itself. Ms. Teague noted that a logo or character that is associated with a specific company – such as how the white and black cow is associated with Chick-Fil-A would be an example. She noted that this wouldn’t apply to unique artwork, and that the Town would want to be careful in order to preserve creative and artistic signage. There were examples such as a Cigar Indian or the truck in front of Pioneer as being things that you didn’t want to be regulated.

Ms. Hain asked if there was any public comment and there was none. The Board continued the hearing to allow staff to further research updates.

A motion was made by Board member Alex McKay, seconded by Chair Ginger Hain to continue the hearing until the next regular meeting. The motion passed unanimously.

Chair Ginger Hain opened the public hearing at 7:06 p.m.

3. Public Hearing on a text amendment to Land Development Standards Section 12.5 related to applicability and exemptions in the stormwater ordinance.

Stormwater Management Coordinator, Tyler Anderson reported the Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit is valid for five (5) years. The purpose is to manage stormwater runoff, to reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. After the approval on June 28, 2021, the Town started implementing its comprehensive Stormwater Management Plan and ordinance.

Recently a case demonstrated that the ordinance was unclear in how the ordinance was applied to minor subdivisions of single and two family lots. The ordinance creates an exemption for single-family and two-family lots, but doesn't explain that when multiple lots are developed as part of a minor subdivision, then the other parts of the ordinance would still apply if the overall development disturbs one acre or more, or adds 24,000 square feet or more of impervious surface.

Per recommendation of the Planning Board's attorney Ron Sneed, staff is bringing forward this text amendment to clarify the scope of the single-family and two-family exemption.

Ms. Anderson states the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan Goals:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal 3: Protect and enhance Waynesville's natural resources.

- Protect and enhance water quality and forests.

She added that staff recommends that the proposal is reasonable and in the public interest because it clarifies the applicability and exemptions of the stormwater ordinance, thereby strengthening the Town's legal authority through clear ordinance.

Ms. Hain asked if there was further discussion or public comment and closed the public hearing at 7:16 p.m.

A motion made by Board member John Baus, seconded by Board member Tommy Thomas to approve the language of the recommended text amendment 12.5.2C, and 12.5.3 bullet 1&3. It is consistent with the 2035 Comprehensive Land Use Plan to promote smart growth principles in land use planning and zoning, Protect and enhance Waynesville's natural resources its reasonable and in the public interest. The motion passed unanimously.

A motion made by Board member John Baus, seconded by Board Chair Ginger Hain to recommend the text amendment as amended to the Town council. The motion passed unanimously.

Chair Ginger Hain opened the public hearing at 7:16 p.m.

4. Public Hearing on a text amendment to Land Development Standards Section 8.2.5 related to compliance requirements in the landscaping ordinance.

Assistant Director of Development Services, Olga Grooman stated that LDS Chapter 8 encourages the preservation of existing trees and vegetation and replenishment of removed vegetation to “improve the visual quality of the Town of Waynesville and minimize the potential impacts of development, such as noise, dust, and glare of lights.” The Several projects along Russ Avenue corridor will be unable to plant the required street trees due to ongoing NCDOT roadway construction and associated easements. Unlike with Town sidewalk requirements that allow for a “fee-in-lieu of construction” option, covering all costs associated with the installation and materials of the required landscaping for developments affected by the NCDOT road projects. These funds will be held in a Town-designated account. To the extent possible, the Town will use these funds to plant the required road frontage landscaping in the original project location once the NCDOT construction is complete.

Ms. Grooman submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan Goals:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.
- Create walkable and attractive neighborhoods and commercial centers.

Goal 3: Protect and enhance Waynesville’s natural resources.

- Protect and enhance water quality and forests.
- Protect rural lands, iconic views and mountain vistas.

She added that staff feels the proposal is reasonable and in the public interest, as it allows the Town to ensure compliance with its landscaping ordinance while enabling affected projects to proceed without delay and obtain a final Certificate of Occupancy.

Ms. Hain closed the public hearing at 7:32 p.m.

A motion made by Board Chair Ginger Hain, seconded by Board member Tommy Thomas to approve the language of the recommended text amendment 8.2.5C. It is consistent with the 2035 Comprehensive Land Use Plan to promote smart growth principles in land use planning and zoning, Protect and enhance Waynesville’s natural resources its reasonable and in the public interest . The motion passed unanimously.

A motion made by Board member Tommy Thomas, seconded by Board member Stuart Bass to recommend the text amendment as amended to the Town council. The motion passed unanimously.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

There was no public comment.

D. ADJOURN

The meeting was adjourned by Chair Ginger Hain at 7:34 pm.

Ginger Hain, Vice Chair

Esther Coulter, Administrative Assistant

DRAFT

Planning Board Staff Report

Meeting Date: August 18, 2025
Subject: Special Use Permit Request: Monopole Wireless Communications Tower
LDS Sections: 3.1.3 Special Use Permit Applications
 3.10.4 Monopole Wireless Communication Tower
 15.10 Special Use Permits (SUP)
Property Location: 311 Happy Hill Rd, Waynesville, NC 28786 (PIN 8616-54-8639)
Acreage of the Site: 6.4491 ac, per Haywood County GIS
Zoning District: Howell Mill Residential Medium Density (HM-RM)
Existing Use: SWAT training course, shooting range, and event facilities
Owner: Waynesville Police Department Association, Inc.
Applicant: Michael Sandifer, with Vogue Towers, LLC
Staff Presenter: Olga Grooman, Assistant Development Services Director

Background:

On June 18, 2025, Vogue Towers submitted a Special Use Permit (SUP) Application to the Town of Waynesville for the placement of a 180-foot monopole wireless communications tower at 311 Happy Hill Road. Vogue Towers is partnering with Verizon Wireless on the project, and the proposed facility has a potential to accommodate multiple providers, including emergency services.

The subject property at 311 Happy Hill Road is approximately 6.45 ac, and it serves the needs of the Waynesville Police Department, providing a required shooting range, SWOT training grounds, event space, and storage.

Monopole towers are allowed via a Special Use Permit (SUP) in 29 out of 30 Waynesville's zoning districts, with the exception of Central Business District. Waynesville Land Development Standards (LDS) Section 3.10- Supplemental Use Standards- Infrastructure- regulates placement, design, height, setbacks, and buffering of the monopole wireless communication towers (LDS 3.10.4).

On August 5, 2025, the Zoning Board of Adjustment unanimously granted two (2) variances for the project:

1) Location Variance- Placement on the Property Not Owned by the Town/County.

Per LDS 3.10.4.B.1, "Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County."

Variance from lot ownership requirement was granted. The subject property is owned by the Waynesville Police Association, a nonprofit organization created in 1980 and that supports activities and functions of the Waynesville Police Department.

2) Setback Variance- Reduce Distance from Southern Property Line.

LDS 3.10.4.B.5 requires monopole towers to set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater.

The proposed height of the tower is 180 ft. Variance was granted to reduce the required setback from the southern property line from 180 feet to 74 ft, 6 in, a setback reduction variance of 105 ft, 6 inches. All other setbacks are compliant.

The Planning Board holds the final approval authority for the Special Use Permit via a **quasi-judicial review**. “Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.” (LDS 15.10).

LDS 17.4 defines monopole tower as:

“Monopole Wireless Communications Tower. A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.”

Zoning District:

The subject property lies within Howell Mill Residential Medium Density (HM-RM) district. Per LDS 2.3.2.C, the district is intended to develop “as a residential neighborhood providing a mix of housing types and densities. ... The center of the neighborhood is the Waynesville Recreation Center, providing recreational and social opportunities for all of Waynesville but with particular convenience and importance for those residing in this district. The proximity of this area to Russ Avenue shall be enhanced with improved transportation connections.”

Despite its location in the residential zoning district, the property has historically functioned as a non-residential site, serving the needs of the Waynesville Police Department as a shooting range, training facility, and event space.

Consistency with the 2035 Comprehensive Land Use Plan:

The proposed project reflects Goal 5 of the Comp Plan- to “Create opportunities for a sustainable economy:”

- Support 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies.

Surrounding Land Uses:

The project site is approximately 6.45 acres within the Town’s Extra-territorial jurisdiction (ETJ). The property is surrounded on three sides by low-density, large-acreage properties that share the same zoning HM-RM. A vacant 21-acre lot lies to the east; a 6.8-acre lot with a single-family dwelling lies to the south; and there a 19-acre lot with a single-family dwelling is adjacent to the west.

To the north, the subject property is adjacent to the Great Smoky Mountain Expressway. Across the expressway- there is a residential neighborhood off of Pleasant Hill Circle which is also within the Town’s ETJ and which is zoned Dellwood Medium Density Residential (D-RM). The closest residence to the proposed tower is found in this neighborhood, which would be 120 Pleasant Hill Circle. This residence is approximately 450 ft from the proposed placement of the tower across the Expressway right-of-way.

Approximately 1,000 feet to the south, beyond the buffer of large-lot properties, there is a residential neighborhood of smaller lots located off Howell Mill Road. While this neighborhood shares access with the project site via Happy Hill Road, it is physically and visually separated from the project site by a distance of over 1,000 ft, a change in topography (the neighborhood is downhill), and existing vegetation.

The closest structure to the tower will be the existing building on site used by the Police Department for events and storage, and it will be approximately 70 ft away from the tower. As stated above, because the site is surrounded by large-acreage properties and Great Smoky Mountain Expressway, the nearest single-family dwellings are significantly further away.

Special Use Permit Applications (3.1.3) & Supplemental Standards (3.10.4):

According to LDS 3.1.3.B-C:

- “All Special Uses shall at a minimum meet the standards for the land development district in which they are located and the specific standards set forth in this article for that use.
- Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare.”

Additionally, monopole wireless communications towers are subject to the following supplemental standards, as outlined in LDS 3.10.4:

A. General Requirements:

1. **All monopole communications towers must comply with FCC and FAA guidelines and provide the town each year with a copy of any FCC and FAA licenses required.**

The submitted application materials state, “Applicant will comply, developing, constructing and operating their facilities in compliance with local, State and Federal agencies, including FAA and FCC. A copy of the approved FAA (2025-ASO-3568-OE) and co-Applicant, Verizon Wireless’ FCC license information are included in this submittal.”

2. **Monopole communications towers may be considered either a principal or an accessory use. A different existing use or structure on the same lot shall not preclude the installation.**

Existing uses and structures on site include SWOT training course, a building that serves as event space/storage for the Waynesville Police Department, and shooting range on the south-western side of the property- approximately 40 ft downhill and at least 150 ft away from the proposed tower. The shooting range is a requirement for the municipal police department, and it is also open to the public via a membership purchase.

B. Location/Site Design

1. **Monopole wireless communications towers may only be located above an elevation of 3,500 ft or on property owned by the Town of Waynesville or Haywood County.**

The Zoning Board of Adjustment granted a variance from this standard on August 5, 2025. The property is owned by the Waynesville Police Association, a nonprofit serving the Waynesville Police Department.

From the application materials:

“The site is located in a strategic location that not only will enhance the coverage but more importantly, it will offload capacity from nearby sites. This means that under normal operations, a lot of traffic from nearby sites will be offloaded to this new site so user experience will be enhanced. In case a nearby site is down, this site will carry more than its usual traffic and act as a diversity until the nearby site comes back on air. In simple terms, having this site provides more options to distribute traffic especially during times as mentioned above.”

2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, except within the CI District.

The property is approximately 6.45 ac, and it lies within the HM-RM zoning district and is therefore compliant.

3. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics to the extent practical.

The applicant states that the “proposed facility is located next to existing Duke Energy transmission lines, a similar utility type use of the property. The facility was sited such that the development would preserve the existing vegetation and character of the parcel and area to the extent possible.”

As noted earlier, the closest neighborhood is across the expressway, about 450 ft away. There is another neighborhood off of Howell Mill Road, located about 1,000 ft downhill from the subject property. The property is surrounded by large acreage lots. The property has functioned as a non-residential site for decades, serving the needs of the Waynesville Police Department as a shooting range, training facility, and event space.

4. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

Most of the property consists of heavily wooded, rolling hill terrain. The proposed tower will be located on the already cleared portion of the lot, which is relatively flat and contains an existing building and SWOT training course. Additionally, photo simulation images included in the agenda show the proposed tower from multiple viewpoints, depicting how it will appear in relation to the existing vegetation. The applicant has also submitted a landscaping plan showing additional vegetation around the compound.

5. Minimum yard requirements shall be in accordance with the zoning district. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower or one hundred (100) feet, whichever is greater.

The site is in Howell Mill Residential Medium Density (HM-RM) district, and it is surrounded by properties within the same district to the west, south, and east. To the north, the property borders Dellwood Residential Medium Density (D-RM) zoning district. The property is heavily wooded, including around the perimeter. No additional buffering is required between adjacent RM districts (LDS 8.4.1).

The height of the proposed tower is 180 ft. Therefore, the tower must be set back from all property lines 180 ft. On August 5, 2025, the Zoning Board of Adjustment granted a variance to reduce the required setback from the southern property line from 180 feet to 74 ft, 6 in. All other setbacks are compliant and significantly exceed the 180-ft requirement. The plans show the distance to the western property line at about 257 ft; northern setback at about 247 ft; and the distance over 500 ft between the eastern property boundary at the site entrance and the proposed tower.

- 6. Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.**

As shown on the attached maps, the property is heavily wooded, including around the perimeter. The existing vegetation exceeds the ordinance requirement of a 4-ft landscaping strip. Attached photo simulations show the view of the proposed tower from various angles with existing vegetation.

However, the applicant proposes to provide additional screening of the compound within the property itself. Attached plans include a Landscaping Details Sheet that shows fencing and evergreen shrubs buffer around all sides of the compound. The proposed shrub- Burford Holly- will have a mature spread of 8 ft and height of 5 ft, as indicated on the plan.

- 7. Accessory equipment facilities used to house wireless communications equipment should be either located within buildings or placed underground or fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities may not be enclosed with exposed metal surfaces.**

The plans show all ground-based equipment within the fenced and secured compound area, surrounded by a landscape buffer.

- 8. Security fencing, if used, shall be painted or coated with a non-reflective color.**

The applicant is requesting Board's guidance and will comply.

- 9. Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable.**

The fenced compound will be accessed via the existing drive, which is partially paved and mostly unpaved with an average width of approximately 8-10 ft. The Waynesville Fire Marshall has determined that the existing access is appropriate and does not require modifications. Additionally, the proposed tower facility will be unmanned, located within a secured, fenced compound, and visited periodically by a technician. Therefore, it is not expected to generate much of additional traffic.

C. Design of Tower

LDS 3.10.4.C provides standards and guideline for design of the monopole towers.

- The towers shall be aesthetically compatible with their surroundings (buildings and vegetation);
- Stealth technology is required;
- The maximum permitted height of the tower is 180 ft;
- Macro facilities are the largest wireless facilities allowed to be attached;

- Antennas may not exceed 15 ft in height above the monopole;
- Artificial lighting of the tower is not permitted, unless required by the FAA or other authority;
- Security lighting for on-ground accessory shelters and equipment are permitted and must be down shielded to keep lighting within the site;
- Noise levels from equipment shall not exceed 45 dB at the nearest residentially zoned property;
- No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway are allowed on the tower or antennas, unless required by FCC regulations regarding tower registration or other applicable law.

In the application narrative, the applicant states that the project will comply with these standards and seeks Planning Board's direction "on painting the pole for further compatibility with its surroundings." The proposed height is 180 ft.

Applicant will also comply with all signage requirements, "posting signage as required for site identification, emergency contact and as required for local, state or federal agencies."

Additionally, the submitted materials include "the attached report from Airspace Safety Analysis & Compliance (ASAC) evaluated the proposed tower in accordance with the requirements specified by the FAA under Federal Aviation Rules part 77." The report "found that this proposed tower is not a hazard to air navigation and does not require lighting. Also attached is the FAA Determination (2025-ASO-3568-OE) for the proposed tower with the approved "Determination of No Hazard to Air Navigation."

D. Collocation

LDS 3.10.4.C states that applicants "shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate." New towers are permitted when the applicant demonstrates that there are no existing towers, structures, or technologies to accommodate the proposed tower or antenna.

The project proposes a multi-provider wireless communications facility. There will be an approximately 2,100-sf fenced and landscaped compound that would have room to other wireless providers to place their cabinets. Also, "Vogue Towers makes space available to local E911 and first responders at no cost, whenever possible."

The applicant attaches nearby structures table and maps and states that "there are no existing structures within ½ mile (yellow circle) capable of supporting Applicant's design loading and/or meeting the design objective. There is only one existing structure within the 1-mile radius (orange circle), at over ¾ mile to the east, the structure is too far geographically to support the required coverage objective."

E. Discontinuance

LDS 3.10.4.C states that discontinued monopole towers must be reported to the Administrator and removed by the facility owner within six months, with a possible six-month extension for good cause. The provider erecting a tower must have a draft lease agreement with the landholder specifying that "if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder." A removal bond (1.25x estimated cost) is required and must be adjusted annually.

The applicant acknowledges these provisions and is willing to comply. He also states that he is "able to provide [bond] once construction costs are available. If this can be a condition of approval, the bond will be provided prior to building permit."

Special Use Permit Review Process (LDS 15.10):

Special Use Permit is a **quasi-judicial review**. In addition to determining that the application meets all other ordinance requirements, there are six (6) specific findings of facts related to Special Use Permits (LDS 15.10.2.E). Staff provides the following comments regarding the findings of facts that the Planning Board must consider in order to approve, approve with conditions, or deny the Special Use Permit request.

- 1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.**

As previously noted, the subject property is surrounded by large-acreage parcels to the east, south, and west. To the north, the property is bordered by the expressway and residential area across it, with the closest home approximately 450 ft away. The nearest residential neighborhood to the south is located approximately 1,000 feet away and at a lower elevation. Per LDS section 15.3.5, public notification letters were sent to property owners within 500 ft in all directions. Given the distance and physical separation from surrounding residences, it is important to note, when considering the character of the neighborhood, that the residential neighborhood to the south directly adjacent to Howell Mill Road is not in close proximity and falls outside the required notification area.

Applicant states that the proposed tower “will not have an adverse effect on the character of the neighborhood or contribute to increased traffic, parking, or utility facilities.” The facility will be unmanned and will require technician visits every 4-6 weeks. The applicant explains that “this facility will improve the wireless service in this area for residents as well as EMS and first responders, creating a positive effect on public health, safety, and general welfare, critical to the character of any neighborhood where approx. 76% of adults now live in wireless only households and over 80% of all 911 calls originating from wireless devices.”

The monopole fall zone is fully contained within the perimeter of the parcel. See attached Fall Zone Letter for more details.

Additionally, the project preserves the existing wooded areas on site and provides additional landscaped buffer around the compound. The applicant is seeking the Board’s guidance on design of the tower.

- 2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

The existing access has been reviewed and approved by the Fire Marshall. The facility will not generate any significant additional traffic, requiring technician visits only every 5-6 weeks.

- 3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.**

The applicant states that “as an unmanned facility, [the] development will not create increased need for resources ..., using only commercial power and fiber connectivity... Utility services exist today on the property with Duke Energy’s proposed service site plan included in the materials.” The proposed tower will also be located outside of all utility rights-of-way.

- 4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

Application materials include a detailed environmental report that shows no impacts to surface waters, wetlands, aquatic species. The report also concludes that the project is not likely to affect bat species in the area and presents no jeopardy to butterfly species. Submitted environmental site assessment does not show any environmental concerns, such as asbestos, lead-based paint, evidence of mold, or other limiting conditions for the property. A Records Review was conducted to include an evaluation of the physical setting of the subject property (geology, soil and groundwater conditions, topography, database searches, and public records review). The areas within vicinity were also evaluated. See attached report for more details.

As for the noise, the applicant explains that “wireless providers often utilize generators for emergency power, but they are only operational during power outage situations.”

5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.

The tower “will be unmanned and self-contained once operational and will not interfere with the development or use of adjacent properties. The monopole fall zone is within the perimeter of the parcel and will not interfere with the use of adjacent properties or uses.”

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

The applicant provides technical information in the application packet and contends that the facility will improve wireless services for the residents as well as EMS and first responders in the area. “Quality wireless service is part of the critical infrastructure necessary for public safety and first responders in emergency situations such as accidents, crimes, health incidents and natural disasters. Approximately 80% of E911 calls (est. 240 million) being made from wireless devices each year.” The facility will also be designed and constructed per “the Telecommunications Industry Association TIA-222-H, “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.” The proposed tower was sited to meet criteria for setbacks to nearby residential property lines and is designed with an engineered failure point of approx. 40% of the overall height where in the event of a catastrophic failure, the top portion of the tower will collapse over upon itself.”

Additional Information:

Wireless communication facilities are generally considered an essential infrastructure under federal law. The Communications Act of 1996 preempts state and local regulations, including local authority to prohibit wireless service facilities, discriminate between providers of wireless service, **or regulate proposed wireless communications facilities based on the potential health/environmental effects of radio frequency emissions**. Due to federal preemption, the Planning Board shall not consider or engage in discussions regarding the potential health effects associated with the proposed tower.

Additionally, wireless communication facilities comply with the Federal Communications Commission’s (FCC) regulations related to radio frequency exposure limits, equipment authorization, construction of facilities, and mandatory collocation requirements.

Public Notices:

Staff duly advertised this hearing by:

- Submitting the notice to local media on July 30, 2025;
- Mailing notices to adjacent property owners within 500 ft on July 31, 2025;
- Publishing advertisements in the Mountaineer newspaper for two (2) consecutive weeks on July 30 and August 6, 2025;
- Posting the property and placing an additional sign at the intersection of Happy Hill Road and Woodside Circle on August 7, 2025;

Suggested Motions:

1. Motion to adopt Findings of Fact.
2. Motion to approve / approve with conditions / or deny Special Use Permit.

Attachments:

- Staff Report
- LDS Section 3.10.4
- Maps: property, zoning, ETJ, street view
- Application materials with payment
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

LDS 3.10.4**3.10.4 Monopole Wireless Communication Tower.****A. General Requirements:**

1. All monopole communications towers must comply with FCC and FAA guidelines. The communications tower owner shall provide the town each year with a copy of any FCC and FAA licenses required.
2. Monopole communications towers may be considered either a principal or an accessory use. A different existing use or structure on the same lot shall not preclude the installation.

B. Location/Site Design:

1. Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County.
2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, except within the CI District.
3. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical.
4. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
5. Minimum yard requirements shall be in accordance with the yard requirements set forth in the development standards for the land development district in which the location of the tower is proposed, provided that all buffering requirements can be met. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater.
6. Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
7. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located within buildings, equipment shelters or cabinets shall be fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities located on the roof of buildings shall be enclosed so as to be shielded from view. Accessory equipment facilities may not be enclosed with exposed metal surfaces.
8. Security fencing, if used, shall be painted or coated with a non-reflective color.
9. Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable.

C. Design of Tower:

1. The use of colors and facility designs shall be compatible with the surroundings (buildings, vegetation, etc.) or the surroundings likely to exist in the area and should prevent the facility from dominating the area in which it is located.

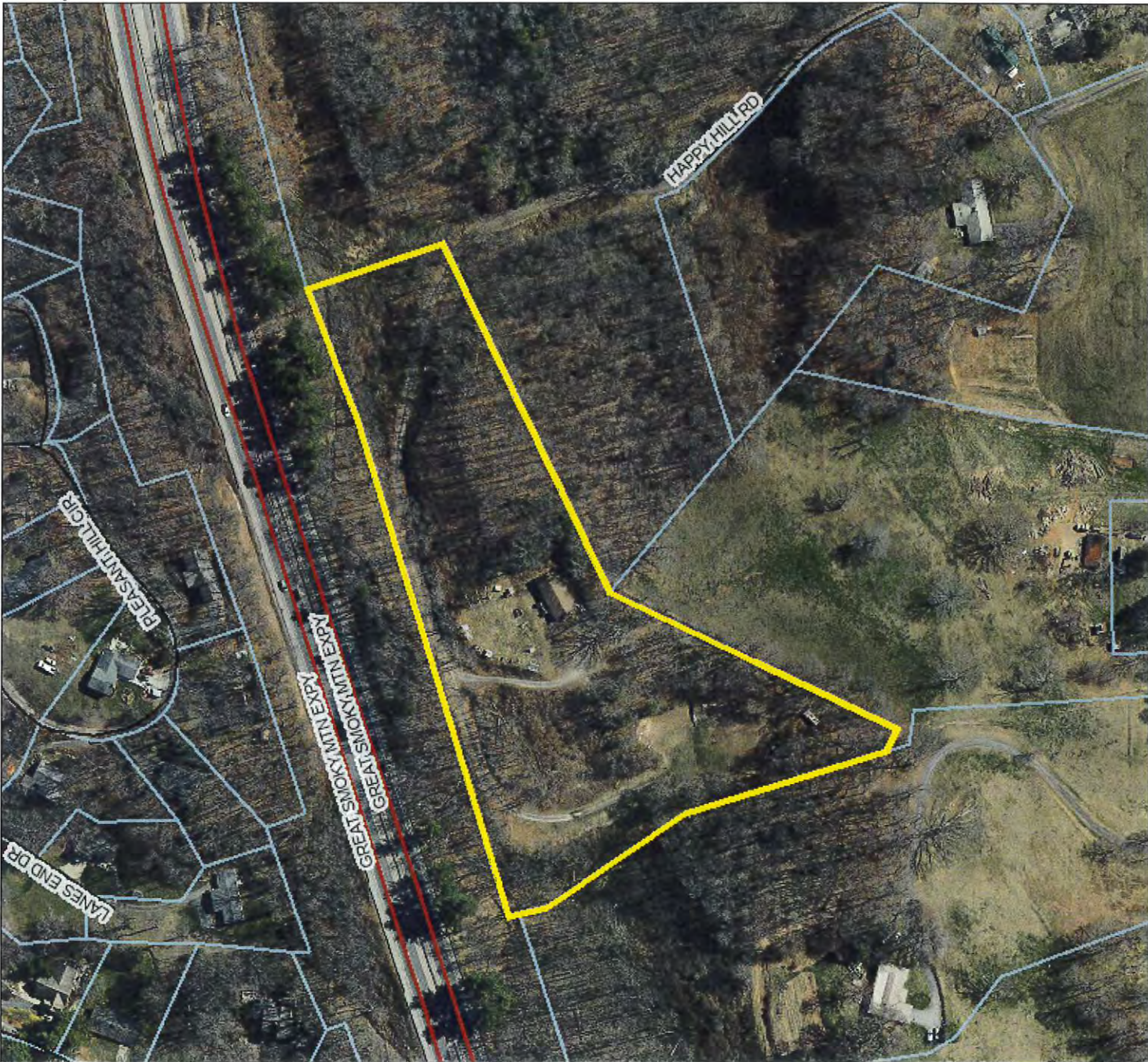
2. The use of stealth design technology is required.
3. The maximum height allowed for a monopole tower is one hundred eighty (180) feet.
4. Macro facilities are the largest attached wireless communications facilities allowed on a monopole tower.
5. Antennas may not extend more than fifteen (15) feet above any monopole tower.
6. Towers shall not be artificially lit unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views.
7. Security lighting for equipment shelters or cabinets and other on-ground accessory equipment is also permitted, as long as it is appropriately down-shielded to keep light within the boundaries of the site.
8. No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest adjacent, residentially zoned property. Operation of a back-up power generator in the event of power failure, or the testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from this standard.
9. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower or attached antenna other than as required by FCC regulations regarding tower registration or other applicable law.

D. Collocation:

1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna.
2. Applicants and permittees shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate. Such good faith shall include sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the town may require a third party technical study at the expense of either or both the applicant and permittee.

E. Discontinuance:

1. Discontinued monopole communications towers shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner.
2. The provider erecting a mini monopole communications tower, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.
3. A performance bond shall be filed for 1.25 times the estimated cost of removal of all towers and accessory equipment structures that are approved. The amount of the bond shall be determined by a removal company. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI).



Report For

WAYNESVILLE POLICE DEPT ASSOC INC
S MAIN ST
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-54-8639
Deed: 335/521

Site Information

OFFICE GENERAL
Commercial Use
307 HAPPY HILL RD

Heated Area: 0
Year Built: 1991
Total Acreage: 6.45
Township: Waynesville Out

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 10/4/1982
Tax Bill 1:
Tax Bill 2:



1 inch = 200 feet
July 18, 2025

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

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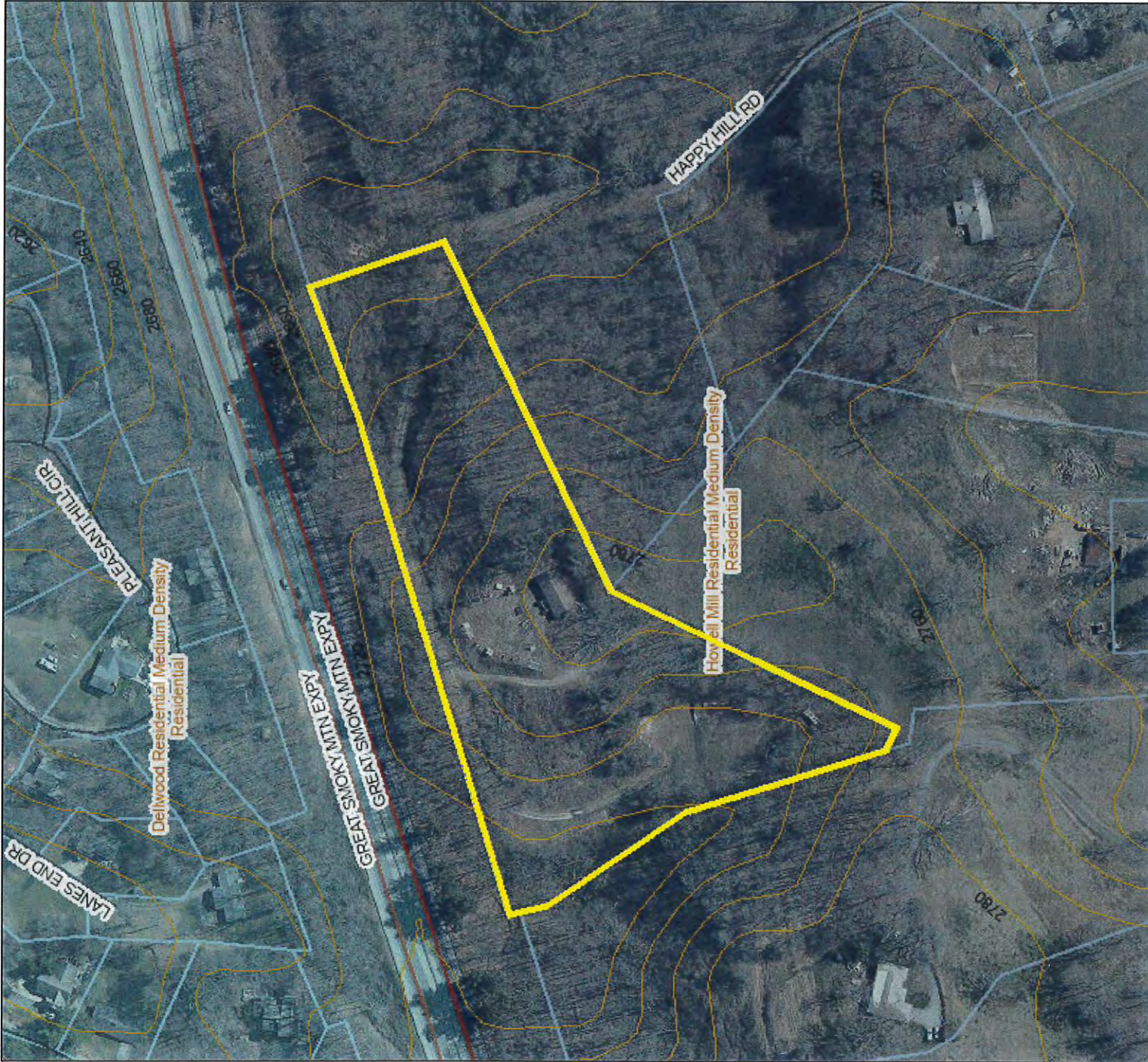
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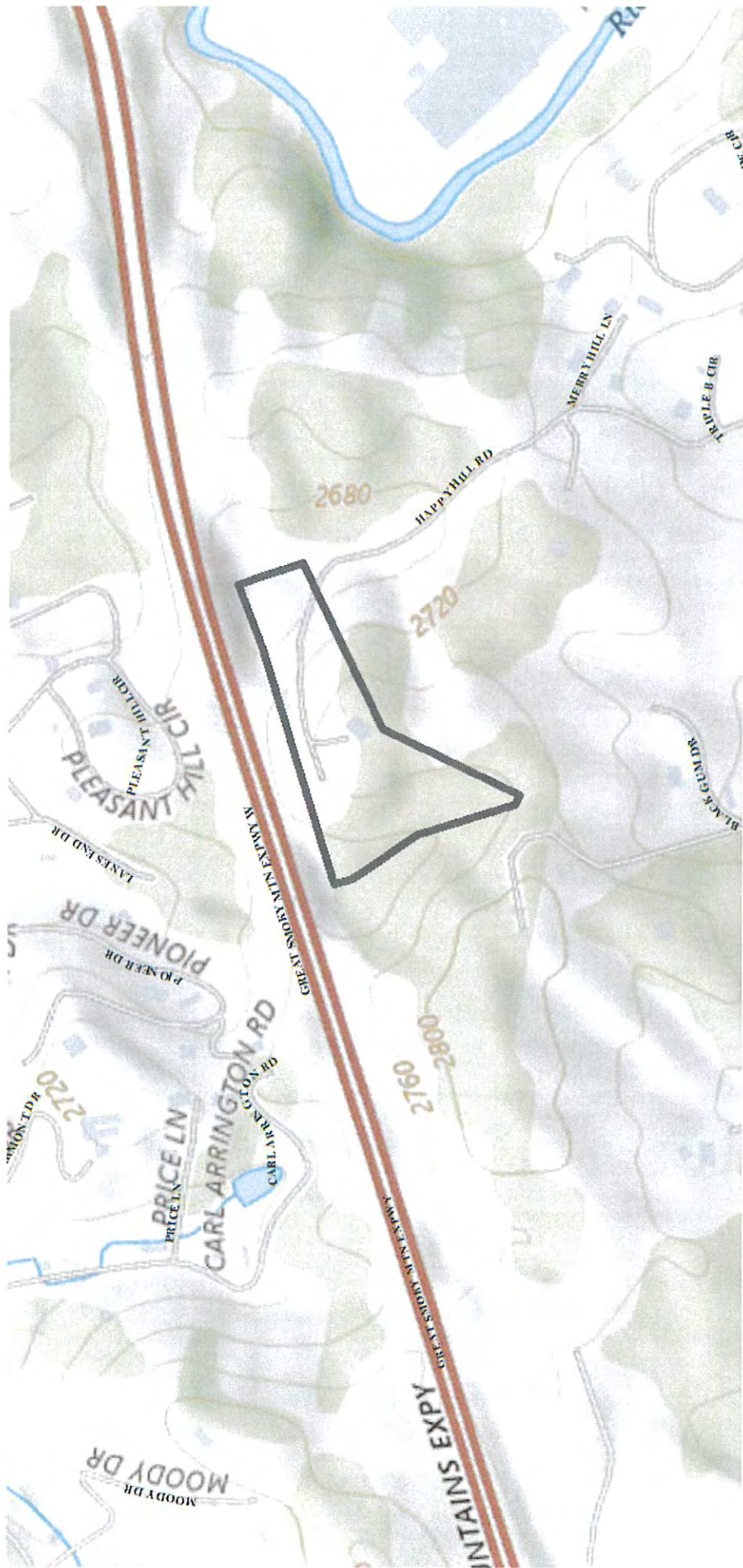
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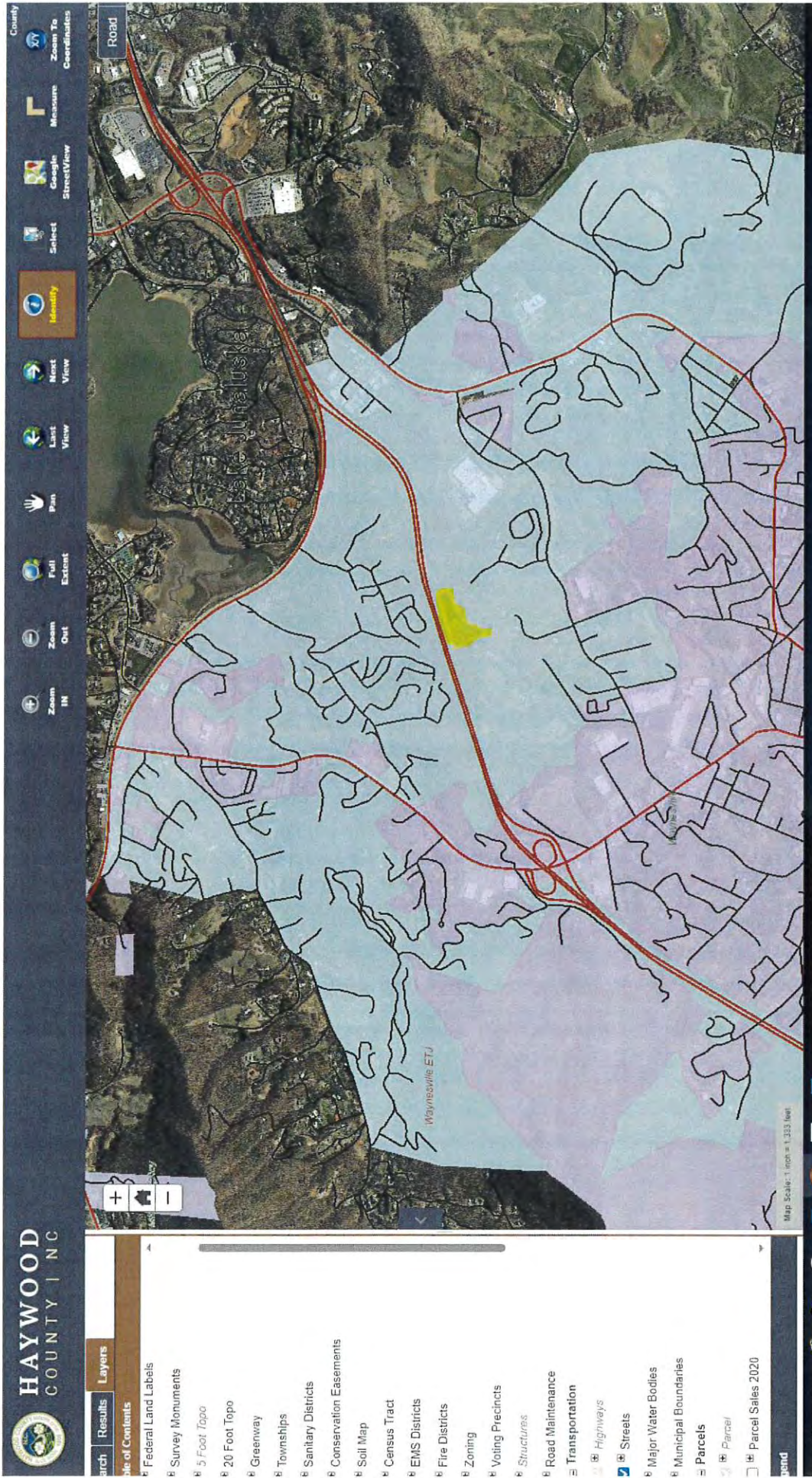


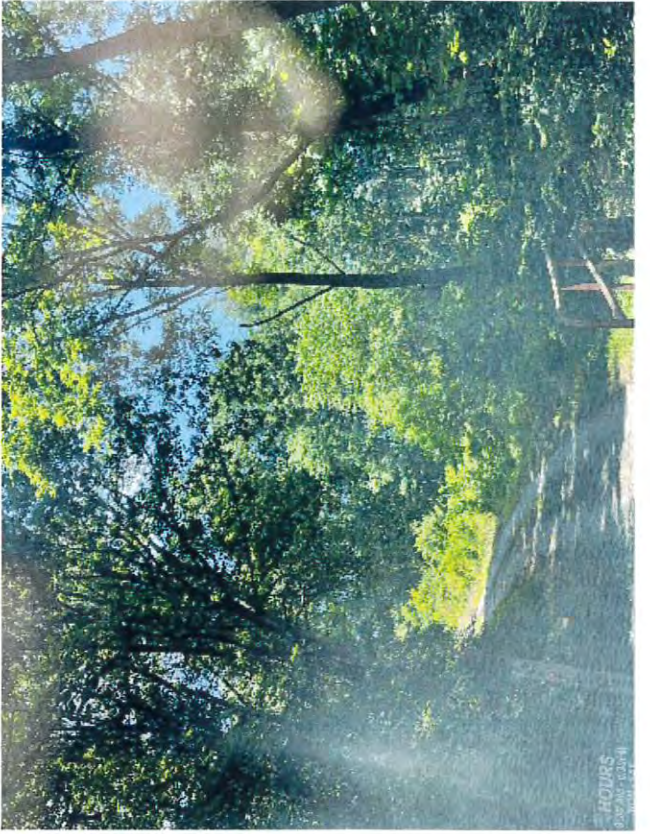
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TOWN OF WAYNESVILLE
Development Services Department

PO Box 100
9 South Main Street, Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

25

APPLICATION FOR SPECIAL USE PERMIT

DESCRIPTION

NAME OF PROJECT: Garrett (NC-2027)

PROPERTY OWNER(S) OF RECORD: Waynesville Police Department Association, Inc.

PARENT PARCEL IDENTIFICATION NUMBER(S): 8616-54-8639

PROPERTY LOCATION: 311 Happy Hill Rd., Waynesville, NC 28786 (E911 address)

ZONING: RM

LAND USE AT TIME OF APPLICATION: Police target range and misc. association uses of exist building.

APPLICANT (IF DIFFERENT FROM OWNER): Vogue Towers II, LLC and Cellco Partnership, d/b/a Verizon Wireless

Note: Authorization to apply form must be submitted with the application if applicant is different from owner.

MAILING ADDRESS: 430 Chestnut St, Suite 101-B, Chattanooga, TN 37402

PHONE NUMBER: 423-260-2984

RELATIONSHIP TO PROPERTY OWNER: Leasehold tenant

NUMBER OF UNITS/ACRE DENSITY: _____

LAND SURVEYOR or DRAWING NUMBER: Drawings dated 6/10/2025, including survey dated 2/13/2025

APPLICATION COMPLETENESS (See LDS Chapter 15.10): (YES/NO)

X ENVIRONMENTAL SURVEY Phase I ESA complete, NEPA in progress

FLOODPLAIN (SFHA): Zone X per survey

STEEP SLOPE: (At/ above 2,900 elev and 25% slope or greater): No

WETLANDS SHOWN AND DELINEATED: N/A

NATURAL FEATURES SHOWN: Yes

N/A MASTER PLAN

 % CIVIC SPACE ESTABLISHED (Cannot be wetland or buffer): N/A

TOWN STANDARD STREETS (incl. landscaping and sidewalk): N/A

DRIVEWAY LOCATIONS AND PARKING: Yes

UTILITY PLAN (water, sewer, hydrants, power) Yes

PERVIOUS/IMPERVIOUS RATIO AND STORMWATER MGT AREAS Includes in full Const Drwgs

X ELEVATIONS SHOWING MATERIALS, OPENINGS AND BLDG HEIGHT Yes

X OTHER INFORMATION / PROJECT DESCRIPTION (attach sheets as necessary):
See attached project description

SIGNATURE OF APPLICANT:



DATE: June 18, 2025

This institution is an equal opportunity provider

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

Lease

The undersigned Owner or Party with a contract or option to ~~purchase~~ that real property located at 311 Happy Hill Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Pat Tant and/or Michael Sandlfer

Title and Company: Pat Tant, President of Development, Vogue Towers II, LLC
Michael Sandlfer, vendor Project Manager for Vogue Towers

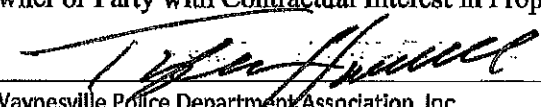
Address: 430 Chestnut St., Suite 101-B, Chattanooga, TN 37402

Phone and email: Pat@voguetowers.net, 423-702-0313
Michael@bear-group.net, 205-532-4870

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 19th day of June, 2025.

Owner or Party with Contractual Interest in Property:


Waynesville Police Department Association, Inc.

Address and phone number:

9 S. Main St.

Waynesville, NC 28786

828-734-2143

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 07/08/25 CUSTOMER#:
TIME: 12:04:33
CLERK: 2044ecou

RECPT#: 3207729 PREV BAL: 1000.00
TP/YR: P/2026 AMT PAID: 1000.00
BILL: 3207729 ADJSTMNT: .00
EFF DT: 07/08/25 BAL DUE: .00
Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 1000.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 1000.00
AMT APPLIED: 1000.00
CHANGE: .00

PAID BY: Vogue Tow Sp use app
PAYMENT METH: CHECK
PAYMENT REF: 847

TOT PREV BAL DUE: 1000.00
TOT BAL DUE NOW : .00

Site Name: GARRETT
Site Number: NC-2027
Site Location: Happy Hill Road, Waynesville, NC 28786

LESSEE'S PREMISES

All that tract or parcel of land lying and being in Waynesville Township, Haywood County, North Carolina, and being a portion of the Property of Waynesville Police Department Association, Inc, of record in Deed Book 335, Page 521, Haywood County Registry, and being more particularly described as follows:

COMMENCE at a Crimp-top Pipe found at a corner in the South Line of aforesaid property;
 Thence along a Chord Tie Line having a Bearing of N 49°12'59" W, a distance of 66.37 feet to the POINT OF BEGINNING;

Thence S 24°22'24" E, a distance of 30.00 feet;
 Thence S 65°37'36" W, a distance of 70.00 feet;
 Thence N 24°22'24" W, a distance of 30.00 feet;
 Thence N 65°37'36" E, a distance of 70.00 feet to the POINT OF BEGINNING.

Said Premises contains 0.05 Acres (2,100 Square Feet), more or less.

LESSEE'S 20' ACCESS & UTILITY EASEMENT

All that tract or parcel of land lying and being in Waynesville Township, Haywood County, North Carolina, and being a portion of the Property of Waynesville Police Department Association, Inc, of record in Deed Book 335, Page 521, Haywood County Registry, and a portion of the property of Country Club Real Estate of WNC, Inc., of record in Deed Book 915. 697, said Records, and being more particularly described as follows:

COMMENCE at a Crimp-top Pipe found at a common corner of aforesaid properties;
 Thence along a Chord Tie Line having a Bearing of N 49°12'59" W, a distance of 66.37 feet to the POINT OF BEGINNING;

Thence S 65°37'36" W, a distance of 70.00 feet;
 Thence N 24°22'24" W, a distance of 20.00 feet;
 Thence N 65°37'36" E, a distance of 13.55 feet;
 Thence with a curve to the right with an arc length of 92.20 feet, with a radius of 93.54 feet, with a chord bearing of N 21°28'35" W, with a chord length of 88.52 feet;
 Thence N 06°45'41" E, a distance of 123.67 feet;
 Thence N 71°06'51" E, a distance of 88.22 feet;
 Thence N 74°25'48" E, a distance of 139.10 feet;
 Thence with a curve to the right with an arc length of 139.19 feet, with a radius of 291.68 feet, with a chord bearing of N 88°06'02" E, with a chord length of 137.87 feet;
 Thence S 78°13'43" E, a distance of 135.91 feet;
 Thence with a curve to the right with an arc length of 140.44 feet, with a radius of 244.99 feet, with a chord bearing of S 61°48'21" E, with a chord length of 138.53 feet;
 Thence with a curve to the right with an arc length of 113.74 feet, with a radius of 210.00 feet, with a chord bearing of S 29°52'01" E, with a chord length of 112.35 feet;

Thence S 14°21'03" E, a distance of 60.95 feet;
Thence S 04°59'51" E, a distance of 74.75 feet;
Thence S 11°11'58" E, a distance of 38.27 feet to a point within the 45-foot-wide Right-of-Way of Happy Hill Road as shown upon Plat Book C, Page 2421, aforesaid records;
Thence S 71°14'46" W, a distance of 20.18 feet to a point on the West Line of aforesaid Right-of-Way;
Thence N 11°11'58" W, along said Right-of-Way Line, a distance of 42.01 feet;
Thence N 04°59'51" W, a distance of 74.20 feet;
Thence N 14°21'03" W, a distance of 59.31 feet;
Thence with a curve to the left with an arc length of 102.91 feet, with a radius of 190.00 feet, with a chord bearing of N 29°52'01" W, with a chord length of 101.65 feet;
Thence with a curve to the left with an arc length of 128.98 feet, with a radius of 224.99 feet, with a chord bearing of N 61°48'21" W, with a chord length of 127.22 feet;
Thence N 78°13'43" W, a distance of 135.91 feet;
Thence with a curve to the left with an arc length of 129.65 feet, with a radius of 271.68 feet, with a chord bearing of S 88°06'02" W, with a chord length of 128.42 feet;
Thence S 74°25'48" W, a distance of 138.52 feet;
Thence S 71°06'51" W, a distance of 75.06 feet;
Thence S 06°45'41" W, a distance of 111.08 feet;
Thence with a curve to the left with an arc length of 82.30 feet, with a radius of 73.54 feet, with a chord bearing of S 25°17'52" E, with a chord length of 78.07 feet;
Thence N 65°37'36" E, a distance of 33.59 feet;
Thence S 24°22'24" E, a distance of 20.00 feet to the POINT OF BEGINNING.

Said Easement contains 0.54 Acres (23,662 Square Feet), more or less.



**APPLICATION FOR APPROVAL BY VOGUE TOWERS II, LLC, AND
CELLCO PARTNERSHIP, d/b/a VERIZON WIRELESS FOR THE CONSTRUCTION
OF A WIRELESS COMMUNICATION FACILITY**

Application: For Town of Waynesville approval by Vogue Towers II, LLC ("Vogue Towers") and Cellco Partnership, d/b/a Verizon Wireless ("Verizon"), together "Applicant" for the zoning approval for a proposed multi-provider wireless communications facility.

Site Name: Garrett (TN-5027)

Project Description: Vogue Towers proposes to construct a multi-provider 180' monopole tower (180' structure with 5' lightning rod, overall height 185') within a fenced compound area (see attached design drawings for details). This facility will have provisions for multiple wireless providers, satisfying the purpose of the Town's ordinance to reduce the need for new towers.

Parcel Address: 311 Happy Hill Rd (Parcel ID 8616-54-8639)

Property Owner: Waynesville Police Department Association, Inc.

Narrative:

The wireless industry is continually improving networks to best meet the needs of the community. In the present case, the increase in usage at existing locations requires a new tower. The purpose of this proposed wireless communications facility will be to provide improved wireless service quality and safety to the area, specifically to customers and residents in and around this area of Waynesville and Haywood County.

As the demand for wireless continues to increase with the use of "smart phones" there is an increased need for wireless telecommunications infrastructure to keep up with the demand. Per CTIA's 2024 Annual Survey, *"Demand for wireless data continued to skyrocket in 2023, with Americans using more than 100 trillion MBs – enough data for every single US Household to watch the first season of House of the Dragon every day for the entire year."* 100T MB is almost a 2x increase over data usage just two years ago (2021) and is more data than was used between 2010-2018 combined. 2023 wireless traffic totaled over 2.1

trillion messages (SMS and MMS), or 67,000 messages/second, and over 2.4 trillion minutes of talking via wireless connections.

As network traffic increases on a given wireless network, additional facilities are needed to provide consumers with quality, high-speed mobile broadband. Each wireless telecommunications facility can only process a fixed amount of service and/or cover so far, and this tower is needed to provide additional coverage and capacity for this portion of the community as per CTIA there are now 558 million connections in America, or 1.6 connections for every American. Greater signal strength is needed to adequately penetrate the buildings and provide reliable voice and improved data throughput rates for wireless subscribers.

This proposal is to construct a multi-provider wireless communications facility. The Applicant will lease the use of space and access as shown on the site plan. Within that area, there will be an approx. 2,100 sq/ft fenced compound providing room for Verizon Wireless and other wireless providers such as AT&T, T-Mobile, and DISH to place equipment cabinets/buildings within the compound of the new tower. In addition, Vogue Towers makes space available to local E911 and first responders at no cost, whenever possible.

Consideration of this application should not, however, be limited to examining how successfully Vogue Towers has mitigated any negative impact through design and location. The positive impact of the site should be given full weight as well. We live in a society where our wireless devices have become an essential tool for daily living, a necessity with approximately 80% of E911 calls (of an est. 240 million) being made from wireless devices each year and more than 7 out of 10 adults living in wireless-only households, 76.0% as of 2023 (*National Center for Health Statistics*). These figures peak among younger demographic ranges for wireless only adults, the next generation of homebuyers and entrepreneurs, with 25-29 at 87.3%, and 30-34 at 90.1%. Furthermore, the benefits of this site to the community go beyond just convenience for residents and businesses where 80% of consumers now consider wireless service "indispensable" (CTIA). Quality wireless service is part of the critical infrastructure necessary for public safety and first responders in emergency situations such as accidents, crimes, health incidents or natural disaster. Given the design, location and benefits provided by this proposed site, and lack of significant impacts, approval of this application is respectfully requested.

3.10.4 Monopole Wireless Communication Tower.

A. General Requirements:

1. *All monopole communications towers must comply with FCC and FAA guidelines. The communications tower owner shall provide the town each year with a copy of any FCC and FAA licenses required. Applicant will comply, developing, constructing and operating their facilities in compliance with local, State and Federal agencies, including FAA and FCC. A copy of the approved FAA (2025-ASO-3568-OE) and co-Applicant, Verizon Wireless' FCC license information are included in this submittal.*
2. *Monopole communications towers may be considered either a principal or an accessory use. A different existing use or structure on the same lot shall not preclude the installation.*
Acknowledged.

B. Location/Site Design:

1. *Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County. Applicant is requesting a waiver from this requirement. Applicant attempted to comply, previously working with the Town to develop a wireless communications tower on one of their three parcels located west of the proposed site but were informed the Town was pursuing other opportunities for the use of the three parcels. After Town owned property was exhausted, Applicant searched for parcels meeting the 3,500' minimum ground elevation but could not identify any such property meeting that minimum ground level within ½ mile in any direction of the proposed parcel, as reflected in the attached map from the County's GIS system using 20' contours, eliminating opportunities in this general area to comply with the provision of this ordinance. However, the proposed facility is needed to improve wireless service quality in the area. Per Verizon's Radio Frequency (RF) Design Engineer, "The site is located in a strategic location that not only will enhance the coverage but more importantly, it will offload capacity from nearby sites. This means that under normal operations, a lot of traffic from nearby sites will be offloaded to this new site so user experience will be enhanced. In case a nearby site is down, this site will carry more than its usual traffic and act as a diversity until the nearby site comes back on air. In simple terms, having this site provides more options to distribute traffic especially during times as mentioned above."*
2. *Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, except within the CI District. Applicant complies, per County tax records, parcel is 6.45 acres.*
3. *Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Applicant's proposed facility is located next to existing Duke Energy transmission lines, a similar utility type use of the property. The facility was sited such that the development would preserve the existing vegetation and character of the parcel and area to the extent possible.*
4. *Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area. Acknowledged.*
5. *Minimum yard requirements shall be in accordance with the yard requirements set forth in the development standards for the land development district in which the location of the tower is proposed, provided that all buffering requirements can be met. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater. Applicant has sited the proposed facility with setbacks in mind, including those required in this section as well as operating space or distance to the existing structure and existing transmission lines, and their existing ground rights. Existing terrain is also a factor in placing the facility in a location that can be developed and constructed. Applicant is proposing a 180' monopole, a self-supporting tubular tower structure, similar to ones used for utility lines. Applicant is providing documentation outlining the design characteristics of the reduced "fall zone" area in the form of the attached engineer stamped letter. Per the attached and sealed "Fall Zone" letter, the Tower will be designed such that the top 40% will collapse over onto itself in the event of a catastrophic failure, reducing the impacted area via a reduced "fall zone" that will be contained within the reduced boundaries of this setback radius. This is accomplished by*

overdesigning the bottom portion of the structure. Specifically, the tower base and its foundation are designed to carry the entire force applied to the tower (Force X); however, When the top 40% of a monopole telecommunications tower collapses or is otherwise removed, it results in a reduction of base moment by approximately 30% to 45%, depending on wind exposure category, tower geometry, and site-specific wind conditions. The base and foundation were originally designed to resist the full-height wind and structural loading. However, in the scenario where the top 40% of the tower is no longer present, the base and foundation will experience reduced demand. As the design drawings depict, incorporating this engineering into the design, the fall zone area is greatly reduced and contained within the subject parcel. However, considering other existing uses on the property, Applicant is requesting relief from the 100' minimum property line setback requirement. The tower is located approx. 74'6" from the property line, requiring a waiver of 25'6".

6. *Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. Landscaping information is provided in the attached design drawings, sheets Z-201 & Z-202. Applicant is showing adding landscaping on three sides to make use of existing vegetation on the south side but happy to add additional landscaping if needed.*
7. *Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located within buildings, equipment shelters or cabinets shall be fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities located on the roof of buildings shall be enclosed so as to be shielded from view. Accessory equipment facilities may not be enclosed with exposed metal surfaces. Applicant will comply, locating all ground based equipment within the fenced and secured compound area, surrounded by a landscape buffer.*
8. *Security fencing, if used, shall be painted or coated with a non-reflective color. Applicant can comply, is a certain color requested or is black coated fence acceptable?*
9. *Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable. Ingress and egress is via existing road/driveway.*

C. Design of Tower:

1. *The use of colors and facility designs shall be compatible with the surroundings (buildings, vegetation, etc.) or the surroundings likely to exist in the area and should prevent the facility from dominating the area in which it is located. Applicant will comply, locating the proposed facility to incorporate existing vegetation, adding landscaping around the perimeter and, as noted below, open to direction on painting the pole for further compatibility with its surroundings.*
2. *The use of stealth design technology is required. Applicant is open to input from staff and the Board as to painting the monopole structure to better blend with its environment.*
3. *The maximum height allowed for a monopole tower is one hundred eighty (180) feet. Applicant complies, proposing a 180' monopole tower.*
4. *Macro facilities are the largest attached wireless communications facilities allowed on a monopole tower. Acknowledged*

5. *Antennas may not extend more than fifteen (15) feet above any monopole tower. Applicant will comply.*
6. *Towers shall not be artificially lit unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views. Applicant complies, utilizing a 3rd party to review all potential locations in conjunction with the FAA filing. The attached report from Airspace Safety Analysis & Compliance (ASAC) evaluated the proposed tower in accordance with the requirements specified by the FAA under Federal Aviation Rules part 77 and found that this proposed tower is not a hazard to air navigation and does not require lighting. Also attached is the FAA Determination (2025-ASO-3568-OE) for the proposed tower with the approved "Determination of No Hazard to Air Navigation".*
7. *Security lighting for equipment shelters or cabinets and other on-ground accessory equipment is also permitted, as long as it is appropriately down-shielded to keep light within the boundaries of the site. Applicant will comply.*
8. *No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest adjacent, residentially zoned property. Operation of a back-up power generator in the event of power failure, or the testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from this standard. Applicant will comply.*
9. *No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower or attached antenna other than as required by FCC regulations regarding tower registration or other applicable law. Applicant will comply, posting signage as required for site identification, emergency contact and as required for local, state or federal agencies.*

D. Collocation:

1. *No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna. As illustrated in the attached nearby structures table and maps, there are no existing structures within ½ mile (yellow circle) capable of supporting Applicant's design loading and/or meeting the design objective. There is only one existing structure within the 1 mile radius (orange circle), at over ¾ mile to the east, the structure is too far geographically to support the required coverage objective.*
2. *Applicants and permittees shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate. Such good faith shall include sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the town may require a third party technical study at the expense of either or both the applicant and permittee. Vogue Towers is not a wireless provider but is a developer of multi-provider wireless communications facilities. As such, Vogue's facilities are designed to accommodate multiple providers, and their business model is one of property management and providing solutions to all wireless providers. The current design drawings and tower design detail included in this application package substantiate this design intent.*

E. Discontinuance:

1. *Discontinued monopole communications towers shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner. **Applicant will comply.***
2. *The provider erecting a mini monopole communications tower, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder. **Applicant will comply but requests clarification on "mini monopole" as used above.***
3. *A performance bond shall be filed for 1.25 times the estimated cost of removal of all towers and accessory equipment structures that are approved. The amount of the bond shall be determined by a removal company. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI). **Applicant will comply and able to provide once construction costs are available. If this can be a condition of approval, the bond will be provided prior to building permit.***

As provided for in this application package, Vogue Towers is requesting approval of their application as identified above per the conditions and specifications of the City's Ordinance, 3.10.4 Monopole Wireless Communication Tower. Wireless service is increasingly considered a public necessity as it is often the only means citizens have to emergency services. The location and character of the use, if developed according to the plan submitted and recommended, will be in harmony with the area in which it is to be located. The proposed wireless telecommunications facility will meet the infrastructure needs of this area and will provide additional access to emergency services, if needed.

Respectfully submitted,

Pat Troxell-Tant

Pat Troxell-Tant
President of Development
Vogue Towers II, LLC

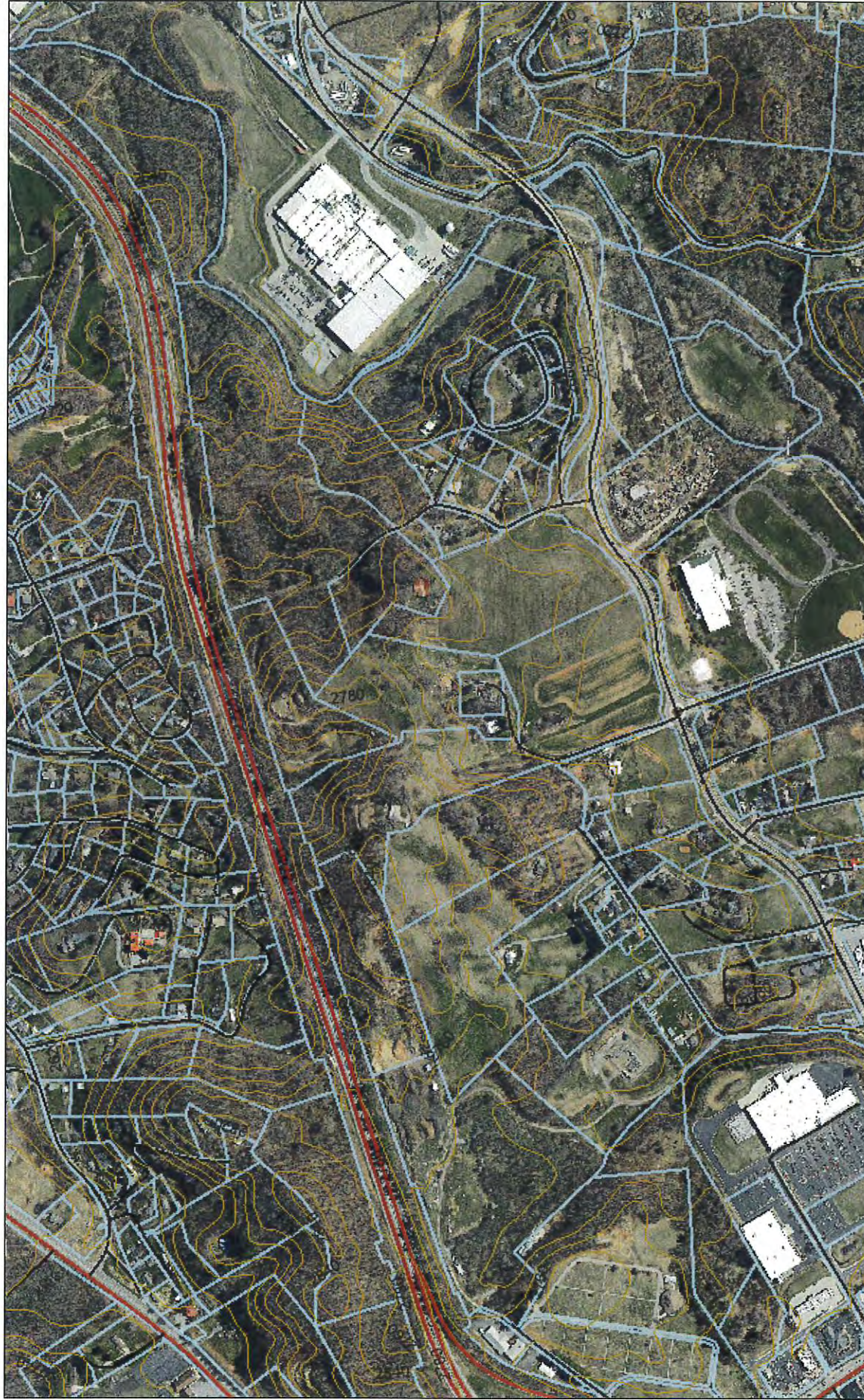
FINDINGS OF FACT

15.10.2. E. Findings of Fact: In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted) the Planning Board must find the following:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site. **Applicant's use will not have an adverse effect on the character of the neighborhood or contribute to increased traffic, parking, or utility facilities.** The nature of wireless communications infrastructure is unique to meet RF coverage objectives; the need is air vs. land as most uses. The height is consistent with the nature of this use and the facility is un-manned, requiring technician visits every 4-6 weeks. The addition of this facility will improve the wireless service in this area for residents as well as EMS and first responders, creating a positive effect on public health, safety, and general welfare. Improved safety is one of the primary benefits of expanding wireless communications facilities, critical to the character of any neighborhood where approx. 76% of adults now live in wireless only households and over 80% of all E911 calls originating from wireless devices. Additionally, the proposed wireless communications facility is located to make use of natural buffer from existing vegetation to surrounding properties and uses, is un-manned and self-contained once operational, and will not interfere with the development or use of adjacent properties. The monopole fall zone is contained within the perimeter of the parcel and will not interfere with the use of adjacent properties.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads. **Adequate measures have been taken, utilizing existing ingress and egress to minimize traffic.** Once construction is complete, the facility is unmanned with visits approx. every 4-6 weeks and will not increase traffic in the area.
3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use. As an unmanned facility, **Applicant's development will not create increased need for resources noted above, using only commercial power and fiber connectivity, with technician visits every 4-6 weeks.** Utility services exist today on the property with Duke Energy's proposed service site plan included in the attached materials.
4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. **The proposed use will not be noxious or offensive.** Wireless providers often utilize generators for emergency power but they are only operational during power outage situations.
5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district. **The wireless communications facility will be unmanned and self-contained once operational and will not interfere with the development or use of adjacent properties.** The monopole fall zone is within the perimeter of the parcel and will not interfere with the use of adjacent properties or uses.
6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare. **The proposed multi-provider wireless communications facility will improve wireless service in the area for residents as well as EMS and first responders.** Quality wireless service is part of the critical infrastructure necessary for public safety and first responders in emergency situations such as accidents, crimes, health incidents and natural disasters. Approximately 80% of E911 calls (est. 240 million) being made from wireless devices each year and more than seven out of ten American homes (76.0% as of 2023) with only wireless telephone service (National Center for Health Statistics). In addition to the benefit of the wireless service, the proposed facility serves public safety and health by designing and constructing proposed monopole in

accordance with the Telecommunications Industry Association TIA-222-H, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures." The proposed tower was sited to meet criteria for setbacks to nearby residential property lines and is designed with an engineered failure point of approx. 40% of the overall height where in the event of a catastrophic failure, the top portion of the tower will collapse over upon itself. The tower facility will be unmanned and located within a secured fenced compound.

Haywood County



April 25, 2025

1:8,004

0 0.05 0.1 0.2 0.2 mi

0 0.1 0.2 0.4 km

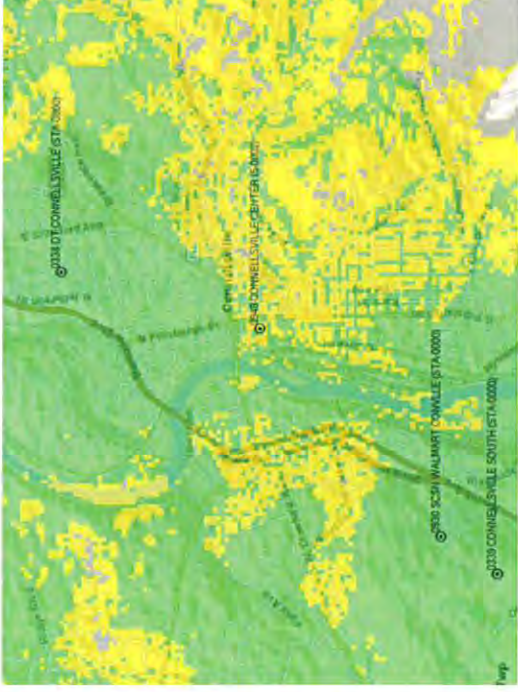
Introduction:

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility (WCF). Most WCF provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage describes the existence or lack of wireless service in an area. The request for improved service often comes from our customers or emergency services personnel that have no service or poor service. Coverage used to refer to the ability to make or place a call in vehicles, however, as usage patterns have shifted, coverage is now determined based on whether or not sufficient WCF exist to provide a reliable signal inside of buildings and residential areas, as well. Historically, when wireless was still in its infancy, coverage was the primary means to measure the effectiveness of the network in a given area.

Capacity is the metric used to determine if sufficient wireless resources exist and is now the primary means to measure how a community's wireless needs are being addressed. "Five bars" no longer means guaranteed coverage and capacity because each WCF has a limited amount of resources to handle voice calls, data connections and data volume. When these limits are reached and the WCF becomes overloaded (meaning there is more demand than signal to service it), the user experience quickly degrades preventing customers from making/receiving calls or getting applications to run. A WCF short on capacity could also make internet connections time out or delay information to emergency response personnel.

Explanation of Wireless Coverage



Coverage is best shown via coverage maps. RF engineers use tools that take into account terrain, vegetation, building types, and WCF specifics to model the existing coverage and prediction what we expect to see with the addition of a proposed WCF.

Coverage also changes depending on which frequencies are used. Most phones today use 3G at 800 MHz or 4G at 700 MHz spectrum which are considered low frequencies. Low frequencies can travel further distances than the higher 1900 MHz and 2100 MHz frequencies now being employed due to increased capacity demands. Operating at higher frequencies makes it necessary for carriers to install substantially more wireless facilities to achieve the same coverage as one tower operating on the lower frequencies.

Explanation of Wireless Capacity



Capacity is the amount of resources that a WCF has to service customer demand. Verizon utilizes sophisticated programs and customer feedback to monitor current usage trends and to forecast future needs. Because it takes an average of 2-3 years to complete a WCF, we have to start the process of adding a new WCF several years in advance of when the WCF will be needed.

Location, Location, Location. A good capacity WCF needs to be in the center of a user population which insures that traffic is evenly distributed around the WCF. A typical WCF is configured into three sectors (like a pie cut into three pieces), with each slice (sector) having 33% of the WCF resources. If one sector is under-utilized, it's resources can not necessarily be diverted to another sector. Therefore, optimal performance is only obtained when all three sectors have an even traffic distribution.

Explanation of Wireless Data Growth

Wireless Data Growth

Each year Verizon sees large increases in how much data its customers need. As the resolution of the pictures we send increases, the quality of the video we watch improves and the complexity of the applications grow, we commonly see tremendous growth year-over-year.

- 240 million 911-calls are made annually. In many areas, 80% or more are from wireless devices.¹
- The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017.²
- More than one-half of American homes had wireless only homes.³
- In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.⁴

Machine to Machine communications will also increase the data burden on wireless networks, as over the next five (5) years more and more services that improve our safety and make our lives easier will be available over the wireless infrastructure, such as:

- Cars that notify 911 when an airbag deploys.
- “Driverless” cars needing traffic data and maps to reach your destination as quickly as possible.
- Medical monitors that will alert us should a loved one neglect taking their prescription drugs.
- Home alarms that notify you when your child arrives home from school.
- Smart street lights that notify the city when they are not working.
- City garbage cans that let people know when they need to be emptied.
- Tracking watches will aid in finding lost Alzheimer patients.

1. National Emergency Number Association, 9-1-1 Statistics (January 7, 2019)

2. Ericsson Mobility Report, November 2017

3. CDC's 2018 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-July, 2018

4. IHS Market Connected Device Market Monitor: Q1 2016, June 7, 2016

Radio Emission Safety...

A common question received is "Are the radio emissions safe?"

Verizon goes to great effort to ensure that all of its projects meet the standards established by the FCC to ensure safety of the public and its employees. The links below are to three reputable organizations that have performed extensive reviews of the science available on this subject and have good educational articles on the results of their research.

World Health Organization

<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>

America Cancer Society

<http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/wireless/facilityular-phone-towers>

FCC Radio Frequency Safety

<https://www.fcc.gov/general/radio-frequency-safety-0>

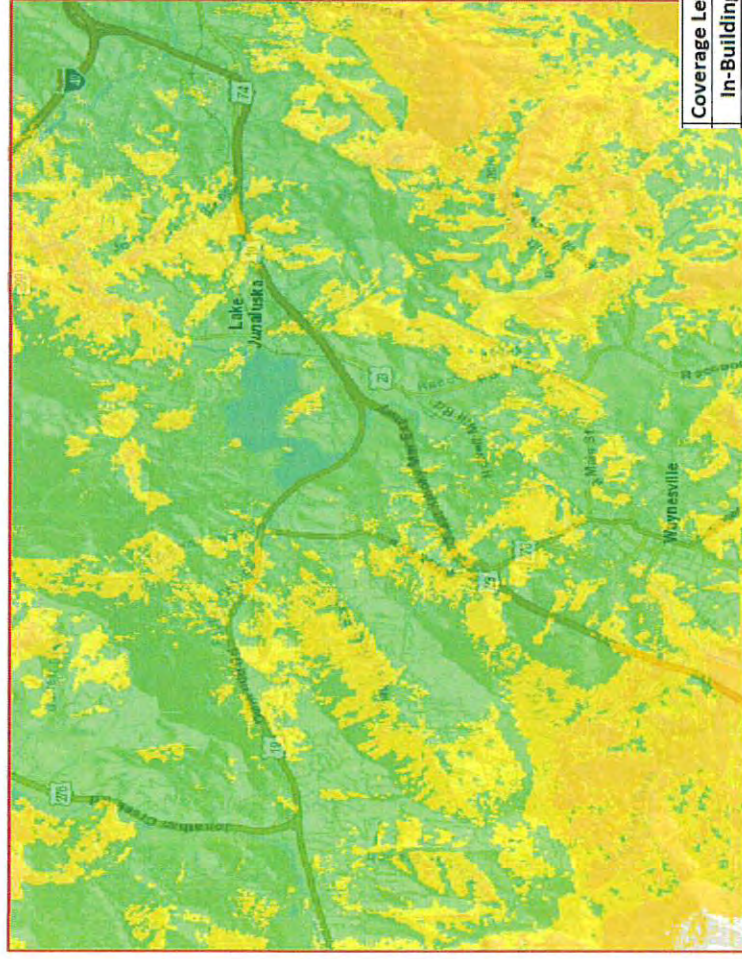
GARRETT - Zoning Plots



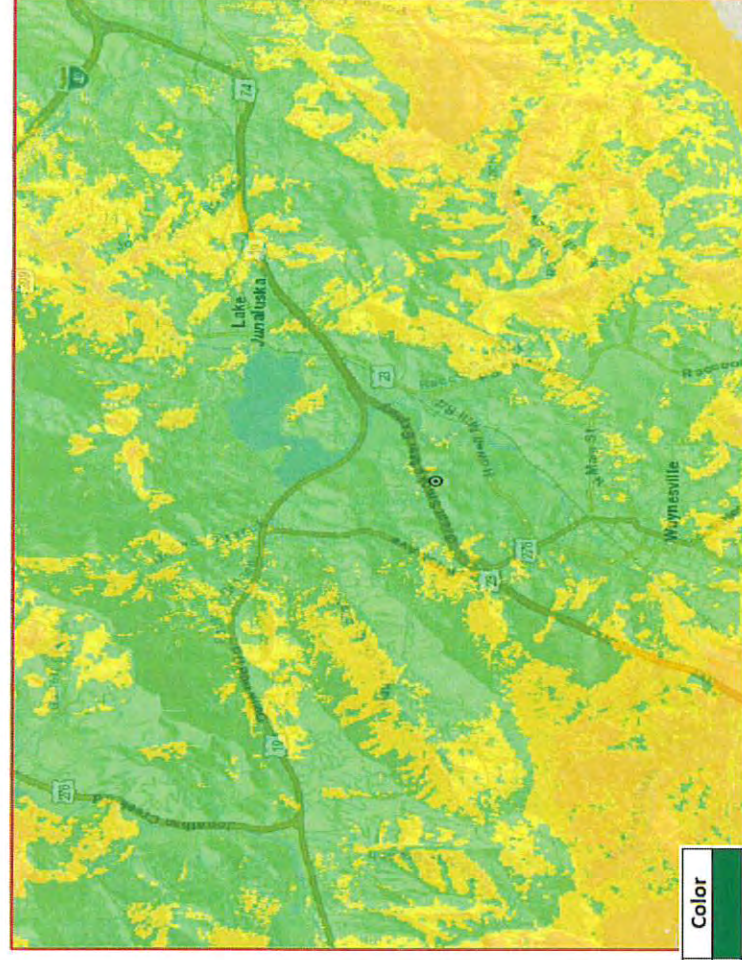
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Plots - Pre and Post RSRP Coverage

Pre - 700 LTE



Post - 700 LTE



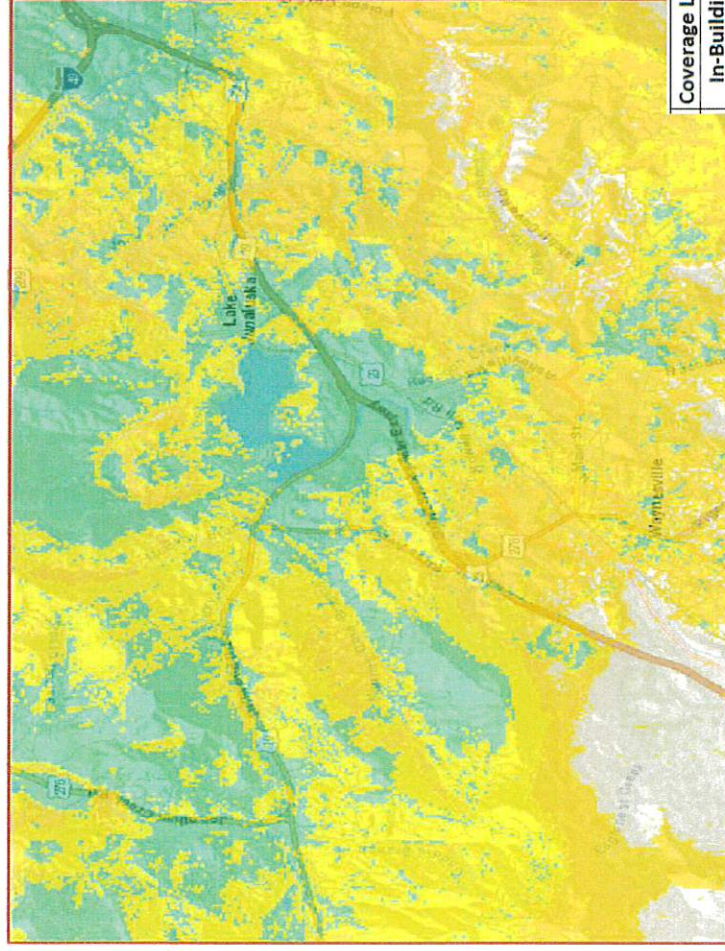
Coverage Level	Color
In-Building	Green
In-Vehicle	Yellow
On-Street	Orange

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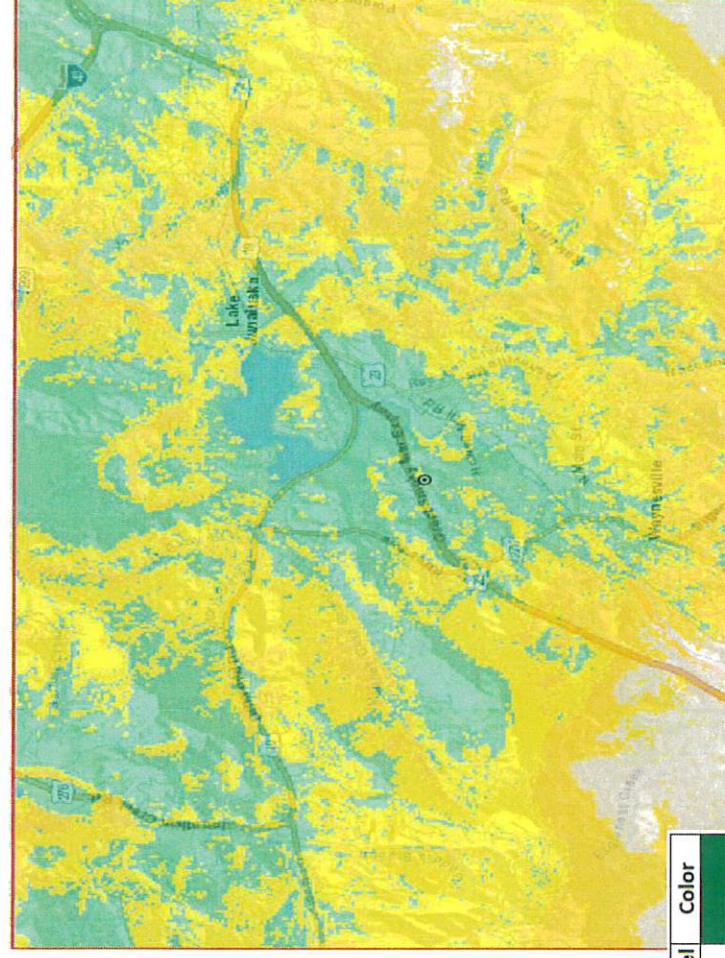


Plots - Pre and Post RSRP Coverage

Pre - C Band



Post - C Band



Coverage Level	Color
In-Building	Dark Green
In-Vehicle	Yellow
On-Street	Orange



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June 12, 2025

Attn: **Vogue Towers II, LLC**
430 Chestnut St., Suite 101B
Chattanooga, TN 37402

Re: **Fall Zone Letter for Proposed 180' Monopole**

Site Name: Garrett
Address: 311 Happy Hill Rd, Waynesville, NC 28786
Building Code: North Carolina Building Code 2018 (IBC 2015 Amended)
Design Standard: ANSI/TIA-222-H

Dear Vogue Towers II,

Strut Engineering & Investment, Inc (Strut E&I, Inc) has reviewed the proposed Vogue Tower communications tower installation at the above-mentioned site. The project will contain a monopole-type antenna support tower with a height of 180' above ground level (AGL). The monopole structure is made up of hot dipped galvanized high strength steel tubing that is typically 48-60" diameter at its base and tapering to 18" diameter at the top.

The antenna cables will be routed from the ground-based equipment up the inside of the pole to the proposed antenna rad center. The tower manufacturer shall supply structural design drawings prepared by a licensed Structural Engineer in the State of North Carolina at the time of Building Permit submission for review by the County before construction can commence.

The tower will be designed in accordance with the North Carolina State Building Code and International Building Code (IBC). Both of these codes have adopted the Telecommunications Industry Association/Electronics Industry Association Standards (ANSI/TIA-222-H). These standards dictate the design of all communications towers and take into consideration the following parameters:

1. Structure Risk Category/Class
Category/Class is chosen based upon the function of risk to human life, potential damage to property in the event of failure and the type of services that the tower will provide (i.e. essential communications vs. services that are optional)
2. Environmental Loading
Includes wind, ice, and seismic loads based upon local county-based data
3. Site Exposure Category
Category is chosen based upon "surface roughness" of local surrounding vegetation, structures and natural topography. This also impacts wind loading calculations
4. Topographic Category
Category is chosen based upon wind "speed-up" effects from surrounding topography, such as towers being located within gently rolling terrain or at the top of a hill or ridge

The design of the tower shall be such that in the unlikely event of structural failure, the monopole will collapse onto itself and not onto a street or a building. In other words, structural failure would be typical of that of a straw bending onto itself, rather than a bowling pin being knocked over. **Vogue Towers shall stipulate to the tower manufacturer/designer that the area of probable failure be located at the 60% height (108'-0" AGL) of the monopole so that only the top 40% (top 72'-0") of the monopole collapse onto itself. This is done by over-designing the tower sections below the failure point as necessary.**

STRUT

Engineering & Investment, Inc

In regard to the possibility of any future corrosion of the structure, the monopole shall be constructed with hot dipped galvanized steel, similar to that of highway signs and traffic signal poles. The ANSI/TIA-222-H standards have been based in part on the American Association of State Highway and Transportation Officials (AASHTO) standards which govern the construction and design standards for those structures (which have an extremely rare rate of corrosion related failures). Furthermore, the tower owner will be required to inspect the structure at intervals stipulated by ANSI/TIA-222-H standards or as may be stipulated by the underlying municipal authority, whichever is more stringent.

A geotechnical evaluation will be conducted that will explore the subsurface conditions in the vicinity of the proposed tower and develop geotechnical engineering recommendations to facilitate the design of the tower foundation. A report will be generated that shall be utilized by the tower manufacturer/designer to prepare foundation design drawings to be submitted at the time of Building Permit submission for review by the County before construction can commence. The geotechnical report and design drawings shall all be prepared by licensed Geotechnical Engineers in the State of North Carolina.

In summary, monopole-type antenna support structures are designed for extreme wind conditions with factors of safety that result in a design that is extremely conservative. The occurrence of monopole failure is exceptionally rare and historically these structures have survived after experiencing wind speeds considerably higher than their design speeds.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

STRUT Engineering & Investment, Inc.



Emad Badiee, P.E.

Senior Structural Engineer

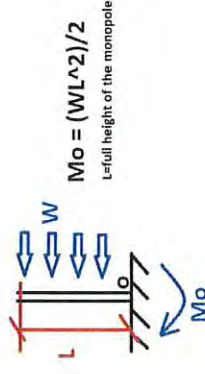
ebadiee@struteni.com

(404) 480-5555



Designed Tower Fall Zones

- Towers designed per TIA-222 standards (currently Revision "H")
- The load calculated at the base of the tower does not change
- Reduction of 50% of tower height results in applied force reduction of 75%, the remaining pole now only carries 25% of the original applied load
 - Layman's terms, the remaining portion of the tower has a constant capacity, while the applied force is significantly decreased to 1/4th of the original applicable force. In another word, the base following a failure event is approx. 4x stronger because of the reduced applied force exerted on the tower
- Reduction of 40% of tower height from the top (bottom 60% remaining) results in applied force reduction of approx. 64%, meaning the remaining tower base and its foundation are almost 3 times stronger (100%/36%) than the maximum force that can be applied to them when the top 40% of the tower collapses



$$M_o = (WL^2)/2$$

L =full height of the monopole



$$M_o = (W(L/2)^2)/2$$

$$= (W(L^2/4))/2$$

$$= (WL^2)/8$$

$L/2$ =break point= half height of the monopole

Fall zone @ 60% of tower height:
 $M_o = (W (0.6L)^2)/2$
 $= 0.36 WL^2/2$



Designed Tower Failure

- Monopoles and Lattice Towers have a long history of providing safe and reliable antenna support for the telecommunications industry. In instances in which they do fail; the surrounding landscape has often been forever changed by extraordinary weather events well in excess of the required design loading.
- Both Monopoles and Lattice towers can be designed with theoretical failure points to ensure that the structure falls within a specified boundary even under extreme circumstances.
- Monopoles typically collapse like a bent straw during hurricanes or severe weather.
- All around us: In addition to supporting antennas, these same structures support lighting, power transmission lines, signage, and numerous other applications.

Name	Latitude	Longitude	FCC ASR#	Distance (miles)	Comments
Vogue Towers	35.511	-82.9802	Pending	N/A	<i>Candidate Location</i>
American Tower_1	35.5168	-82.9685	1205573	0.78	
American Tower_2	35.4994	-83.0046	1206135	1.6	
Verizon	35.5456	-83.0321	None	3.78	<i>No FCC ASR</i>
American Towers_3	35.4859	-82.9748	1206115	1.77	<i>No tower apparent on satellite image.</i>
SBA Towers X, LLC	35.4767	-83.0066	1297377	2.79	
VB BTS II, LLC	35.5214	-82.9279	1315192	3.04	
American Towers_4	35.4887	-82.9748	None	1.58	<i>No FCC ASR</i>

Vogue Towers

Nearby Structures

Yellow - .5 mile radius

Orange - 1 mile radius

Verizon

Maggie Valley Club

DELLWOOD

IVY HILLS

Lake Junaluska Conference And...

Lake Junaluska

American Tower_1

Vogue Towers

American Tower_2

Chick-fil-A

Russ Ave

Waynesville Recreation Park

Waynesville

Boojum Brewery Taproom

American Towers_4

Haywood Smokehouse

American Towers_3

Lowell's Home Improvement

Haywood Reg'l Medical

Patcliff Cove Rd

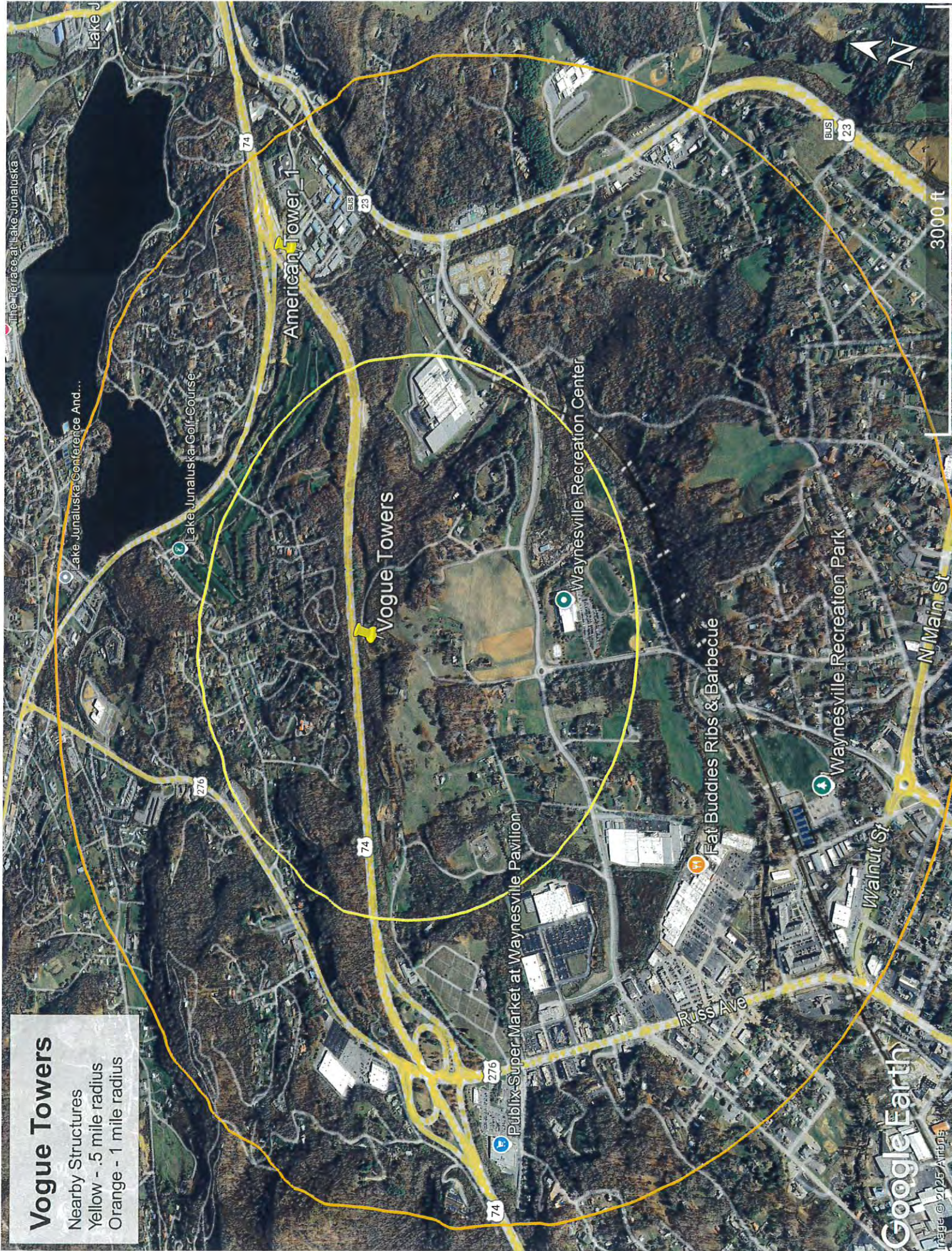
Google Earth

SPA Towers X, LLC

Image © 2023 Airbus

1 mi





Vogue Towers

Nearby Structures
 Yellow - .5 mile radius
 Orange - 1 mile radius

FCC MARKET NAME	FCC Radio Service Code	FCC Market Number	FCC Channel Block	FCC Call Sign	Licensee Name	FIRN	Expired Date	State of Market	County	State	County Name	Frequencies(1)	Frequencies(2)	Frequencies(3)	Frequencies(4)
North Carolina 1 - Cherokee AT	AW	CHAS65	G	WQWH550	Calico Partnership 0003290673	NC	###/###/###	NC	Haywood	NC	Haywood	1755-1760 / 2155-2160 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	AW	BEA042	B	WQGA935	Calico Partnership 0003290673	NC	###/###/###	NC	Haywood	NC	Haywood	1720-1730 / 2120-2130 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
North Carolina 1 - Cherokee AW	AW	CHAS65	A	WQGB556	Calico Partnership 0003290673	NC	###/###/###	NC	Haywood	NC	Haywood	1710-1720 / 2110-2120 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Southeast	AW	REA002	F	WQGA716	Calico Partnership 0003290673	NC	###/###/###	NC	Haywood	NC	Haywood	1745-1755 / 2145-2155 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
North Carolina 1 - Cherokee CL	CL	CHAS65	A	PEND1346	Calico Partnership 0003290673	NC	###/###/###	NC	Haywood	NC	Haywood	835-845 / 880-890	846.5-849 / 891.5-894 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
North Carolina 1 - Cherokee CL	CL	CHAS65	A	KXN3626	Calico Partnership 0003290673	NC	Oct 1, 2031	NC	Haywood	NC	Haywood	824-835 / 869-880	846.5-849 / 891.5-894 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville-Hendersonville, NC CW	CW	BT0A20	E	KNLG283	Alltel Corporation 0002942159	NC	Apr 28, 2027	NC	Haywood	NC	Haywood	1905-1910 / 1965-1970 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville-Hendersonville, NC CW	CW	BT0A20	C	WQH6463	Calico Partnership 0003290673	NC	Jul 23, 2027	NC	Haywood	NC	Haywood	1885-1890 / 1965-1970 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville-Hendersonville, NC CW	CW	BT0A20	F	KNLH707	Calico Partnership 0003290673	NC	Apr 28, 2027	NC	Haywood	NC	Haywood	1890-1895 / 1970-1975 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville-Hendersonville, NC CW	CW	BT0A20	A1	WQEM930	Calico Partnership 0003290673	NC	Mar 8, 2026	NC	Haywood	NC	Haywood	1900-1905 / 1980-1985 0-0 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	C1	WRNF705	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3700-3720 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	A2	WRNF706	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3720-3740 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	A3	WRNF707	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3740-3760 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	A4	WRNF708	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3760-3780 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	A5	WRNF709	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3780-3800 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	B1	WRNF710	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3800-3820 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	PM	PEA115	B2	WRNF711	Calico Partnership 0003290673	NC	Jul 23, 2036	NC	Haywood	NC	Haywood	3820-3840 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M1	WRHF240	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	37600-37700 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M10	WRHF241	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38500-38600 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M2	WRHF242	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	37700-37800 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M3	WRHF243	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	37800-37900 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M4	WRHF244	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	37900-38000 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M5	WRHF245	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38000-38100 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M6	WRHF246	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38100-38200 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M7	WRHF247	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38200-38300 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M8	WRHF248	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38300-38400 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	M9	WRHF249	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38400-38500 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	N1	WRHF250	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38600-38700 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	N2	WRHF251	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38700-38800 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	N3	WRHF252	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38800-38900 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville, NC	UU	PEA115	N4	WRHF253	Calico Partnership 0003290673	NC	Jun 4, 2030	NC	Haywood	NC	Haywood	38900-39000 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville-Hendersonville, NC UU	UU	BT0A20	L1	WRBC438	Calico Partnership 0003290673	NC	Sep 2, 2029	NC	Haywood	NC	Haywood	27500-27925 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Asheville-Hendersonville, NC UU	UU	BT0A20	L2	WRBC439	Calico Partnership 0003290673	NC	Sep 2, 2029	NC	Haywood	NC	Haywood	27925-28350 / 0-0	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0
Southeast	UU	REA002	C	WQIQ690	Calico Partnership 0003290673	NC	Jun 13, 2029	NC	Haywood	NC	Haywood	746-757 / 776-787	0-0 / 0-0	0-0 / 0-0	0-0 / 0-0



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2025-ASO-3568-OE

Issued Date: 04/01/2025

Michael Sandifer
Vogue Towers II, LLC
100 North Point Center East, Suite
Alpharetta, GA 30022

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole NC-2027
Location:	Lake Junaluska, NC
Latitude:	35-30-39.60N NAD 83
Longitude:	82-58-48.72W
Heights:	2781 feet site elevation (SE)
	185 feet above ground level (AGL)
	2966 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 10/01/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2525, or natalie.schmalbeck@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2025-ASO-3568-OE.

Signature Control No: 647617345-652367793

(DNE)

Natalie Schmalbeck
Technician

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

BASIS FOR DECISION

Part 77 authorizes the FAA to evaluate a structure or object's potential electromagnetic effects on air navigation, communication facilities, and other surveillance systems. It also authorizes study of impact on arrival, departure, and en route procedures for aircraft operating under visual or instrument flight rules, as well as the impact on airport traffic capacity at existing public use airports. Broadcast in the 3.7 to 3.98 GHz frequency (5G C band) currently causes errors in certain aircraft radio altimeters and the FAA has determined they cannot be relied upon to perform their intended function when experiencing interference from wireless broadband operations in the 5G C band. The FAA has adopted Airworthiness Directives for all transport and commuter category aircraft equipped with radio altimeters that prohibit certain operations when in the presence of 5G C band.

This determination of no hazard is based upon those mitigations implemented by the FAA and operators of transport and commuter category aircraft, and helicopters operating in the vicinity of your proposed location. It is also based on telecommunication industry and FAA collaboration on acceptable power levels and other parameters as reflected in the FAA 5G C band evaluation process.

The FAA 5G C band compatibility evaluation is a data analytics system used by FAA to evaluate operational hazards related to aircraft design. The FAA 5G C band compatibility evaluation process refers to the process in which the telecommunication companies and the FAA have set parameters, such as power output, locations, frequencies, and tilt angles for antenna that mitigate the hazard to aviation. As the telecommunication companies and FAA refine the tools and methodology, the allowable frequencies and power levels may change in the FAA 5G C band compatibility evaluation process. Therefore, your proposal will not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft provided the equipment and emissions are in compliance with the parameters established through the FAA 5G C band compatibility evaluation process.

Any future changes that are not consistent with the parameters listed in the FAA 5G C band compatibility evaluation process will void this determination of no hazard.

Frequency Data for ASN 2025-ASO-3568-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	42	dBW
6	7	GHz	55	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1756	1780	MHz	3280	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
3450	3550	MHz	3280	W
3550	3700	MHz	50	W
3700	3980	MHz	3280	W
27500	28350	MHz	31623	W
29100	29250	MHz	31623	W
31000	31300	MHz	31623	W

38600

40000

MHz

31623

W

59





**ASAC SITE SPECIFIC EVALUATION
FOR**

Site Name: Garrett Site

Site Number: NC-2027

Site Location: Lake Junaluska, NC

Requestors Name: Michael Sandifer

Company Name: Vogue Towers II, LLC

Street Address: 430 Chestnut Street, Ste 101-B

City and Zip: Chattanooga, TN. 37402

This is an evaluation based on application of surfaces identified in Federal Aviation Regulation (FAR) Part 77 and Federal Communication Commission (FCC) Rules Part 17.

EXECUTIVE SUMMARY

The max height that can be built at this site without notice to the FAA is 200 feet AGL or 2981 feet AMSL.

The max No Extended Study height at this site is 499 AGL, or 3280 AMSL.

The max no hazard height at this site is 499 AGL, or 3280 AMSL.

The max no marking and lighting height at this site is 200 AGL, or 2981 AMSL.

SITE DATA

Structure Type: Antenna Tower

Coordinates of site:	Lat:	35°30'39.60"
	Long:	82°58'48.72"
	Datum:	NAD 83

Site ground elevation:	2781
Total height above the ground of the entire structure (AGL):	185
Total height above mean sea level (AMSL):	2966

AIRPORT/HELIPORT INFORMATION

Nearest public use or Government Use (DOD) facility: Jackson County.

This structure will be located 16.197825 NM or 224 FT from the airport on a bearing of 224 degrees true to the airport.

Nearest private use landing facility is: Reagans Roost.

This structure will be located 10.3 NM from the airport on a bearing of 241 degrees true to the airport.

STUDY FINDINGS

FAA FAR Part 77 paragraph 9 (FAR 77.9): (Construction or Alteration requiring notice.) (These are the imaginary surfaces that the FAA has implemented to provide general criteria for notification purposes.)

This structure does not require notification to the FAA.

FAA FAR Part 77 paragraph 17(FAR 77.17): (Standards for Determining Obstructions.)(These are the imaginary surfaces that the FAA has implemented to protect aircraft safety. If any of these surfaces are penetrated, the structure may pose a Hazard to Air Navigation.)

This structure does not exceed these surfaces.

**FCC Notice Requirements:
(FCC Rules, Part 17)**

This structure does not require notification to the FAA or FCC based on these rules.

FAA EMI:

(The FAA protects certain air navigational aids, radio transmitters, and RADAR facilities from possible interference. The distance and direction are dependent on the type of facility being evaluated. Some of these transmission and receiver facilities are listed in the National Flight Data Center (NFDC) database.)

This site would not affect any FAA air navigational aids or transmitters.

Military Airspace:

(This would include low level visual and instrument routes along with operations areas and special use airspace.)

This structure will not affect this airspace.

AM Facilities:

(The FCC protects AM radio stations from possible interference for a distance of 3.0 km for directional facilities, and 1.0 km for non-directional facilities. New changes to the FCC critical distances are calculated based on the AM transmission Movement Method Proof evaluation.)

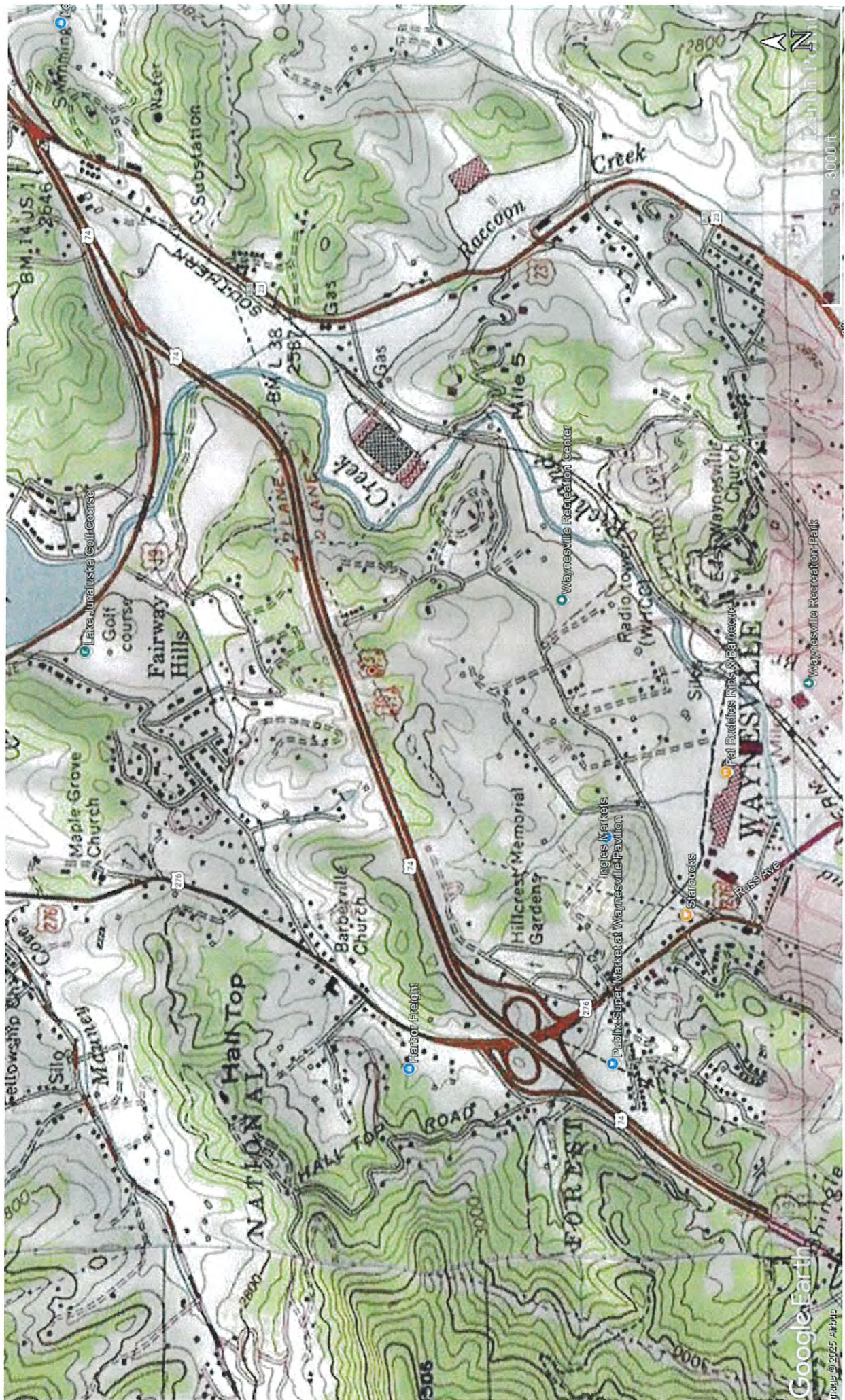
This site was evaluated against the FCC's AM antenna database using the Movement Method proof calculations and no further action is required.

MARKING AND LIGHTING**FAA Advisory Circular 70/7460-1:**

Marking and lighting is not required for this structure.

RECOMMENDATIONS

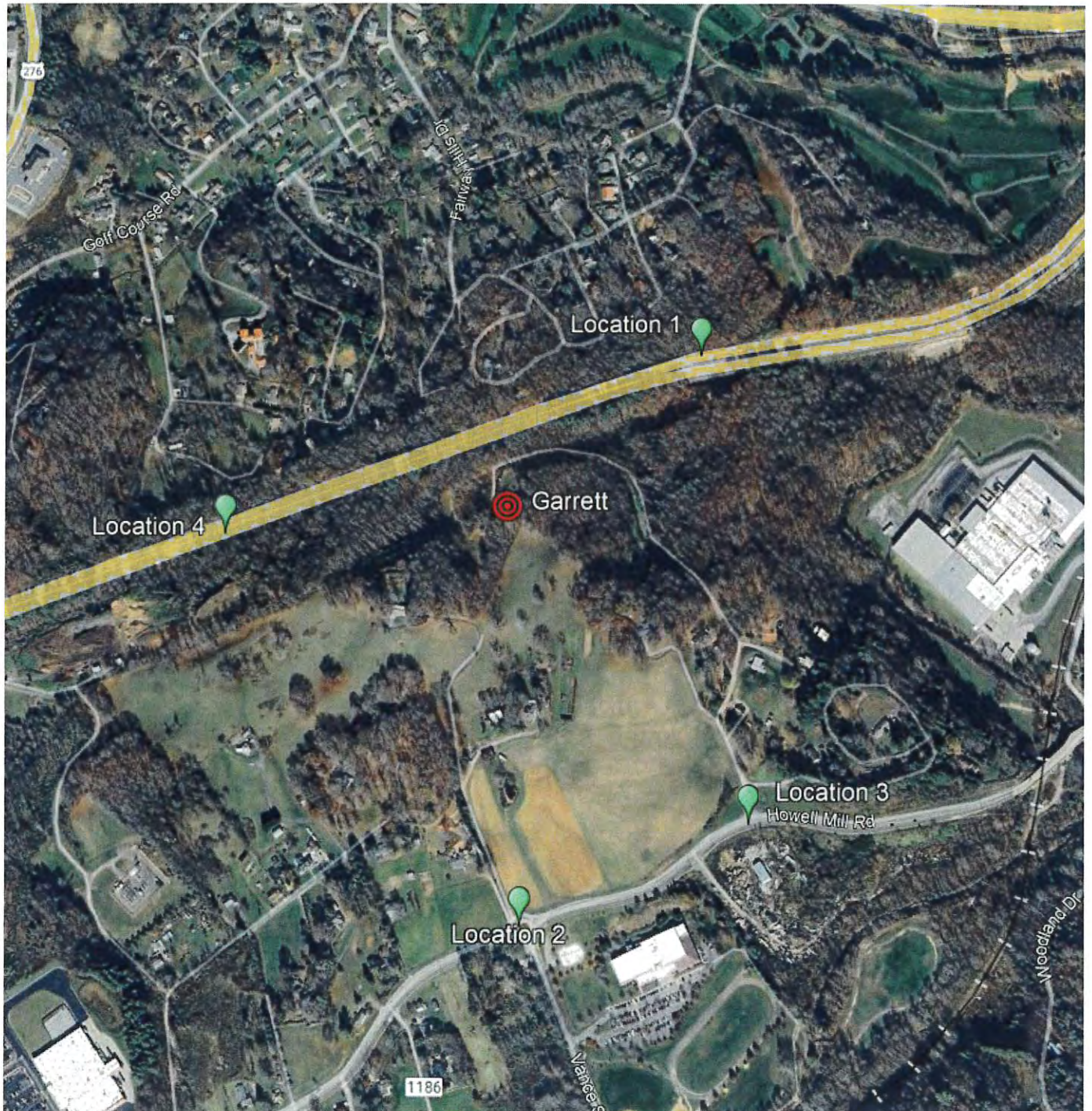
This site was evaluated in accordance with the requirements specified by the FAA under Federal Aviation Rules part 77, and found not to be a hazard to air navigation.





Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

Garrett PhotoSims



Notes: Locations of the photosims.



Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

Garrett PhotoSims



Notes: Location 1 before Photosim



Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

Garrett PhotoSims

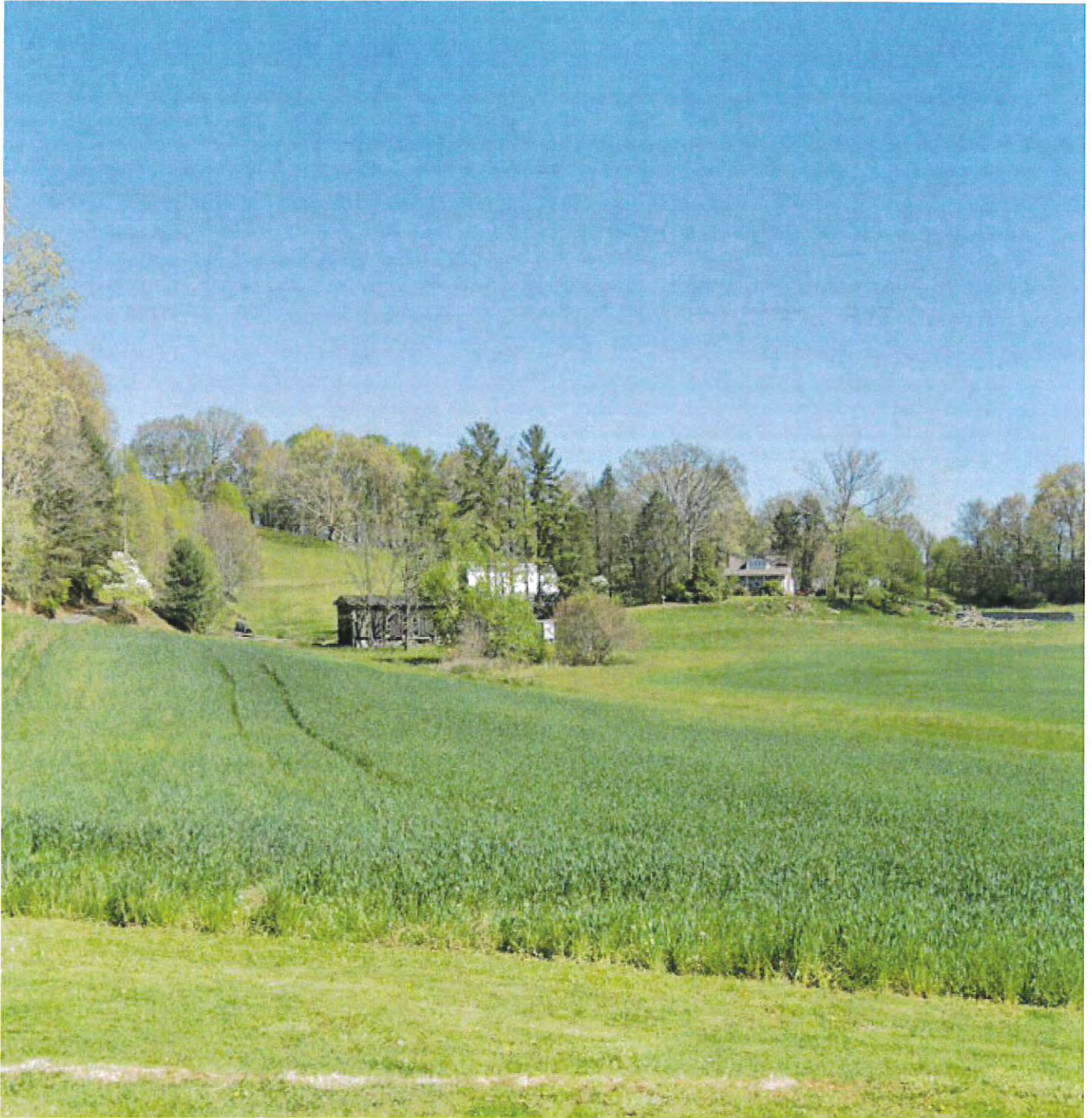


Notes: Location 1 after Photosim



Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

Garrett PhotoSims



Notes: Location 2 before Photosim.



Gen7 Engineering, LLC
8807 Consolidated Drive
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Garrett PhotoSims



Notes: Location 2 after Photosim.



Gen7 Engineering, LLC
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70

Garrett PhotoSims



Notes: Location 3 before Photosim



Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

71

Garrett PhotoSims

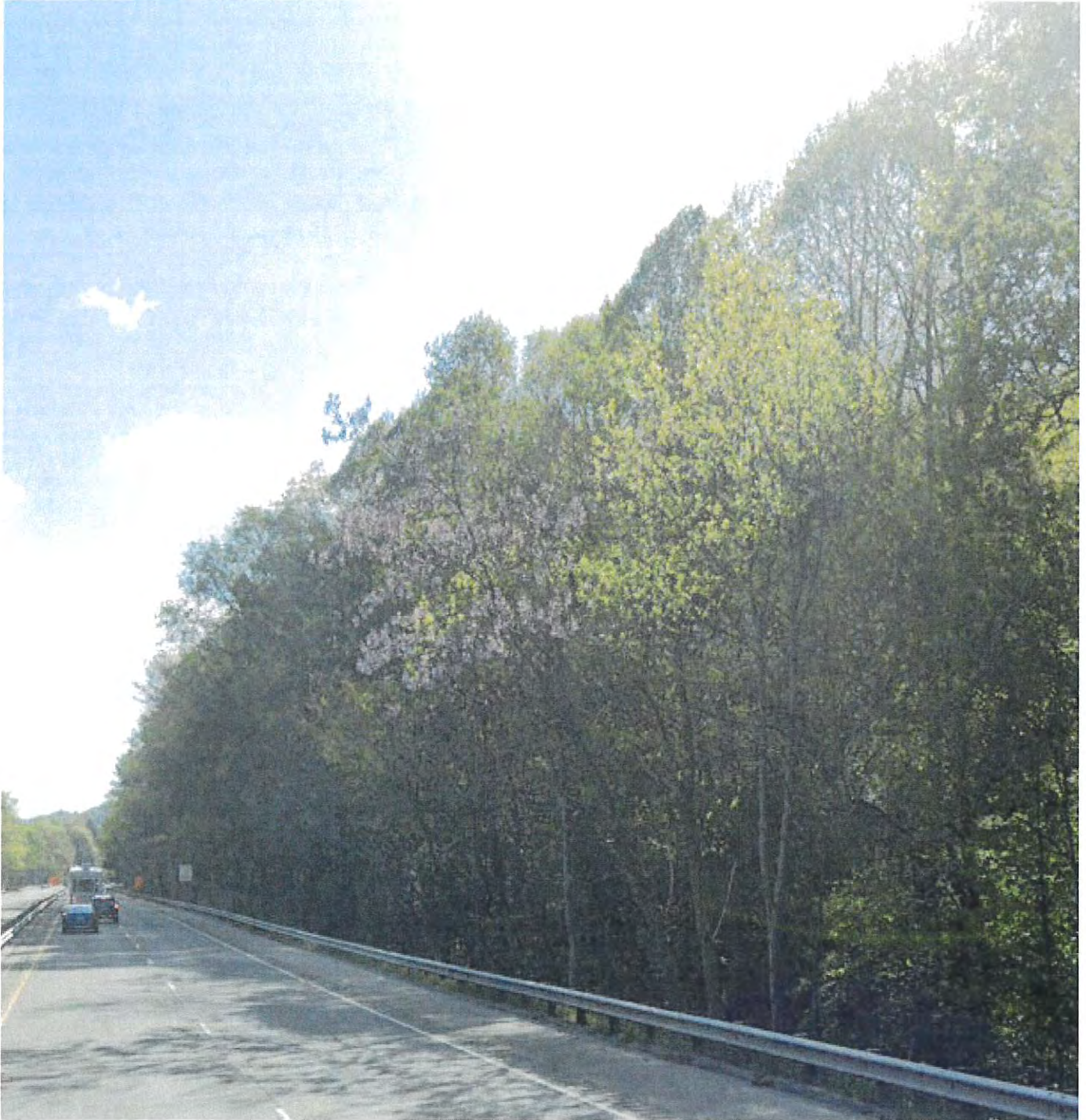


Notes: Location 3 after Photosim



Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

Garrett PhotoSims



Notes: Location 4 before Photosim



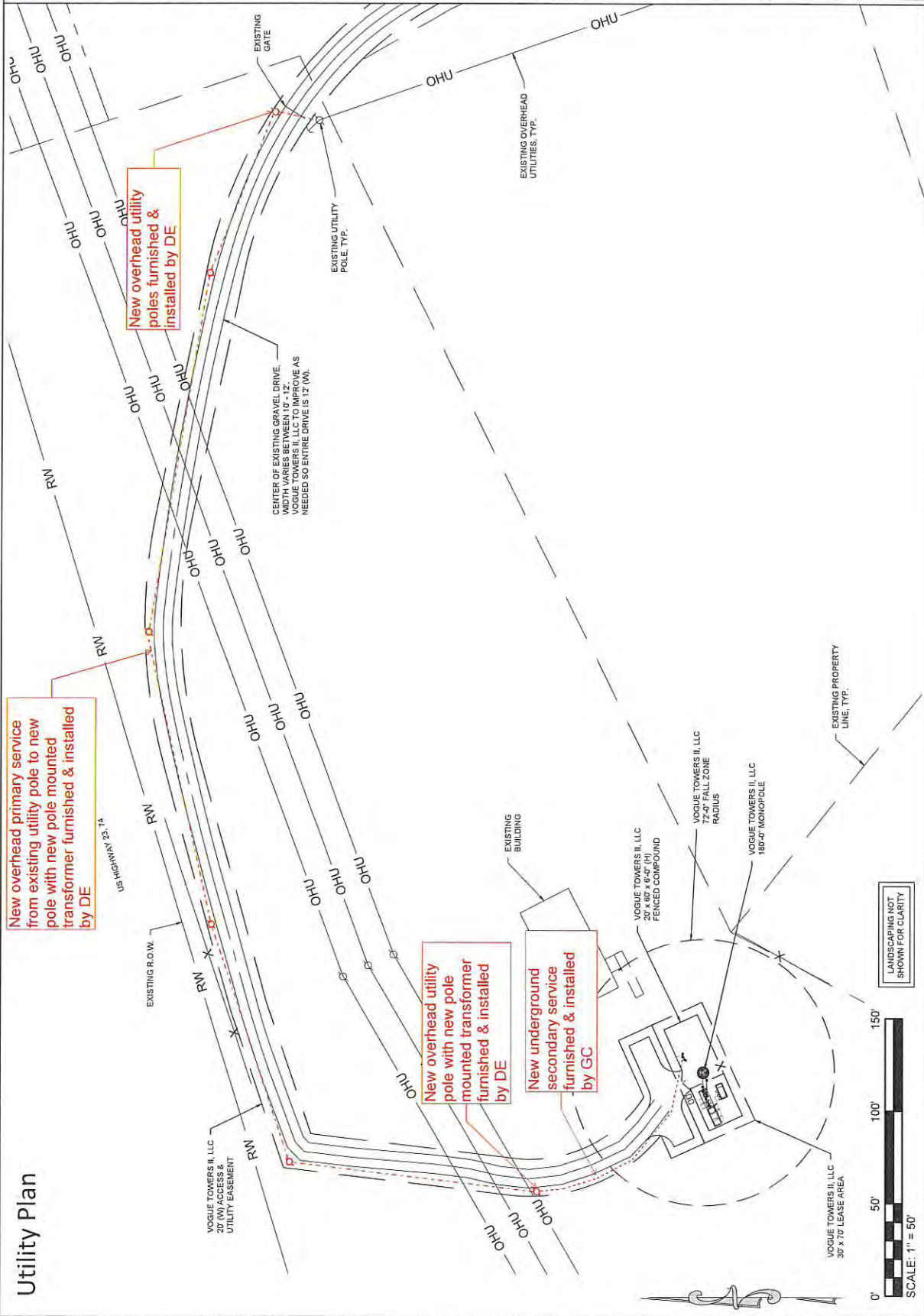
Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, Tennessee 37379

Garrett PhotoSims



Notes: Location 4 after Photosim. Tower is not seen.

Cross-hair approximate location of tower height.



2025001250

HAYWOOD CO. NC FEE \$26.00
PRESENTED & RECORDED
02/20/2025 01:58:57 PM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY: TARA E. REINHOLD
DEPUTY

BK: RB 1123

PG: 412 - 418

(Above 3" Space for Recorder's Use Only)

Prepared by and Return to:

Vogue Towers II, LLC
430 Chestnut Street, Suite 101-B
Chattanooga, TN 37402
ATTN: Pat Troxell-Tant

Submitted electronically by Chambliss, Bahner & Stophel, P.C. in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Haywood County Register of Deeds.

Tenant Site Reference: NC-2027 Garrett

Parcel Reference: 8616-54-8639

MEMORANDUM OF OPTION TO LEASE

This Memorandum of Option to Lease (the "**Memorandum**") evidences an Option and Lease Agreement (the "**Lease**") between **WAYNESVILLE POLICE DEPARTMENT ASSOCIATION, INC.** (the "**Landlord**"), whose address is 9 South Main Street, Waynesville, NC 28786 and **VOGUE TOWERS II, LLC**, a Delaware limited liability company, whose mailing address is 1000 Corporate Centre Drive, Suite 130, Franklin, TN 37067 (the "**Tenant**"), dated the 13th day of January, 2025 (the "**Effective Date**"), for a portion (the "**Premises**") of the real property (the "**Property**") described in Exhibit A attached hereto.

Pursuant to the Lease, Landlord has granted Tenant an exclusive option to lease the Premises (the "**Option**"). The Option commenced as of the Effective Date and shall continue in effect for a period of one (1) year from the Effective Date and may be renewed by Tenant for an additional one (1) year period.

Landlord ratifies, restates, and confirms the Lease and, upon exercise of the Option, shall lease to Tenant the Premises, subject to the terms and conditions of the Lease. The Lease provides for the lease by Landlord to Tenant of the Premises for an initial term of five (5) years with seven (7) renewal options of an additional five (5) years each, and further provides:

1. The Lease may be assigned by Landlord only in its entirety and only to a purchaser of the fee interest of the Property;
2. Under certain circumstances, Tenant has a right of first refusal to acquire the Premises from Landlord; and
3. This Memorandum is not intended to amend or modify and shall not be deemed or construed as amending or modifying, any of the terms, conditions, or provisions of the Lease. In the event

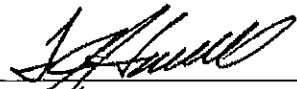
of a conflict between the provisions of this Memorandum and the provisions of the Lease, the provisions of the Lease shall control. The Lease shall be binding upon and inure to the benefit of Landlord and Tenant and shall inure to the benefit of their respective heirs, successors, and assigns, subject to the provisions of the Lease.

[Signatures to follow]

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF OPTION TO LEASE as of the date last signed by a party hereto.

LANDLORD:

WAYNESVILLE POLICE DEPARTMENT
ASSOCIATION, INC.

By: 

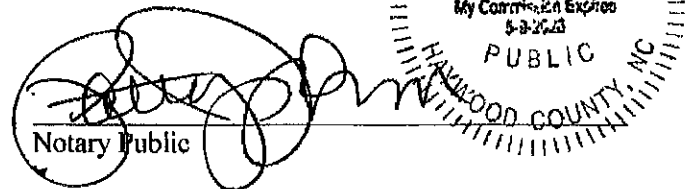
Name: Tyler Howell

Title: President

STATE OF NORTH CAROLINA
COUNTY OF Haywood

On this 12 day of December, 2024, before me personally appeared Tyler J. Howell to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Official Seal at office this 12 day of December, 2024.



My Commission Expires:

5/9/2026

[Landlords Signature Page #1 – Memorandum of Option to Lease]

LANDLORD:

WAYNESVILLE POLICE DEPARTMENT
ASSOCIATION, INC.

By: Tamara J. Vander Day

Name: Tamara J. Vander Day

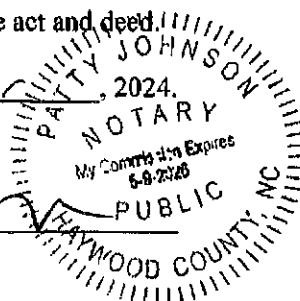
Title: Treasurer

STATE OF NORTH CAROLINA
COUNTY OF Haywood

On this 12 day of December 2024, before me personally appeared Tamara Jane Vander Day, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Official Seal at office this 12 day of December, 2024.

[Signature]
Notary Public



My Commission Expires:

5/9/2024
PJ

[Landlords Signature Page #2 – Memorandum of Option to Lease]

TENANT:

VOGUE TOWERS II, LLC

By: Pat Troxell-Tant
Name: Pat Troxell-Tant
Title: CEO

STATE OF TENNESSEE
COUNTY OF HAMILTON

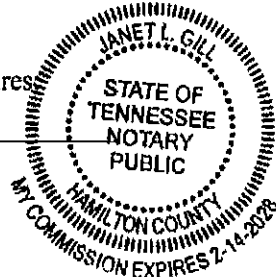
Before me, the undersigned Notary, personally appeared PAT TROXELL-TANT, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be President of Development of VOGUE TOWERS II, LLC, a Delaware limited liability company, and that such President of Development executed the foregoing instrument for the purpose therein contained, by personally signing the name of the limited liability company, as President of Development.

Witness my hand and seal, at office in Chattanooga, Tennessee, this 9th day of December, 2024.

Janet L. Gill
Notary Public

My Commission Expires

2-14-28

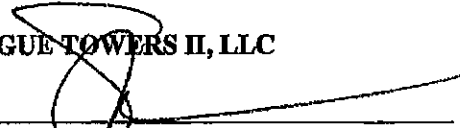


[Tenant's Signature Page #1 – Memorandum of Option to Lease]

[Tenant's Signature Page #1 – Memorandum of Option to Lease]

TENANT:

VOGUE TOWERS II, LLC

By: 

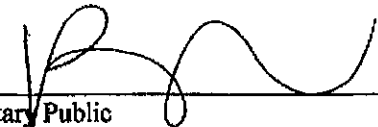
Name: Scott Riggs

Title: Chief Operating Officer

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

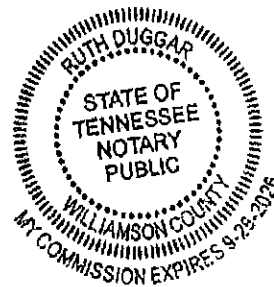
Before me, the undersigned Notary, personally appeared **SCOTT RIGGS**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be COO of **VOGUE TOWERS II, LLC**, a Delaware limited liability company, and that such COO executed the foregoing instrument for the purpose therein contained, by personally signing the name of the limited liability company, as COO.

2025 Witness my hand and seal, at office in Franklin, Tennessee, this 13 day of January


Notary Public

My Commission Expires:

9/28/26



**EXHIBIT A
(TO MEMORANDUM OF OPTION TO LEASE)**

The Property

Lying and being situate in Haywood County, North Carolina, and being more particularly described as follows:

BEGINNING at a stake in the Southern margin of the right of way of Waynesville By-Pass, N.C. 19-23, at the Northwest corner thereon of the Shuford Howell property and runs thence with the two lines of the Howell property, South 21 deg 24 min East 197.1 feet to a stake and South 60 deg 31 min West 530 feet to a stake, common corner of the Shuford Howell and Charles Liner property; thence with the line of the Liner property, South 24 deg 21 min West 434 feet to a stake; thence with four lines of a tract of land belonging to Shuford Howell, the following courses and distances, to-wit: North 57 deg 30 min West 22.5 feet; thence North 21 deg 15 min West 300 feet to a stake, formerly a small maple; thence North 37 deg 0 min West 238 feet to a stake, formerly a chestnut; thence North 14 deg 0 min West 49.8 feet to a stake in the Southern margin of the right of way of Waynesville By-Pass; thence with the Southern margin of said right of way, North 70 deg 0 min East 905.1 feet to the point of **BEGINNING**.

GENERAL NOTES

1. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM ALL APPLICABLE AGENCIES AND AGENCIES UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL APPLICABLE PERMITTING AUTHORITIES.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND THE CODES, REGULATIONS, AND STANDARDS OF ALL APPLICABLE GOVERNING AUTHORITIES.
3. THE GENERAL CONTRACTOR SHALL VERIFY THAT ALL EXISTING TOPOGRAPHY AND HORIZONTAL GEOMETRY IS AS INDICATED ON THESE DRAWINGS. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE OR REPAIR TO THESE FACILITIES CAUSED BY THE CONTRACTOR'S WORK FORCE. IMMEDIATELY NOTIFY THE OWNER OF ANY DAMAGE TO EXISTING FACILITIES OR INTERFERENCE WHICH AFFECT THE WORK OF THIS CONTRACT.
4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AT ALL TIMES. THE OWNER SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING STRUCTURES OR FACILITIES ON THE SITE CAUSED BY THE CONTRACTOR. THE CONTRACTOR AND ANY COST ASSOCIATED WITH REPAIRS FOR SUCH DAMAGE WILL BE AT THE CONTRACTOR'S EXPENSE.
5. ALL WASTE MATERIAL SHALL BE PROPERLY DISPOSED OF OFF-SITE OR AS DIRECTED BY THE OWNER REPRESENTATIVE AND IN ACCORDANCE WITH JURISDICTIONAL AUTHORITIES.
6. ANY PROPERTY DAMAGE CAUSED BY THE CONTRACTOR OR HIS OPERATIONS SHALL BE CORRECTED AND/OR RESTORED TO THE SATISFACTION OF THE PROPERTY LESSOR(S) AND THE OWNER'S CONSTRUCTION MANAGER AT NO ADDITIONAL COST TO THE OWNER.
7. CONTRACTOR SHALL MAINTAIN 20' HORIZONTAL CLEARANCE FROM CENTERLINE OF EXISTING POWER LINES OR AS REQUESTED BY THE POWER COMPANY.
8. NOTIFY THE OWNER REPRESENTATIVE TWENTY-FOUR HOURS PRIOR TO CONSTRUCTION AND ADVISE THE OWNER REPRESENTATIVE TO REVIEW THE SITE PRIOR TO EXCAVATION.
9. THE CONTRACTOR SHALL INCLUDE ALL WORK REQUIRED TO CO-LOCATE EXISTING AND NEW UTILITIES, INCLUDING ELECTRICAL IMPROVEMENTS, SNAPS, INS, H-FRAME, AND OTHER ACCESSORIES FOR COMPLETE INSTALLATION.
10. THE CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION OF THE FOLLOWING: CABLES, ICE BRIDGE, WAVEGUIDE LADDER, METER AND EQUIPMENT CABINET/SHELTER, THE EQUIPMENT CABINET/SHELTER SHALL BE TRANSPORTED TO THE SITE BY THE CONTRACTOR.
11. CONTRACTOR TO NOTIFY THE OWNER REPRESENTATIVE FORTY- EIGHT HOURS PRIOR TO CONCRETE POURS.
12. CONTRACTOR TO PROVIDE RED LINE CONSTRUCTION DRAWINGS TO OWNER AND LESSEE AT COMPLETION OF JOB.

ABBREVIATIONS

AGL	ABOVE GROUND LEVEL	ANSL	ABOVE MEAN SEA LEVEL
CL	CENTERLINE	CONC	CONCRETE
DIA	DIAMETER	DMI	DIMENSION
(E)	EXISTING	EA	EACH
ELEV	ELEVATION	EQ	EQUAL
FTG	FOOTING	FDN	FOUNDATION
LLH	LONG LEG HORIZONTAL	HSS	HOLLOW STRUCTURE SHAPE
MAX	MAXIMUM	LLV	LONG LEG VERTICAL
NTS	NOT TO SCALE	MIN	MINIMUM
PL	PLATE	OC	ON CENTER
TOS	TOP OF STEEL	RGS	RIGID GALVANIZED STEEL
UNO	UNLESS NOTED OTHERWISE	TYP.	TYPICAL
W/	WITH	TER	TO BE REMOVED

LEGEND

SYMBOLS OF EXISTING FEATURES	DESCRIPTION	SYMBOLS OF PROPOSED FEATURES
X 100.5	SPOT ELEVATION	712.3
— 56 —	CONTOUR LINE	— 58 —
— SD —	STORM DRAIN	— 6D —
— 6D —	CATCH BASIN	
— 6D —	RIGHT OF WAY	
— 6D —	IRON PIN	●
— 6D —	BENCHMARK	■
— 6D —	CONCRETE MONUMENT	
— 6D —	CENTERLINE	— 6D —
— 6D —	OVERHEAD TELEPHONE	— 6D —
— 6D —	UNDERGROUND TELEPHONE	— 6D —
— 6D —	OVERHEAD POWER	— 6D —
— 6D —	UNDERGROUND POWER	— 6D —
— 6D —	UNDERGROUND FIBER	— 6D —
— 6D —	FENCE LINE	— 6D —
— 6D —	SILT FENCE	— 6D —
— 6D —	UNITS OF DISTURBANCE	— 6D —
— 6D —	UTILITY POLE	— 6D —
— 6D —	LIGHT POLE	— 6D —
— 6D —	WATER LINE	— 6D —
— 6D —	WATER VALVE	— 6D —
— 6D —	NATURAL GAS LINE	— 6D —
— 6D —	GAS VALVE	— 6D —
— 6D —	SANITARY SEWER	— 6D —
— 6D —	MANHOLE	— 6D —

NOTE: THIS IS A GENERAL LEGEND. ALL FEATURES MAY NOT BE LOCATED IN THIS SITE.



THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR REPRODUCTION OF ANY PART WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

DRAWN BY BNS
CHECKED BY BNS

REVISIONS

#	DATE	BY	DESCRIPTION
1	09/10/25	BNS	FINAL ISSUE
2	09/19/25	BNS	PRELIMINARY ISSUE



SITE NAME GARRETT
SITE NUMBER 5000508114



SITE NAME GARRETT
SITE NUMBER NC-3027

SITE ADDRESS
311 HAPPY HILL RD.
WAYNESVILLE, NC 28786

SITE TYPE RAWLAND

SHEET TITLE
GENERAL NOTES

SHEET NUMBER Z-002
REVISION 0

GENERAL NOTES:

- This Survey is prepared exclusively to show site conditions and/or for use in support of instruments related to Leases and Easements as may be shown hereon. Any property boundary information shown hereon is a composite of information gathered from current or previous Surveys, Plat & Deed Description and/or Assessor's Tax Maps as may be referenced hereon. This Survey is not a Boundary Survey of any Tax Parcels or Deed Tracts, and does not create, combine, or divide any existing properties.
- Survey shown hereon was performed under the supervision of a state-registered Land Surveyor and conforms to all applicable State Board Requirements.
- Instruments Used: One or more of: Topcon Total Station, Topcon Hiperlite Plus GPS, Carlson Surveyor Data Collector, DIT UAV.
- Where shown, improvements (utilities, buildings, trees, fences, etc.) are based on field Survey and/or aerial mapping.
- Any Underground Utilities shown according to surface markings made by others, found at time of survey. Additional marked utilities outside the area covered by this survey map may be shown in provided CAD Files. Utility Markings may not be comprehensive; this survey does not relieve design and construction personnel of the responsibility to determine the locations of underground utilities prior to land disturbance activities.
- This Survey is presented in the format required by Clients. Clients are advised that Official Jurisdictions may require the Survey to be presented in another format with additional notes and certifications. In the event other formats, notes or certifications are requested by applicable jurisdictions, it is the responsibility of the Client to request same be prepared by Surveyor. Survey as published is not intended to be suitable for recording as a Subdivision Plat.
- This survey may have been reduced or enlarged in size due to subsequent reproduction. This should be taken into consideration when obtaining scaled data.
- Geographic Coordinates, if published, meet FRA Accuracy Code 1A, and are accurate to within ± 20 feet horizontally and to within ± 3 feet vertically.
- Any Flood Zone information presented hereon is according to current FEMA Flood Map information as may be referenced hereon. No Flood Elevation Survey of Certification performed.
- This survey is not valid without the original signature seal of a State-Licensed Land Surveyor, and is not complete without the total of sheets as specified in Survey Title Blocks.
- Unless indicated otherwise by reference to Record Instruments, any Lessee's Leases, Premises or Easements shown hereon are NOT YET OF RECORD and may be subject to change pending review and approval by Carrier, applicable jurisdictions and/or other involved parties.
- Any Survey Markers placed as required by Standards of Practice and/or Client request represent the Leases and/or Easements as requested or designed by Clients at the time of this survey issue and may not reflect changes to site design which have not been communicated to Surveyor in the form of a Survey revision request. Surveyor shall not be liable for any circumstance arising as a result of revisions to Site Design (which may invalidate existing survey markers) occurring after the date of the Survey issue.

SURVEYOR'S CERTIFICATION

To: Vogue Towers II, LLC;

I, Travis L. Shields, RLS No. L-5624, certify that this map was drawn under my supervision from an actual survey made under my supervision that the boundaries not surveyed are clearly indicated as drawn that the ratio of precision or positional accuracy is 1:10,000, and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, licence number and seal,

This 13th day of February, 2025



Surveyor:
Registration #: L5624
TRAVIS L. SHIELDS
5449 HIGHWAY 41
JASPER, TN, 37347
(423) 304-6722
RLS# L-5624
STATUS: CURRENT
EXPIRES: 12-31-2024

PROPOSED TOWER LOCATION DATA

Latitude: NORTH: 35.511000° 35° 30' 39.60"
Longitude: WEST: 82.980200° 82° 58' 48.72"
Ground Elev: 2,781.0 FEET AMSL (NAVD88)
Benchmark: DE8228 HAYW

PARENT TAX PARCEL

WAYNESVILLE POLICE DEPARTMENT ASSOCIATION, INC.
TAX PARCEL: 8616-54-8639

NORTH ORIENTATION

NORTH CAROLINA STATE PLANE COORDINATE SYSTEM
Based on GPS Survey relative to NGS CORS Network, NAD83 (2011)
ELEVATION DATUM: NAVD88, GEOID 12B
DATE OF SURVEY: 01-30-2025

Method: RTK (CORS); Confidence Level: 95%
Positional Accuracy: HZ ± 0.10'
EPOCH 2010.0000
Convergence: -1.7024722°, Combined Factor: 0.99975429

FLOOD DATA

FEMA FLOOD MAP PANEL: 3700861600, Effective Date: 04-03-2012
Surveyed Area appears to lie within: ZONE X (Areas of Minimal Flood Hazard)

TITLE EXAMINATION:

Not available

ADDITIONAL NOTES

The Lessee's Access & Utility Easement extends to the Public R/W.

The Lessee's Premises lies entirely within the Parent Tax Parcel.

Except as noted hereon, no visible potential encroachments were observed at the time of the survey.

SURVEY ISSUE DATA

#	DETAILS	DATE	DRAWN	APP
0	Original Survey Issue	02-13-2025	NB	TLS



LEGEND

●	IRON ROD FOUND	PAVEMENT EDGE
⊙	IRON PIPE FOUND	GRAVEL EDGE
⊘	UTILITY POLE	OVERHEAD UTILITY LINES
⌵	GUY ANCHOR	GUY WIRE
⌵	WATER VALVE	FENCE
⌵	FIRE HYDRANT	DITCH
*	CENTER OF PROPOSED TOWER	MARKED WATER LINE
R/W	RIGHT-OF-WAY	5' CONTOURS
C/L	CENTER LINE	1' CONTOURS
AU	ACCESS & UTILITY EASEMENT	PUBLIC R/W
ESMT	POINT OF COMMENCEMENT	TAX PARCEL BOUNDARY
P.O.C.	POINT OF BEGINNING	EXISTING EASEMENT
P.O.B.	SQUARE FEET	LESSEES PREMISES
Sq Ft		LESSEES EASEMENTS

(Not a Boundary Survey of Parent Lands. Not Intended for Fee Simple Land Transfer)

SITE SURVEY
GARRETT

Site Number: NC-2027

Happy Hill Road, Waynesville, NC 28786
Waynesville Township
Haywood County, North Carolina

COVER SHEET

DWG#: 25014
ISSUE #: 0
ISSUE DATE: 02-13-2025
SEE SHEET #1

SHEET
1
OF
5

TRAVIS L. SHIELDS
5449 HIGHWAY 41
JASPER, TN 37347
423-304-6722
NC LICENSE NO. L5624

PREPARED FOR
VOGUE TOWERS II, LLC

PROPERTY INFORMATION

PARENT TAX PARCEL

- A. WAYNESVILLE POLICE DEPARTMENT ASSOCIATION, INC.
TAX PARCEL: 8616-54-8639
DEED BOOK 335, PAGE 521

ADJOINING TAX PARCELS

- B. COUNTRY CLUB REAL ESTATE OF WNC, INC.
TAX PARCEL: 8616-64-7895
DEED BOOK 915, PAGE 697
PLAT BOOK C, PAGE 2421

ADJOINING TAX PARCELS

- C. NANCY LEATHERWOOD BUCKETT
TAX PARCEL: 8616-54-8095
DEED BOOK 354, PAGE 873

- D. CHARLES LEATHERWOOD ...
TAX PARCEL: 8616-63-0369
DEED BOOK 1049, PAGE 765
PLAT BOOK I, PAGE 90

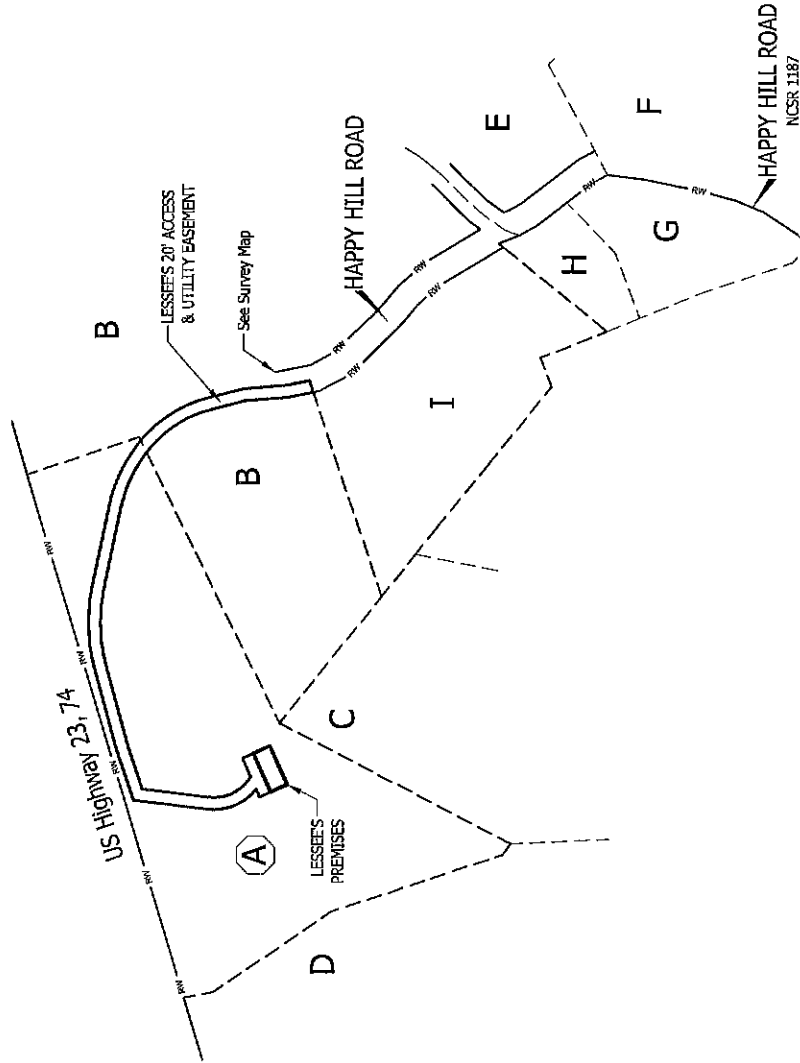
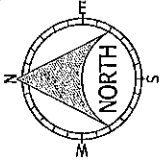
- E. WILLIAM SCOTT INGRAM ...
TAX PARCEL: 8616-74-0416
DEED BOOK 1117, PAGE 751
PLAT BOOK D, PAGE 3073

- F. WILLIAM INGRAM
TAX PARCEL: 8616-63-8833
DEED BOOK 966, PAGE 2314

- G. DEREK WAYNE JONES ...
TAX PARCEL: 8616-63-7926
DEED BOOK 956, PAGE 27
PLAT BOOK C, PAGE 3224

- H. DEREK WAYNE JONES ...
TAX PARCEL: 8616-64-6172
DEED BOOK 957, PAGE 1833
PLAT BOOK C, PAGE 3224

- I. PATSY LEATHERWOOD COOK
TAX PARCEL: 8616-64-4343
DEED BOOK 111, PAGE 113
PLAT BOOK C, PAGE 2421



PUBLIC R/W
 VESTING LAND
 ADJOINING TAX PARCEL
 LESSSEE'S PREMISES
 LESSSEE'S EASEMENT(S)

OVERVIEW MAP CAVAT:
 OVERVIEW MAP IS NOT A SURVEY BUT A VICINITY / LOCATION MAP INTENDED
 ONLY TO SHOW SURVIVED PROPERTY IN RELATION TO SURROUNDING AREA.
 VESTING AND ADJOINING PARCEL BOUNDARIES ARE NOT INCLUDED IN OR
 CERTIFIED BY THIS SURVEY. BOUNDARY LINES ARE A COMPOSITE OF DEED,
 PLAT AND/OR TAX MAP INFORMATION

TRAVIS L. SHIELDS
 5449 HIGHWAY 41
 JASPER, TN 37347
 423-304-6722
 NO LICENSE NO. L-6624

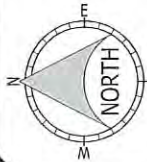
PREPARED FOR

VOGUE TOWERS II, LLC

(Not a Boundary Survey of Parent Lands, Not Intended for Fee Simple Land Transfer)
SITE SURVEY
GARRETT
 Site Number: NC-2027
 Happy Hill Road, Waynesville, NC 28786
 Waynesville Township
 Haywood County, North Carolina

OVERVIEW MAP

DWG#: 25014
 ISSUE #: 0
 ISSUE DATE: 02-13-2025
 SEE SHEET #1
 SHEET
 2 OF 5



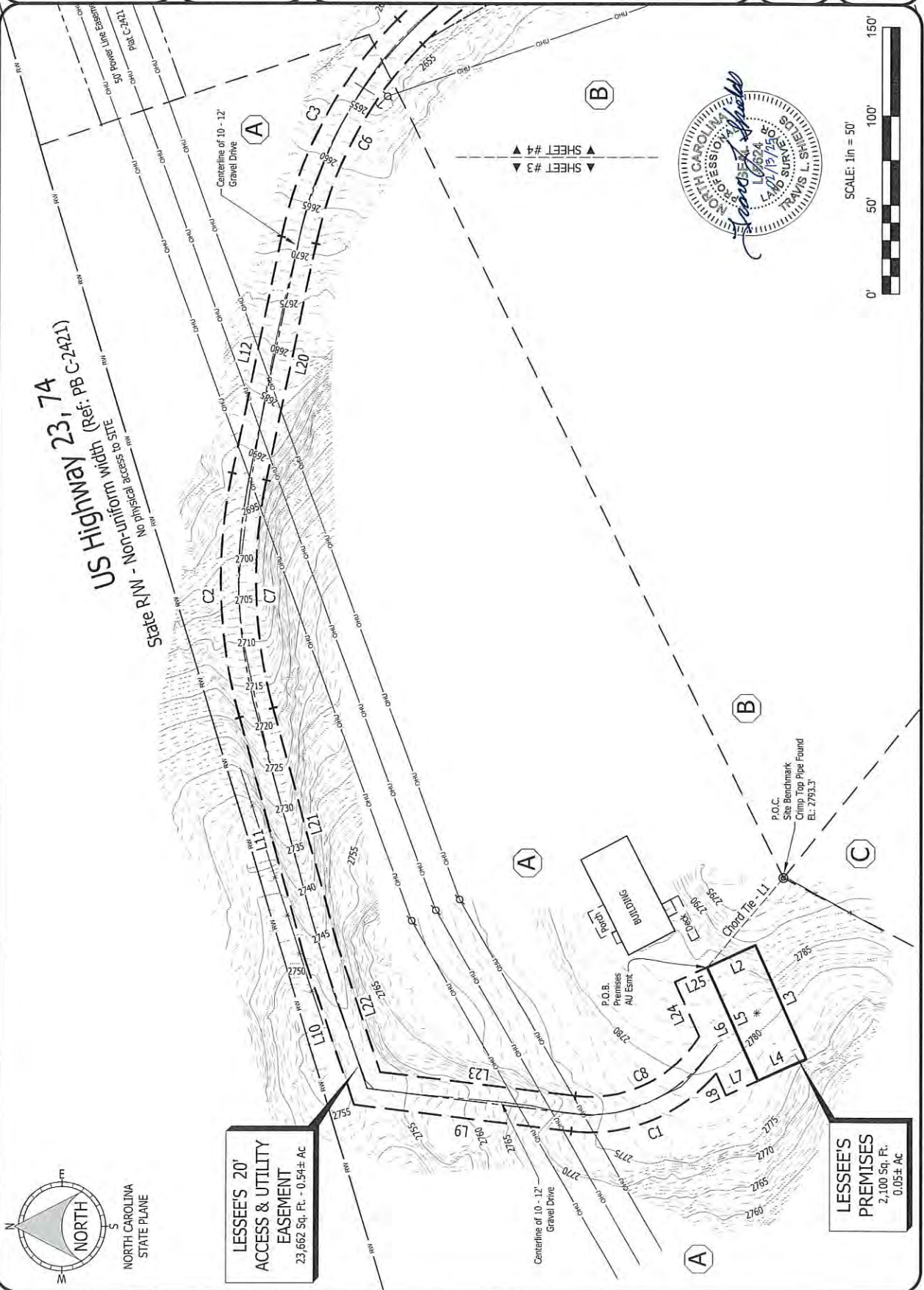
NORTH CAROLINA
STATE PLANE

US Highway 23, 74
No physical access to site

State R/W - Non-uniform width (Ref: PB C-2421)

LESSEE'S 20'
ACCESS & UTILITY
EASEMENT
23,662 Sq. Ft. - 0.54± Ac

LESSEE'S
PREMISES
2,100 Sq. Ft.
0.05± Ac



▲ SHEET #3
▲ SHEET #4



SCALE: 1in = 50'

DWG#: 25014
ISSUE #: 0
ISSUE DATE: 02-13-2025
SEE SHEET #1

SHEET
3
OF
5

SITE SURVEY

(Not a Boundary Survey or Parent Lands. Not intended for fee simple Land Transfer)
SITE SURVEY
GARRETT
Site Number: NC-2027
Happy Hill Road, Waynesville, NC 28786
Waynesville Township
Haywood County, North Carolina

VOGUE
TOWERS
PREPARED FOR

VOGUE TOWERS II, LLC

TRAVIS L. SHIELDS
5449 HIGHWAY 41
JASPER, TN 37347
425-304-6722
NO LICENSE NO. L-5624



TRAVIS L. SHIELDS
5449 HIGHWAY 41
JASPER, TN 37347
423.304.6722
NC LICENSE NO. L5624

PREPARED FOR



VOGUE TOWERS II, LLC

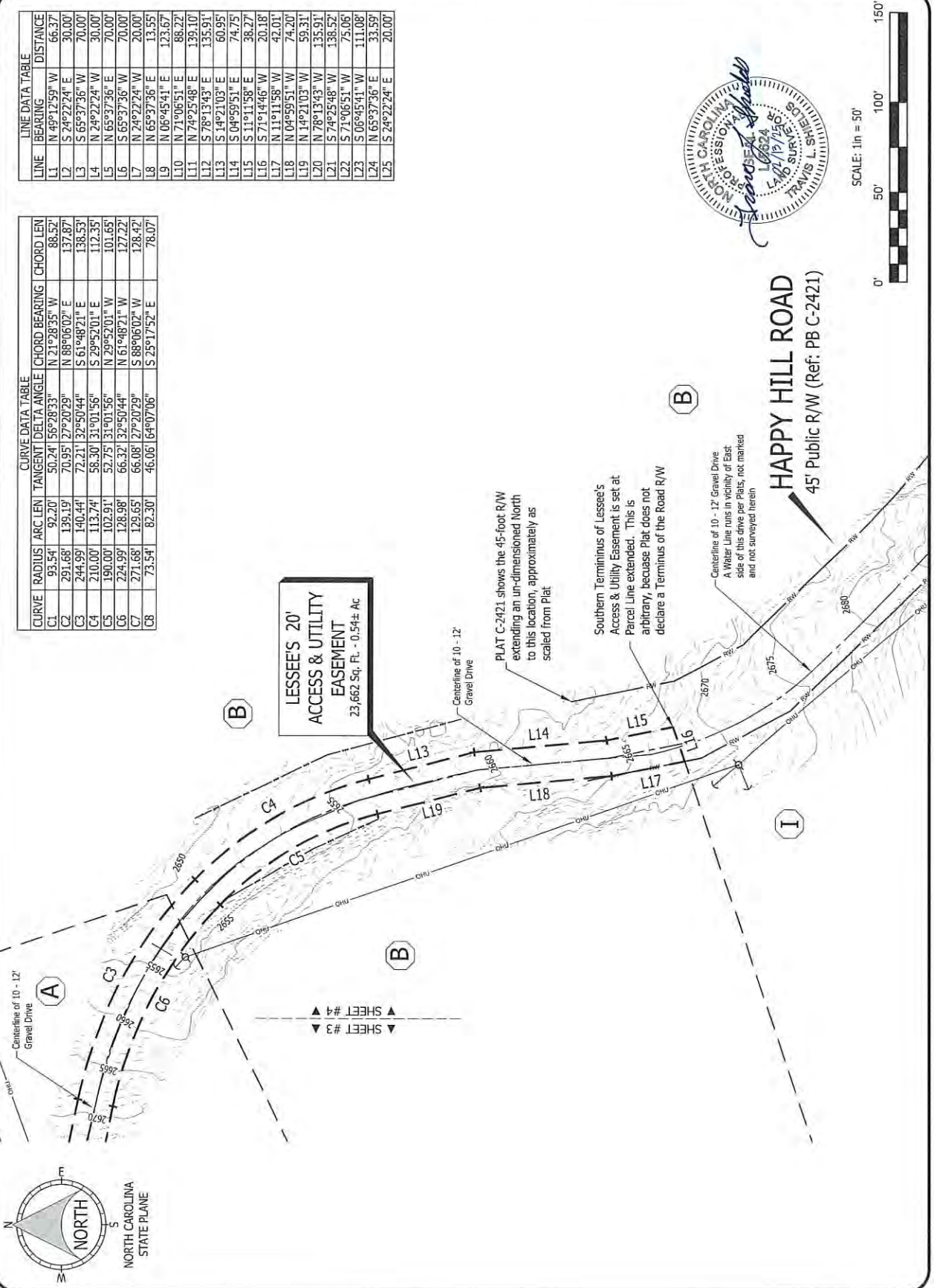
(Not a Boundary Survey of Parent Lands. Not intended for fee simple Land Transfer)

SITE SURVEY
GARRETT
Site Number: NC-2027
Happy Hill Road, Waynesville, NC 28786
Waynesville Township
Haywood County, North Carolina

SITE SURVEY

DWG#: 23014
ISSUE #: 0
ISSUE DATE: 02-13-2023
SEE SHEET #1

SHEET 4 OF 5



LESSEE'S PREMISES

All that tract or parcel of land lying and being in Waynesville Township, Haywood County, North Carolina, and being a portion of the Property of Waynesville Police Department Association, Inc. of record in Deed Book 335, Page 521, Haywood County Registry, and being more particularly described as follows:

COMMENCE at a Crimp-top Pipe found at a corner in the South Line of aforesaid property;
Thence along a Chord Tie Line having a Bearing of N 49°12'59" W, a distance of 66.37 feet to the POINT OF BEGINNING;

Thence S 24°22'24" E, a distance of 30.00 feet;
Thence S 65°37'36" W, a distance of 70.00 feet;
Thence N 24°22'24" W, a distance of 30.00 feet;
Thence N 65°37'36" E, a distance of 70.00 feet to the POINT OF BEGINNING.

Said Premises contains 0.05 Acres (2,100 Square Feet), more or less.

LESSEE'S 20' ACCESS & UTILITY EASEMENT

All that tract or parcel of land lying and being in Waynesville Township, Haywood County, North Carolina, and being a portion of the Property of Waynesville Police Department Association, Inc. of record in Deed Book 335, Page 521, Haywood County Registry, and a portion of the Property of Country Club Real Estate of WNC, Inc., of record in Deed Book 915, 697, said Records, and being more particularly described as follows:

COMMENCE at a Crimp-top Pipe found at a common corner of aforesaid properties;
Thence along a Chord Tie Line having a Bearing of N 49°12'59" W, a distance of 66.37 feet to the POINT OF BEGINNING;

Thence S 65°37'36" W, a distance of 70.00 feet;
Thence N 24°22'24" W, a distance of 20.00 feet;
Thence N 65°37'36" E, a distance of 13.55 feet;
Thence with a curve to the right with an arc length of 92.30 feet, with a radius of 93.54 feet, with a chord bearing of N 21°28'35" W, with a chord length of 88.52 feet;
Thence N 06°45'41" E, a distance of 123.67 feet;
Thence N 71°06'51" E, a distance of 88.22 feet;
Thence N 74°25'48" E, a distance of 139.10 feet;
Thence with a curve to the right with an arc length of 139.19 feet, with a radius of 201.68 feet, with a chord bearing of N 88°06'02" E, with a chord length of 137.87 feet;
Thence S 78°13'43" E, a distance of 135.91 feet;
Thence with a curve to the right with an arc length of 140.44 feet, with a radius of 244.99 feet, with a chord bearing of S 61°48'21" E, with a chord length of 138.53 feet;
Thence with a curve to the right with an arc length of 113.74 feet, with a radius of 210.00 feet, with a chord bearing of S 29°52'01" E, with a chord length of 112.35 feet;
Thence S 14°21'03" E, a distance of 60.95 feet;
Thence S 04°59'51" E, a distance of 74.75 feet;
Thence S 11°11'58" E, a distance of 38.27 feet to a point within the 45-foot-wide Right-of-Way of Happy Hill Road as shown upon Plat Book C, Page 2421, aforesaid records;
Thence S 71°14'46" W, a distance of 20.18 feet to a point on the West Line of aforesaid Right-of-Way;
Thence N 11°11'58" W, along said Right-of-Way Line, a distance of 42.01 feet;
Thence N 04°59'51" W, a distance of 74.20 feet;
Thence N 14°21'03" W, a distance of 59.31 feet;
Thence with a curve to the left with an arc length of 102.91 feet, with a radius of 190.00 feet, with a chord bearing of N 29°52'01" W, with a chord length of 101.65 feet;
Thence with a curve to the left with an arc length of 128.98 feet, with a radius of 224.99 feet, with a chord bearing of N 61°48'21" W, with a chord length of 127.22 feet;
Thence N 78°13'43" W, a distance of 135.91 feet;
Thence with a curve to the left with an arc length of 129.65 feet, with a radius of 271.68 feet, with a chord bearing of S 88°06'02" W, with a chord length of 128.42 feet;
Thence S 74°25'48" W, a distance of 138.52 feet;
Thence S 71°06'51" W, a distance of 75.06 feet;
Thence S 06°45'41" W, a distance of 111.08 feet;
Thence with a curve to the left with an arc length of 82.30 feet, with a radius of 73.54 feet, with a chord bearing of S 25°17'52" E, with a chord length of 78.07 feet;
Thence N 65°37'36" E, a distance of 33.59 feet;
Thence S 24°22'24" E, a distance of 20.00 feet to the POINT OF BEGINNING.

Said Easement contains 0.54 Acres (23,662 Square Feet), more or less.



TRAVIS L. SHIELDS
5449 HIGHWAY 41
JASPER, TN 37347
423.304.6722
NC LICENSE NO. 11662A

PREPARED FOR



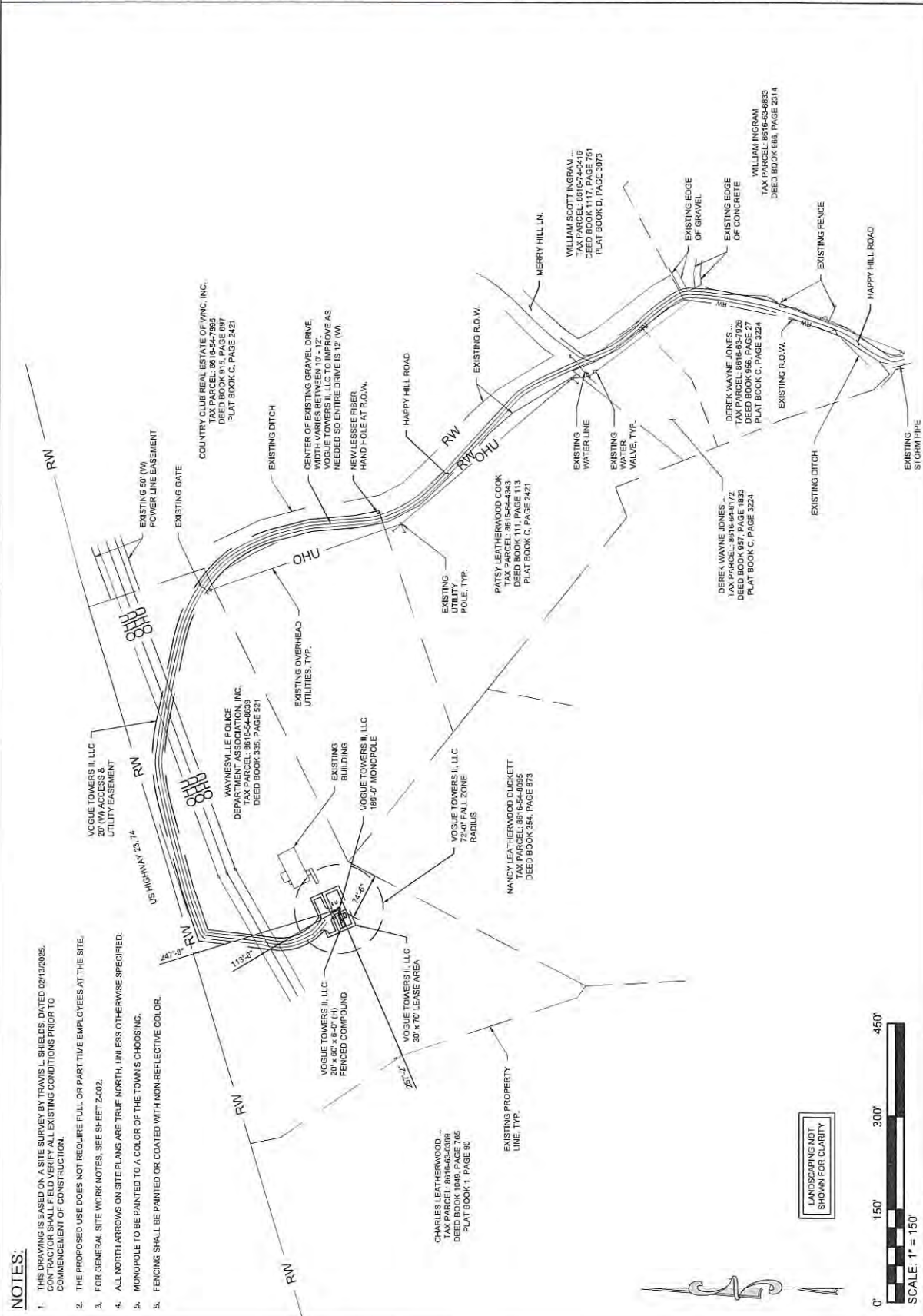
VOGUE TOWERS II, LLC

(Not a Boundary Survey of Parent Lands. Not intended for fee simple Land Transfer)
SITE SURVEY
GARRETT
Site Number: NC-2027
Happy Hill Road, Waynesville, NC 28786
Waynesville Township
Haywood County, North Carolina

DESCRIPTIONS

DWG#: 25014
ISSUE #: 0
ISSUE DATE: 02-13-2025
SEE SHEET #1

SHEET
5
OF
5



NOTES:

- THIS DRAWING IS BASED ON A SITE SURVEY BY TRAVIS L. SHIELDS, DATED 02/13/2022.
THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO
COMMENCEMENT OF CONSTRUCTION.
THE PROPOSED USE DOES NOT REQUIRE FULL OR PART TIME EMPLOYEES AT THE SITE.
FOR GENERAL SITE WORK NOTES, SEE SHEET Z-002.
ALL NORTH ARROWS ON SITE PLANS ARE TRUE NORTH, UNLESS OTHERWISE SPECIFIED.
MONOPLOTS TO BE PAINTED TO A COLOR OF THE TOWN'S CHOOSING.
FENCING SHALL BE PAINTED OR COATED WITH NON-REFLECTIVE COLOR.





THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PREPARED FOR THE USE OF DISCLOSURE TO THE CLIENTS WHICH RELATES TO THE CLIENTS STRICTLY PROHIBITED.

DRAWN BY: BNS

CHECKED BY: BNS

REVISIONS

#	DATE	DESCRIPTION
0	05/10/25	BNS FINAL ISSUE
A	05/19/25	BNS PRELIMINARY ISSUE





SITE NAME: GARRETT

SITE NUMBER: 500005114



SITE NAME: GARRETT

SITE NUMBER: NC-2027

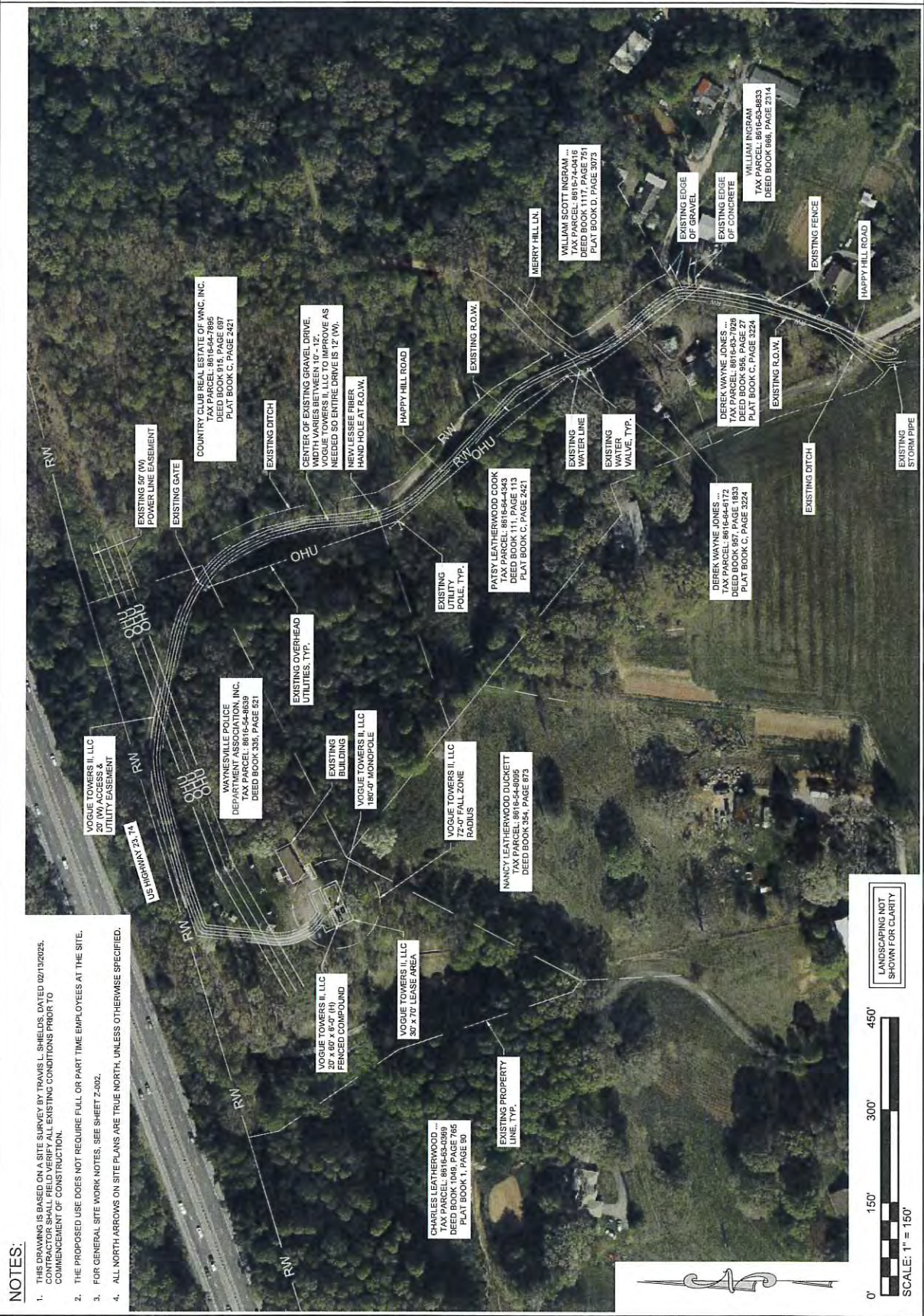
SITE ADDRESS: 311 HAPPY HILL RD, WAYNESVILLE, NC 28786

SITE TYPE: RAWLAND

SHEET TITLE: OVERALL AERIAL SITE LAYOUT PLAN

SHEET NUMBER: Z-102

REVISION: 0





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REVISIONS			
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0	05/10/25	BNS	FINAL ISSUE
A	05/19/25	BNS	PRELIMINARY ISSUE



SITE NAME	GARRETT
SITE NUMBER	500086114

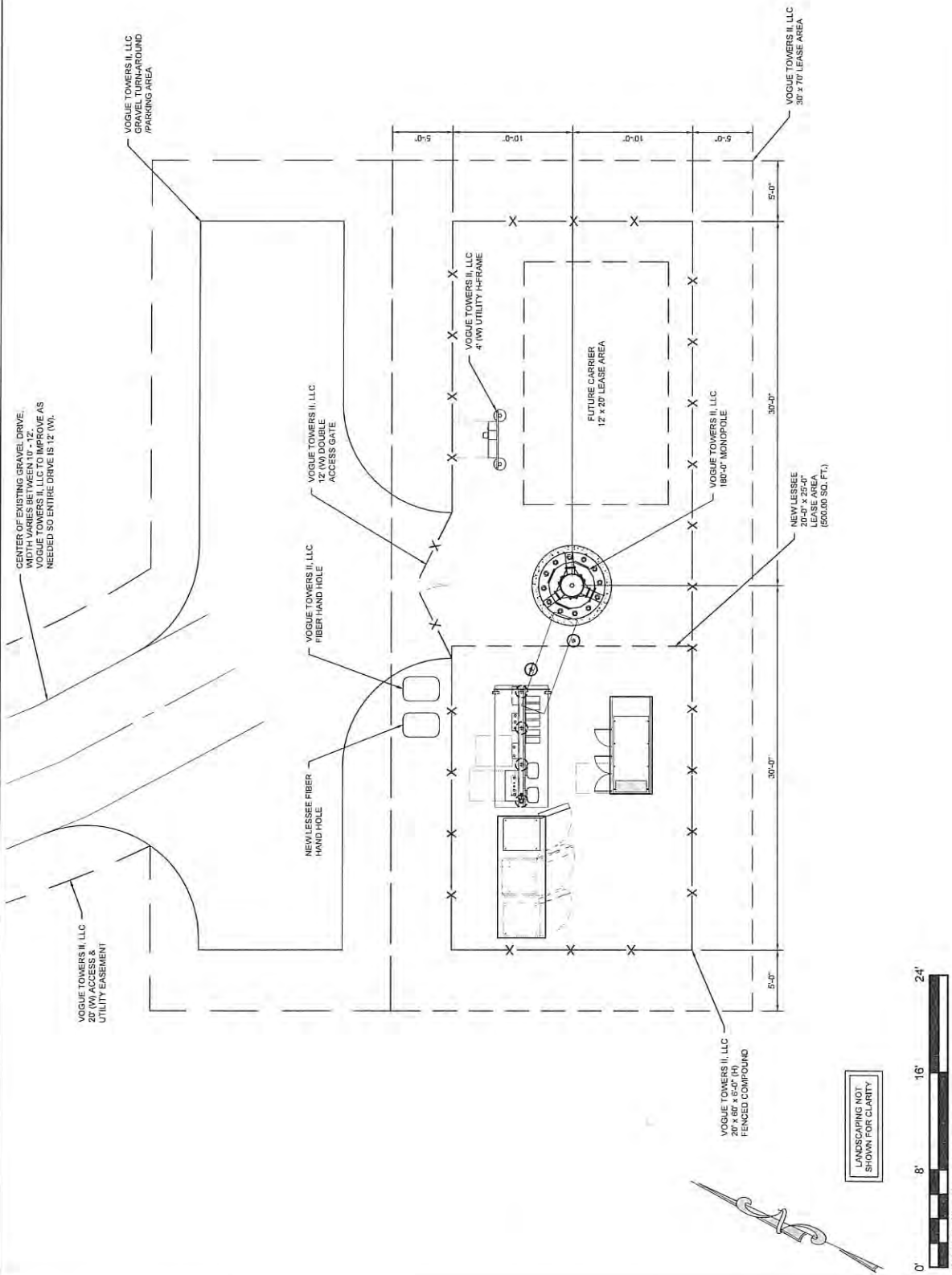


SITE NAME	GARRETT
SITE NUMBER	NC-2027

SITE ADDRESS	311 HAPPY HILL RD. WAYNESVILLE, NC 27788
SITE TYPE	RAWLAND

SHEET TITLE	SITE LAYOUT PLAN
-------------	------------------

SHEET NUMBER	Z-103
REVISION	0

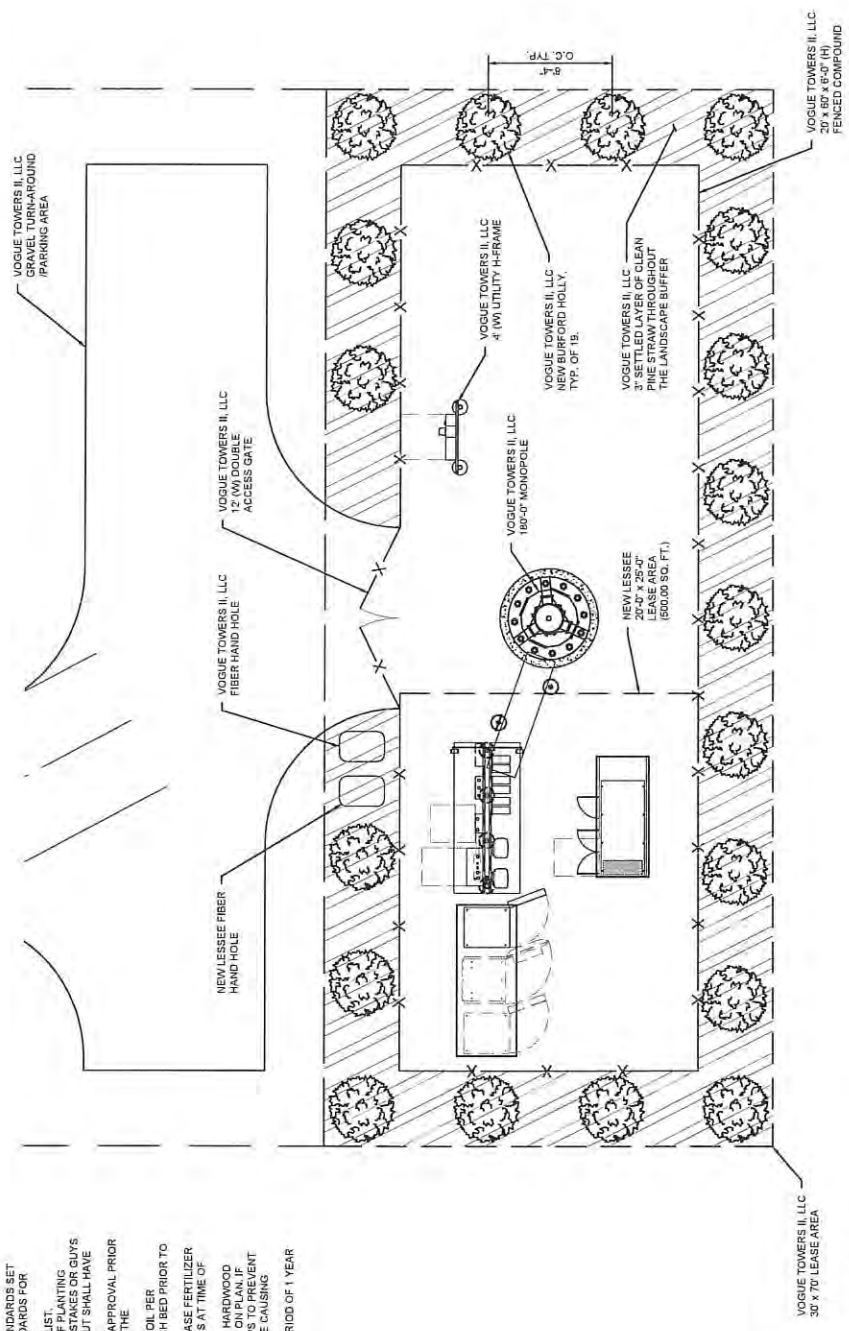


PLANTING SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	CALIPER	TYPE	SPACING	PLANTING HEIGHT	PLANTING WIDTH	MATURE HEIGHT	MATURE SPREAD	SUNLIGHT	SOIL CONDITIONS	SYMBOL	REMARKS
19	ILEX CORNUTA 'BURFORDII'	BURFORD HOLLY	N/A	UNDERSTORY EVERGREEN	SEE PLAN	5 FT	N/A	15 FT	8 FT	FULL PARTIAL	ADAPTABLE		FULL TO BASE

LANDSCAPE NOTES:

1. ALL PLANT MATERIAL SHALL CONFORM TO THE STANDARDS SET FORTH THE CURRENT EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK OF NURSEYMEN.
2. ALL TREES SHALL BE PLANTED OVER PLANT LIST.
3. ALL TREES SHALL BE STAKED OR GUYYED AT TIME OF PLANTING UNLESS NO STAKES IS PRE-APPROVED BY OWNER, STAKES OR GUYS SHALL NOT RESTRICT MOVEMENT OF THE PLANT, BUT SHALL HAVE 2-3" OF SLACK IN EACH GUY WIRE.
4. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS.
5. APPLY GRANULAR PRE-EMERGENT HERBICIDE TO SOIL PER MANUFACTURERS RECOMMENDATIONS BELOW MULCH BED PRIOR TO PLANTING.
6. APPLY "LESCOT" (OR EQUAL) GRANULAR SLOW RELEASE FERTILIZER PER MANUFACTURERS RECOMMENDATIONS TO TREES AT TIME OF PLANTING.
7. PLACE 1" MIN. THICKNESS OF SHREDDED BROWN HARDWOOD MULCH 1" MIN. THICKNESS OF SHREDDED BROWN HARDWOOD MULCH NECESSARY. INSTALL METAL OR PVC EDGING STRIPS TO PREVENT MULCH FROM WASHING ONTO ROAD OR OTHERWISE CAUSING PROBLEMS.
8. CONTRACTOR SHALL WARRANTY PLANTS FOR A PERIOD OF 1 YEAR AFTER FINAL ACCEPTANCE.





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REVISIONS

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0	06/10/25	BNS	FINAL ISSUE
A	05/19/25	BNS	PRELIMINARY ISSUE

SEAL NO. 05825

STEPHEN W. GARRETT

REGISTERED PROFESSIONAL ENGINEER

NORTH CAROLINA



SITE NAME GARRETT

SITE NUMBER 5000506114



SITE NAME GARRETT

SITE NUMBER NC-3027

SITE ADDRESS 311 HARRIS HILL RD WAINESVILLE, NC 27086

SITE TYPE RANLAND

SHEET TITLE LANDSCAPING DETAILS

SHEET NUMBER Z-201

REVISION 1



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0	06/10/25	BNS	FINAL ISSUE
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SITE NAME	GARRETT
SITE NUMBER	5000505114

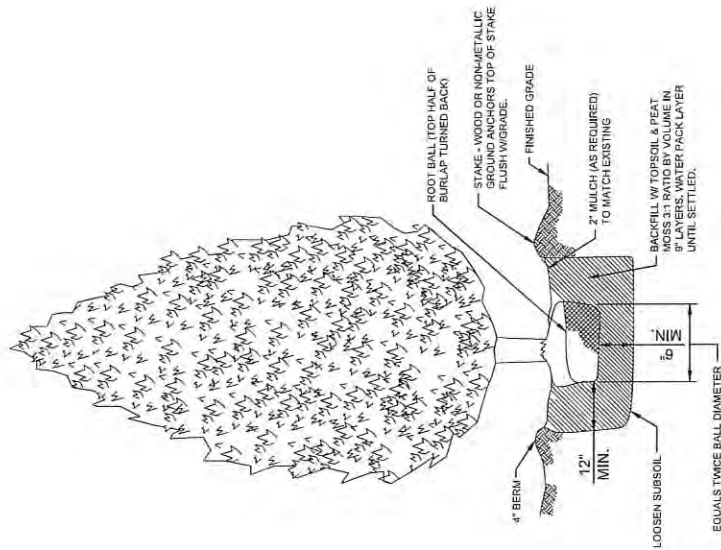


SITE NAME	GARRETT
SITE NUMBER	NC-3027

SITE ADDRESS	311 HAPPY HILL RD. WAYNESVILLE, NC 28786
SITE TYPE	RAWLAND

SHEET TITLE	LANDSCAPING DETAILS
-------------	---------------------

SHEET NUMBER	Z-202
REVISION	0



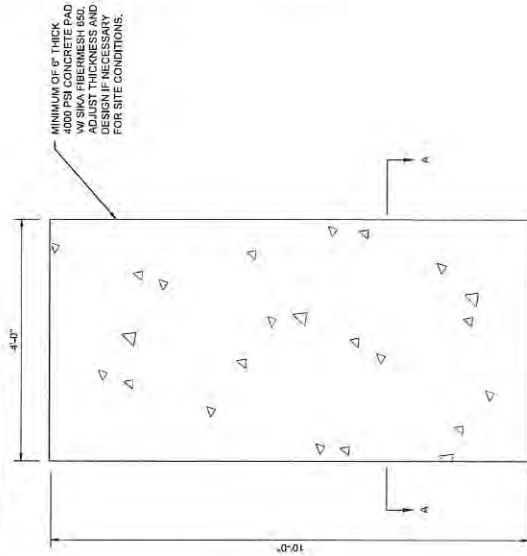
EVERGREEN TREE

NOTES

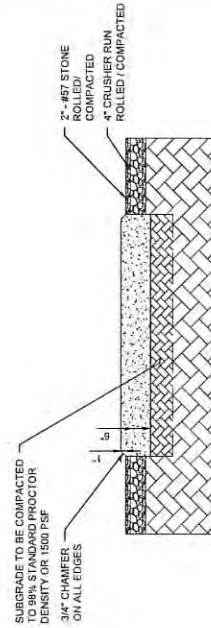
1. EVERGREEN TREE SHALL BE MIN. 5'-0" IN HEIGHT AT TIME OF PLANTING.

CONCRETE PAD NOTES:

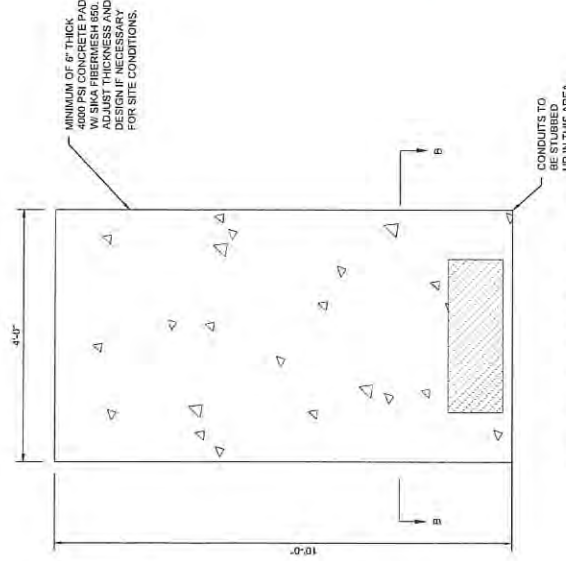
1. VERIFY GENERATOR STUB UP AREA FOR SPECIFIC MANUFACTURER/MODEL NUMBER.
2. VERIFY PAD SIZE REQUIREMENTS FOR SPECIFIC MANUFACTURER/MODEL NUMBER.
3. CONDUITS TO STUB UP FULL HEIGHT THROUGH SLEEVE IN ENHANCED DIESEL TANK ENCLOSURE.
4. CONDUITS TO STUB UP FULL HEIGHT THROUGH SLEEVE IN ENHANCED DIESEL TANK ENCLOSURE.
5. ALL CONCRETE SHALL BE NORMAL WEIGHT AND CONFORM TO THE ACI 301 AND THE FOLLOWING:
 - 5.a. MINIMUM COMPRESSION STRENGTH 4,000 PSI
 - 5.b. AIR ENTRAINMENT RANGE 3% TO 6%
 - 5.c. SLUMP GREATER THAN 3", BUT NOT TO EXCEED 6"
6. CONDUITS TO BE TERMINATED WITH MALE ADAPTER AND THREADED BUSHING.



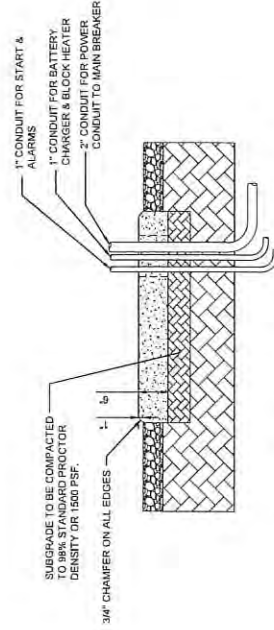
EQUIPMENT PAD PLAN ①
N.T.S.



SECTION A-A THROUGH EQUIPMENT PAD
N.T.S.



GENERATOR PAD PLAN ②
N.T.S.



SECTION B-B THROUGH GENERATOR PAD
N.T.S.



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REVISIONS

#	DATE	BY	DESCRIPTION
0	06/10/25	BNS	FINAL ISSUE
1	06/19/25	BNS	PRELIMINARY ISSUE



SITE NAME	GARRETT
SITE NUMBER	5000606114

SITE NAME	GARRETT
SITE NUMBER	NC-2037

SITE ADDRESS	311 HAPPY HILL RD. WAYNESVILLE, NC 27886
SITE TYPE	RAVINE

SHEET TITLE	SITE DETAILS
-------------	--------------

SHEET NUMBER	Z-303
REVISION	0



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1	06/26/25	BNS	FINAL ISSUE
0	06/10/25	BNS	FINAL ISSUE
A	05/19/25	BNS	PRELIMINARY ISSUE

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SITE NAME	GARRETT
SITE NUMBER	5000900114

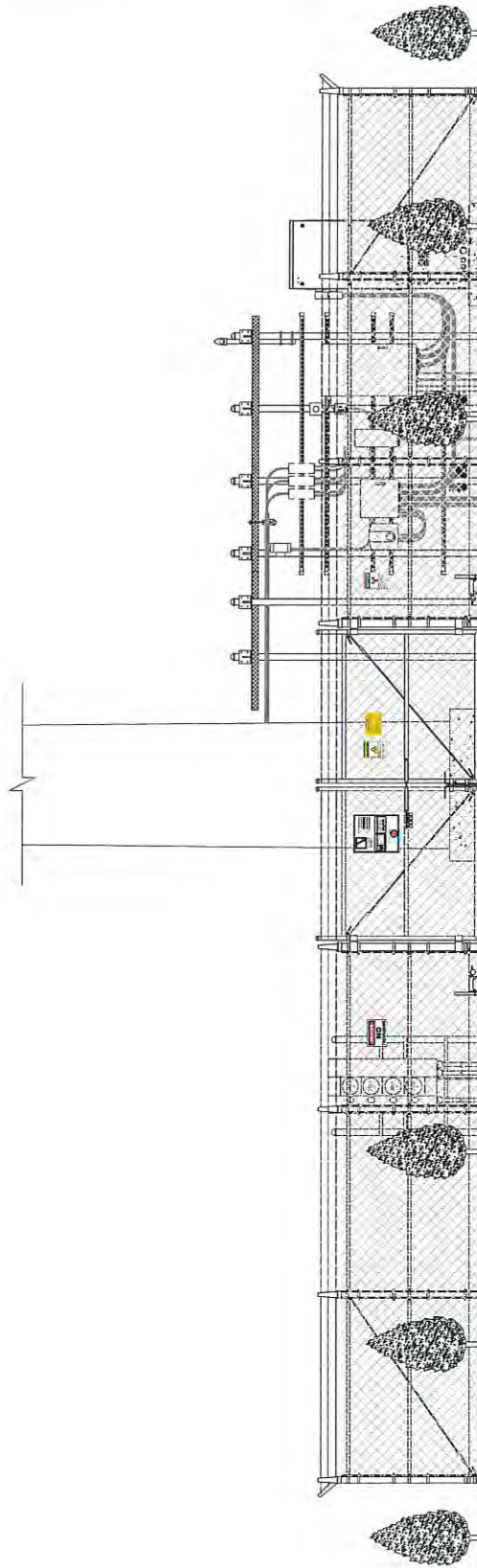


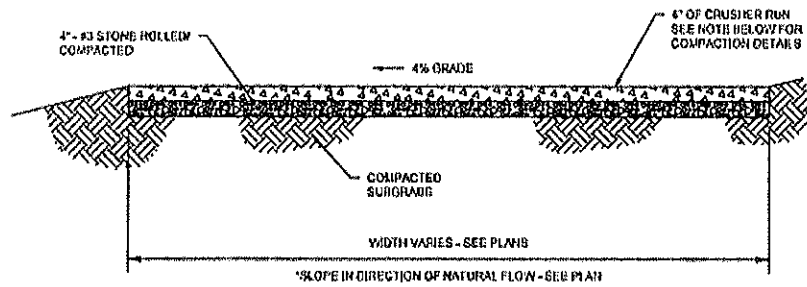
SITE NAME	GARRETT
SITE NUMBER	NC-2027

SITE ADDRESS	311 HAPPY HILL RD. WAYNESVILLE, NC 28786
SITE TYPE	RAWLAND

SHEET TITLE	SITE COMPOUND ELEVATION VIEW
-------------	---------------------------------

SHEET NUMBER	Z-304
REVISION	2





COMPACTION NOTE:
ALL AREAS TO RECEIVE FILL SHALL FIRST BE PROOF ROLLED UNDER THE
SUPERVISION OF THE ENGINEER OR TESTING LAB PERSONNEL. ANY AREAS WHICH
EXHIBIT "PUMPING" SHALL BE UNDERCUT (OR OTHERWISE STABILIZED) TO A FIRM
SOIL BEFORE PLACING FILL. ALSO, ALL FINAL SUBGRADES, WHETHER IN CUT OR FILL,
SHALL BE PROOF ROLLED TO PRIOR TO CONSTRUCTING SLABS OR PAVEMENTS.
CONTACT ENGINEER FOR DIRECTION IN SITUATIONS WHERE SOIL COMPACTION OR
BEARING CAPACITY MAY BE INADEQUATE.

NOTE: The driveway depicted is designed to support a standard ESAL and will support a loaded 80,000 lb. fire truck.



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ENVIRONMENTAL | GEOTECHNICAL | WETLANDS | ECOLOGY | CULTURAL RESOURCES



Phase I Environmental Site Assessment

Vogue Towers II, LLC Site -
Garrett (NC-2027)
Verizon Wireless Site - Garrett
NSB
(MDG Code: 5000906114)
307 Happy Hill Road
Waynesville, Haywood County, North
Carolina
ECA Project No. 25-000707
May 1, 2025



PREPARED FOR:

Vogue Towers II, LLC
430 Chestnut Street
Chattanooga, TN 37402

PREPARED BY:

Environmental Corporation of America
1375 Union Hill Industrial Court
Alpharetta, GA 30004



ENVIRONMENTAL CORPORATION OF AMERICA
ENVIRONMENTAL | GEOTECHNICAL | WETLANDS | ECOLOGY | CULTURAL RESOURCES

May 1, 2025

Ms. Janet Gill
Vogue Towers II, LLC
430 Chestnut Street
Chattanooga, TN 37402

Daniel Brown, Assoc. Director - Network Reg/RE
Verizon Wireless
8921 Research Drive
Charlotte, NC 28262

Subject: Phase I Environmental Site Assessment
Garrett (NC-2027)
307 Happy Hill Road
Waynesville, Haywood County, North Carolina
ECA Project No. 25-000707

Environmental Corporation of America (ECA) is pleased to provide this report of our Phase I Environmental Site Assessment.

ECA has performed these services jointly for Vogue Towers II, LLC and Cellico Partnership, d/b/a Verizon Wireless (Verizon Wireless), in general conformance with the scope and limitations of ASTM Practice E1527-21 and Verizon Scope of Work #2, for the subject property. Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report.

This assessment has not revealed evidence of recognized environmental conditions or business environmental risks in connection with the subject property. Based on the findings, further assessment of the subject property is not warranted at this time.

ECA appreciates this opportunity to provide you with these professional services. If you have any questions regarding this report, please call us at (770) 667-2040.

Sincerely yours,
Environmental Corporation of America

Anna Ni
Project Scientist

Ben Salter
Principal Scientist

1.0 EXECUTIVE SUMMARY

ECA was retained by Vogue Towers II, LLC to conduct a Phase I Environmental Site Assessment of the subject property in accordance with ASTM E1527-21 and Verizon Scope of Work #2. Vogue Towers II, LLC proposes the construction of a telecommunications facility within a 30-foot by 70-foot lease area. The proposed lease area would be accessed by a proposed approximate 23,662 square-foot access/utility easement. Ground disturbance associated with the project would total less than one acre. Celco Partnership, d/b/a Verizon Wireless proposes to place equipment within the proposed facility and to collocate antennas on the proposed tower structure. ECA understands that Vogue Towers II, LLC will be responsible for all construction and ground disturbance for the proposed facility, and Verizon will not turn dirt/disturb any ground. The subject property location is shown in Appendix A.

Findings and Opinions

Evidence of recognized environmental conditions or business environmental risks was not identified in connection with the subject property during the course of the assessment. It is ECA's opinion that there has been no material impact to the subject property.

Conclusions and Recommendations

This assessment has not revealed evidence of recognized environmental conditions in connection with the subject property. As a result, further assessment is not warranted at this time.

2.0 INTRODUCTION

2.1 Purpose

The purpose of this assessment was to identify "recognized environmental conditions", as well as "business environmental risks" in connection with the subject property by means of record reviews, site reconnaissance, interviews, and preparation of this report.

A *recognized environmental condition* is defined by the ASTM E1527-21 standard as (1) "the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

A *controlled recognized environmental condition* is defined by the ASTM E1527-21 standard as "a recognized environmental condition affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place to implementation of required controls (for example, activity and use limitations or other property use limitations)."

A *historical recognized environmental condition* is defined by the ASTM E1527-21 standard as "a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations)."

A *de minimis condition* is defined by the ASTM E1527-21 standard as a condition related to a release "that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies."

A *business environmental risk* is defined by the ASTM E1527-21 standard as "a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of commercial real estate."

This Phase I Environmental Site Assessment has been conducted in accordance with the American Society for Testing and Materials (ASTM) Standard E1527-21, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. Per the ASTM standard, this assessment was "intended to permit a user to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on CERCLA liability (hereinafter, the "*landowner liability protections*," or "*LLPs*"); that is, the practice that constitutes "*all appropriate inquiries* into the previous ownership and uses of the *property* consistent with good commercial and customary standards and practices."

2.2 Detailed Scope of Services

The following scope of work was performed to fulfill the project purpose and in accordance with the General Services Agreement, effective December 16, 2021 and amended July 22, 2024 (Contract # CW2379425), between ECA and Verizon Wireless; the Verizon Wireless Scope of

Work #2 Environmental Due Diligence Services – Addl. Phase I Environmental Site Assessment; and consistent with ASTM E1527-21, Standard Practice for Environmental Site Assessments, Phase I Environmental Site Assessment Process:

- A *Records Review* was conducted to include an evaluation of the physical setting of the subject property (geology, soil and groundwater conditions, topography, database searches, and public records review. Information was sought from sources of environmental records and those regarding historical use. ECA retained Environmental Data Resources, Inc. (EDR) to conduct the database search of the applicable local, tribal, State, and Federal databases, as well as other sources, as needed or required by the ASTM standard or the Verizon Wireless Scope of Work #2. The appendices contain the pertinent information obtained and utilized in our records review. [Section 7.0](#) of this report discusses the results of our records review.
- A *Site Reconnaissance* was conducted to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the subject property. [Section 5.0](#) contains a discussion of observations made during our site reconnaissance.
- *Interviews* were conducted to assess the potential for recognized environmental conditions in connection with the subject property. Parties interviewed included individuals familiar with the subject property such as the past and present owners, operators, and occupants of the subject property (if any), and state or local government officials. [Section 6.0](#) of this report contains the results of our interviews and a review of any information provided to us. Information provided by the user is discussed in [Section 4](#) and responses to our interview questions are documented in [Appendix E](#).
- *Additional items* that are not included within ASTM E1527-21 but are required per the Verizon Wireless Scope of Work were considered, including floodplains, wetlands/waters, asbestos, lead-containing paints, mold, and radon.
- This *Report* was prepared to document the results of our inquiry as well as our findings, opinions, and conclusions. The appendices contain figures, photographs, and other supporting documentation.

- 3 -

2.3 Significant Assumptions

Unless indicated otherwise herein, we assume that the user of this report seeks to qualify for one of the LLPs to CERCLA liability. ECA has not tried to independently verify the information provided by the parties interviewed or information gathered from other sources in the process of this assessment. ECA has relied on the information as true, accurate, and complete, unless we had reason to suspect otherwise.

2.4 Deviations

Unless otherwise noted, ECA has not deviated from or deleted any requirements of the ASTM E1527-21 standard or the Verizon Wireless Scope of Work #2. Also, ECA was under no client-imposed constraint.

2.5 Limitations and Exceptions

ECA performed no subsurface investigation as part of this assessment and removed no on-site vegetation. Therefore, it is possible that evidence of regulated substances not encountered during our site inspection exists below grade or beneath vegetation, pavement, or structures which may cover portions of the subject property. No sampling or testing of materials was conducted unless specified herein.

This report contains our evaluation of information gathered at the time of our assessment. Subsequent changes in site conditions, available information, or subsequent releases which result in material impact to the subject property were not considered in this study.

During the site visit, ECA visually and physically observed the subject property (by sight and smell) and accessible structures on the subject property to the extent not obstructed by bodies of water, adjacent buildings, or other obstacles and in conformance with Section 9 of ASTM Practice E1527-21 and the Verizon Scope of Work #2 (Contract # CW2379425).

ECA has assessed the entire proposed compound area, the site access, and utility routes, and the areas immediately surrounding these features. In the event Verizon's proposed construction and installation activities deviate marginally from the included materials, it would not likely impact ECA's analysis or alter conclusions stated in the report.

- 4 -

2.6 Special Terms and Conditions

This assessment was performed in accordance with generally accepted methods and practices of the profession and the Verizon Scope of Work #2 (Contract # CW2379425). The conclusions are based on "reasonably ascertainable" information and are not to be considered scientific certainties. The intent of this study was to identify environmental concerns that would be obvious to an environmental professional exercising due diligence and is not intended to represent an exhaustive research of all potential hazards that may exist. Unless addressed specifically herein, special terms and conditions in relation to this project are not included in this assessment.

2.7 User Reliance

This study and report have been prepared for and may be relied upon by Vogue Towers II, LLC and Cellico Partnership, d/b/a Verizon Wireless and its parents, affiliates, subsidiaries, successors, and assigns. The report is considered Proprietary Information and the findings contained herein shall not, in whole or in part, be disseminated or conveyed to any other party, nor used or relied upon by any other party, without written notification from Vogue Towers II, LLC to ECA. In that case, ECA will issue a letter of understanding to the third party for their signature and will provide a copy of this report to the third party as directed by Vogue Towers II, LLC for a processing fee. Notwithstanding, anything to the contrary herein, any third party reliance is limited to the agreed upon scope of work by ECA and Vogue Towers II, LLC.

3.0 SITE DESCRIPTION

3.1 Location and Legal Description

Parent Parcel ID Number(s)	8616-54-8639, 8616-64-7895
Address	307 Happy Hill Road, Waynesville, Haywood County, North Carolina
Subject Property Dimensions	30-foot long by 70-foot wide lease area and an approximate 23,662 square-foot access/utility easement
Latitude, Longitude (lease center)	35° 30' 39.6" N 82° 58' 48.7" W

A legal description of the subject property was provided and available in Appendix A. A Site Vicinity Plan is also included in Appendix A.

3.2 Subject Property and Vicinity General Characteristics

The subject property consists of wooded land and an asphalt and gravel drive in an area generally characterized by wooded land and residential and transportation development.

- 5 -

3.3 Current and Past Uses of the Subject Property

The subject property currently consists of wooded land and a gravel drive associated with a police training facility. Past uses of the subject property are discussed in [Section 7.4](#).

3.4 Descriptions of Improvements on the Subject Property

Other than a gate, and an asphalt and gravel drive, ECA did not observe any improvements on the subject property during the site reconnaissance.

3.5 Current Uses of Adjoining and Surrounding Properties

ECA performed a visual inspection of adjoining properties from the subject property boundaries and along public right of ways. The following table identifies the adjoining properties and surrounding areas uses:

Direction	Adjoining Use(s)	Surrounding Use(s)
North	Wooded land	US Highway 23/74 followed by residential development
South	Firing range (southwest) wooded land, grassed land, and Happy Hill Road	Residential development
East	Wooded land	Wooded land and industrial development
West	Wooded land	US Highway 23/74 and wooded land

Notable adjoining property uses are further identified on the Site Vicinity Plan in [Appendix A](#).

3.6 Physical Setting

Item	Description	Source
Site Elevation	2,781 feet NAVD88 (at lease center)	Client provided construction drawings
Interpreted Surface Slope	West	USGS Topographic Maps
Influencing Hydrologic Features	A stream approximately 1,230 feet northwest of proposed lease area	USGS Topographic Maps, National Wetlands Inventory, Aerial Photography

- 6 -

Item	Description	Source
Soil Type	Hayesville clay loam, 8 to 15 percent slopes, eroded (HAc2), Eward-Cowee complex, 30 to 50 percent slopes (EVE), Saunook loam, basin, 8 to 15 percent slopes, stony (SdC)	NRCS
Soil Type Description	The Hayesville series consists of very deep, well drained soils on gently sloping to very steep ridges and side slopes of the Southern Appalachian Mountains.	USDA Soil Series Description
	The Eward series consists of moderately deep, well-drained soils on gently sloping to very steep ridges and side slopes of the Southern Crystalline Ridges and Mountains, primarily within the Blue Ridge Mountains.	
	The Cowee series consists of fine-loamy well drained soils that are moderately deep, 51 to 102 cm (20 to 40 inches), to weathered bedrock.	
Physiographic/Geologic Location	The Saunook series consists of very deep, well drained, moderately permeable soils on benches, fans, and toe slopes in coves in the Blue Ridge (MLRA 130).	USGS
Depth to Groundwater	Blue Ridge Physiographic Province More than 80 inches	NRCS

4.0 USER PROVIDED INFORMATION

It is ECA's understanding that Vogue Towers II, LLC is considering developing a wireless telecommunications facility at the subject property and that Verizon Wireless plans to collocate antennas and locate associated equipment within the proposed facility. ECA was retained to provide this Phase I Environmental Site Assessment to identify recognized environmental conditions in connection with the subject property prior to the real estate transaction.

In accordance with Section 6 (User's Responsibilities) of ASTM E1527-21, the client is responsible for providing the information referenced in the following sections.

4.1 User Questionnaire

In accordance with ASTM E1527-21, Section 6, ECA provided the user with an optional User Questionnaire to assist the user and the environmental professional in gathering information from the user that may be material to identifying recognized environmental conditions. ECA received

- 7 -

a completed User Questionnaire from an authorized representative of Verizon Wireless, John Yeagley. Based on a review of the completed User Questionnaire, the client's representative had no specialized knowledge related to past uses, specific chemicals, spills or other chemical releases, environmental clean-ups, or obvious indicators pointing to the presence or likely presence of releases at the subject property. Further, Mr. Yeagley was forthcoming with information and had no knowledge of environmental liens or activity and use limitations on the subject property or reductions in fair market value related to known or suspected contamination at the subject property. See [Appendix E](#) for a copy of the completed User Questionnaire.

4.2 Title Records

ECA was provided with title records documentation for the subject property dated January 7, 2025 ([Appendix E](#)). According to the title records, the current owner of the subject property is The Waynesville Police Department Association, Inc. Based on a review of the provided title records, ECA identified no evidence of recognized environmental conditions related to current or past ownership of the subject property.

4.3 Environmental Liens or Activity and Use Limitations

ECA reviewed the provided title records documentation and has not discovered any environmental liens or Activity and Use Limitations (AULs) on the subject property.

4.4 Specialized Knowledge

ECA questioned the user regarding available information concerning the subject property and the pending transaction. Specialized knowledge of environmental issues was not provided to ECA. The results of these inquiries are discussed herein as appropriate.

4.5 Commonly Known or Reasonably Ascertainable Information

The user did not provide other information commonly known in the community or reasonably ascertainable regarding the subject property that would indicate a recognized environmental condition.

4.6 Valuation Reduction for Environmental Issues

ECA has not been informed of any reduction in the value of the subject property below the fair market value. If there has been a reduction, the user should consider this in light of the information reported herein, try to identify an explanation for the reduction, and document this evaluation.

- 8 -

4.7 Reason for Performing Phase I

It is ECA's understanding that the user has requested this assessment to qualify for one of the landowner liability protections (LLPs) to CERCLA liability. ECA also assumes that there may be other business-related reasons for requesting this assessment that we are unaware of and have not specifically been addressed.

4.8 Proposed Site Design

The proposed development includes the construction of a fenced compound and a telecommunications tower structure within a proposed 30-foot by 70-foot lease area that would be accessed via an approximate 23,662 square-foot utility/access easement. Verizon Wireless proposes to place equipment within the proposed facility and to collocate be collocating antennas on the proposed tower structure. ECA understands that Vogue Towers II, LLC will be responsible for all construction and ground disturbance for the proposed facility, and Verizon will not turn dirt/disturb any ground.

4.9 Other

No additional information regarding the subject property was provided by the user.

5.0 SITE RECONNAISSANCE

5.1 Methodology and Limiting Conditions

The objective of ECA's site reconnaissance was to obtain information, by visually and physically observing the subject property and vicinity (by sight and smell), which could likely lead to the identification of recognized environmental conditions in connection with the subject property. The site reconnaissance was performed by Summer Slives on March 18, 2025.

5.2 General Site Setting

The subject property consists of wooded land and an access drive associated with a firing range in an area generally characterized by wooded land and residential development.

5.2.1 Site Observations

Photographs were taken of noteworthy areas of the subject property and vicinity and are included in Appendix B. The locations where the photographer was standing are indicated on the Site Vicinity Plan in Appendix A. Site observations are summarized in the following table and discussed in further detail below, if applicable.

- 9 -

Item	Observed	Description
Storage Tanks (UST, AST)	Yes	One (1) AST containing heating oil observed behind range house. See discussion below.
Drains, Pits, Cisterns, Cesspools	No	NA
Odors, Pools of Liquid, Ponds, Lagoons	No	NA
Drums	No	NA
Hazardous Materials/Waste and Petroleum Products	Yes	See Storage Tanks (UST, AST): Two (2) paint buckets observed adjacent to the proposed access/utility easement. See discussion below.
Unidentified Substance	No	NA
Containers	No	NA
PCBs (and related equipment)	No	NA
Stained Soil or Pavement	No	NA
Stressed Vegetation	No	NA
Solid Waste	No	NA
Unnatural Fill or Grading	No	NA
On-Site Septic Systems	Yes	Police training facility on the parent tract has a septic sewer system as indicated in landowner interview; the septic field is approximately 170 feet northeast and downslope of the project area; Uses of the parent tract as a police training facility would not represent an environmental concern related to the septic system.
On-Site Potable Water	No	NA
Wastewater	No	NA
Wells	No	NA
Other Notable Observations	Yes	The parent tract was occupied by a police obstacle course area, a range house, various equipment used by the local police department, and a firing range.

ECA observed an aboveground storage tank (AST) containing heating oil, which provided heating for the firing range house on the parent tract. No evidence of a release of petroleum products or hazardous substances, such as staining, stressed vegetation, or odors was observed in connection with the AST. Therefore, the AST does not represent a recognized environmental condition.

- 10 -

ECA observed two paint buckets adjacent to the proposed access/utility easement. The paint buckets appeared to be empty and no obvious evidence of a release of petroleum products or hazardous substances, such as staining, stressed vegetation, or odors was observed in connection with the paint buckets. Therefore, these do not represent a recognized environmental condition.

The parent tract is also occupied by a small firing range which lies approximately 170 feet southwest and topographically downgradient of the subject property.

Munitions utilized at firing ranges generally contain lead as a primary component of ammunition projectiles; as such, it is possible for the use of the firing range on the parent tract to have introduced lead contamination to soils and/or groundwater located within and surrounding the firing range. However, because of the low solubility and restricted migration of metallic lead, it is presumed that any potential contamination is localized to the firing range backstop area on the parent tract. As the presumed flow of groundwater along the parent tract is generally to the north and west, potentially impacted groundwater would be expected to migrate away from the subject property. ECA does not anticipate the proposed project to disturb soils or encounter groundwater that may be contaminated. Based on this information and the relative location of the subject property, the utilization of the parent tract as a police training facility and firing range and use of lead-containing munitions is not considered to be a recognized environmental condition relative to the subject property.

5.3 Offsite Observations

In the areas immediately surrounding the subject property, ECA observed a firing range, wooded land, and Happy Hill Road. Offsite observations were not indicative of a recognized environmental condition. ECA was only able to observe the general use of the surrounding properties; therefore, there could be recognized environmental conditions that were not discovered.

5.4 Asbestos

No suspect asbestos-containing materials (ACMs) were noted within the subject property. Therefore, it appears that no suspect ACMs would be disturbed as a result of the proposed project.

5.5 Lead-Based Paint

No painted surfaces were observed within the subject property; therefore, no disturbance of lead-based paints is anticipated as a result of the proposed project.

- 11 -

5.6 Mold

No structures are present within the proposed Verizon Wireless lease area. No evidence of mold growth and/or significant water infiltration was observed.

6.0 INTERVIEWS

ECA interviewed the following parties to determine if they had specialized knowledge of the subject property that might indicate recognized environmental conditions. The interviews are documented in Appendix E.

6.1 Interview with Owner

ECA received a completed landowner questionnaire from Detective Tyler Howell, a representative of the subject property owner. Mr. Howell was forthcoming with information and indicated that the Waynesville Police Department Association, Inc. has owned the parent tract since 1982. He indicated the property is currently used as a shooting range and there is a range house and club house present on the parent tract. He indicated the the range house and shooting range are approximately 170 feet southwest of the subject property. Mr. Howell indicated that the range is policed after every shoot and the brass is picked up and properly disposed of. Mr. Howell indicated that there is an AST carrying heating oil located behind the club house, as well as a septic sewer system approximately 170 feet northeast of the subject property. Mr. Howell was not aware of previous environmental studies of the property and had no concerns from neighboring properties. He was not aware of environmental liens, deed restrictions, or activity and use limitations associated with the property. Further, Mr. Howell did not identify misuse or storage of herbicides or pesticides on the subject property.

6.2 Interview with Site Manager or Occupants

There was no site manager or occupant available for interview. As a result, ECA did not interview the site manager or occupants during the course of this assessment.

6.3 Interviews with Local Government Officials

Local and state agencies, such as environmental health departments, fire departments, and building and planning departments are contacted to identify any current or previous environmental related concerns, such as hazardous substance use, storage, and/or unauthorized releases that may have impacted the subject property.

- 12 -

Agency Name	Date Contacted	Contact Method	Response
Waynesville Fire Department	04/01/25	Phone	At the time of this report, a response had not been received.
Haywood County Health Department	04/01/25	Phone	At the time of this report, a response had not been received.

ECA regulatory agency interviews are available for review in [Appendix E](#), if received at the time of this report. If pertinent information is received that indicates a potential for environmental concern after the completion of this report, it will be forwarded under a separate cover.

6.4 Interviews with Others

ECA did not interview other parties regarding the subject property during the course of this assessment.

7.0 RECORDS REVIEW

7.1 Standard and Scope of Work-Specific Environmental Record Sources

Environmental Data Resources, Inc. (EDR) was retained to provide a database search of the applicable record sources, as required by the ASTM standard and Verizon Scope of Work #2. Federal, State, local, and tribal environmental databases were reviewed to obtain information that might identify recognized environmental conditions in connection with the subject property.

Regulated and non-regulated facilities identified on the federal, state, local, and tribal databases located within the standard ASTM and Verizon Scope of Work #2 search distances of the subject property along with information obtained from the various regulatory databases, are included on the EDR report in [Appendix D](#). If considered warranted, ECA may have also reviewed agency files for additional environmental information on listed facilities that are considered likely to represent a recognized environmental condition.

The subject property and adjoining properties did not appear on the databases reviewed. Multiple facilities were otherwise identified on the databases searched within the standard ASTM search distances of the subject property. However, based on factors such as distance, presumed or documented groundwater flow direction, relative topography and/or current regulatory status, the listings identified by EDR are not considered recognized environmental conditions. Additional information pertaining to the listed facilities is included in the EDR Radius Map report.

Sometimes facilities are identified that cannot be mapped based on the information in the databases (called orphan or unmappable sites). This list in the EDR report was reviewed and ECA identified no such facilities to be of concern on and/or near the subject property.

7.1.1 Vapor Encroachment

Incidents involving chemicals of concern (COC) were not identified in the EDR Environmental Database Report within the critical distance (up to 100 feet cross gradient from the nearest property line) of the subject property. Based on this information, a vapor encroachment condition (VEC) can be ruled out.

7.1.2 Additional Environmental Record Sources

Additional environmental record sources were not reviewed in this assessment. ECA contacted the local fire, health, and building departments for additional information on the subject property. Information obtained is included within [Section 6.3](#) of this report.

7.1.3 Deviations

ECA has not deviated from requirements of the ASTM E1527-21 standard or Verizon Scope of Work #2 pertaining to environmental record sources.

7.2 Radon

According to the USEPA Map of Radon Zones, the subject property is located in Radon Zone 2. Zone 2 is defined as areas with a predicted average indoor radon screening level of 2 to 4 pCi/L, suggesting moderate potential for elevated radon levels within enclosed spaces constructed below grade. Testing would be required to determine specific on-site levels of radon; however, as the facility would be unmanned on a regular basis, potential radon concentrations have not been identified as an environmental concern.

7.3 Flooding and Wetland Potential

Item	Description	Source
FEMA FIRM Panel	3700861600J dated April 3, 2012	
Flood Zone Designation	X	FEMA
Special Flood Hazard Area	No	

Item	Description	Source
Wetlands (subject property)	None mapped	National Wetlands Inventory, USGS, Aerial Photography, and/or Site Reconnaissance
Wetlands (within a 300-foot radius)	None mapped	
Streams (within a 300-foot radius)	None observed	
Drains (within a 300-foot radius)	None observed	
Ditches (within a 300-foot radius)	None observed	
Other Surface Waters (within a 300-foot radius)	None observed	

At the federal level, the U.S. Army Corps of Engineers (USACE) has been given primary responsibility for regulating jurisdictional waters and wetlands. In order for the USACE to have jurisdiction over wetlands, certain wetland characteristics must be present. The delineation of possible wetlands was not within the scope of this assessment.

7.4 Historical Use of the Subject Property and Adjoining Properties

Per the ASTM standard, "all obvious uses of the subject property shall be identified from the present, back to the subject property's first developed use, or back to 1940, whichever is earlier." ECA has reviewed the following sources of information to determine the historical uses and activities on and adjoining the subject property:

Historical Source	Source Reviewed?	Source
Topographic Maps	Yes	USGS
Aerial Photographs	Yes	Google Earth, Historicalaerials.com
Sanborn/Fire Insurance Maps	No	N/A
City Directories	No	N/A
Landowner Interview	Yes	Tyler Howell (See Section 6.1)
Antenna Structure Registration	No	N/A
Previous Phase I Environmental Site Assessment (ESA)	No	N/A
Other	No	N/A

7.4.1 Historic Topographic Maps

Year	Apparent Subject Property Use	Adjoining Property Uses
1942, 1967	Wooded land (shaded green)	N- Wooded land (shaded green) E- Wooded land (shaded green) S- Cleared and/or agricultural land (shaded white) W - Wooded land (shaded green)

7.4.2 Historic Aerial Photography

Year	Apparent Subject Property Use	Adjoining Property Uses
1986	Wooded land and an access drive	N- Wooded land E- Police training range house adjoining east of lease area S- Wooded land, grassed land, and Happy Hill Road W- Wooded land
1995, 2006, 2015, 2024	Same as previous	N- Same as previous E- Same as previous S- Firing range (southwest), wooded land, grassed land, and Happy Hill Road W- Same as previous

7.4.3 City Directories

Based on the historically undeveloped and rural nature of the subject property and the surrounding area, historical city directories are not expected to be available and/or useful in determining historic uses. Therefore, a review of city directories was not conducted for the subject property.

7.4.4 Sanborn Fire Insurance Maps

Based on the historically rural nature of the subject property and the surrounding area, Sanborn fire insurance maps are not expected to be available and/or useful in determining historic uses. Therefore, a review of Sanborn fire insurance maps was not conducted for the subject property.

7.4.5 Other Historic Use Information

Based on the historically undeveloped nature of the subject property, ECA relied on the previously discussed historical resources for information concerning the subject property and surrounding area. Additionally, after reviewing the land use history obtained using the above referenced sources, a review of the other standard sources of historic use information was not considered necessary to satisfy the ASTM standard.

7.4.6 Summary of Historic Uses

Based on the review of the historic information sources listed above, it appears that the subject property has been occupied by wooded land and an access drive since at least 1986. The firing range and associated outbuildings adjoining the subject property were constructed sometime between 1986 and 1995. Further discussion of the firing range is provided in Section 5.2. The historic sources reviewed did not indicate a recognized environmental condition in connection with past uses of the subject property.

ASTM Standard E1527-21 requires the review of historical use resources at five-year intervals back to 1940 or first developed use, unless the subject property use has remained unchanged at longer intervals. ECA was unable to reasonably ascertain historical sources either back to 1940 or first developed use, at five-year intervals, or between land use changes at longer intervals, for the subject property. Therefore, a *data failure* occurs relative to the standard requirements. However, based on the prior subject property uses identified, ECA does not consider the *data failure* to be a *significant data gap*.

8.0 FINDINGS AND OPINIONS

Evidence of recognized environmental conditions was not identified in connection with the subject property during the course of the assessment. It is ECA's opinion that there has been no material impact to the subject property.

9.0 CONCLUSIONS AND RECOMMENDATIONS

ECA has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-21 and the Verizon Scope of Work #2 of the subject property. Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report.

This assessment has not revealed evidence of recognized environmental conditions in connection with the subject property. As a result, further assessment is not warranted at this time.

10.0 DEVIATIONS

Unless otherwise noted, ECA has not deviated from or deleted any requirements of the ASTM E1527-21 standard or Verizon Scope of Work #2. Also, ECA was under no client-imposed constraint.

11.0 ADDITIONAL SERVICES

No other additional services were requested by the user.

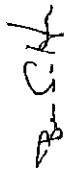
12.0 REFERENCES

Selected documents that have been referred to in this report are provided in the Appendices, as appropriate. Other documents or information used in this assessment are retained in ECA's project files and can be provided upon request from the client.

13.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

The Environmental Professional for this assessment was Ben Salter. Summer Shives conducted the site reconnaissance. Anna Ni authored this report.

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312.

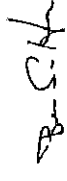


Ben Salter
Principal Scientist

ECA has the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. ECA has developed and performed all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.



Anna Ni
Project Scientist



Ben Salter
Principal Scientist



Asheville Ecological Services Field Office
160 Zilliooa Street, Suite B
Asheville, NC 28801-1082

April 28, 2025

Subject:

**Informal ESA Section 7 Consultation/Conference Request
Threatened, Endangered, and Proposed Threatened and Endangered Species
Proposed 185-Foot Tall Monopole Telecommunications Structure
(Overall Height Including Appurtenances)
Vogue Towers II, LLC Site - Garrett (NC-2027)
307 Happy Hill Road
Waynesville, Haywood County, North Carolina
Clyde, NC USGS Quadrangle Map
Latitude: 35° 30' 39.6" N Longitude: 82° 58' 48.7" W
ECA Project #: 25-000707
IPaC Project Code: 2025-0077078**

To Whom It May Concern:

Environmental Corporation of America (ECA) is assisting Celco Partnership d/b/a Verizon Wireless (Applicant) with Federal Communications Commission (FCC) National Environmental Policy Act (NEPA) documentation for the proposed project. Pursuant to the July 9, 2003 delegation letter, Applicants for wireless towers are the FCC's non-federal designee for informal Section 7 consultation under the Endangered Species Act (ESA), therefore, the Applicant is responsible for making a determination of effect to federally listed and proposed threatened or endangered species or critical habitat and initiating informal consultation with the United States Fish and Wildlife Service (USFWS) where applicable.

Background

The project area location is shown on Figure 1 in Attachment A. Figures 2a-2b are a plan view that shows the site configuration. Figure 3 is a recent aerial photograph of the site area. Vogue Towers II, LLC plans to install a 185-foot tall monopole telecommunications tower structure (overall height including appurtenances) within the project area. The proposed structure would not be lit and would not utilize guy-wires to support the tower structure.

The project area would consist of a proposed 30-foot by 70-foot lease area and proposed approximate 23,662 square-foot access/utility easement. The proposed lease area and the proposed

access/utility and utility easements are occupied by wooded land and an access drive associated with a firing range. The surrounding area is generally characterized by wooded land and residential development. Photographs of the project area are included in Attachment B. Descriptions of the photographs are provided underneath each photograph and photograph locations are graphically depicted on Figures 2a-2b of Attachment A.

Based on the National Wetlands Inventory data, no wetlands or waters are mapped within the proposed project area. During our site visit, no evidence of surface waters or the three criteria required for an area to be characterized as a wetland was observed within the proposed project area. Therefore, it does not appear that the proposed project would result in impacts to wetlands or waters.

Purpose

The purpose of this letter is to provide you with documentation of our investigations and findings relative to federally protected species within the project area and to request concurrence with our determinations of effect from the USFWS.

Review of Available Documentation and Site Inspection

ECA has reviewed the USFWS Information for Planning and Consultation System (IPaC) species list for the proposed project area and the USFWS Critical Habitat Mapper (see Attachment C). ECA has also reviewed information from various sources pertaining to the habitat requirements of the listed species. Habitat at the site was evaluated during the March 18, 2025, site visit, which was conducted by Summer Shives of ECA.

Discussion of Findings

Because the proposed undertaking would not result in impacts to surface waters, aquatic species are not a concern for this undertaking and are excluded from the discussion below. The nearest surface water is a stream located approximately 1,250 feet northwest of the proposed lease area at its closest point. Non-aquatic species recognized by the USFWS as potentially occurring in the project area vicinity are listed in the table below along with a habitat description and a finding of effect for each.

Common Name	Scientific Name	Federal Status	Habitat	Finding of Effect
Gray Bat	<i>Myotis grisescens</i>	Endangered	Occupy caves or cave-like structures year-round	No suitable habitat; No effect
Indiana Bat	<i>Myotis sodalis</i>	Endangered	Hibernate in caves and cave-like structures (winter); roost sites formed in forested areas under exfoliating bark or peeling bark of dead/dying trees (Summer)	Potential suitable habitat; May affect, not likely to adversely affect per Dkey (4/4/25) (see discussion below)

Common Name	Scientific Name	Federal Status	Habitat	Finding of Effect
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	Hibernates in caves and mines (Winter); roost singly or in colonies underneath bark, in cavities or in crevices of living and dead trees (Spring, Summer, Fall)	Potential suitable habitat. May affect, not likely to adversely affect per DKey (4/10/23) (see discussion below)
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	Site is located within Zone 1 of the year-round range; During the spring, summer, and fall, primarily roost among living and dead leaf clusters of live or recently dead deciduous hardwood trees; during the winter, hibernates in caves and mines	Potential suitable habitat. May affect, not likely to adversely affect per DKey (4/10/23) (see discussion below)
Monarch Butterfly	<i>Danais plexippus</i>	Proposed Threatened	Breeding areas are virtually all patches of milkweed in North America and some other regions; Overwintering habitats are certain high altitude Mexican conifer forests or coastal California conifer or Eucalyptus groves	No suitable habitat; No jeopardy
Small Whorled Pogonia	<i>Isotria medeoloides</i>	Threatened	Second growth or relatively mature forests	No suitable habitat; No effect

The proposed project area is occupied by wooded land and an access drive associated with a firing range. The project area is immediately surrounded by wooded land in all directions and a firing range. The project area is in an area that is predominantly characterized by wooded land and residential development.

Indiana Bat

Wooded portions of the project area may provide suitable roosting/foraging habitat for the endangered Indiana bat (IB). On April 4, 2025, ECA completed the Indiana Bat Determination Key (IB DKey) (Appendix C) and obtained a "may affect, not likely to adversely affect" (MA NLAA) determination by agreeing to conducting tree clearing activities to between October 1 - March 31. ECA requests concurrence with this finding.

Northern Long-eared Bat & Tricolored Bat

Wooded portions of the project area may provide suitable roosting/foraging habitat for the endangered northern long-eared bat (NLEB) and proposed endangered tricolored bat (TCB). No sinkholes, fissures, or other karst features were observed nearby the project area nor were large culverts or bridges. Proposed species are not protected by the take prohibitions of the Endangered Species Act (ESA). However, under Section 7(a)(4) of the ESA, federal agencies must confer with the USFWS if their action will jeopardize the continued existence of a proposed species. Based on the minimal amount of potentially suitable habitat (<0.1 acres) within the assessment area, the

proposed tree clearing is not likely to jeopardize the continued existence of the tricolored bat; therefore, no consultation with the USFWS regarding this species is required at this time.

According to a recently published (October 23, 2024) Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key (NLEB & TCB DKey), for actions that may affect a proposed species, agencies cannot consult, but they can confer under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the TCB be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the TCB range that previously received a "no effect" (NE) or "may affect, not likely to adversely affect" (NLAA) determination from the key to confirm that the determination is still accurate.

On April 10, 2025, ECA completed the DKey (Appendix C) and obtained MA NLAA determinations for the NLEB and TCB by agreeing to no tree clearing during the summer occupancy season for the NLEB (April 1 - September 30) and pup season for the TCB (May 15 - July 31). ECA requests concurrence with these findings.

Monarch Butterfly

Undeveloped portions of the project area and grassed areas immediately adjacent to the project area have potential to contain milkweed or other nectar-providing species that could be utilized by the proposed threatened monarch butterfly. Based on the minimal amount of potential suitable habitat for these species (~0.2 acres), the proposed project activities would not jeopardize the continued existence of these species. Therefore, ECA has determined a finding of "no jeopardy" for the monarch butterfly. If project activities which may impact potentially suitable habitat for the monarch are proposed to occur after the species' official listing, consultation with the USFWS may be necessary at that time.

Other Species

No suitable habitat for any other federally listed or proposed threatened or endangered species identified by the USFWS as potentially occurring within the project area vicinity was observed within the project area. Additionally, the proposed project is not located within designated or proposed critical habitat. A Tower Site Evaluation Form is included in Attachment D.

Conclusions

Based on the information reviewed and our site inspection, suitable roosting and/or foraging habitat for the Indiana bat, northern long-eared bat, and tricolored bat were identified within the project area. Construction of the project would require the removal of <0.1 acres of potentially suitable roosting and/or foraging habitat. Based on the presence of suitable habitat for these species, the Applicant has agreed to time of year restrictions (TOYR) for tree clearing to minimize impacts that may occur as a result of the construction of the proposed telecommunications facility. By agreeing to the TOYR for the Indiana bat (clearing allowed between October 1 - March 31), the Applicant automatically conforms to the TOYRs for the northern long-eared bat and tricolored bat. Based on the DKeys prepared for the project and the Applicant's commitment to time of year

restrictions for tree clearing. ECA recommends findings of "may affect, not likely to adversely affect" for the Indiana bat, northern long-eared bat, and tricolored bat.

ECA has also determined that portions of the proposed project area may provide suitable habitat for herbaceous vegetation which could support the proposed threatened monarch butterfly. However, based on the minimal amount of potential suitable habitat for these species (~0.2 acres), the proposed project activities would not jeopardize the continued existence of this species. Therefore, ECA has determined a finding of "no jeopardy" for the monarch butterfly. If project activities which may impact potentially suitable habitat for the monarch are proposed to occur after the species' official listing, consultation with the USFWS may be necessary at that time.

ECA has found no evidence that suitable habitat is present within the proposed project area for any other federally listed or proposed threatened or endangered species identified by the USFWS as potentially occurring in the project area vicinity. The proposed undertaking would have no effect on any other federally threatened or endangered species or designated critical habitat. In addition, the proposed project would not jeopardize the continued existence of federally proposed threatened or endangered species and would not result in the destruction or adverse modification of proposed critical habitat.

ECA seeks the concurrence of USFWS Asheville Ecological Services Field Office with these findings.

Closure

Summer Shives of ECA conducted the site visits and area inspections. Anna Ni collected the applicable information and compiled this report. Hazel Errett reviewed this report. Ms. Errett is a Senior Environmental Scientist, and her resume is included in Attachment E.

We appreciate your assistance with the review of the proposed undertaking. Please advise us if there are questions or if the USFWS has additional information which may be useful in our evaluation of the project area for federally endangered or threatened species. For any questions or additional information, please contact Anna Ni by phone at 347-255-3360, by email at anna.ni@eca-usa.com, or by mail at 1375 Union Hill Industrial Court, Alpharetta, GA 30004.

Sincerely yours,

Environmental Corporation of America



Anna Ni
Project Manager



Hazel Errett
Senior Environmental Scientist

ATTACHMENT A

Figures



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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www.waynesvillenc.gov

Public Notice: Newspaper

FOR PUBLICATION IN THE MOUNTAINEER: July 30 and August 6 (Wednesday) editions

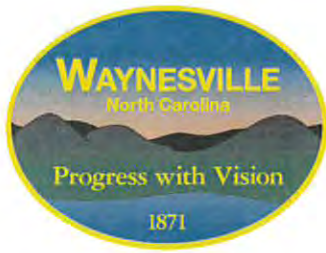
Date: July 23, 2025

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing for a Special Use Permit Request Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, August 18, 2025, at 5:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a Special Use Permit request to locate a monopole wireless communications tower at 311 Happy Hill Road in Waynesville, NC (PIN 8616-54-8639).

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



TOWN OF WAYNESVILLE

Development Services Department

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July 31, 2025

Public Notice: Mailed Letters

Notice of Public Hearing for a Special Use Permit Request Waynesville Planning Board

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Questions related to the hearing itself should be directed to the Waynesville Development Services Department, (828) 356-1172, ogrooman@waynesvillenc.gov.

WAYNESVILLE POLICE DEPT ASSOC INC
9 S MAIN ST
WAYNESVILLE, NC 28786

WAYNESVILLE POLICE DEPARTMENT
ATTN: TYLER HOWELL
9 S. MAIN ST
WAYNESVILLE, NC 28786

VOGUE TOWERS LLC
ATTN: MICHAEL SANDIFER
430 CHESTNUT ST., SUITE 101-B
CHATTANOOGA, TN 37402

VOGUE TOWERS LLC
ATTN: PAT TANT
430 CHESTNUT ST., SUITE 101-B
CHATTANOOGA, TN 37402

DUCKETT, NANCY LEATHERWOOD
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COUNTRY CLUB REAL ESTATE OF WNC INC
329 COUNTRY CLUB DR
WAYNESVILLE, NC 28786

LEATHERWOOD, CHARLES
COOK, SCOTT
121 BLACK GUM DR
WAYNESVILLE, NC 28786

COOK, PATSY LEATHERWOOD
COOK, GREGORY DANIEL
59 HAPPY HILL RD
WAYNESVILLE, NC 28786

RESTORING HOPE GLOBAL INC
97 LUNDY LN
WAYNESVILLE, NC 28786

FREEMAN, GEORGE WELLS
146 PANDA TRL
WAYNESVILLE, NC 28785

DOWNIE, MARTIN
DOWNIE, WENDY
85 FROG HOLLER LN
WAYNESVILLE, NC 28785

CARPENTER, CARSON D
CARPENTER, LYNN S
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DUNCAN, BRIAN EDWARD
STINNETT, KAREN BALL
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BALL, NOAH A
BALL, ANDREA C
120 PLEASANT HILL CIR
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THOMPSON, SKIPPER L
THOMPSON, SANDRA L
98 PLEASANT HILL CIR
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HILL, VIVIAN K
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VICTOR, NANCY SUSAN
VICTOR, DAVID RAYMOND
319 PIONEER DR
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DUBOVSKY, RUSSELL
AYALA, VERONICA CONCEPCION
53 LANES END DR
WAYNESVILLE, NC 28786

KOLOMECHUK, VICKI R
KOLOMECHUK, KEITH E
119 PLEASANT HILL CIR
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CALDWELL, HUGH E
39 PLEASANT HILL CIR
WAYNESVILLE, NC 28786

CALDWELL, HUGH E JR
CALDWELL, CHARLOTTE HAZEL
19 PLEASANT HILL CIR
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WAYNESVILLE, NC 28786

OWEN, KASSANDRA NICOLE
269 PIONEER DR
WAYNESVILLE, NC 28786

ENGLER, CAROLINE ELIZABETH
ENGLER, PAUL MICHAEL
18 RAINBOW RIDGE DR
WAYNESVILLE, NC 28786

OAKLEY, MEREDITH
302 PIONEER DR
WAYNESVILLE, NC 28786

HORTON, SHANNON
235 BRANDYWINE RD
WAYNESVILLE, NC 28786

ARRINGTON, JAMES E JR
ARRINGTON, DONNA LYNN
336 CARL ARRINGTON RD
WAYNESVILLE, NC

WHITE, JAMES K
WHITE, NANCY ROGERS
500 HOLSTON VILLAGE RD
WAYNESVILLE, NC 28786

ENGLER, CAROLINE ELIZABETH
ENGLER, PAUL MICHAEL
18 RAINBOW RIDGE DR
WAYNESVILLE, NC 28786

PRESTON, VALERIE ANN
280 PIONEER DR
WAYNESVILLE, NC 28786

BAXTER, DAVID L
BAXTER, ANN C
388 HOLSTON VILLAGE RD
WAYNESVILLE, NC 28786

BOARDMAN, JASON W
109 MORNINGSIDE DR
KNOXVILLE, TN 37915

LEONARD, LYNDAL
365 CALHOUN RD
WAYNESVILLE, NC 28786

WAYNESVILLE TOWN OF
PO BOX C 100
WAYNESVILLE, NC 28786

MORRIS, EMERY A
294 FAIRWAY HILLS DR
WAYNESVILLE, NC 28786

SINGLETON, HAYES ARTHUR/TR
SINGLETON, ANGELA ANN/TR
693 NEW CLYDE HWY
CANTON, NC 28716

COULTER, CYNTHIA A
225 PIONEER DR
WAYNESVILLE, NC 28786

PRESTON, VALERIE ANN
280 PIONEER DR
WAYNESVILLE, NC 28786

618

From: [Candace Poolton](#)
To: [Mayor & Town Council](#); [Media Contacts](#)
Subject: [Notice of Public Hearing for a Special Use Permit Request](#)- Planning Board
Date: Wednesday, July 30, 2025 8:04:49 AM

Notice of Public Hearing for a Special Use Permit Request Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, August 18, 2025, at 5:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a Special Use Permit request to locate a monopole wireless communications tower at 311 Happy Hill Road in Waynesville, NC (PIN 8616-54-8639).

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Candace Poolton, CMC | Town Clerk
Town of Waynesville, NC
16 S. Main Street | PO Box 100 | Waynesville, NC 28786
(o) 828.452-2491 | (f) 828.456.2000
cpoolton@waynesvillenc.gov | www.waynesvillenc.gov



POSTINGS ON AUGUST 7, 2025

Planning Board Staff Report

Special Use Permit Modification for Wildrest Hotel (Formerly “Furry’s Lodge”)

Utilization of Two (2) Rooms and Addition of a Deck

Meeting Date: August 18th, 2025
Project: Wildrest Hotel
Location: 109 Dolan Rd, Waynesville, NC 28786 (PIN 8615-19-4830)
Zoning District: Love Lane – Neighborhood Residential
Existing Use: Multi-unit rental property
Owner: 109 Dolan LLC
Applicant: Harshad Lalan
Staff Presenter: Alex Mumby, Land Use Administrator

Background:

Wildrest Hotel sits on an approximately 3.48 acre parcel off of Dolan Rd (PIN 8615-19-4830). The hotel has previously operated under names such as Furry’s Lodge and The Old Stone Inn. The property is on the Study List for the National Register of Historic Places.

In 2017, Furry’s Lodge applied for a special use permit to use the property located at 109 Dolan (PIN 8615-19-4830) as an Inn. The site plan for the existing special use permit used 22 rooms with the Summer House being designated for two rooms and the rest of the building used for storage and office space. The site has an outdoor patio area including fire pits and lounge seats. The addition of any impervious surface to a special use permit master plan requires approval by the Planning Board through a quasi-judicial hearing (LDS 15.2.5).

Per LDS 2.5.3 Inns (Up to 30 rooms) are allowed in the Love Lane Neighborhood Residential zoning district through a special use permit. LDS section 17.3 defines Inns (Up to 30 rooms) as:

Any building or group of buildings in which there are thirty (30) or fewer guest rooms, used for the purposes of offering public lodging on a day-to-day basis.

The applicant is seeking to convert the extra space in the Summer House into two additional rooms. One room in the Hemlock House will be converted into a dedicated innkeeper’s room. The conversion and addition of these rooms will not change the footprint of the existing lodge.

The applicant plans to expand an existing balcony attached to the Azalea Cottage and to add two balconies to the summer house. The expanded balcony will be approximately 165 sqft and the two new balconies will add approximately 350 sqft.

The applicant plans to redevelop the existing outdoor seating area by adding a larger firepit area and stone surface patio, adding more seating, replacing the existing grass area with turf, and adding a small mini-golf area. The mini-golf area will consist of two holes.

The applicant will also expand the existing recreation area with a deck expanding over the hillside which will include hot tubs, saunas, a cold plunge shower, massage rooms. The proposed plan is designed to leave the center of the deck open to preserve the existing large trees. The area of the deck, including the openings for trees, is 3,600 sqft.

Zoning District:

The subject property is within the Love Lane – Neighborhood Residential zoning district. The district’s purpose and intent (LDS 2.3.3) statement includes the following:

“Love Lane – Neighborhood Residential: *The Love Lane Neighborhood District (LL-NR) is an older, traditional neighborhood bordered by the Russ Avenue Town Center on one side and the Central Business District on the other. One of the oldest neighborhoods in the town and one of the first to be settled, it has the advantages of having a great location, sufficient urban facilities and a mixture of housing types and styles. . . “*

The renovation of Furrys Lodge into the Wildrest Hotel does not change the overall compliance with the district requirements or other aspects of the Land Development standards and the supplemental standards that apply to Inns in Chapter 3. Specifically:

2.4 Dimensional Standards by District

- Front and Side setbacks from the adjacent lot are 10 ft, the minimum distance between structures and rear setbacks are 6 feet, and the side-street setback is 5 ft. The new deck will be approximately 90 feet from the side property line.
- The minimum pervious surface required for neighborhood residential is 10%. The addition of the deck, balconies, and trail path will add 10,795 sqft of impervious surface. After the additions the total impervious surface of the site will be 44,335 sqft.

3.3.3 Supplemental Standards for an Inn (Up to 30 Rooms)

- Inns shall be buffered from any adjoining residentially zoned property in accordance with Section 8.4
- An owner/manager shall reside on the property.
 - *The proposed amendments to the special use permit include the addition of a dedicated innkeeper’s room.*
- Each inn constructed in a residentially zoned area shall be on a lot no less than five (5) acres in size.
 - *This inn predates our standards and was approved for a parcel which is 3.48 acres.*
- Inns on properties less than five (5) acres shall provide no more than twenty (20) rooms.
 - *The current inn already exceeds this requirement as the approved site plan allows for 22 rooms.*
- Every inn must located in a residential district must maintain at least 50% of the development for common open space.

- *The proposed addition of the deck and mini-golf area will expand the common open space of the inn.*
- All buildings must be at least 50 feet from the rear and side property lines.
 - *No new buildings are being proposed and the extensions for balconies and the proposed deck are still more than 50' from property lines.*

4.5.2 Table of Standards for Accessory Structures

- There is not maximum number or size for accessory structures on commercial lots.

Infrastructure (LDS Chapter 6)

- No new driveways are proposed. The Lodge is currently accessed off of a driveway connecting to Dolan Rd. The current driveway has been approved by the building inspectors and fire marshal.
- After review of the submission Wayne Bolin, the Town of Waynesville's Sewer/Water Superintendent, feels comfortable that the water capacity will not be a problem with the additions. He feels there is a risk that the 4 inch sewer line currently connected to the property may become overloaded. This can be rectified by increasing the line to a 6 inch line or by adding an additional 4 inch line.

8.4.1 Required Buffer Yards

- Where Neighborhood Residential abuts Neighborhood Residential there is no required buffer yard.
 - *While the addition of the deck will reduce some of the trees which buffer the inn from adjacent residential properties, there will still be a substantial amount of tree canopy preserved.*

9.2 Required Parking Standards

- All lodging uses require 1 parking space per room. The proposed site plan will include 23 guest rooms plus 1 innkeeper's room. Currently the inn has 24 parking spaces. No additional parking spaces will be required.

Lighting (LDS Chapter 10)

10.3.4 Outdoor Recreational Lighting

B. All fixtures used for event lighting shall be fully shielded or be designed or provided with a manufacturer's glare control package, so as to minimize up-light, spill-light, and glare.

E. Fixtures shall be designed and aimed so that their beams fall within the primary play area and the immediate surroundings, so that off-site direct illumination is significantly restricted (spillover levels at the property line must not exceed 1.5 footcandles)

The lighting plan proposes the use of string lights over the parking lot and seating area. These are allowed as long as the lights are festoon lights. A large outdoor light is proposed at the overlook area of the deck. Pendant lights will be placed at both massage areas on the deck.

Signage (LDS Chapter 11)

No new signage has been submitted, but any new or replacement signage will require a separate permit in compliance with this Chapter.

Comprehensive Plan:

Staff submits that the SUP amendments are consistent with the following goals of the Comprehensive Plan, because it allows for the continued re-use of the historic lodge in a way that creates economic opportunity in the tourism economy:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use, and context sensitive development
- Reinforce the unique character of Waynesville

Goal 5: Create opportunities for a sustainable economy

- Promote Waynesville's downtown districts, inns, restaurants, and reputation as the "Gateway to the Smokies."

Surrounding Land Uses:

The property is surrounded by residential uses that fall within the Love Lane Zoning District on three sides and by the Chestnut Park Residential Medium Density District on one side. To the northwest of the property is an undeveloped lot which at one time was part of the original property, but which was subdivided out by a previous owner and recently sold. This lot shares the driveway access to Dolan Road.

Special Use Permit Review Process (LDS 15.10):

Special Use Permit is a **quasi-judicial review**. In addition to determining that the application meets all other ordinance requirements, there are six (6) specific findings of facts related to Special Use Permits (LDS 15.10.2.E). This application is to amend the existing Special Use Permit site plan by adding two (2) additional units within an existing building and expanding the existing recreation area with an enhanced seating area, the addition of a deck, and various amenities. The questions before the Planning Board are if these changes to the original SUP for "Furry's Lodge," still comply with the SUP criteria. Staff provides the following comments regarding the findings of facts that the Planning Board must consider in order to approve, approve with conditions, or deny the Special Use Permit request.

1. **The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.**

This application does not change the use of the property, which has functioned as an Inn since 1946. The exterior of the buildings will remain the same except for the addition of two balconies. It does add two new units (from 22 to 24) by internally subdividing two existing units.

Within the recreation area, the applicant is requesting the ability to install an enhanced seating area, a deck, and a pool, hot tub and sauna as amenities. These additions are customary accessories to over-night lodging.

- 2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

There are no changes proposed to the existing driveway, and the addition of two units for a total of 22 to 24 units will not create traffic congestion.

- 3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.**

There is adequate water capacity for the increase in the number of rooms and addition of hot tubs and saunas. There is the risk of the current 4-inch sewer pipe becoming overloaded. Increasing the existing sewer line to 6 inches or adding an additional 4-inch sewer line would alleviate this risk.

- 4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

The deck and associated uses will not produce odor, dust, smoke, or gas. There may be increased noise from the additional uses on the property, but a large natural buffer will continue to be maintained between the inn and adjacent residences. This will mitigate much of the noise or vibration.

- 5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.**

The property has been used as an inn since 1946. Pools, hot tubs, and other recreational facilities are customary accessory uses for inns. The approval of the expansion will not change the primary use of the property.

- 6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.**

The proposal seeks to improve the recreational facilities associated with the inn. The addition of the additional rooms and the deck pose no risk to public health, safety or general welfare.

The applicant submitted an application on July 30th, 2025. Development Services staff provided the notices for today's public hearing by posting the property (8/7/25), via first class mail to the adjacent property owners within 500 ft (8/1/25) and by advertising the hearing in the Mountaineer newspaper (8/6/25 and 8/13/25).

Attachments:

1. Staff Report
2. Application Materials
3. Previous Special Use Permit Materials
4. Maps
5. Public Notices
6. Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

Application Materials



SITE PICTURE

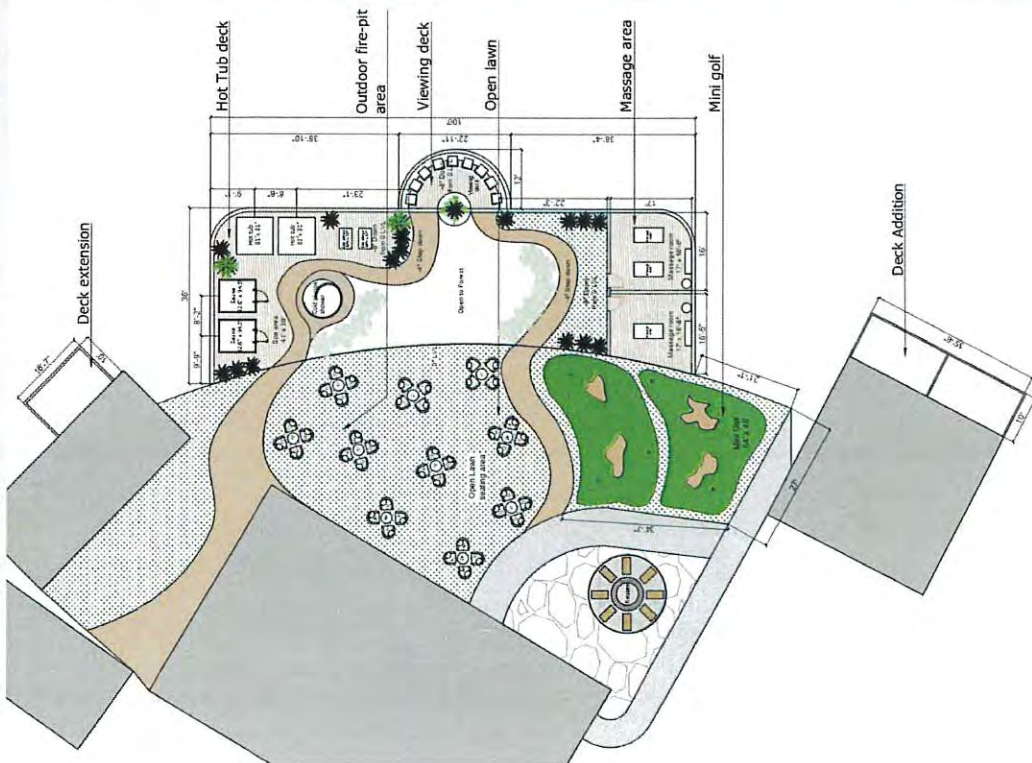
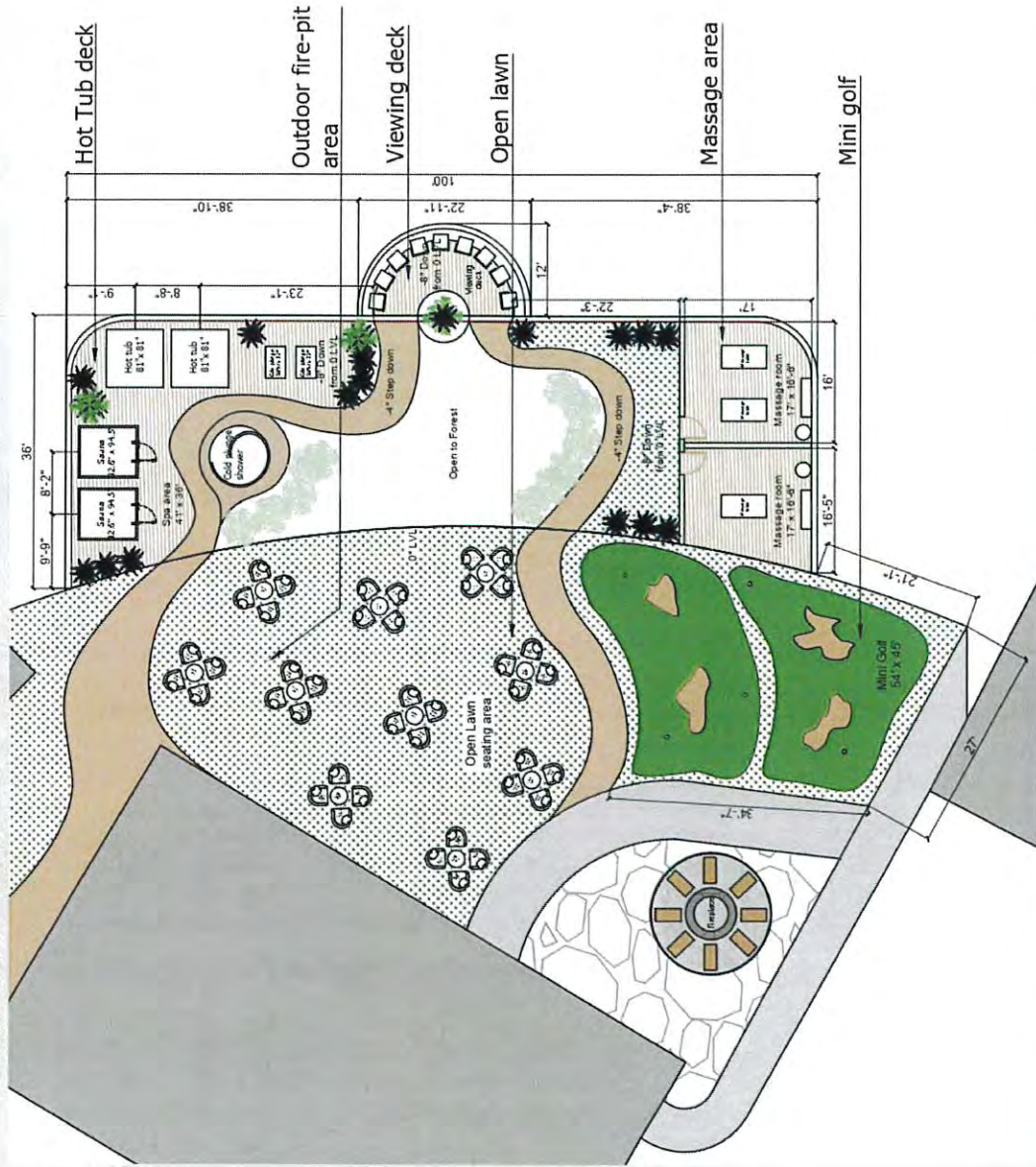


SITE PHOTOS
DESIGN KICK-OFF STAGE

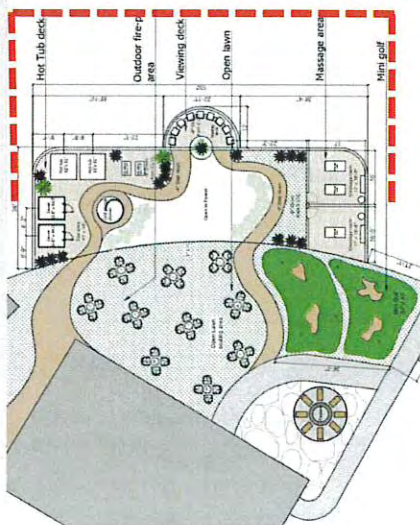
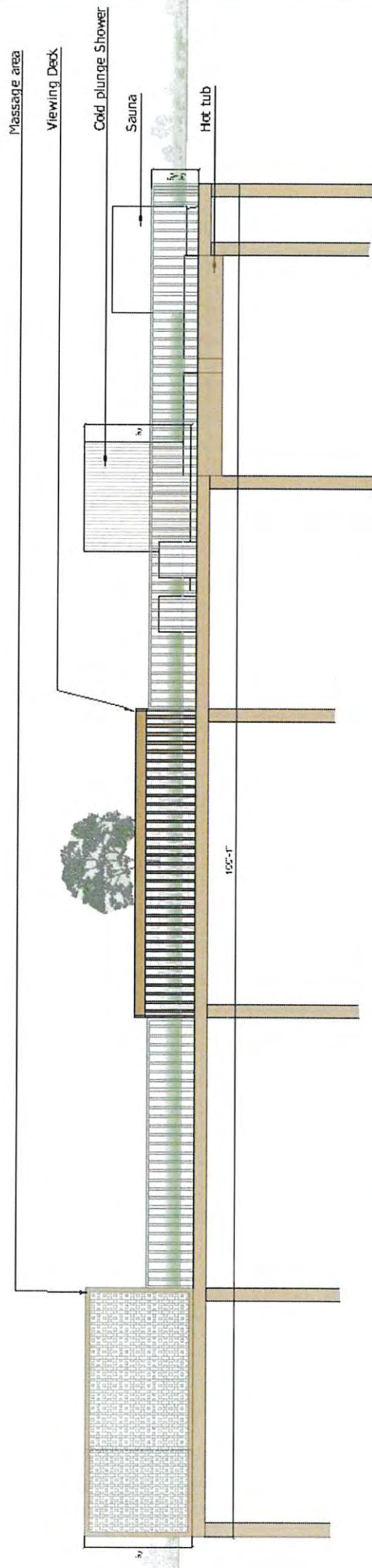
DECK LAYOUT



DECK LAYOUT



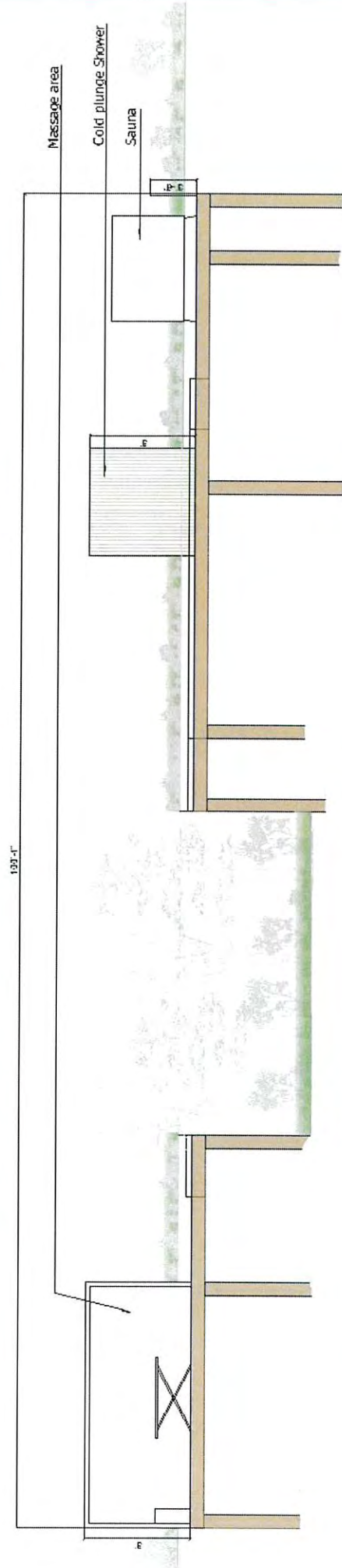
DECK ELEVATIONS - SPA DECK



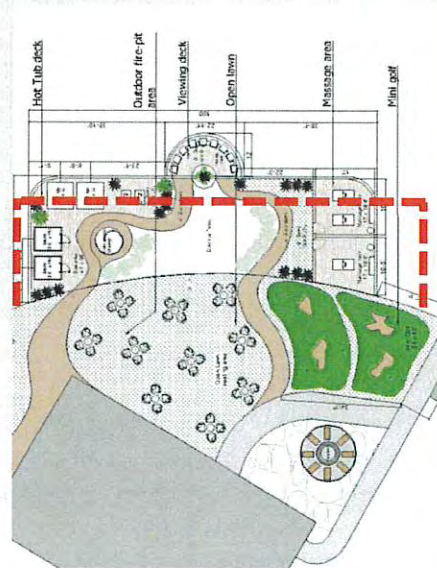
ELEVATION A

ELEVATIONS

DECK ELEVATIONS

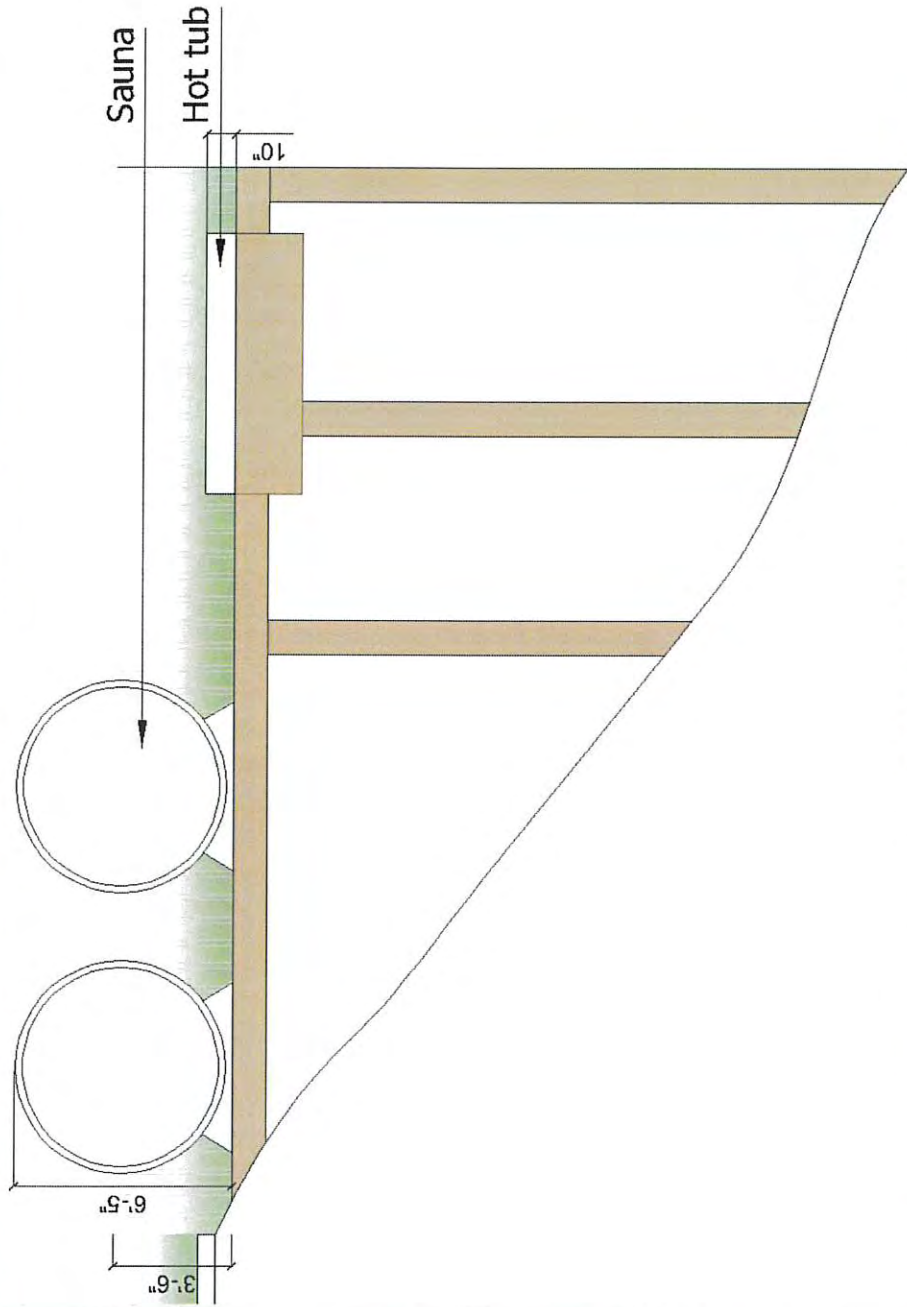


ELEVATION B



ELEVATIONS

DECK ELEVATIONS

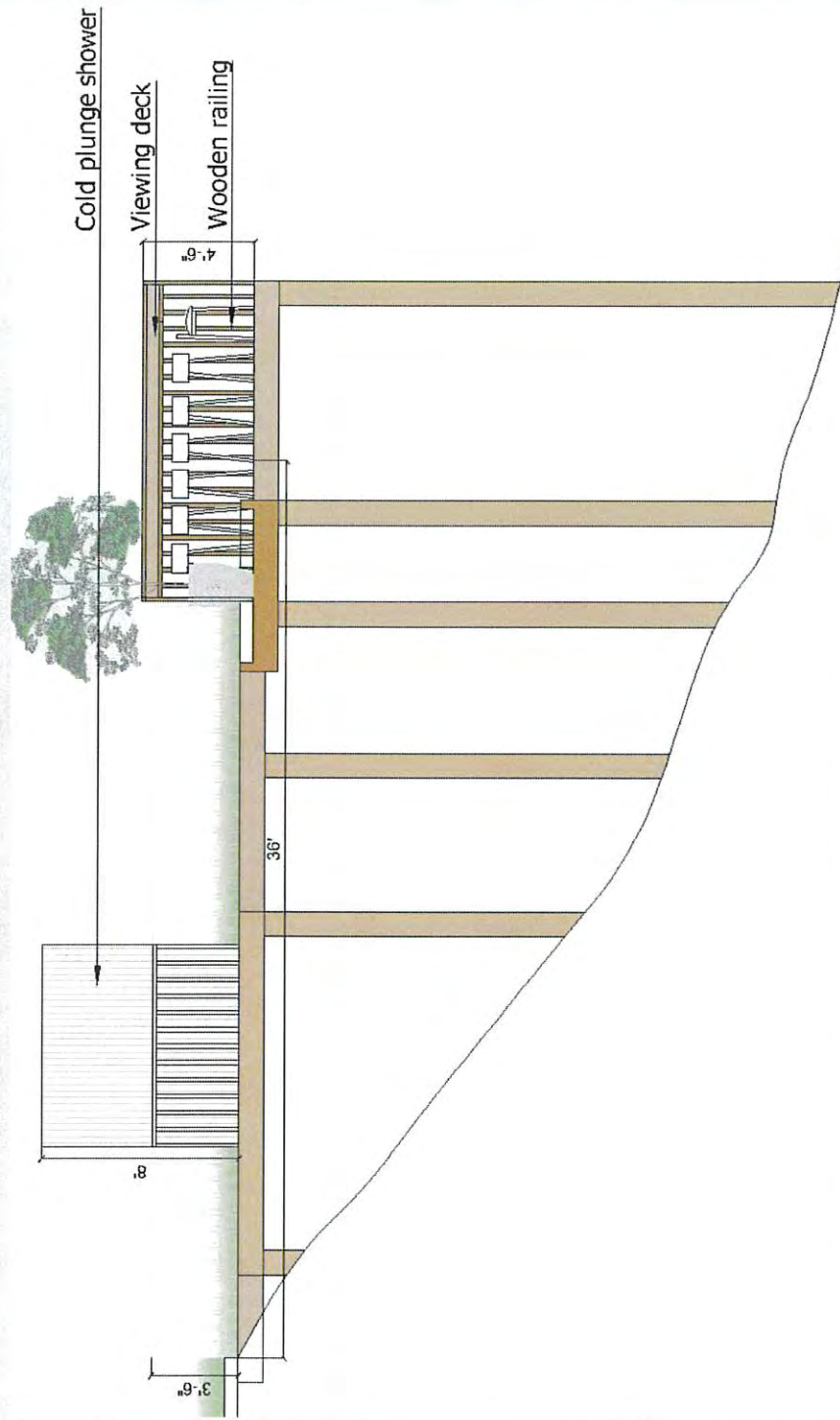


ELEVATION C

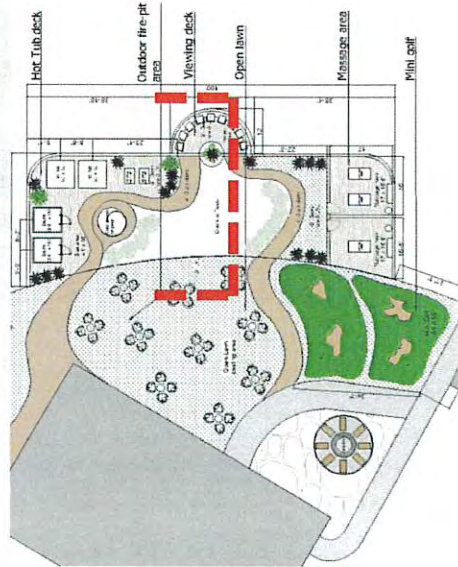


ELEVATIONS

DECK ELEVATIONS



ELEVATION D



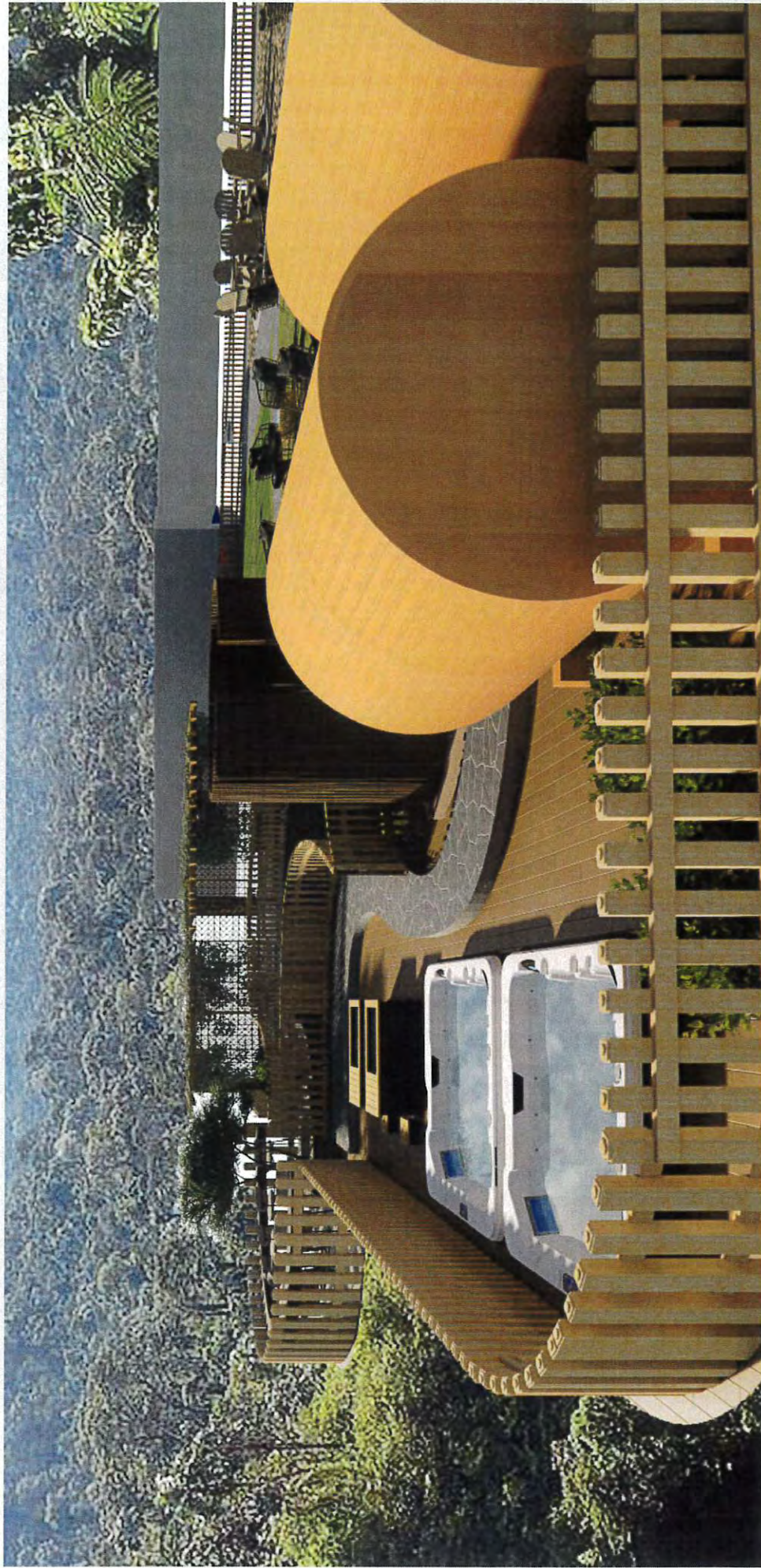
ELEVATIONS

RENDER1



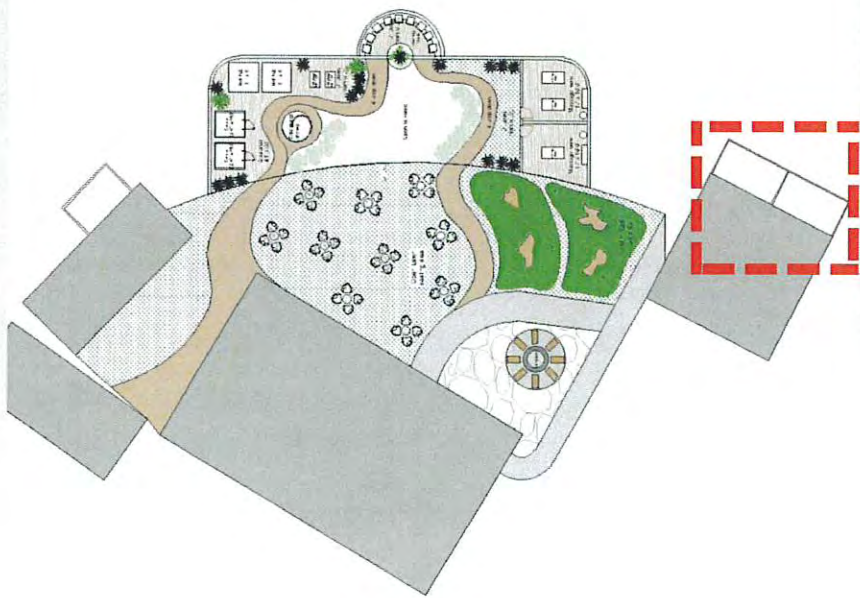
3D RENDERS

RENDER 2



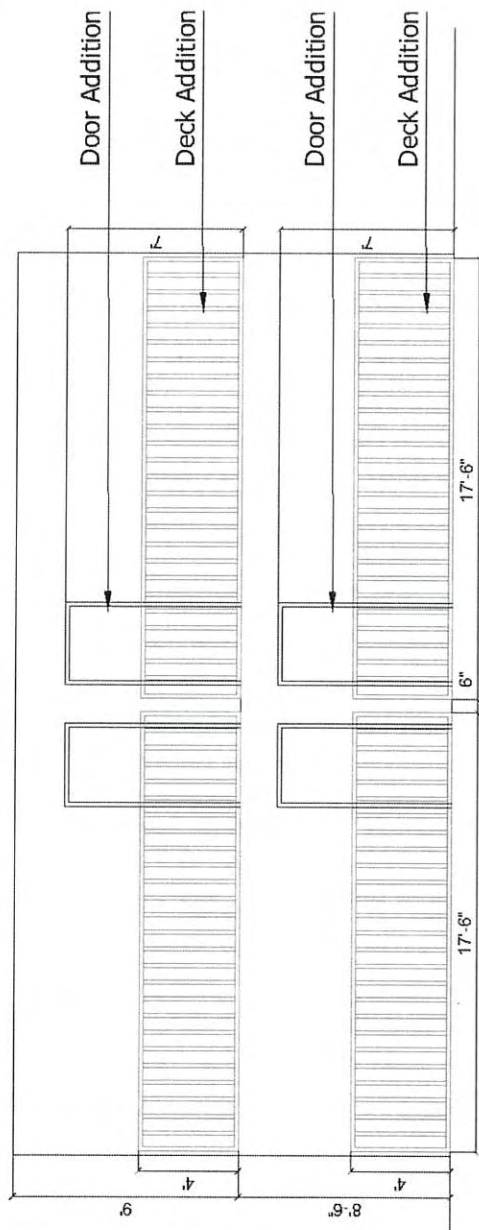
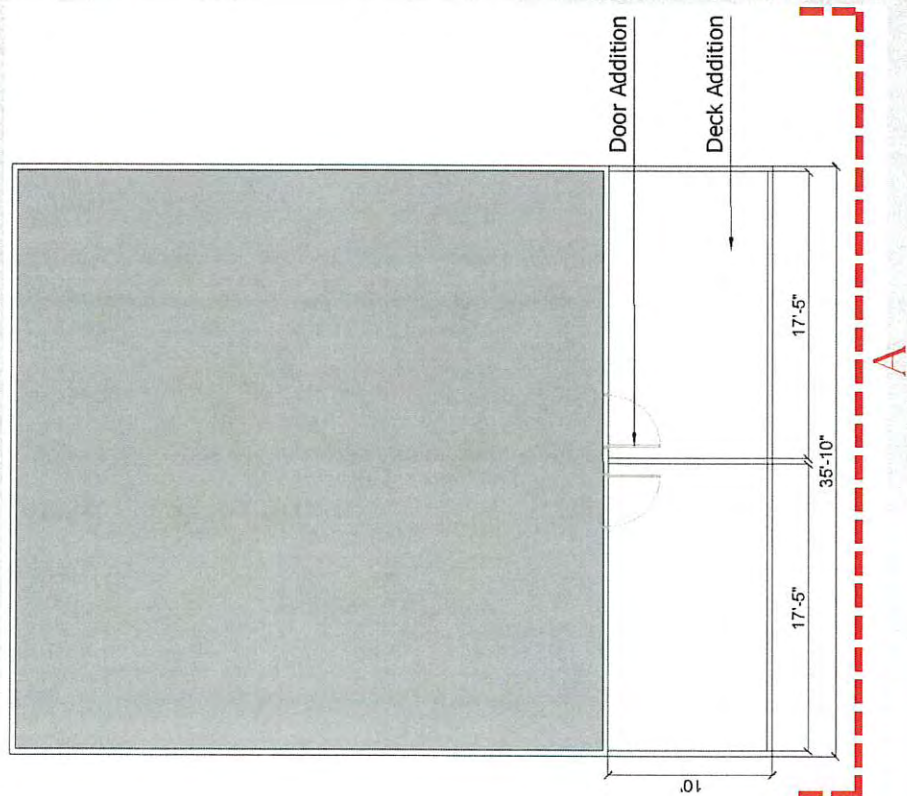
3D RENDERS

SUMMER HOUSE DECK EXTENSION



DECK EXTENSION

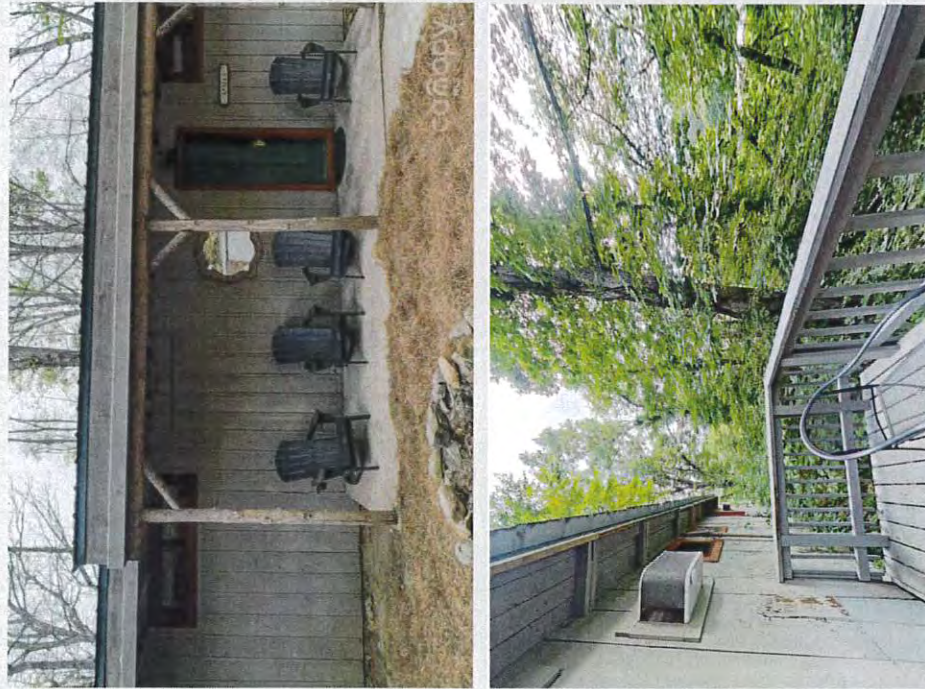
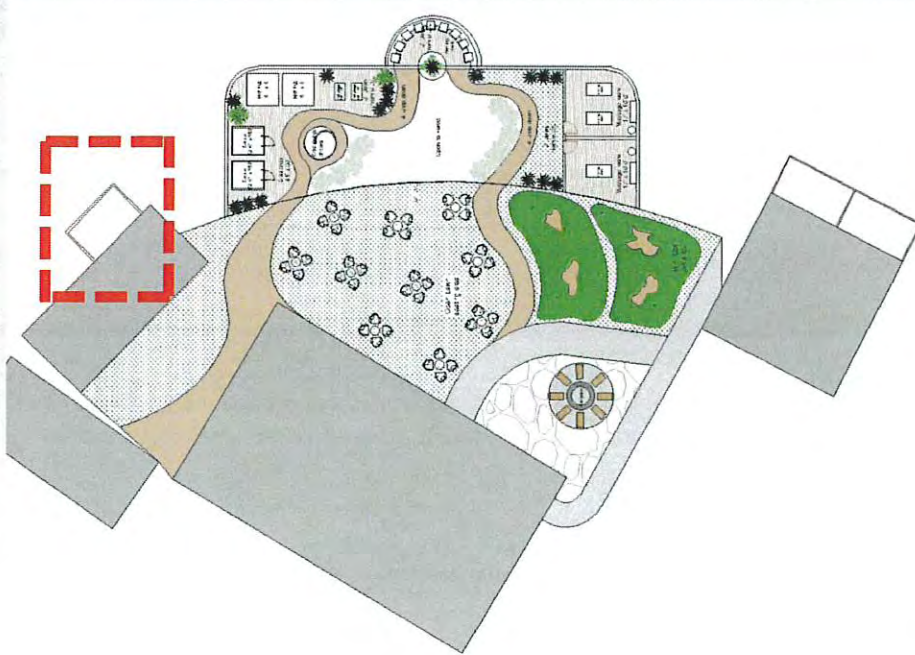
SUMMER HOUSE DECK EXTENSION



ELEVATION A

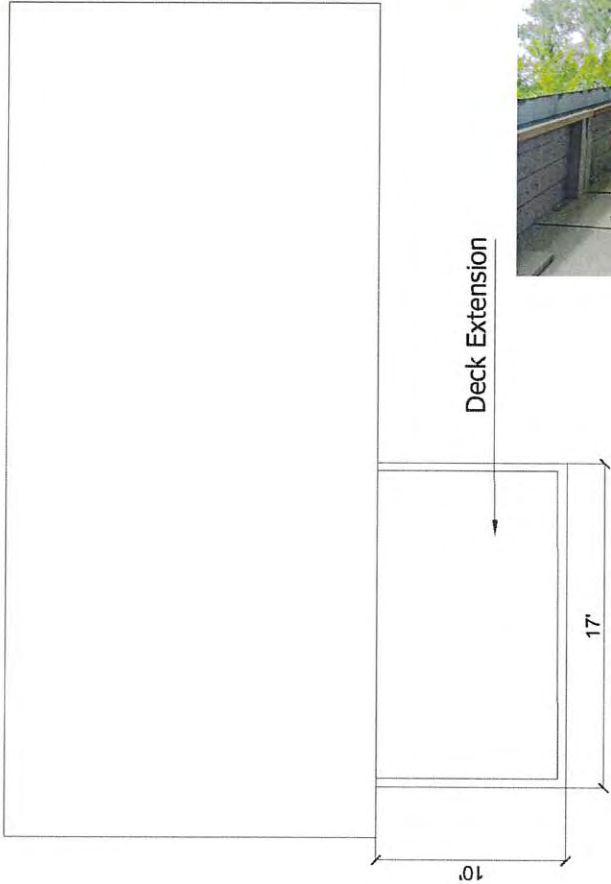
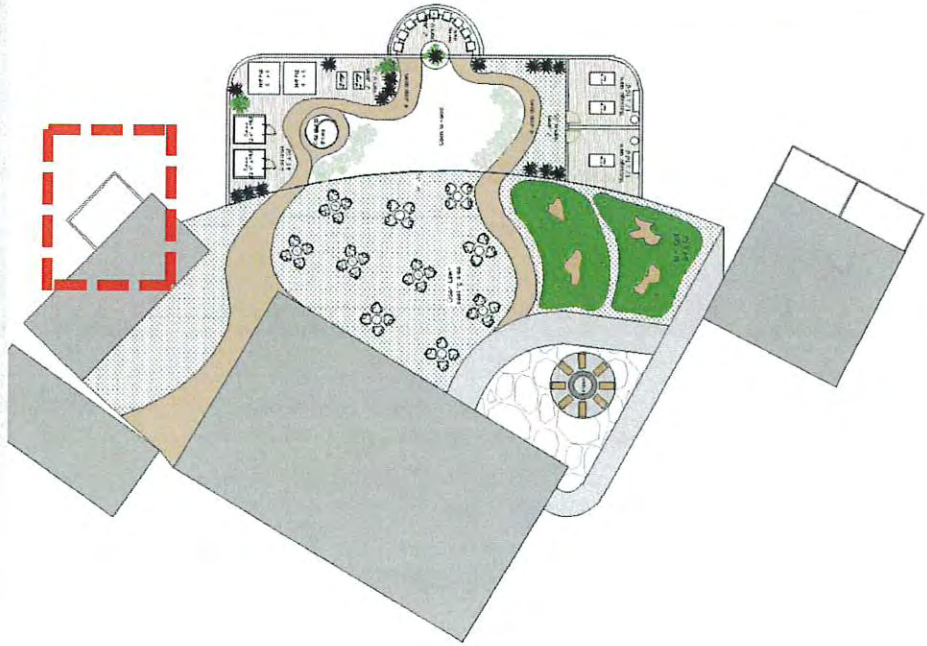
DECK EXTENSION

AZALEA COTTAGE DECK EXTENSION



DECK EXTENSION

CABIN DECK EXTENSION



LAYOUT



DECK EXTENSION

INSPIRATION (HOT TUB)



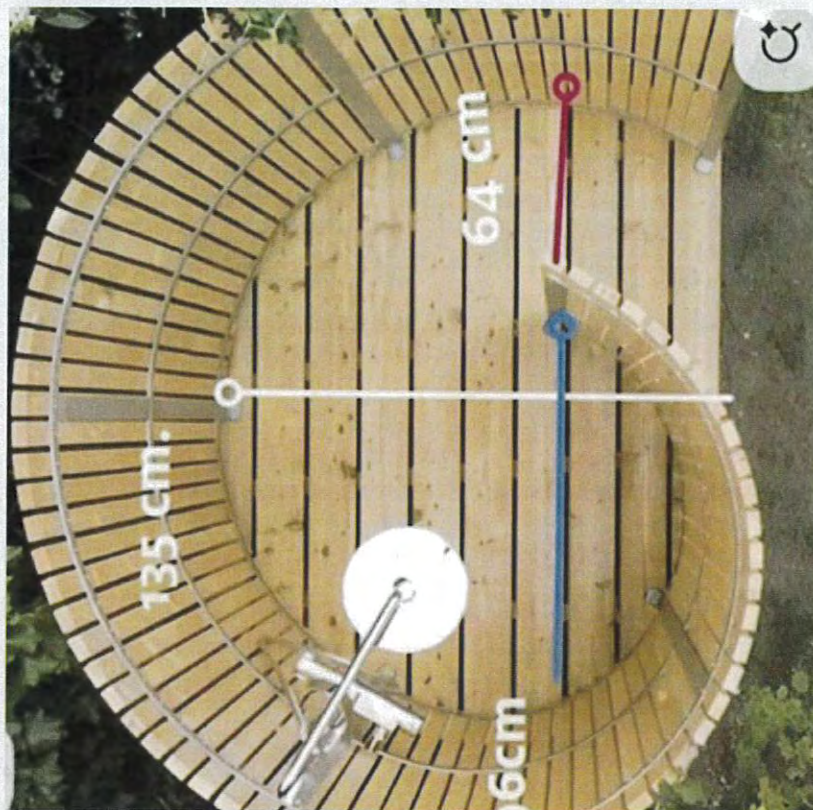
REFERENCE
DESIGN KICK-OFF STAGE

INSPIRATION
(SAUNA AND COLD PLUNGE)



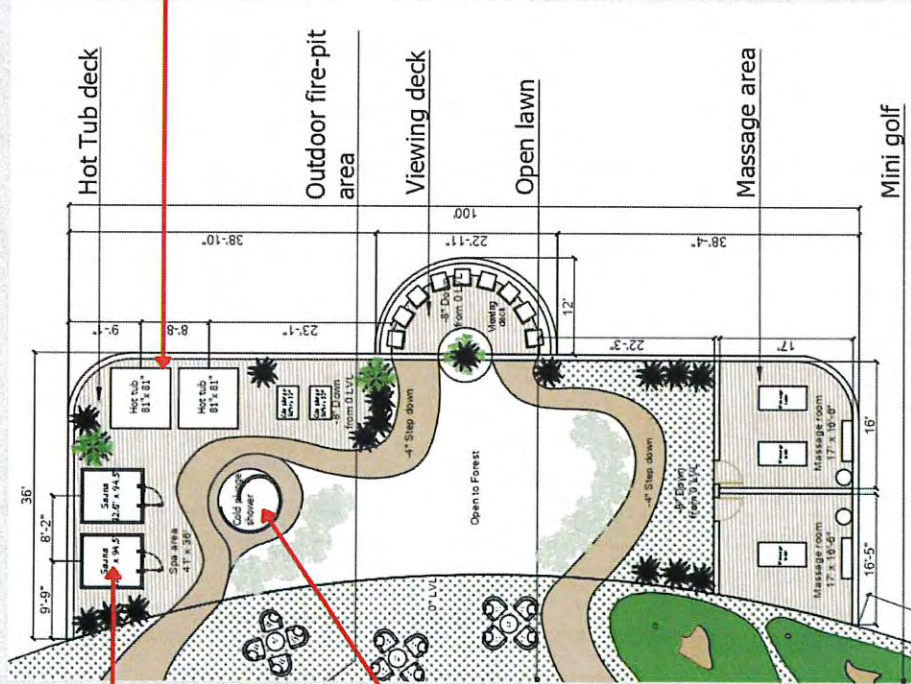
REFERENCE
DESIGN KICK-OFF STAGE

INSPIRATION (COLD PLUNGE SHOWER)



REFERENCE
DESIGN KICK-OFF STAGE

INSPIRATION

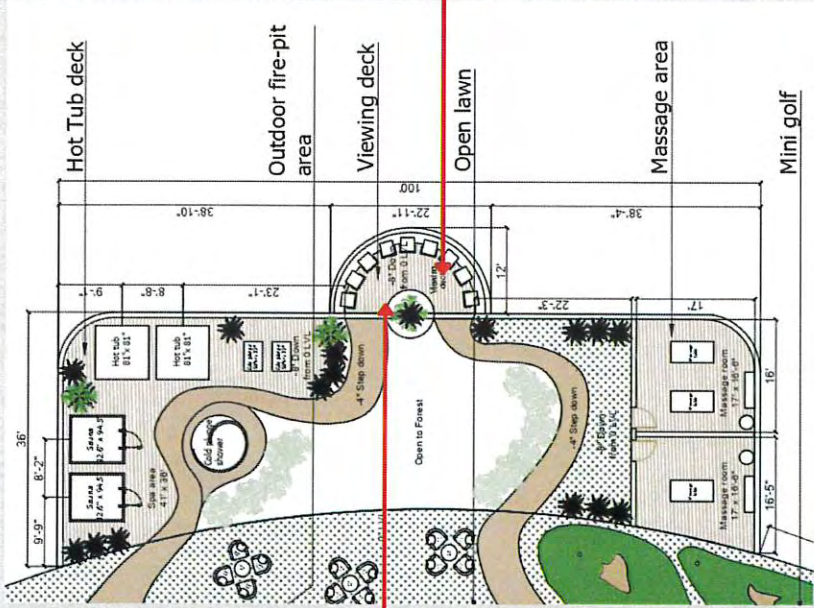


REFERENCE

DESIGN KICK-OFF STAGE



INSPIRATION
(VIEWING DECK AND YOGA AREA)



REFERENCE
DESIGN KICK-OFF STAGE

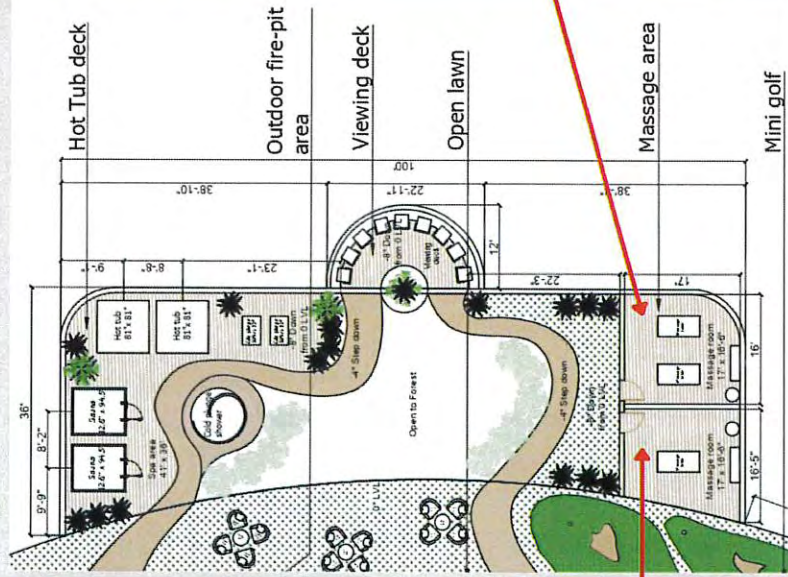
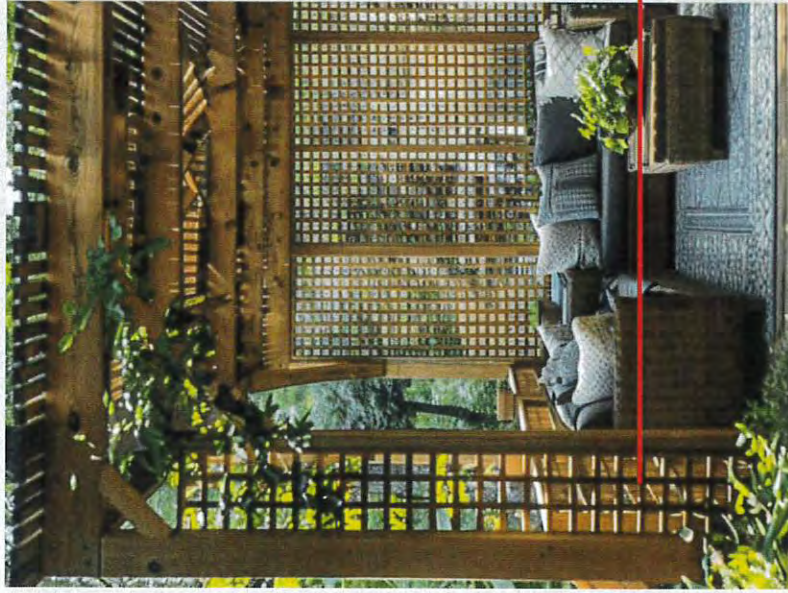
INSPIRATION (MASSAGE SPACES)



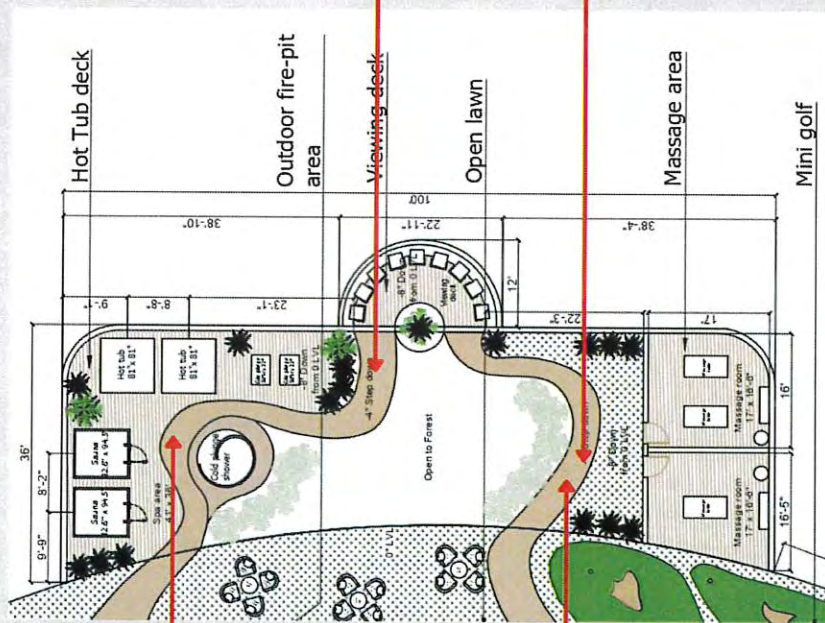
PARTITION REFERENCE

REFERENCE
DESIGN KICK-OFF STAGE

INSPIRATION
(PARTITION REFERENCE)



INSPIRATION (PATHWAYS)



REFERENCE
DESIGN KICK-OFF STAGE

INSPIRATION
(FIREPLACE)

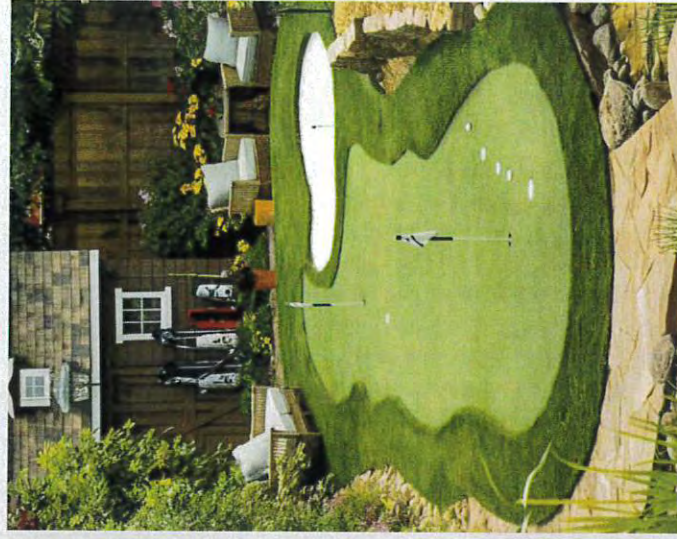


REFERENCE
DESIGN KICK-OFF STAGE

INSPIRATION (GOLF)



DINING AREA LAYOUT DESIGN KICK-OFF STAGE



[Click Here For More Image](#)

INSPIRATION (DECORE)



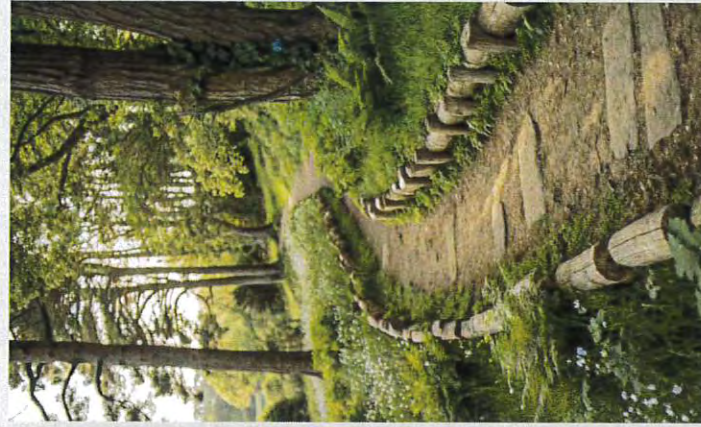
REFERENCE DESIGN KICK-OFF STAGE

INSPIRATION
(DECORE)

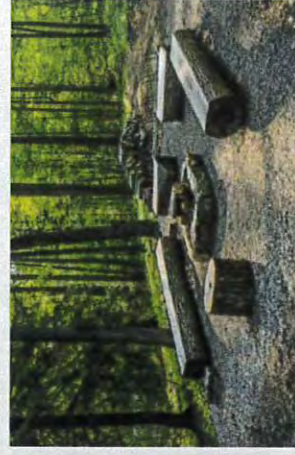
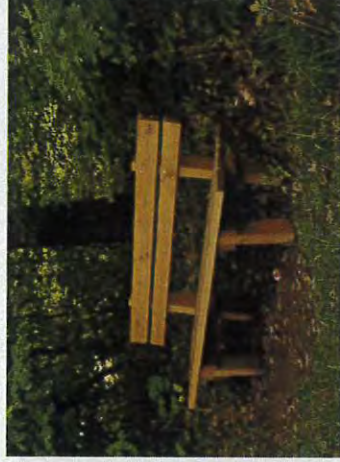


DINING AREA LAYOUT
DESIGN KICK-OFF STAGE

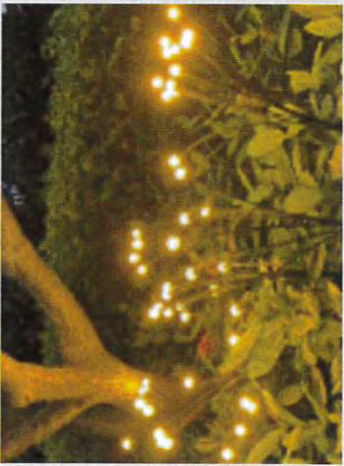
BAMBOO FOREST PATHWAY



RESTING SPOTS ALONG PATHWAY



FOREST



FOREST

END.

Special Use Permit for the Transformation of Fury's Lodge into Wildrest — A Wellness-Focused Retreat in Waynesville

Thank you once again for taking the time to meet with us and discuss the future of Fury's Lodge. We are thrilled to share our vision for the thoughtful transformation of this historic property into **Wildrest** — a wellness-focused boutique hotel designed to immerse guests in nature, relaxation, and elevated comfort, all while preserving the charm and integrity of the original structures.

Our goal is to enhance this special location in a way that supports local tourism, contributes to the community, and positions Waynesville as a destination for wellness travel in the Blue Ridge Mountains. Below is an overview of the key elements of the project:

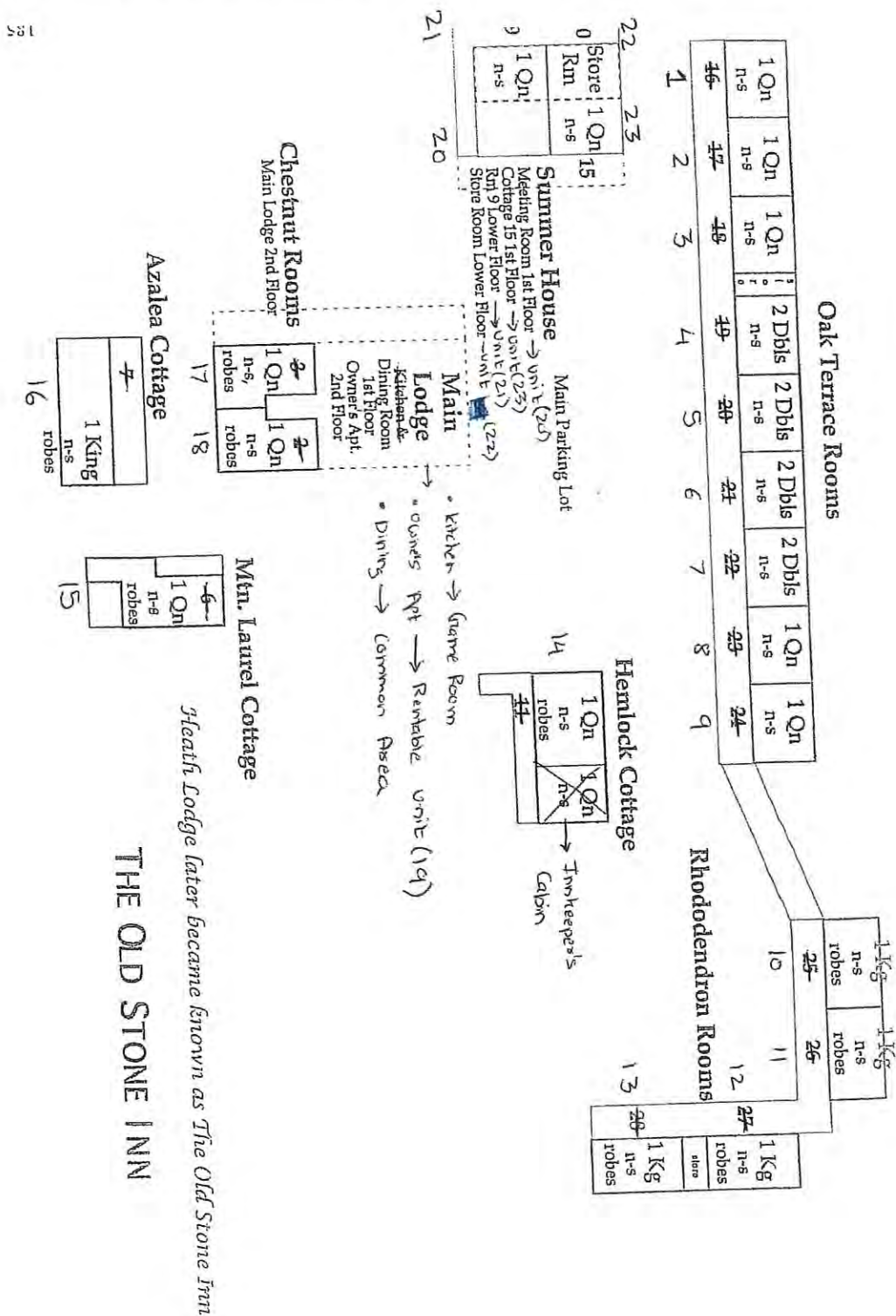
1. Reconfiguration of Existing Units (Total: 23 Rentable + 1 Innkeeper Unit)

We plan to optimize the layout of existing structures without expanding their footprints. Currently, 17 units are operational, but based on historical configurations, up to 24 were previously in use. Through careful reconfiguration, we will establish **23 rentable guest units** and **1 dedicated innkeeper residence**, all within the bounds of existing buildings without changing any of the footprints (except small deck expansions).

Key changes include the following:

- **Oak Terrace Rooms (1-13):** Remains unchanged with 13 guest units with cosmetic upgrades.
- **Hemlock Cottage (14):** Divided into an innkeeper unit and a rental unit; also houses laundry and storage facilities on the lower level.
- **Mount Laurel & Azalea Cottages (15-16):** Each becomes a single rental unit with a small deck additions (see attached presentation and site plan for deck)
- **Main Lodge (17-19):** Two upstairs units retained; downstairs kitchen converted into a shared guest lounge with games. Upstairs unit converted into an additional rentable space.
- **Summer House (20-23):** Remodeled from storage/office space into four operational guest units with addition of a deck for each unit (see attached presentation and site plan)

These changes will maximize the site's potential while maintaining architectural integrity and improving the guest experience.



2. Creation of a Central Wellness Deck & Outdoor Amenity Zone

A central **outdoor deck area** will be developed to serve as the wellness hub of Wildrest. Nestled into the natural slope of the land and designed to blend with its surroundings, the deck will include:

- **Hot tubs, cold plunges, saunas.**
- **Outdoor massage area**
- **Viewing/seating zones**
- **Mini-putt and gathering spaces**, woven into upgraded landscaping

This communal space will serve as a key differentiator for the property, offering guests a memorable wellness experience connected to the natural setting. Please see the attached presentation for site plan and elevations. *Note that the final design may change based on engineering and structural constraints but will be representative of the size.*

3. Bamboo Forest Nature Trail & Gathering Nooks

To deepen the connection with nature, we will create a **pathway** leading down to the **bamboo forest** at the bottom of the property. The trail will include **resting spots and seating areas** designed for reflection, conversation, and immersion in the forest's calming atmosphere. This element will be an important part of the guest journey and core to the Wildrest brand experience. Please see inspirational images in the attached presentation.

We believe this transformation of Fury's Lodge into Wildrest will not only breathe new life into a legacy property but also contribute meaningfully to the local community and economy. Our focus on wellness, sustainability, and adaptive reuse ensures that the project remains in harmony with its environment and surroundings.

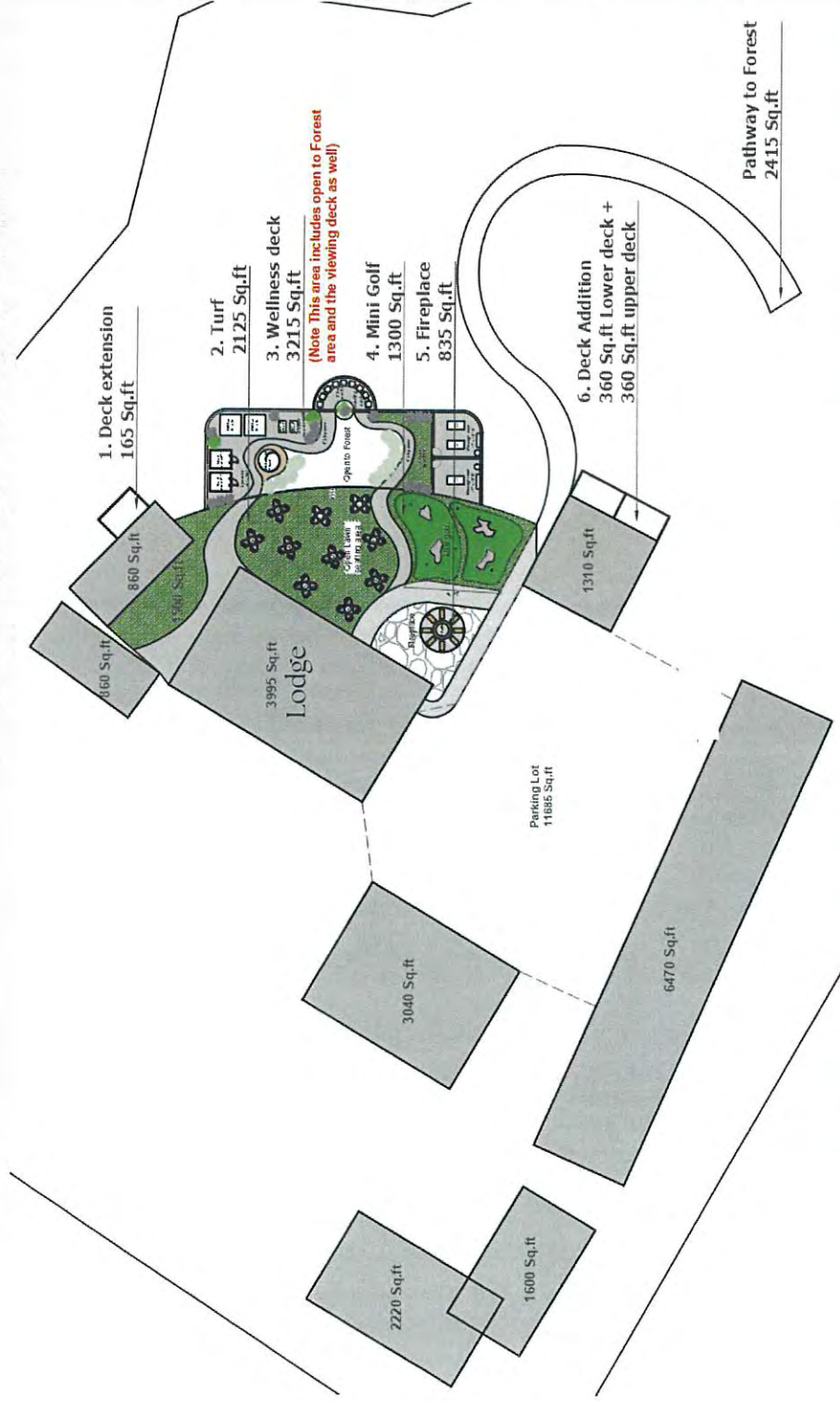
We look forward to continuing this conversation and are happy to provide any further details needed.

Warm regards,

Harshad Lalan



Wildrest Hotel Layout

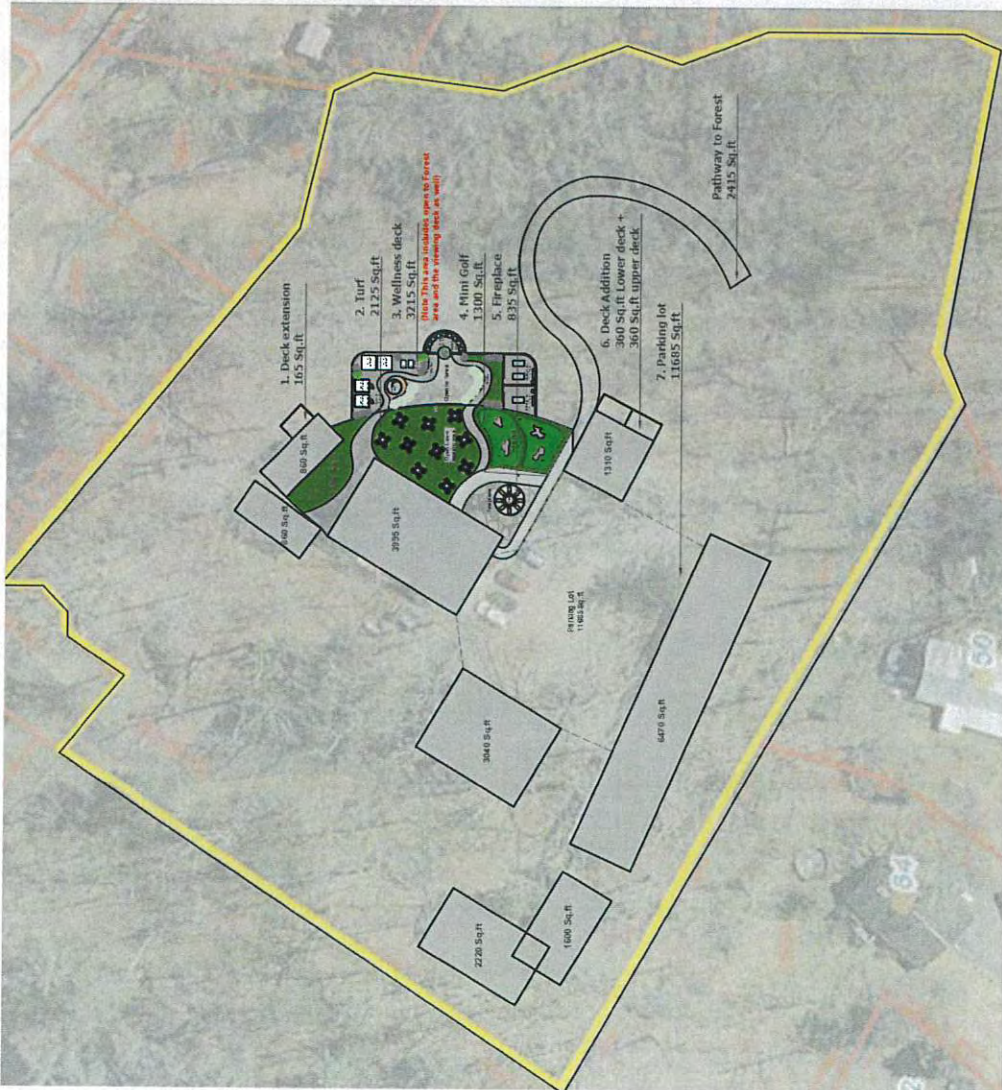


All Additions

1. Deck extension -165 Sq.ft
2. Turf -2125 Sq.ft
3. Wellness deck -3215 Sq.ft
4. Mini Golf -1300 Sq.ft
5. Fireplace - 835 Sq.ft
6. Deck Addition -
360 Sq.ft Lower deck
360 Sq.ft upper deck
7. Pathway to Forest -2435 Sq.ft

Total impervious surface of the additions - 10,795 Sq.ft.

Wildrest Hotel Layout

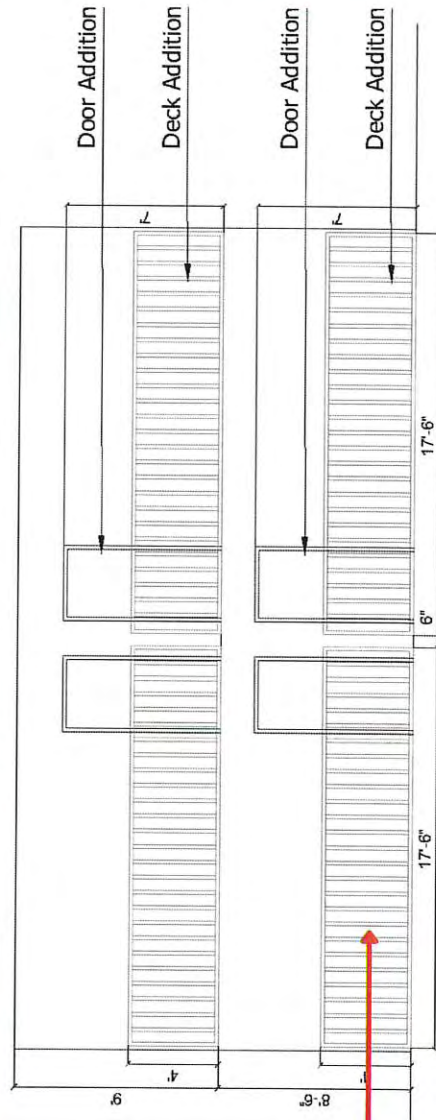
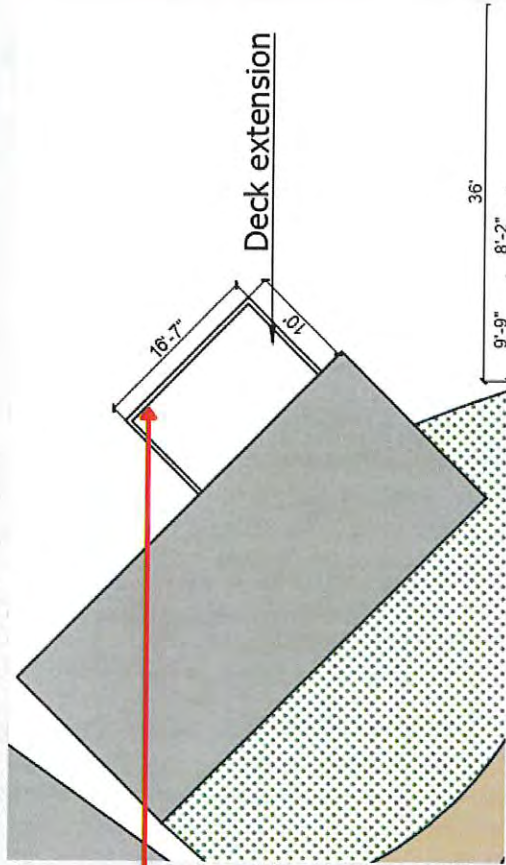
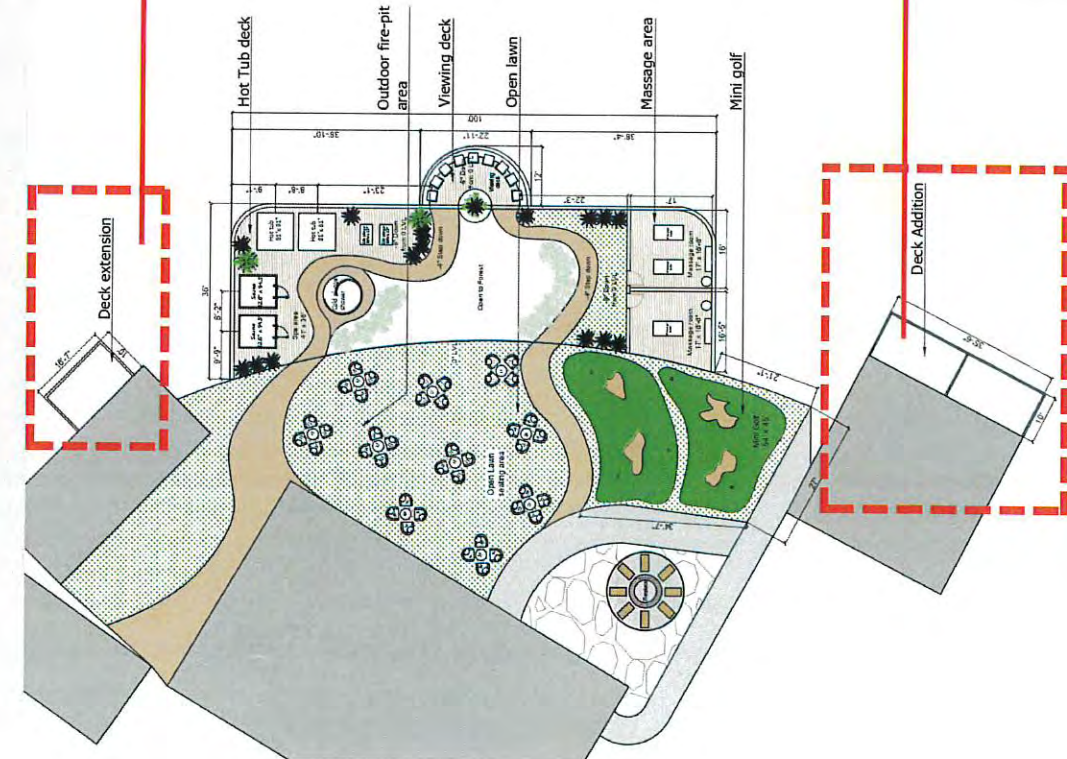


Total impervious surface of the hotel once the additions are complete

44,335 Sq.ft.

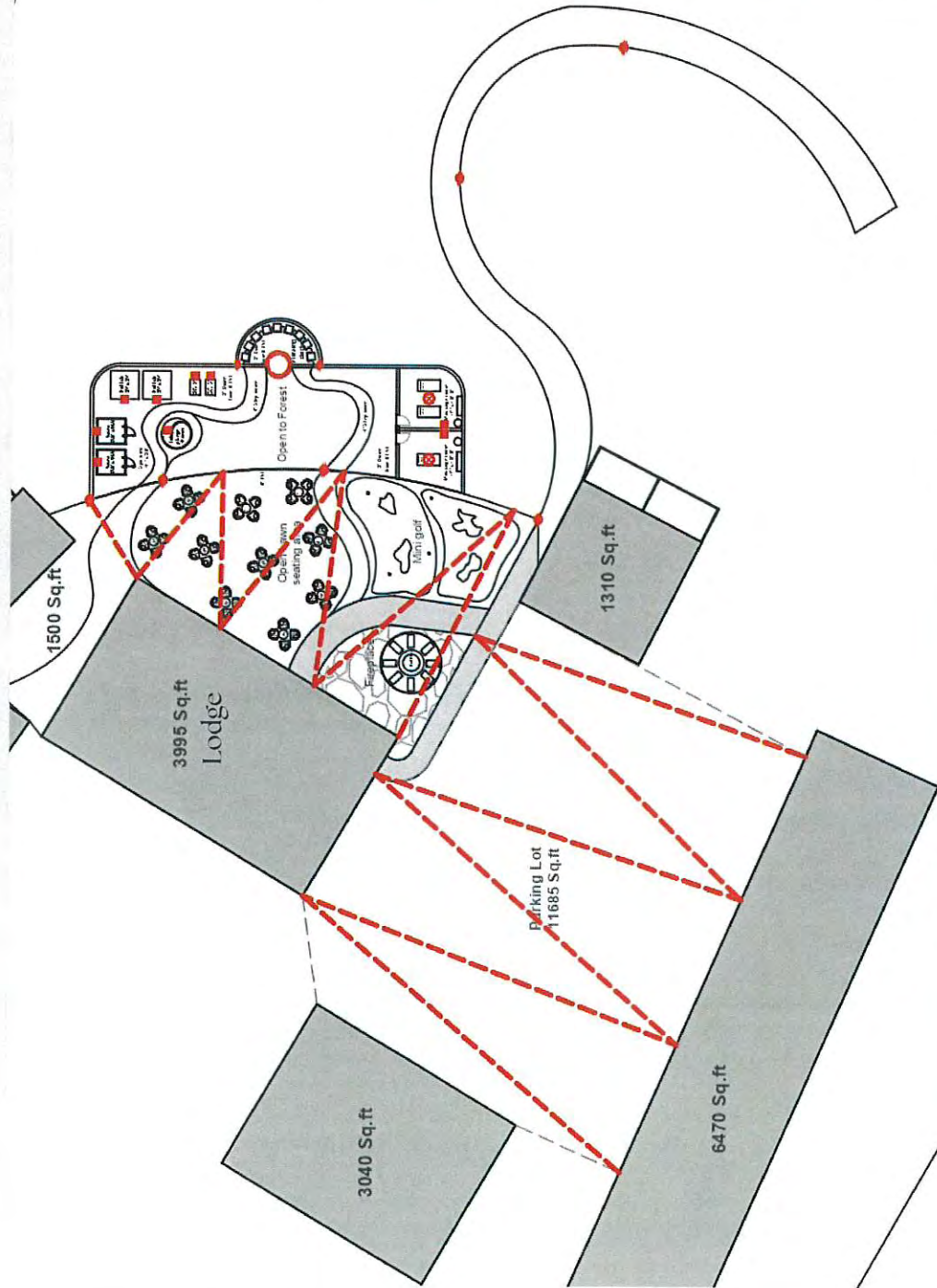
This includes All Buildings, Parking lot, and All the Additions in the Landscape area.

DECK LAYOUT



ELEVATION A

Lighting Layout



LEGEND	
	String light
	Pendant light
	Outdoor light
	Required electrical connections for Amenities

Lighting Inspiration



END.



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

SPECIAL USE PERMIT

Special Uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so to evaluate the potential for adverse impacts on adjacent property and uses, see Section 15.10 of the Town of Waynesville Land Development Standards for application requirements and approval process.

Address of Property: 109 Dolan Rd, Waynesville, NC

Proposed Land Use: Inn (modification to existing special use permit)

I certify I am, or authorized to represent, the property owner and all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

By: [Signature] 7/29/2025
Signature Date

Name (printed): HARSHAD LALAN
Property Owner Name (printed): 109 DOLAN LLC
Address: 7 PATTON AVE, APT 1502, ASHEVILLE, NC 28806
Phone: 386-334-8823
Email: HARSHAD@ISHITAINTERIORS.COM

Required attachments: (2 hard copies and digital files in .pdf format)

1. Environmental Survey (15.4.1)
2. Master Plan (15.4.3)
3. Building Elevations for Design Review (15.4.7)
4. Application fee

Planning Staff: _____

Type of Special Use / LDS Section: Inn - modification
Zoning District / PIN: CC-NR

Complete application with required attachments and application fee received on:

07/30/25, by [Signature]
Date Staff signature

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at 109 DOLAN AVE in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Ishita Lalan

Title and Company: Interior Designer / Ishita Interiors

Address: 7 Patton Ave, Apt 1502, Asheville, NC

Phone and email: 38(319) 320 3662

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 30th day of July, 2025.

Owner or Party with Contractual Interest in Property:

109 DOLAN LLC

Address and phone number:

109 DOLAN AVE

WAYNESVILLE

(386) 334 8823

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at 109 DOLAN AVE. WAYNESVILLE in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: HARSHAD LALAN

Title and Company: Partner / member

Address: 7 Patton Ave, Apt 1502, Asheville, NC

Phone and email: (386) 334 8823

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 30 day of July, 2025.

Owner or Party with Contractual Interest in Property:

109 DOLAN LLC

Address and phone number:

109 DOLAN AVE

WAYNESVILLE, NC

(386) 334 8823

PAYMENT SUMMARY RECEIPT

170

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 07/30/25 CUSTOMER#:
TIME: 12:56:30
CLERK: 2044ecou

RECPT#: 3216241 PREV BAL: 200.00
TP/YR: P/2026 AMT PAID: 200.00
BILL: 3216241 ADJSTMNT: .00
EFF DT: 07/30/25 BAL DUE: .00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 200.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 200.00
AMT APPLIED: 200.00
CHANGE: .00

PAID BY: 109 Dolan Sp Use Permit
PAYMENT METH: CASH
PAYMENT REF:

TOT PREV BAL DUE: 200.00
TOT BAL DUE NOW : .00

Town of Waynesville



*Public Works
Letter*

Public Works Department

8/14/25

Mr. Harshad Lalan

109 Dolan Road

Waynesville, NC 28786

Subject: Water & Sewer Capacity Approval – 24-Unit Residential Development with Pool & Hot Tubs

Dear Mr. Lalan

The Town of Waynesville Public Works Department has reviewed your request for water and sewer service capacity for the proposed 24-unit residential development with associated pool and hot tub facilities located at 109 Dolan Road. Based on the information provided and current system capacity, the Town grants conditional capacity approval for the proposed development, subject to compliance with the specifications outlined below.

Sewer Service Requirements

- Minimum Sewer Lateral Size: 6-inch diameter PVC SDR-26 or equivalent, meeting ASTM D3034.
- Preferred Sewer Lateral Size: 8-inch diameter for long-term capacity and maintenance efficiency.
- Slope: Per NC Plumbing Code & Town Standard Details (typically 0.50% min. for 6" and 0.40% min. for 8").
- Maintenance Cleanouts: Installed at a minimum of every 100 feet and at all changes in direction greater than 45°.

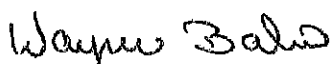
Water Service Requirements

- Service Meter: One 2-inch compound water meter (high/low flow capability) for master metering of the development, meeting AWWA C702 standards.
- Backflow Prevention: RPZ assembly installed downstream of the meter per NC Plumbing Code & Town Standard Details.
- Pool/Hot Tub Supply: Dedicated branch with shut-off and backflow prevention in compliance with state health regulations.
- Testing: Hydrostatic test and chlorination per AWWA C651 before service activation.

This approval is for capacity allocation purposes only and does not constitute final approval for construction. All work must comply with the Town of Waynesville Standard Details, North Carolina Plumbing Code, and applicable regulatory requirements. Final inspection and acceptance by the Town are required prior to service activation.

Please contact the Public Works Department at 828-456-3706 or wbolin@waynesvillenc.gov to coordinate project scheduling, inspections, and final service connection.

Sincerely,



Wayne Bolin

Water & Sewer Superintendent

Town of Waynesville

Planning Board Staff Report*Previous Special Use Permit*

Subject: Special Use Permit Request: Inn
 Ordinance Section: 3.1.3 Special Use Permits; 3.3.3 Supplemental Standards for Inn; 15.10
 Administration of SUP
 Applicant: Sean Q. Schuur
 Meeting Date: April 17, 2017

Summary Information:

Application Date: March 31, 2017
 Proposed Location: 109 Dolan Road, PIN 8615-19-4830
 Property Owner: Sean Q. Schuur
 Acreage of site: 3.48 acres
 Zoning District: Love Lane Neighborhood Residential (LL-NR)
 Existing Development: Inn, formerly Furry's Lodge, Heath Lodge, and Old Stone Inn
 Other: Existing Inn which is eligible for National Register District Nomination

Background:

Currently known as the "Old Stone Inn," Furry's Lodge was established sometime before 1946 as a destination lodging in the heyday of Waynesville's history as a seasonal tourism destination. It is included in Ann Melton's Book of Waynesville's Early Hotels and Boardinghouses (excerpt attached), and has not changed since the early photographs. Mr. Schuur wishes to restore the Inn for use as lodging for up to 20 units and in accordance with Section 3.3.3 of the Land Development Standards. Inns are permitted with Special Use Permits within the Love Land Neighborhood Residential District.

3.1.3 Special Use Permit Applications (SUP)

- A. Special Uses are uses which are generally compatible with other land uses permitted in a land development district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B. All Special Uses shall at a minimum meet the standards for the land development district in which they are located and the specific standards set forth in this article for that use.
- C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare.
- D. Approval procedures for Special Use Permits are found in Section 15.10.

3.3.3 Inn (Up to 30 Rooms)

- A. **Development Standards:** Inns shall be buffered from any adjoining residentially zoned property in accordance with Section 8.4.
- B. **Owners/Employee:** An owner/manager of an inn shall reside on the property.

Special Use Permit Request: 109 Dolan Road, "Old Stone Inn" Property

- C. **Parcel Size:** Each inn constructed in a residential district shall be on a lot which is no less than five (5) acres in size. The size limit is waived if the principal building is on the National Register of Historic Places either individually or as a contributing building within a district, is designated as a Local Historic Landmark by the Board of Aldermen, or is on the inventory of historic properties maintained by the Historic Preservation Commission.
- D. **Number of Rooms:** Inns shall provide no more than thirty (30) rooms for lodging; however, inns on properties of less than five (5) acres shall provide no more than twenty (20) rooms for lodging.
- E. **Activities**
 - 1. **Special Events:** Inns may have parties, receptions, or other similar contracted activity provided that these take place on no more than twelve (12) days within a one (1) year period; and that such events take place on no more than three (3) consecutive days. A temporary use permit (see Section 15.4) must be obtained for each such event.
 - 2. **Meals Open to non-Overnight Guests:** In addition to the special events above, the inn may also have up to one (1) meal per month open to non-overnight guests.
 - 3. **Personal, non-commercial use of the inn by the resident owner or manager is not subject to the limitations of this section.**
- F. **Open Space:** Every inn located in a residential district must maintain at least fifty percent (50%) of the development for common open space.
- G. **Building Setbacks:** All buildings shall be located no closer than fifty (50) feet from the rear and side property lines.

In addition to determining that the application meets ordinance requirements, the Planning Board must make findings related to the proposed SUP criteria in the ordinance (below), and a worksheet is provided for you to make notes for each criteria. The Planning Board may place conditions on the SUP as part of the approval to assure that mitigation measures are associated with the development. Such imposed conditions become part of the permit approval and shall be included in the final site plan application.

A pre-application meeting was held with Sean Schuur on multiple occasions prior to submittal and in the course of Mr. Schuur purchasing the property. Town building inspections, public works and fire safety staff have all made multiple inspections on the site and provided Mr. Schuur with information on restoring the property and meeting current codes. The request is to re-use existing buildings without any expansion to the building footprint, therefore there is no new site plan or environmental considerations.

Consistency with 2020 Land Development Plan:

The adopted comprehensive land development plan for Waynesville is "Waynesville Our Heritage, Our Future, 2020 Land Development Plan," which lays out several goals that apply to this request.

- "Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (2020 LDP, p 4-2)

- Promote infill development in the Town of Waynesville as an alternative to continued outward expansion. (4-4)
- Preserve and rehabilitate Waynesville's historic neighborhoods and Commercial Centers (4-6)
- Preserve and rehabilitate Waynesville's historic resources. (4-15)
- Assess the potential of the local economy and marshal the resources to design programs to develop a strong economy providing a broad range of employment opportunities.
 - Define and develop the tourism sector of the economy. (4-20)

The proposed project will rehabilitate and re-energize one of Waynesville's historic Inn properties which will:

- bring the structure up to code, improving community safety,
- provide a commercial service and lodging to tourists and creating a small number of jobs.
- Prevent an existing lodging facility from disappearing, and
- be an infill development project which will renovate a historic property within an historic neighborhood.

Staff submits that this project is consistent with the 2020 Plan.

Surrounding Land Use/ Zoning Patterns:

The site is within the Love Lane Neighborhood Residential District zoning which allows Inns as Special Use Permits.. As described in Section 2.3.3 of the Land Development Standards, the purpose and intent of the LL-NR District:

- B. The Love Lane Neighborhood District (LL-NR)** is an older, traditional neighborhood bordered by the Russ Avenue Town Center on one side and the Central Business District on the other. One of the oldest neighborhoods in the town and one of the first to be settled, it has the advantages of having a great location, sufficient urban facilities and a mixture of housing types and styles. The area between Richland Creek and Dellwood Road has an excellent stock of smaller bungalow style homes on small lots. This is an enormous asset to the Town due to its proximity to Russ Avenue and Downtown, as it contains good, affordable housing within walking distance of many amenities. This asset will only improve as Russ Avenue develops into a more pedestrian friendly area. For this reason, this type of development should be encouraged, maintained and continued in this area. Connectivity to the ball fields, Downtown, The Richland Creek Greenway and Russ Avenue should be improved, both for vehicles and pedestrians. Sidewalks and street trees will be required throughout the district. Development along Richland Creek should be sensitive to the location. The area to the northwest of Dellwood Road enjoys some of the oldest housing stock in Waynesville. Maintaining this stock and enhancing any additional development will continue to be important. Street trees will be required throughout the district. Dellwood Road, containing a mix of office, residential and service uses, needs to maintain a pedestrian scale and any improvements should enhance the comfort level of the pedestrian. Driveways accessing Dellwood Road should be kept to a minimum for this reason. Future plans are to improve this corridor as part of a connector (including Smathers Street and Brown Avenue) to alleviate some of the traffic along Main Street.

Special Use Permit Request: 109 Dolan Road, "Old Stone Inn" Property

This site sits on a hill surrounded on all sides by LL-NR zoned property and has a well established buffer of trees. In fact the Inn itself is hardly visible from Dolan Road or adjacent properties because of the established vegetation. Redevelopment of this site will contribute to the inventory of lodging for tourism and be within walking distance of Frog Level.

Proposed Development:

The project is within the required yard setbacks for the District and conforms to the LL-NR dimensional requirements. However, if this Inn were to be constructed new, it would require up to 5 acres. As an existing Inn on property less than 5 acres, only 20 rooms are allowed. Other considerations for the SUP are below (criteria found on worksheet) along with suggested findings by staff.

1. Conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site?
 - The proposed use as an Inn has been a functioning part of this neighborhood and its character since before 1946. Restoration of this property will add to the historic structures that can contribute to the official designation of Love Lane as a National Register Historic District and is an historical part of the area. The purpose and intent statement of the LL-NR District states that the District "enjoys some of the oldest housing stock in Waynesville . Maintaining this stock and enhancing any additional development will continue to be important.
 - There is another historic Bed and Breakfast/Inn nearby within this neighborhood, Oak Hill on Love Lane.
 - This use is permitted within this district by SUP and must comply with supplemental guidelines for Inns up to 20 Rooms and all building codes. A residential or office use accessory to and part of the Inn function is also allowed.
 - The applicant proposes to live on site and manage the property.
 - This proposal will not change the footprint of the building nor introduce lighting or signage that would not otherwise be allowed.
 - Building codes will require several buildings and electrical systems to be updated. The Town can work with Mr. Schuur through a phase process to restore these buildings, allowing some parts of the property to be utilized, even as other parts are still under renovation.
 - Mr. Schuur is proposing to retain the existing buffer and landscaping and is not proposing any new structures or infrastructure on the site.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads?
 - The existing driveway entrance will remain the same with minor improvements to meet the requirements of emergency vehicles.
 - Dolan Road is a local two lane road, which has limited ability for traffic flow, but which has handled past Inn traffic.
3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use?
 - Adequate utilities for water and sewer and electricity are available. Electrical systems internal to the site will be updated in accordance with current codes.

4. Shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?
 - The owner is proposing to use the property according to the supplemental use guidelines, and not to restore the lodge to the previous full-scale restaurant, limiting the number of special events and traffic impacts to the neighborhood. Inn usage should not generate vibration, odor, dust, smoke or gas.
5. Shall not impede the orderly development and improvement of surrounding property for permitted uses within the land development district?
 - The proposed use is pre-existing and allowed within the LL-NR District with a Special Use Permit..
 - The re-use of this site is consistent with the 2020 Land Use Plan.
6. The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety or general welfare?
 - The restoration of this site to its original use will prevent further deterioration of a potentially historic property. Additionally, new owner will bring buildings up to building safety and fire codes, addressing ,any existing safety issues..

Staff Recommendations:

Staff recommends that this proposed project is consistent with the Town's 2020 Plan and that the Planning Board has enough evidence to suggest findings of fact that will support this request.

Attachments:

1. Location and Zoning Maps
2. SUP Checklist
3. Application Materials Submitted

Suggested Actions:

1. Motion to adopt Findings of Fact.
2. Motion to recommend approval (or approval with conditions, or denial) of the Special Use Permit.



TOWN OF WAYNESVILLE SPECIAL USE PERMIT APPLICATION

Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so to evaluate the potential for adverse impacts on adjacent property and uses, see Section 15.10 of the Town of Waynesville Land Development Standards for application requirements and approval process.

Address of Property: 109 Dolan Road Waynesville, NC

Proposed Land Use: 20 unit rooms for lodging
Activities under an inn

I certify I am, or authorized to represent, the property owner and all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

By: [Signature] 3/31/17
Signature Date

Name (printed): Sean Q. Schurr
Property Owner Name (printed): Sean Q. Schurr
Address: 124 South Halcyon Suite B Arroyo Grande CA 93420
Phone: 805-489-1257
Email: Sureloan@AOL.com

Required attachments: (2 hard copies and digital files in .pdf format)

1. Environmental Survey (15.4.1)
2. Master Plan (15.4.3)
3. Building Elevations for Design Review (15.4.7)
4. Application fee

Planning Staff Elizabeth Teague

Type of Special Use / LDS Section: SUP - Inn up to 20 rooms
Zoning District / PIN: LOVE LWB NR / 8615-19-4830

Complete application with required attachments and application fee received on:

4/4/17, by [Signature]
Date Staff signature

Thanks for taking time to discuss the future of the Furry's Lodge

We are excited and honored to be part of bring this jewel back to Waynesville.

The plan is to change the name of property from the Stone Inn back to the original name Furry's Lodge.

Per our conversation please see attached the over view of the building layout.

There will be no changes to the footprints of the buildings.

The hotel will be a 20 unit hotel.

The plan if approved will be as follows :

1 stage

The main lodge building on line Chestnut Rooms – 2 rooms upstairs

Azalea and Mountain Laurel cottages- 1 suite each cottage

Hemlock building – laundry facility and 2 rooms

2 stage

Rhododendron – 4 rooms

3 stage

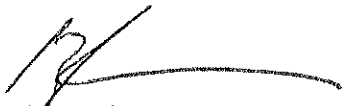
Summer House – bring the office on line the office and the 1 room

4 stage

Oak Terrace – bring on line- 9 rooms

Please let me know what additional information needed?

Respectfully,



Sean Schuur

Property Included In Sale
(Approximately 3.3 Acres)

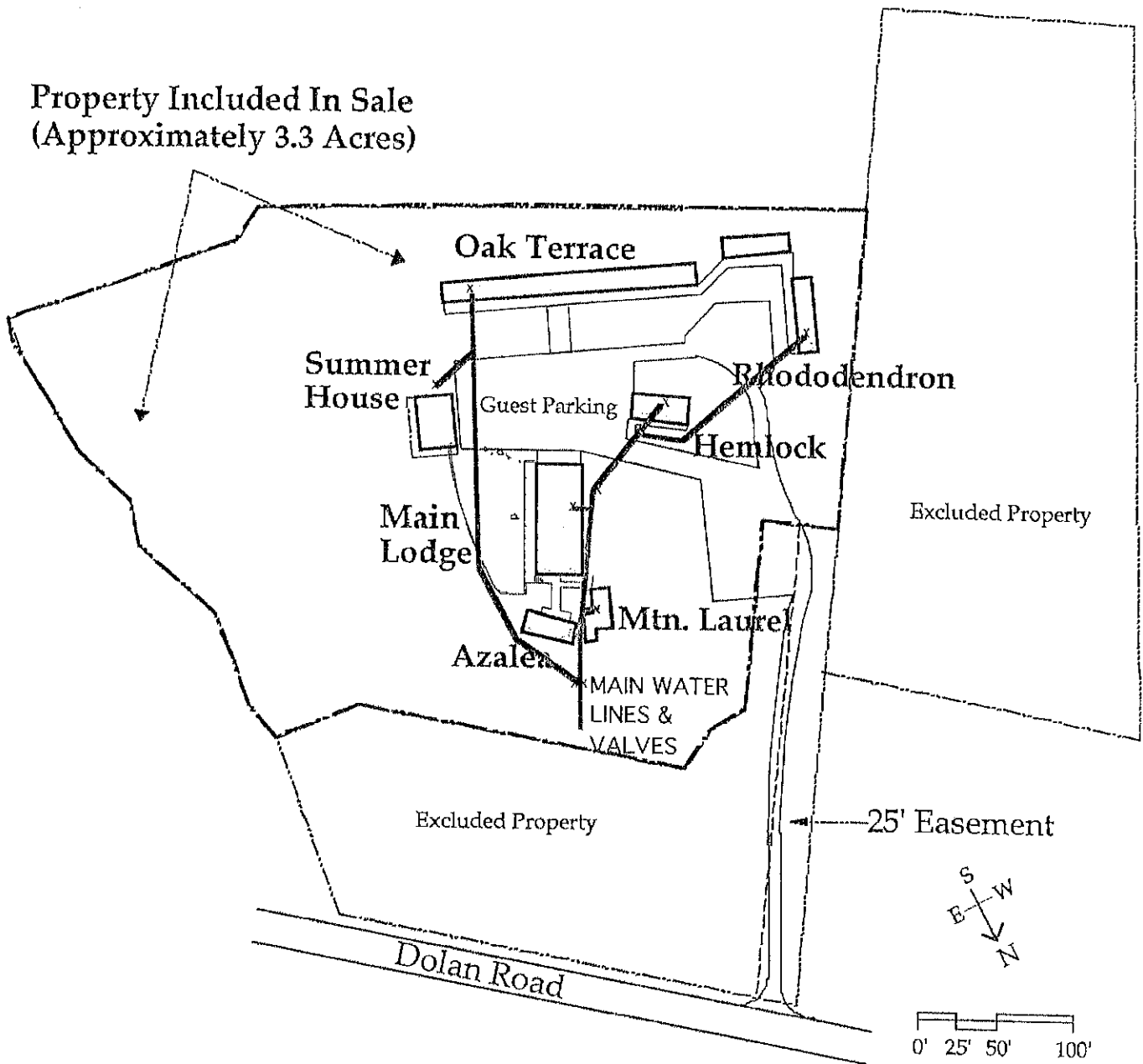


EXHIBIT A

109 Dolan Road
Waynesville, NC

Oak Terrace Rooms

1 Qn n-s	1 Qn n-s	1 Qn n-s	2 Dbls n-s	2 Dbls n-s	2 Dbls n-s	2 Dbls n-s	1 Qn n-s	1 Qn n-s
-------------	-------------	-------------	---------------	---------------	---------------	---------------	-------------	-------------

Rhododer

Main Parking Lot

Summer House

Meeting Room 1st Floor
Cottage 15 1st Floor

Store Rm	1 Qn n-s	15
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Hemlock Cottage

1 Qn n-s robes	1 Qn n-s
-------------------	-------------

Chestnut Rooms

Main Lodge 2nd Floor

Main Lodge	
Kitchen & Dining Room	
Owner's Apt.	
2nd Floor	
1 Qn n-s, robes	1 Qn n-s robes

Mtn. Laurel Cottage

1 Qn n-s robes

Azalea Cottage

1 King n-s robes

TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
PLANNING BOARD

In the Matter of the Application of)
Sean Q. Shuur for a Special Use Permit)
to Operate an Inn at 109 Dolan Road)

ORDER AND SPECIAL USE
PERMIT

THIS CAUSE, coming on to be heard before the Planning Board for the Town of Waynesville in the Town Hall Board Room at 9 South Main Street in Waynesville, North Carolina, on April 17, 2017, at 5:30 p.m. on the application of Sean Q. Shuur for a Special Use Permit to construct and operate an inn at 109 Dolan Road.

Nine members of the Planning Board were in attendance and reviewed the physical and documentary evidence, heard testimony by Elizabeth Teague, Director of Development Services for the Town of Waynesville, and Sean Q. Shuur, the Applicant, and owners of neighboring properties.

The Planning Board of the Town of Waynesville, having heard the testimony and having reviewed the evidence, makes the following

FINDINGS OF FACT

1. The Planning Board has jurisdiction to hear this application for special use permit pursuant to Section 14.3.1.E.3 of the Land Development Standards of the Code of Ordinances for the Town of Waynesville (hereafter called the Land Development Standards.)
2. The Applicant desires to restore, renovate and operate an Inn in the town limits of Waynesville, North Carolina, at 109 Dolan Road. The current PIN number for that property is 8615-19-4830.
3. The described real property is owned by the Applicant, Sean Q. Shuur, and as the owner he has standing to make this application.
4. The subject property is located in the Love Lane Neighborhood Residential District (LL-NR).
5. A special use permit is required by Section 2.5.3 of the Land Development Standards for the property to be used for an inn, and inns are subject to those supplemental standards set

out in Section 3.3.3.

6. Proper notice of the hearing was posted and published as required by the North Carolina General Statutes and by the ordinances of the Town of Waynesville.

7. The property at 109 Dolan Road consists of approximately 3.84 acres and several structures which have been used and operated by previous owners as an inn, but the use of such property for the operation of an inn has ceased for more than a year so that it cannot be re-opened as a legal non-conforming use and must obtain a special use permit.

8. Being situated on a parcel of land that is less than five acres, the inn, if permitted, can have no more than twenty (20) rooms.

9. The property has been used and operated in the past, since 1946 or earlier, as an inn.

10. The applicant plans to renovate and use the existing structures on the property and no new buildings are planned.

11. The plans as submitted with the application and the evidence offered by the applicant show that twenty or fewer room to be rented will be put into use when the project is completed.

12. Based on testimony by the applicant, there are no plans to have special events in excess of the twelve per year allowed by ordinance and meals will not be offered for non-overnight guests.

13. The use requested is for the use of structures already in place on the property, so that no new structures are planned that will reduce the common space or encroach into the required setback. Existing buildings do encroach into the current required setback, but those are legal nonconforming structures which can remain where they are. A well established vegetative buffer between structures on the property and neighboring properties already exists.

14. The intended use is consistent with the 2020 Land Development Plan as it promotes infill development and preserves and rehabilitates Waynesville's historic neighborhoods.

15. The proposed special use as described in the application and as shown in the photographs and other information that was provided with the application conforms to the character of the neighborhood as the proposed use as an inn has been a functioning part of the neighborhood and its character since before 1946, restoration will add to the historic structures that can contribute to the official designation of Love Lane as a National Register Historic District, there is another historic bed and breakfast / inn within the neighborhood, the proposal will not change the footprint nor introduce lighting or signage that would not otherwise be allowed, and the existing buffer is to be maintained.

16. Adequate measures are in place to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion in that the existing access driveway will remain with minor improvements to meet requirements for emergency vehicles and the adjacent

road, Dolan Road, is a two lane road that has safely handled inn traffic in the past.

17. Adequate utilities are available for the proposed use, as utilities are already available and connected to the property, and on site systems will be updated to comply with current codes.

18. Inn operations do not usually generate excessive vibration, odor, dust, smoke or gas, and the plans as submitted and testified to by the applicant show that the proposed use will be in compliance with the supplemental guidelines, that the previous full scale restaurant will not be restored and that there are limits on special events, all of which help prevent the generation of vibration, odor, dust, smoke or gas.

19. The use will not impede the orderly development and improvement of surrounding property for permitted uses within the land development district as the proposed use is similar to other properties along this section of Dolan Road and is a use which has existed in the past without detrimental effects on the neighborhood.

20. The use will not be detrimental to or endanger the public health, safety or general welfare as it is the re-use of an existing building which will prevent degradation of the site and further deterioration of a historic property, bringing the building up to current building and safety codes, reducing safety risks.

BASED UPON THE FOREGOING FINDINGS OF FACT, by a vote of 9 to 0, this Board concludes as a matter of law that the Applicant should be granted a special use permit to operate an inn at 109 Dolan Road.

IT IS NOW, THEREFORE, ordered that a Special Use Permit shall and hereby is granted to the Applicant for the construction and operation of an inn on the property located at 109 Dolan Road in Waynesville, North Carolina, subject to those limitations set out in Section 3.3.3 of the Land Development Standards.

This the _____ day of _____, 2017

Patrick McDowell, Chairman

If you are dissatisfied with this decision of the Board, an appeal may be taken to the Superior Court of Haywood County within 30 days after the date this order is received by you.



TOWN OF WAYNESVILLE Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman
Patrick McDowell
Planning Board Members
Danny Wingate (Vice)
Anthony Sutton
Marty Prevost
Robert Herrmann
Phillip Gibbs
H.P. Dykes, Jr.
Pratik Shah
Ginger Hain

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 April 17, 2017

THE WAYNESVILLE PLANNING BOARD held its regular meeting on April 17, 2017, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell – Chairman
Danny Wingate – Vice Chairman
Bucky Dykes
Ginger Hain
Phillip Gibbs
Robert Herrmann
Pratik Shah
Marty Prevost
Anthony Sutton

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Clerk
Jill Howell-Shook, Administrative Assistant
Attorney Ron Sneed

2. Adoption of Minutes

A motion was made by Board Member Robert Herrmann, seconded by Board Member Bucky Dykes, to approve the minutes of the February 20, 2017 regular meeting, as presented. The motion passed unanimously.

B. NEW BUSINESS

Chairman McDowell told the Board that the agenda had been adjusted to hear the Special Use request for Furry's Inn, 109 Dolan Road, first and the Special Use request for 1914 Dellwood Road second.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Danny Wingate to open the Public Hearing at 5:34 pm. The motion passed unanimously.

Chairman McDowell explained the Quasi-Judicial Protocols to the Board. He asked anyone who wished to speak concerning either request to come forward and be sworn in.

Chairman McDowell asked Ms. Elizabeth Teague, Development Services Director, to give background information on the first item for 109 Dolan Road.

1. Special Use Permit Hearing to re-establish an Inn at 109 Dolan Road, PIN 8615-19-4830+

Ms. Teague entered into evidence the following items for the Hearing:

- #1. The public notice that was published in the newspaper advertising both hearings
- #2. Listing of names the notice was mailed of residents within 500 feet of the boundary lines of the properties
- #3. Pictures of signs posted on properties
- #4. Planning Board Staff Report with reference to Ordinance Section 3.1.3 – Special Use Permits, Ordinance Section 3.3.3 - Supplemental Standards for Inns, and Chapter 15.10 Administration of a Special Use Permit
- #5. Special Use Application from Mr. Sean Shuur, 124 South Hampton, Arroyo Grande, CA 93420

Ms. Teague said this request is for re-establishment of an Inn at 109 Dolan Road. Because the Inn has not been operational in several years, the Board will need to approve or disapprove a new Special Use Permit for this request. The applicant is Sean Q. Shuur. The property is located on 3.48 acres in the Love Lane Neighborhood Residential District (LL-NR). The existing development is formerly known as Furry's Lodge, Heath Lodge, and The Old Stone Inn, and is eligible for National Register District Nomination. Ms. Teague said Furry's Lodge was established sometime before 1946 as a seasonal tourism destination. She referred the Board to photographs in the agenda packets and said the Inn has not changed since the early photographs. The applicant, Mr. Sean Shuur wishes to restore the Inn for use as lodging for up to 20 units in accordance with Section 3.3.3 of the Land Development Standards. Ms. Teague explained that Inns are permitted but require a Special Use Planning Board Minutes April 17, 2017

Permit within the Love Lane Neighborhood Residential District and must comply with Supplemental Standards.

1.1.3 Special Use Permit Applications

A. Special Uses are uses which are generally compatible with other land uses permitted in a land development district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

B. All Special Uses shall at a minimum meet the standards for the land development district in which they are located and the specific standards set forth in this article for that use.

C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

D. Approval procedures for Special Use Permits are found in Section 15.10

3.3.3 Inn (Up to 30 Rooms)

A. Development standards: Inns shall be buffered from any adjoining residentially zoned property in accordance with Section 8.4

B. Owners/Employee: An owner/manager of an inn shall reside on the property.

C. Parcel Size: Each Inn constructed in a residential district shall be on a lot which is no less five (5) acres in size. The size limit is waived if the principal building is on the National Register of Historic Places wither individually or a contributing building within a district, is designated as a Local Historic Landmark by the Board of Aldermen, or in on the inventory of historic properties maintained by the Historic Preservation Commission.

D. Number of Rooms: Inns shall provide no more than thirty (30) rooms for lodging; however, Inns on properties of less than (5) acres shall provide no more than twenty (20) rooms for lodging.

E. Activities:

1. Special Events: Inns may have parties, receptions, or other similar contracted activity provided that these take place on no more than twelve (12) days within a one (1) year period; and that such events take place on no more than three (3) consecutive days. A temporary use permit must be obtained for each such event.

2. Meals open to non overnight guests; In addition to the special events above, the inn may also have up to one (1) meal per month open to non-overnight guests.

3. Personal, non-commercial use of the inn by the resident owner or manager is not subject to the limitations of this section.

F. Open Space: Every Inn located in a residential district must maintain at least fifty percent (50%) of the development for common open space.

G. Building Setbacks: All buildings shall be located no closer that fifty (50) feet from the rear and side property lines.

Ms. Teague reminded the Board that the application must meet ordinance requirements, and that they must make Findings of Facts related to the proposed criteria in the ordinance. She said the Planning Board may place conditions on the Special Use Permit as part of the approval to assure that mitigation measures are associated with the development. Such imposed conditions become part of the permit approval and shall be included in the final site plan.

Ms. Teague said she had held pre-application meetings with Sean Shuur on multiple occasions prior to submittal and in the process him of purchasing the property. Multiple inspections have been made by building inspectors, public works, and fire safety staff, and information concerning the restoration of the Inn and meeting current codes have been provided to Mr. Shuur. Ms. Teague told the Board that this request is to re-use existing buildings without any expansion to the building footprint, thus there is no new site plan or environmental considerations.

Consistency with 2020 Land Development Plan:

Ms. Teague told the Board that goals that apply to this request are explained in the Town's comprehensive plan "Waynesville Our Heritage, Our Future, 2020 Land Development Plan" as follows:

- Bring the structure up to code, improving community safety.
- Provide a commercial service and lodging to tourists and creating a small number of jobs.
- Prevent an existing lodging facility from disappearing.
- Be an infill development project which will renovate a historic property within an historic neighborhood

Ms. Teague stated that staff submits that this project is consistent with the 2020 Plan.

Surrounding Land Use/Zoning Pattern:

Ms. Teague said the site is within the Love Lane Neighborhood Residential District zoning which allows Inn with a Special Use Permit. The site sits on a hill surrounded by all sides by LL-NR zoned property and has a well established buffer of trees. Redevelopment of the property will promote lodging for tourism and is within walking distance of Frog Level.

Proposed Development:

Because this is an existing Inn on property less than five acres, only twenty rooms are allowed. Other considerations and suggested findings by staff are as follows:

1. Conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site?
 - The proposed use as an Inn has been a functioning part of this neighborhood and its character since before 1946. Restoration of this property will add to the historic structures that can contribute to the official designation of Love Lane as a National Register Historic District and in a historical part of the area. The purpose and intent statement of the LL_NR District states that the District "enjoys some of the oldest housing stock in Waynesville". Maintaining this stock and enhancing any additional development will continue to be important.
 - There is another historic Bed and Breakfast/Inn nearby within this neighborhood, Oak Hill, on Love Lane.

- This use is permitted within this district by Special Use Permit and must comply with supplemental guidelines for Inns up to 20 rooms and all building codes. A residential or office use accessory to and part of the Inn is also allowed.
 - The applicant proposes to live on site and manage the property.
 - This proposal will not change the footprint of the building nor introduce lighting or signage that would not otherwise be allowed.
 - Building codes will require several building and electrical systems to be updated. The Town can work with Mr. Shuur through a phase process to restore these buildings, allowing some parts of the property to be utilized, even as other parts are still being renovated.
 - Mr. Shuur is proposing to retain the existing buffer and landscaping and is not proposing any new structures or infrastructure on the site.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads?
- The existing driveway entrance will remain the same with minor improvements to meet the requirements of emergency vehicles.
 - Dolan Road is a local two lane road, which has limited ability for traffic flow, but which has handled past inn traffic.
3. Adequate utilities (water, sewer, drainage, and electric) are available for the proposed use?
- Adequate utilities for water and sewer and electricity are available. Electrical systems internal to the site will be updated in accordance with current codes.
4. Shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?
- The owner is proposing to use the property according to the supplemental use guidelines, and not to restore the lodge to the previous full-scale restaurant, limiting the number of special events and traffic impacts to the neighborhood. Inn usage should not generate vibration, odor, dust, smoke or gas,
5. Shall not impede the orderly development and improvement of surrounding property for permitted uses within the land development districts?
- The proposed use is pre-existing and allowed within the LL_NR District with a Special Use Permit.
 - The re-use of this site is consistent with the 2020 Land Development Use Plan.

6. The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety, or general welfare?

- The restoration of this site to its original use will prevent further deterioration of a potentially historic property. Additionally, new owner will bring buildings up to building safety and fire codes, addressing any existing safety issues.

Staff Recommendation:

Ms. Teague said that staff has found that this proposed project is consistent with the Town's 2020 Plan and the Planning Board has enough evidence to suggest Findings of Fact that will support this request.

Chairman McDowell asked the applicant to come forward and present his testimony.

**Sean Shuur
124 South Hampton, Suite B
Arroyo Grande, CA 93420**

Mr. Shuur said he was originally from Georgia, and came to Lake Junaluska as a child. He is now living in California, and has purchased the property at 109 Dolan Rd to refurbish the existing buildings and bring them up to current building and safety codes, and move back to North Carolina. He has experience with rentals he owns in California. Mr. Shuur says he feels that the Inn is a magical place, and he wants to bring back the Inn like it has been in the past. He showed several pictures of the Inn with the original owners, Mr. and Mrs. Furry and guests from years ago. Mr. Shuur plans to rename the Inn to Furry's Lodge. He is very excited and honored to be a part of bringing the Inn back to life in Waynesville.

Mr. Shuur provided the Board with copies of plans showing the four stages of the rebuilding of the Inn.

Stage 1 – The main lodge which includes the old Kitchen and Dining Room and Owners Apartment on the second floor
Two rooms upstairs called the Chestnut Rooms
Azalea and Mountain Laurel Cottages – 1 suite each cottage
Hemlock Building – laundry facility and 2 rooms

Mr. Shuur says he will not have a restaurant at the Inn any time in the near future. He just does not feel it is feasible.

Stage 2 – Rhododendron – 4 rooms

Stage 3 – Summer House which include the office and 1 room

Stage 4 – Oak Terrace – 9 rooms

Mr. Shuur said some of the rooms cannot be used in the winter because they cannot be heated enough because of the stone. He does not intend to add any buildings or change the footprint of the building in any way. The only changes will be to bring the buildings up to current building codes for safety. He hopes to maintain the character of the Inn. Mr. Shuur said he will be hiring several local people as employees. He told the Board that he is starting to have several break-ins at the Inn, and he wants to get started on the project soon so maybe that will deter any further damage to the property.

The Board had several questions concerning the driveway and parking for the Inn. Mr. Shuur said the driveway would be road base instead of pavement. He said there are two parking areas and also parking to accommodate smaller and larger cars and handicap parking.

Board Member Robert Herrmann asked about any plans to open the restaurant. Mr. Shuur said no, he has no plans for a restaurant, but the kitchen may become a "warming station" or "staging station", and possibly have a continental breakfast.

Board Member Danny Wingate asked if a building permit would be required for each phase of the project or would just one building permit cover everything. Ms. Teague said Mr. Shuur would be allowed to do a phased type of renovation. That means he could get a building permit for the first phase, and then when his budget allows, he can get a second permit for the second phase. She explained that the Special Use Permit would apply to each phase of the project.

Board Member Ginger Hain asked about the growth around the existing Inn, and if Mr. Shuur be removing the overgrowth. Mr. Shuur said there are a few dead trees he is planning to remove, and the Town has cut some along a power line. He is not planning to do a lot of clearing of trees or the bamboo.

Chairman McDowell asked Mr. Shuur is he is support of each of the Findings of Fact presented by Ms. Teague in her staff report. Mr. Shuur said yes he is in support of the Findings of Fact in the report, and he feels they are fair.

Robert Zinser
2011 River Ridge Rd
Asheville, NC 28803

Mr. Zinser stated he is a proponent of the restoration of the Inn by Mr. Shuur. He and his wife Cindy owned the Inn from 1992 – 2008. Mr. Zinser owns 2 acres of land abutting the western side and to the north of the Inn. Mr. Zinser stated he had concerns pertaining to set backs and buffering along the property lines of his land if he decides to develop it. Chairman McDowell explained to Mr. Zinser that depending on how the property is developed, zoning standards would apply to that property only, and not the neighboring property.

Another concern of Mr. Zinser's was that not having a restaurant at the Inn would preclude any future owners from having one also. He feels that a big drawing point of any Inn is food and a restaurant. Ms. Teague explained to Mr. Zinser that if in the future someone wanted to operate a restaurant, they would need to go through a Conditional District Rezoning to allow that intensive commercial use in the residential district.

David Probst
Weaverville, NC

Mr. Probst said he and his wife had owned the Inn 1980 – 1992. Mr. Probst wanted the Board to know how pleased he is to see the Inn coming back to life. He told the Board that he and his wife were very disappointed to see the decay of the Inn over the years. Mr. Probst said he had gotten to know Mr. Shuur and was very impressed with him and the plans for the renovation he presented. He encouraged the Board to work with Mr. Shuur to get the property back in shape so it can be an asset to the Town of Waynesville.

Angel Kirkpatrick Benson
Waynesville, NC 28786

Ms. Benson stated she was representing the Kirkpatrick family from Love Lane. Ms. Benson said she plans to live on Love Lane in the near future, and she is very supportive of Mr. Shuur bringing back the Inn. She feels that the Inn is a big part of the community, and is excited about the future plans.

Board Member Anthony Sutton asked about the feasibility of bringing back the restaurant in order to make the Inn more profitable. Ms. Teague said the Mr. Shuur has not asked for this Board to consider the possibility of a restaurant. If in the future Mr. Shuur decides to open a restaurant he will need to come before the Planning Board and the Board of Aldermen to obtain a Conditional Use Permit and would include additional buffering and parking standards for restaurant use.

Mr. Shuur stated he would be allowed to serve guests on the property with the Special Use Permit, so there could be a facility for dining for guests that are staying at the Inn, but not the general public.

Mary Clampitt
118 Dolan Road
Waynesville, NC 28786

Mr. Clampitt said she has lived across the street from the Inn for 46 years. She is very happy that there are plans to renovate the Inn and make it look better. Ms. Clampitt had concerns about her property taxes being raised because of the projected renovation of the Inn. Chairman McDowell assured Ms. Clampitt that the Planning Board had nothing to do with property taxes.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Phillip Gibbs to close the Public Hearing at 6:42 pm. The motion passed unanimously.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Anthony Sutton to adopt the Findings of Fact as proposed by staff. The motion passed unanimously.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Bucky Dykes, to approve the Special Use request to re-establish an Inn at 109 Dolan Road, PIN 8615-19-4830. The motion passed unanimously.

2. Special Use Permit Hearing for a mini-storage warehouse at 1914 Dellwood Road, PIN 8617-01-8142.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann, to open the Public Hearing at 6:45 pm. The motion passed unanimously.

Background:

Chairman McDowell asked Development Services Director Elizabeth Teague to present background information on this item. Ms. Teague stated that this property is located on Dellwood Road between Russ Avenue and the Maggie Valley boundary, and is within the Dellwood-Junaluska District. The site is currently developed as an Antique-Mart storage building owned by AI LLC (Michael Sandy, managing partner). Acreage of this site is 0.79.

Ms. Teague entered into evidence the following:

- #1. The notices that were published in the newspaper
- #2. The notices that were mailed to surrounding residents within 500 feet of the boundary line of the properties
- #3. Pictures of the posting of the property
- #4. Planning Board staff report with reference to Ordinance Section 3.1.3 Special Use Permits, Section 3.8.2 in regards to mini-warehouses, and Section 15.10 Administration of a Special Use Permit
- #5. Special Use Application submitted by Mr. Michael Sanchez and Ms. Susan Murphy

Ms. Teague explained that the applicants would like to convert the former "Gene Ferguson's Auction" building into an indoor storage facility with an office. There is a residential apartment currently on the second floor of the building, and they would like to maintain this apartment if building code compliance can be achieved.

Mini-warehouse storage is allowed in the DJ-RC District with a Special Use Permit and must meet the following Supplemental Standards:

3.1.3 Special Use Permit Application (SUP)

- A. Special Uses are uses which are generally compatible with other land uses permitted in a land development district but which, because of their unique characteristics or potential impacts on the surrounding neighborhoods and/or the Town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B. All Special Uses shall at a minimum meet the standards for the land development district in which they are located and the specific standards set forth in this article for that use.
- C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare.
- D. Approval procedures for Special Use Permits are found in Section 15.10.

3.8.2 Mini-Warehouses

Other Districts (not including Business Districts)

A. Lighting: Lighting must be deflected, shaded and focused away from any adjoining residentially zoned property.

B. Uses Permitted

1. It shall be unlawful for any owner, operator or lessee of any self-storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
2. No portion of any self storage warehouse shall be used, on a temporary or permanent basis, as a dwelling.
3. Repair of stored items is not permitted on the self-storage warehouse property.

C. Outside storage: No outside storage shall be permitted except the storage of recreational vehicles. (Note: outdoor storage also has buffer requirements).

Ms. Teague explained to the Board that in addition to determining that the application is meeting ordinance requirements, the Planning Board must make findings related to the proposed SUP criteria in the ordinance; the Board may place conditions on the Special Use Permit as part of the approval to assure that mitigation measures are associated with the development. If a condition is imposed, those conditions become part of the permit approval and shall be included in the final site plan.

Ms. Teague said she held a pre-application meeting with Michael Sandy and Susan Murphy, owners of the property, on multiple occasions prior to submittal. They plan to use the building without any expansion to the building footprint, and this means that there is no new site plan or environmental considerations.

Consistency with 2020 Land Development Plan:

Ms. Teague quoted from the Town of Waynesville's Land Development Plan, "Waynesville Our Heritage, Our Future, 2020 Land Development Plan" concerning goals that apply to this request. She said this proposed project will re-use the Gene Ferguson Auction House structure and convert it into individual storage units. The applicants will be required to:

- Bring the structure up to code, improving community safety
- Provide a commercial service to residents of that area
- Re-use an existing site along an established transportation corridor, and
- Be an infill development project

Proposed Development:

Ms. Teague stated this project is within the required yard setbacks for the District and conforms to the DJ-RL dimensional requirements. She gave considerations for the Special Use Permit along with suggested findings by the staff.

1. Conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site?

- The location of this proposed use is within the DJ-RC District which is the Town's least restrictive commercial district. The purpose and intent statement of the DJ-RC District states that the District "will develop into a hub for retail, service, and employment uses serving Waynesville and the region."
 - This use is permitted within this district by Special Use Permit and must comply with supplemental guidelines for mini-warehouse storage and all building codes. A residential or office use of the second floor would also be allowed within this District as long as all building codes are met.
 - The applicant proposes to subdivide the interior of the existing Auction building into individual rental units. This proposal will not change the foot print of the building nor introduce lighting or signage that would not otherwise be allowed or that is not otherwise located along this section of Dellwood Road.
 - Building codes will require a 20 foot access area around the building which will limit excess parking or outdoor storage of vehicles.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads?
- The existing driveway entrances will remain the same.
 - Dellwood Road which is a five lane, regional arterial corridor with a large capacity for traffic flow. The Institute of Traffic Engineers table of Common Trip Generation Rated indicates that a 1,000 square foot mini-warehouse storage unit generates on average 0.26 trips per day. Therefore the introduction of a mini-warehouse storage use will not disrupt or over-burden the existing transportation corridor.
3. Adequate utilities (water, sewer, drainage, and electricity are available for the proposed use?
- Adequate utilities for water, sewer, and electricity are available along this section of Dellwood Road.
4. Shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?
- The rental units would be governed by a lease agreement which is provided and which regulated the items stored. Storage use should not generate vibration, odor, dust, smoke or gas. Storage units should also not generate noise.
5. Shall not impede the orderly development and improvement of surrounding property for permitted uses within the land development district?
- The proposed use is within the same district as other properties along this section of Dellwood Road.

6. The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety or general welfare?
- The re-use of an empty building will prevent degradation of the site and will bring the current building up to building safety and fire codes.
 - The re-use of this site is consistent with the 2020 Land Use Plan.

Staff Recommendations:

Ms. Teague told the Board that staff recommends that this proposed project is consistent with the Town's 2020 Plan and that the Planning Board has enough evidence to suggest Findings of Fact that will support this request.

Chairman McDowell asked the applicants to speak.

Susan Murphy
101 Starlight Lane
Maggie Valley, NC 28751

Michael Sanchez
101 Starlight Lane,
Maggie Valley, NC 28751

Ms. Murphy and Mr. Sanchez stated that this property was formally owned by Mr. Gene Ferguson as an auction house, and warehouse with used furniture. Ms. Murphy told the Board they would like to turn the building on the property into mini-warehouses. The mini-warehouses will be 10 by 10 or 10 by 20 in size and will be rented to individuals. She explained that there is quite a need for this type of storage in this area. Mr. Sanchez and Mr. Murphy own a facility with 66 units in Maggie Valley, and those units are 100% sold out daily.

A question was asked by the Board concerning fencing around the building. Ms. Murphy said there would be ingress and egress issues, and also it would have to be a fence that could be seen through. If they decide to place a fence they will work with code enforcement to make sure everything is done to building code. They do plan to have web cams in place around the building, and they feel this is more secure than a fence.

Board Member Ginger Hain had a question concerning the sale of items left in the unit because of non payment. Ms. Murphy stated that if that there were a case that an auction had to be held because of non payment, an option would be that the items be moved to another location for sale.

The Board had questions concerning the units being climate controlled. Ms. Murphy said some of the units would be climate controlled.

Page 13 of 13

Ms. Murphy said she understood that the outside of the building needed to be dressed-up. Her vision is to paint the building beige in color with white doors to keep with the character of the area. They will comply with all building codes concerning fire walls inside the building.

Board Member Ginger Hain asked about the security of the building once an individual enters the building. Mr. Sanchez said the area would be well lit, and a key pad will be in place to open the door. The project will be done in sections. The first section to be completed is approximately 3000 square feet. When that section is done, they will begin work on the second section which is 1500 square feet. The third section is the Gateway Road section and that will be the last phase. By doing this section by section, there will be an egress pattern so no one can be "caught" in the building. He also said that they wanted to get the apartment up to current codes and rented before the one year time frame so it will be grandfathered in.

Chairman McDowell asked is anyone else wished to speak. No one spoke

Chairman McDowell asked the applicants is they are in support of the Findings of Fact presented by the staff. They agreed they are in full support of the staff.

Board Member Anthony Sutton made a motion, seconded by Board Member Danny Wingate, to close the Public Hearing at 7:14 pm. The motion passed unanimously.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes, to accept the Findings of Fact as proposed by the staff. The motion passed unanimously.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes, to approve the Special Use Permit request for a mini-storage warehouse at 1914 Dellwood Road, PIN 8617-01-8142. The motion passed unanimously.

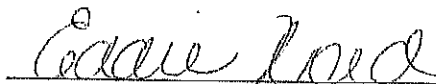
C. PUBLIC COMMENT/CALL ON THE AUDIENCE

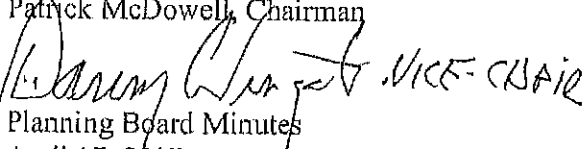
No one addressed the Board.

D. ADJOURN

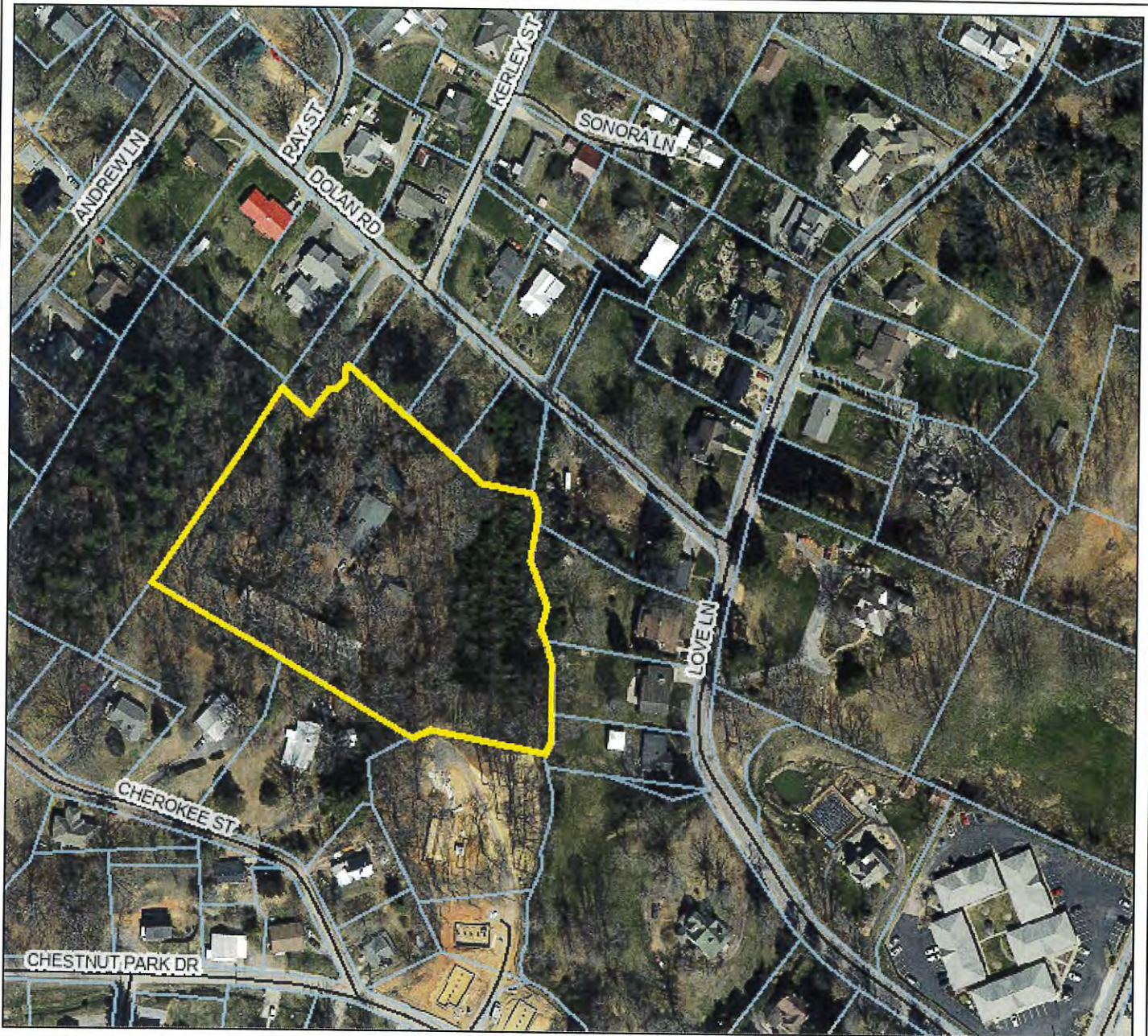
With no further business, Chairman McDowell adjourned the meeting at 7:16 pm.

Patrick McDowell, Chairman


Eddie Ward, Deputy Clerk

 VICE-CHAIR
Planning Board Minutes

April 17, 2017



Report For

109 DOLAN LLC
30 N GOULD ST STE R
SHERIDAN, WY 82801-6317

Account Information

PIN: 8615-19-4830
Deed: 1130/1214

CABC/5003

RESTAURANT WALK-IN, APARTMENT, OFFICE GENERAL, APARTMENT, APARTMENT
Commercial Use, Apartment, Commercial Use, Apartment, Apartment, Commercial Use, C

109 DOLAN RD

Heated Area: 576

Year Built: 1964

Total Acreage: 3.48

Township: Town of Waynesville

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 6/13/2025

Tax Bill 1:

Tax Bill 2:



August 13, 2025



1 inch = 200 feet

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



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TOWN OF WAYNESVILLE

Development Services Department

9 South Main Street

Suite 110

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Public Notices

FOR PUBLICATION IN THE MOUNTAINEER: August 6 and August 13 (Wednesday) editions

Date: July 31st, 2025

Contact: Alex Mumby, (828) 452-0401

Notice of Public Hearing

Special Use Permit Modification Request

Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, August 18, 2025, at 5:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a Special Use Permit Modification request to add two additional rooms and build a deck at 109 Dolan Rd in Waynesville, NC (PIN 8615-19-4830).

For more information contact the Development Services Department at: (828) 356-1172, email: amumby@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



TOWN OF WAYNESVILLE

Development Services Department

9 South Main Street

Suite 110

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Date: August 1st, 2025

Contact: Alex Mumby, (828) 452-0401

Notice of Public Hearing
Special Use Permit Modification Request
Waynesville Planning Board

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RUSK, KIM HARDINS
RUSK, JAMES G
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109 DOLAN LLC
30 N GOULD ST STE R
SHERIDAN, WY 82801

SPOTTED TROUT LLC
119 DOLAN RD #1
WAYNESVILLE, NC 28786

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GIBSON, TOMMY RAY
459 THORPE DR
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DILLARD, KENNETH JACK JR
DILLARD, KIMBERLY MICHELLE
34 CHEROKEE ST
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MILLER, ZELDA K
114 DOLAN RD
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WAGNER, GAREY
1236 BROWN AVE
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GLAS CRAG LLC
200 HOWARD ST NE
ATLANTA, GA 30317

MINIK, CHRISTOPHER J JR
MINIK, ROBIN R
50 CHEROKEE ST
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ROSS, BEVERLY ELIZABETH
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ANTRAM LLC A NC LLC
HOPPER, ALLEN E
160 N MAIN ST STE 12B
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C/O ZELA MILLER
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MEHAFFEY, JACQUELINE T
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NICHOLS, JACK THOMAS
224 DOLAN RD
WAYNESVILLE, NC 28786

BROWNING, MERITHA J
126 CHESTNUT PARK
WAYNESVILLE, NC 28786

STRICKLER, ANITA
185 OAK RIDGE DR
CLYDE, NC 28721

ZINSER, ROBERT L
ZINSER, CINDY E
108 RIVER RIDGE DR
ASHEVILLE, NC 28803

MCCLURE, HAROLD ADEL
MCCLURE, CATHERINE P
123 LOVE LN
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SEQUOIA EQUITE STONEGATE LLC
42 SCHENCK PKWY STE 306
ASHEVILLE, NC 28803

MANEY, ANITA DARLENE
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CTW MOUNTAIN PROPERTIES LLC
409 GOODWIN RD
DURHAM, NC 27712

ERWIN, MICHAEL D
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ANDREWS, NC 28901

BRIGGS, CYNTHIA S
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MILLER, JAMES H II
31 AUGUSTA CIR
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MCCRANIE, LEAH
86 RAY ST
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GRANTHAM, MARGARET P
20 ANTHONY ST
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SILVER, ETHAN LAKE
1990 E BURMA RD
NEBO, NC 28761

STANLEY, REBA W
115 ANDREW LN
WAYNESVILLE, NC 28786

WE KIRK FARMS NORTH LLC
448 LITTLE MOUNTAIN RD
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HANNAH, DAVID L
HANNAH BARBARA L
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CLYDE, NC 28721

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LK JUNALUSKA, 28745

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RATHBONE, EDNA ARLENE/LT
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HARGETTE, JOY 2
C/O JOHN HARGETTE
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SPARROW, DAVID PEARSON
SPARROW, STEPHANIE
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CHAPEL HILL, NC 27516

WILLIAMS, WALTER F JR
WILLIAMS, SHEILA M
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BOBER, NICOLE L
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LOWDERMILK, TAMMY M
153 DOLAN RD
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KENDALL, RICHARD
KENDALL, RICKIE SUE
56 ANTHONY ST
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HUDSON, LOUISE P
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FLETCHER, JOHN STEVEN JR
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MESSER, KELLEY ROGERS
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MCCLURE CATHERINE P
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MELTON, ELIZABETH ANN DAVIS/TR
203 LOVE LN
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YOPS, MARC R
YOPS, DONNA L
95 LOVE LN
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CALDWELL, GLORIA L
63 ANDREW LN
WAYNESVILLE, NC 28786

HANEY, PHILLIP F
HANEY, SHIRLEY R
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ARRINGTON, CARRIE LYNN
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SMITH, CLINTON
235 E LAKEWOOD RD
WEST PALM BEACH, FL 33405

KITZIS HOLDINGS LCC
224 LOVE LN
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MERRELL, TREVOR R
99 ANDREW LN
WAYNESVILLE, NC 28786

NATIONS, FLORIA WYATT
186 CHESTNUT PARK DR
WAYNESVILLE, NC 28786

BILLINGS, ROBERT D JR
90 ANDREW LN
WAYNESVILLE, NC 28786

ZHENG, JINYU
334 TEIGUE COVE RD
WHITTIER, NC 28789

AUTREY, KARI
236 CHESTNUT PARK DR
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HANEY, TERRY LEE
86 DOLAN RD
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HANNAH, JUDITH ELAINE
163 CHESTNUT PARK DR
WAYNESVILLE, NC 28786

HANNAH, JUDITH ELAINE
163 CHESTNUT PARK DR
WAYNESVILLE, NC 28786

KINDRED, MARY SUE
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ROGERS, DAVID EDWARDS
25 SONORA LN
WAYNESVILLE, NC 28786

MEHAFFEY, RICKY W
164 CHEROKEE ST
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CLAIBORNE, TIMOTHY E/TR
CLAIRBORNE, RAYLENE J/TR
97 COMANCHE TRL
WAYNESVILLE, NC 28785

SULICK, AMANDA KERLEY
8162 WINDOVER WAY
TITUSVILLE, FL 32780

SHEETS, RICHARD W
SHEETS, CYNTHIA S
247 LOVE LN
WAYNESVILLE, NC 28786



Planning Board Staff Report

Meeting Date: August 18th, 2025
Subject: Signage Update Text Amendment
Applicant: Staff initiated text amendment
Staff Contact: Alex Mumby, Land Use Administrator

Background:

In prior meetings, staff brought forward discussion of updates to the signage code related to areas of the LDS signage chapter in need of clarification and updates. Additionally, there has been feedback from residents and board members regarding size allowances in the current code for neighborhood, commercial, and industrial signs. This update seeks to add definitions, clarifications, and respond to feedback regarding the scale of signs within zoning district contexts.

Staff Recommended Text Changes:

Staff has drafted a text amendment for Planning Board review and discussion which includes the following:

- *Signage code definitions added under each sign type within the ordinance itself.* These definitions are found within LDS Chapter 17 but are unevenly used within LDS Chapter 11. Adding all definitions to the text within Chapter 11 will assist applicants and code enforcement with the signage regulations. Additionally, the use of the word “etc.” has been removed to provide clearer interpretation.
- *Clarification of how signs within murals are interpreted, LDS 11.3.1.* Computation of signage area is proposed to affirm that only the portion of the mural which contains the sign itself, specifically the lettering and logo, will count towards the maximum allowed signage in a district. This codifies the precedent for how staff has interpreted signs within murals in the past.
- *Scale of signage in Regional Center and Commercial Industrial districts.* The maximum allowed size for an attached sign is 15% of the wall face. Staff recommends a reduction to 10% of the wall face for buildings that are free standing. This reduction in ratio would apply to new signage only and LDS Section 11.10 Maintenance and Non-Conformities would still apply to existing signs. As a reference, note that proposed replacement signage at Wal-Mart is only 1.5% of the total façade, and the sign on the side of the Cookout building is exactly 15%.
- *Clarification for portable signs* would provide guidelines for A-frame signs which the business owners put out during the day. The dimensions were chosen to allow all current A-frame signs to remain. Additional placement guidelines have been added in order to keep the public way clear and to not create obstructions.
- *Replace the term “Master Development” with multi-tenant shopping centers.* The existing allowance for “master development signs” is 160 sq. ft. – 25 ft tall, without defining what a master development

is. This is the largest allowable signage and is appropriate to shopping center developments with multiple tenants.

- *Guidelines for dimensions of neighborhood entrance signs.* Currently there are no dimensional standards for neighborhood signs. Neighborhood signage is subject to approval by the Planning Board, but the planning board is given no criteria from which to consider an application. Staff feels that the primary purpose of neighborhood signs is for wayfinding and to create a sense of entrance, and that the ordinance should reflect this. The maximum dimensions recommended are similar to signs allowed in low, medium, and Urban residential districts which is a maximum of 16 square feet. Staff also recommends limiting the height of signage to 6' tall which is consistent with the Neighborhood Center District. Thirdly, staff recommends consideration for limiting the number of neighborhood signs to two (2) signs per entrance with up to a maximum of four (4) signs allowed per neighborhood. This would allow double signage at up to two main entrances, with options for other entrances.
- *Updating our treatment of facsimile signs.* During the last meeting the board was critical of continuing the prohibition of facsimile signs. They requested that staff research how other communities treat facsimile signs. No nearby municipality prohibit this type of sign. Some other North Carolina governments do prohibit facsimile signs, each with slightly different definitional language. Staff has created a new definition which ties the display to being an icon of the business it represents. The board can decide to adopt a new definition or to strike the prohibition from the zoning code.
- *Combination of Temporary Sign sections.* Within the signage code there were two sections which provided guidance for temporary signs, 11.5.11 and 11.5.14. Both sections had a large amount of overlap in their requirements. To simplify the signage section, 11.5.14 has been removed and any non-duplicate regulations have been moved to 11.5.11. This does not represent any change in how the town temporary signs will be handled by Staff.

Consistency with the 2035 Comprehensive Land Use Plan:

Signage contributes to the overall character of a commercial or residential area. Under Goal 1 of the 2035 Comprehensive Plan the objectives of: "Create walkable and attractive neighborhood and commercial centers;" and "Reinforce the unique character of Waynesville." Goal 5 speaks to "creating opportunities for a sustainable economy," with the objective to "promote Waynesville's downtown districts, inns, restaurants, and reputation as the "gateway to the Smokies. Staff submits that these updates to the signage chapter of the ordinance will support these objectives of the Comprehensive Plan.

Attachments:

- Draft Ordinance of proposed text amendment
- Consistency Statement Worksheet

Recommended Motions:

1. Motion to find the Draft Ordinance for a text amendment consistent (or inconsistent) with the 2035 Comprehensive Plan.
2. Motion to recommend adoption of the text amendment as presented (or as amended) to the Town Council.

DRAFT ORDINANCE FOR PLANNING BOARD CONSIDERATION**ORDINANCE NO. _____****AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
 - Create walkable and attractive neighborhoods and commercial centers.
 - Reinforce the unique character of Waynesville.
- Goal 5: Create opportunities for a sustainable economy
 - Promote Waynesville's downtown districts, inns, restaurants, and reputation as the "Gateway to the Smokies"
 - Encourage creatively designed, mixed-use, walkable centers, and commercial districts that appeal to residents and visitors.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Town Council; and

WHEREAS, the Town Council find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with North Carolina General Statutes." and

WHEREAS, after notice duly given, a public hearing was held on _____, 2025 at the regularly scheduled meeting of the Waynesville Planning Board, and on _____ 2025 at the regularly scheduled meeting of Town Council;

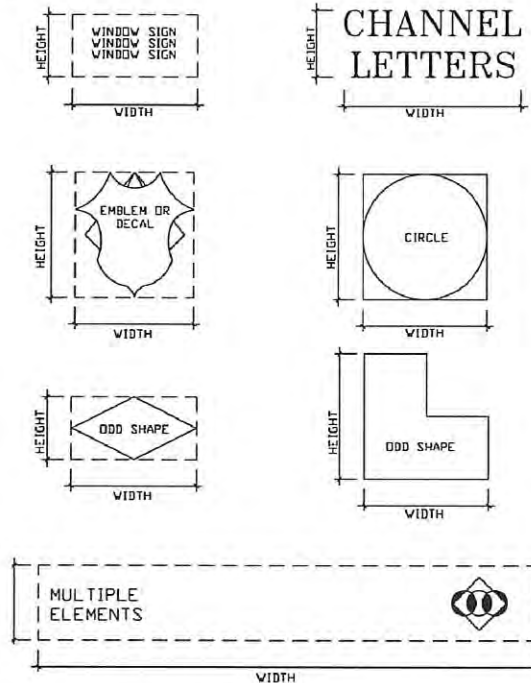
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____, 2025 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (in red):

1. **Amend Chapter 11: Signs as Follows**

11.3 Computation of Signage Area.

11.3.1 Computation of Sign Face.



- A. The area of a sign face shall be deemed to be the entire area within the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign.
- B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
- C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.
- D. Signs attached to walls (other than building walls) or fences shall be treated as ground signs and allowed only where ground signs are permitted. Only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.
- E. Air gaps between tenant name panels on a multi-tenant sign shall not be counted towards the total sign face area.
- F. For signage that is integrated into a mural, only that portion of the mural which the administrator determines to be the advertising sign in accordance with the computational guidance above, shall be counted towards the total sign face area.

11.5 Signs Not Requiring a Permit.

11.5.1 Governmental Signs.

- A. Signs posted by various local, state and federal agencies in the performance of their duties such as, but not limited to, regulatory signs, welcome signs and traffic signs.
- B. Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, or park facilities, etc.).

11.5.2 Flags, Etc.

Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot provided the height of any pole shall not exceed ~~the maximum building height for the district~~ 25' in height.

11.5.11 Temporary Signs are allowed for uses permitted by Section 4.6 provided that the duration shall be the same as that of the specific, permitted temporary use and for the purpose of yard sales, real estate, mobile vendors, special events or other signage of a temporary nature not otherwise addressed elsewhere in this ordinance.

- A. General Requirements for temporary signs:
 - 1. Such signage shall be limited to the time period for the project or purpose it describes and must be installed no more than 10 days before an event and removed within ten (10) days upon completion of the project or event, unless otherwise permitted or as specified in this section.
 - 2. Such signage shall not be placed on any Town property or Park without the permission of the Town Manager.
 - 3. Off-premises signs are prohibited.
 - 4. Temporary signs that encroach in a public or private right-of-way shall not create a safety hazard or impediment to use of the right-of-way, including:
 - a) Such signs shall not be placed in a way as to interfere with pedestrians, cyclists, or motorists' access along rights-of-way, nor be placed so as to interfere with the line-of-sight of any motorist, or be placed in any way that creates a safety hazard for any mode of transportation.
 - b) Such signs shall be placed a minimum of three (3) feet from any curb or edge of pavement.
 - c) Such signs shall not be placed within a Town maintained sidewalk or greenway.
 - d) Such signs shall not be attached to trees or utility poles.
 - e) Such signs shall not be illuminated unless they are part of an existing billboard or compliant sign structure that is already illuminated.
 - f) Such signs shall be of break-away or flexible material unless they are part of an existing billboard or compliant sign structure.
 - g) Such signs shall be limited to six (6) square feet in area and four (4) feet in height, or the maximum of the District in which it is located, whichever is less.
 - 5. Regulations regarding temporary signs on private property shall comply with the dimensional requirements for a permanent sign of the same type in the district in which the sign is erected.
 - 6. One (1) per property per street frontage.
 - 7. May be either a Ground Sign or Attached Sign.
 - 8. Moveable Signs are expressly prohibited.
 - 9. Banner type signs shall not be permitted within any district listed on the National Register of Historic Places.

- B. Window Signs: Temporary signs which are affixed to the inside of a window. Such signs shall not exceed 50% of the window area except within designated National Register Historic Districts where such signs shall not exceed 25% of the window area.
- C. Vehicular Signs: Temporary signs not prohibited under Section 11.8.11 displayed on vehicles and equipment which are being operated in the normal course of business, such as signs indicating the name of the owner or business and which are affixed or painted onto such vehicles or equipment, provided that when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles and in such a manner and location so as to minimize their visibility from any street to the greatest extent feasible.
- D. Ball Field Fence Signs: nonprofit organizations, i.e., local ball leagues, may attach signage to ball field fences providing the following requirements are met:
 - 1. Sign panels must be of uniform size and weather durable material and cannot exceed three feet by five feet in dimension.
 - 2. Signage must be attached to the interior (ball field) of the chain link fencing, have advertising copy on only the interior (ball field) side of fencing and cannot be self-illuminated.
 - 3. Where adjacent properties are in residential use the back (exterior) side of the sign must be a dark solid color and be uniform in color with all the other signs.
 - 4. All signs must be kept clean and in good repair.
 - 5. Signage cannot exceed one per fence panel.
 - 6. Sign must be uniform in height.
 - 7. Signage can be erected two weeks prior to the beginning of the ball season and must be taken down within two weeks from the conclusion of the season.
 - 8. The organization or tenant leasing the property will be responsible for installing and removing the signs.
- E. Decorative Flags (except American Flags) shall be counted towards the maximum signage square footage for Attached Signs permitted in the district. Only one (1) flag for every 25 feet of linear building frontage is permitted. All such flags on a single building face shall count as one of the three (3) permitted Attached Signs permitted on that building face.

F. Yard Sale Signs:

- 1. Such signs may be located on-premises only and may not be located within a public right-of-way nor placed on a tree, street sign or utility pole.
- 2. Such signs may not be illuminated.
- 3. Yard sale signs are limited to four (4) square feet in area and four (4) feet in height.
- 4. Such signs may be displayed no more than one day in advance of the sale and be removed the day following the sale.

G. Promotional/Special Event Signs:

- 1. Duration: it may be displayed on one (1) occasion in any three (3) month period for a maximum of fourteen (14) consecutive days or on one (1) occasion in any six (6) month period for a maximum of thirty (30) consecutive days.

~~11.5.14 Temporary Signs:~~

- ~~A. Window Signs: Temporary signs which are affixed to the inside of a window. Such signs shall not exceed 50% of the window area except within designated National Register Historic Districts where such signs shall not exceed 25% of the window area.~~

B. ~~Special Event Signs: Signs may be erected by public or non-profit organizations such as schools and churches for promoting special events as follows:~~

- ~~1. Signs for public events such as fund drives, fairs, festivals, sporting events, etc. may be displayed for a period of thirty (30) days.~~
- ~~2. The maximum size and height shall be the same as established for a permanent sign of the same type in the district in which the sign is erected.~~

C. ~~Yard Sale Signs:~~

- ~~1. Such signs may be located on premises only and may not be located within a public right-of-way nor placed on a tree, street sign or utility pole.~~
- ~~2. Such signs may not be illuminated.~~
- ~~3. Yard sale signs are limited to four (4) square feet in area and four (4) feet in height.~~
- ~~4. One (1) yard sale sign is allowed per street frontage.~~
- ~~5. Such signs may be displayed no more than one day in advance of the sale and be removed the day following the sale.~~

D. ~~Vehicular Signs: Signs not prohibited under Section 11.8.11 displayed on vehicles and equipment which are being operated in the normal course of business, such as signs indicating the name of the owner or business and which are affixed or painted onto such vehicles or equipment, provided that when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles and in such a manner and location so as to minimize their visibility from any street to the greatest extent feasible.~~

E. ~~Ball Field Fence Signs: Nonprofit organizations, i.e., local ball leagues, may attach signage to ball field fences providing the following requirements are met:~~

- ~~1. Sign panels must be of uniform size and weather durable material and cannot exceed three feet by five feet in dimension.~~
- ~~2. Signage must be attached to the interior (ball field) of the chain link fencing, have advertising copy on only the interior (ball field) side of fencing and cannot be self illuminated.~~
- ~~3. Where adjacent properties are in residential use the back (exterior) side of the sign must be a dark solid color and be uniform in color with all the other signs.~~
- ~~4. All signs must be kept clean and in good repair.~~
- ~~5. Signage cannot exceed one per fence panel.~~
- ~~6. Sign must be uniform in height.~~
- ~~7. Signage can be erected two weeks prior to the beginning of the ball season and must be taken down within two weeks from the conclusion of the season.~~
- ~~8. The organization or tenant leasing the property will be responsible for installing and removing the signs.~~

F. ~~Decorative Flags (except American Flags) shall be counted towards the maximum signage square footage for Attached Signs permitted in the district. Only one (1) flag for every 25 feet of linear building frontage is permitted. All such flags on a single building face shall count as one of the three (3) permitted Attached Signs permitted on that building face.~~

G. ~~Promotional/Special Event Signs:~~

- ~~1. One (1) per property per street frontage.~~
- ~~2. May be either a Ground Sign, or Attached Sign.~~

3. ~~The maximum size and height shall be the same as established for a permanent sign of the same type in the district in which the sign is erected.~~

4. ~~Duration: may be displayed on one (1) occasion in any three (3) month period for a maximum of fourteen (14) consecutive days or on one (1) occasion in any six (6) month period for a maximum of thirty (30) consecutive days.~~

5. ~~Permit required: a permit application shall be submitted indicating the size, content, location and dates of erection and removal. The permit fee shall be the same as that for a corresponding permanent sign as established by the Schedule of Fees and Charges except there shall be no fee for public or non-profit organizations such as schools and churches for promoting special events such as fund drives, fairs, festivals, sporting events.~~

6. ~~Moveable Signs are expressly prohibited.~~

7. ~~Banner type Promotion/Special Event Signs shall not be permitted within any district listed on the National Register of Historic Places.~~

H. ~~Temporary Uses Signs for uses permitted by Section 4.6 shall be the same as Promotional/Special Event Signs in subsection G. of this section provided that the duration shall be the same as that of the specific Temporary Use.~~

11.6 Permitted Signage by District.

11.6.1 Permitted Signage by District.

The following permanently mounted signs and their related maximum dimensions are allowed subject to the issuance of a sign permit.

District	Ground Sign	Attached Sign	Permitted Illumination	Other Standards
Residential-Low Density (RL)	16 sq. ft.—4 ft. tall	16 sq. ft.	None permitted	
Residential-Medium Density (RM)	16 sq. ft.—4 ft. tall	16 sq. ft.	External illumination only	
Neighborhood Residential (NR)/Urban Residential (UR)	16 sq. ft.—4 ft. tall	16 sq. ft.	External illumination only	
Neighborhood Center (NC)	24 sq. ft.—6 ft. tall	10% of wall	External illumination only	Pedestrian Sign - 1 per business
Business District (BD)	24 sq. ft.—6 ft. tall Exceptions: Ground signs are not permitted on Main Street from Church Street to Russ Avenue; Ground signs shall be	1 sq. ft. for each 1 linear ft. of wall frontage - maximum of 100 sq. ft.	Internal illumination permitted except within a National Register Historic District	Pedestrian Sign - 1 per business Marquee Sign - 11.7.6

	limited to 16 ft.—4 ft. tall along Wall Street from East Street to Howell Street			
Regional Center (RC)	48 sq. ft.—8 ft. tall	15% 10% of wall	Internal illumination permitted	Pedestrian Sign - 1 per business
Commercial Industrial (CI)	48 sq. ft.—8 ft. tall	15% 10% of wall	Internal illumination permitted	

11.6.2 Other Permitted Signage.

Development Type	Standard
Home Occupations (All Residential Districts)	8 sq. ft.
Master Development Sign Shopping Center or multi-tenant commercial Development (For Development 5 acres or greater) within RC and CI districts	160 sq. ft.—25 ft. tall—1 permitted per major road frontage
Master Development Sign Shopping Center or multi-tenant commercial Development (For Development 2 acres or greater) within NC, BD, RC, and CI districts	48 sq. ft.—8 ft. tall—1 permitted per major road frontage
Neighborhood Entrance Signs	Subject to Planning Board design approval 16 sq ft – 6 ft. tall. Two (2) signs shall be allowed per entrance up to a maximum of four (4) signs total per neighborhood.
Elementary and Secondary Schools	32 sq. ft.—8 ft. tall—May be Electronic Changeable Face Sign (See Section 11.7.4)—Must be static between one hour after dusk and one hour before dawn except during special events

(Ord. No. O-15-13, 11-26-2013; Ord. No. O-21-21, § 1, 11-9-2021)

11.7 Signage Types.

11.7.1 Ground Signs.

- A. All Ground Signs shall be located out of the street right-of-way or at least five (5) feet for [from] the edge of the Public Way whichever is greater.
- B. No Ground Sign shall be located in any required buffer yard, within a sight triangle as established by Sections 6.7.2 for streets and 9.8.3 for driveways or within 10 feet of a side property line.
- C. Ground signs shall include a base (min. 1 ft. in height) constructed of rock, brick, or other masonry material or permanent landscaping.
- D. Residential Neighborhood and Business District Entrance Signs shall be professionally designed and produced using high-quality materials. ~~and shall be appropriate in size, number and location~~

~~for the neighborhood or district being identified as approved by the Planning Board following a public hearing.~~

- E. One (1) ground sign is permitted per building for and on each public street frontage provided that building directly fronts the public street, and no other principal building on the same property is situated between the building and the public street.

11.7.5 Portable Signs (Permitted in BD Only).

- A. A sign that is movable by a person without aid of a motor vehicle or other mechanical equipment
- B. Such signs shall be a minimum of 28 inches in height and a maximum of 48 inches in height. Such signs shall be a minimum of 18 inches in width and a maximum of 30 inches in width.
- C. Signs may be placed along the wall of the building or the curb in front of the building. The sign shall not encroach more than 3 feet into the public way and must allow a minimum of 3 feet of travel width. If there is on-street parking, the sign shall be placed parallel with the parking line to not impede passengers entering/exiting the vehicle.

11.8 Prohibited Signs.

The following signs are prohibited:

11.8.2 Movable Signs.

A sign that may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a portable sign in that it may be equipped for transporting by motor vehicle or other mechanical means and includes sign referred to as trailer signs.

11.8.6 Signs on Roadside Appurtenances.

Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers, ~~etc~~ or other public infrastructure are prohibited unless specifically allowed elsewhere in this chapter.

11.8.8 Pennants, Ribbons, Streamers, Ballons, ~~etc~~ and Feather Flags.

Signs containing or consisting of pennants, ribbons, streamers, balloons, greater than twelve (12) inches in diameter, spinners, feather flags or similar devices are prohibited. Signs which are intended to move, flap, or inflate either from the wind, air stream, or internal motor are prohibited.

11.8.10 Facsimile Signs.

A three-dimensional object, such as an automobile or human figure, which is iconic to the business which it is representing.

2. Amend Chapter 4: General Provisions for all Districts as follows:

4.4.3 Items Not Included in Height Calculations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or

buildings will not interfere with any airport zones or flight patterns). See Chapter 3 Supplemental Standards related to communication towers and wireless communication facilities.



To: Town of Waynesville Planning Board
 From: Alex Mumby, Land Use Administrator
 Date: June 16, 2025
 Subject: Text Amendment Statement of Consistency
 Description: Text amendments related to signage
 Ordinance Section: Land Development Standards (LDS) Chapter 11
 Address: Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

☐

The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because: _____

The zoning text amendment **is reasonable and in the public interest** because:

☐

The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan and is not reasonable and in public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

Planning Board Member _____, made a motion, seconded by _____

The motion passed _____. (*unanimously or vote results here*)

 Ginger Hain, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date