



Town of Waynesville

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL - 9 SOUTH MAIN STREET
FEBRUARY 8, 2011
TUESDAY - 7:00 P.M.

Call to Order

1. Approval of Minutes of January 25, 2011
2. Public Hearing - Consideration of Conditional District Rezoning Application Submitted by Ingles Markets
3. Public Hearing - Consideration of Zoning Text Amendment to Section 154.119(B)(8)(c)1 to Permit Outdoor Storage in the Main Street Neighborhood District Submitted by Katie Henderson
4. Historic Preservation Commission Reappointments
5. Street Closure Request by Historic Frog Level Merchants' Association, Inc.
- The "Whole Bloomin' Thing Festival"
6. Discussion Regarding Waynesville Housing Authority Appointments
7. Adjournment

Additional information regarding this agenda is available at www.townofwaynesville.org

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
JANUARY 11, 2011
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, January 11, 2011. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of December 14, 2010

Alderman Roberson moved, seconded by Alderman Caldwell, to approve the minutes of the December 14, 2010 meeting as presented. The motion carried unanimously.

Public Hearing – Annexation of 2020 Dellwood Road – Kevin and Melanie Sandefur

At the meeting of December 14, 2010, Kevin and Melanie Sandefur presented a petition for annexation of the property they own located at 2020 Dellwood Road. The Board voted to direct Town Clerk Phyllis McClure to investigate the sufficiency of the petition. In addition, if the petition was found to be in order, a public hearing was set for the annexation of the property into the corporate limits.

Ms. McClure investigated the sufficiency of the petition and found that it meets the requirements of the State Statutes. Finding that, she advertised a public hearing for the meeting of January 11, 2011, on a satellite annexation of this property into the corporate limits of Waynesville.

As noted at the last meeting, Mr. and Ms. Sandefur wish to lease this tract of land and one of the conditions of the lease is that the property be annexed into the Town of Waynesville.

Attorney Griffin opened the public hearing.

Melanie Sandefur attended the meeting and spoke in favor of the annexation. Ms. Sandefur said Mr. Faulk, a representative with Life Span, was unable to attend the meeting due to the inclement weather. Life Span plans to lease the property and locate their business there. Ms. Sandefur said the business will create eleven new jobs.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt an ordinance to annex the property located at 2020 Dellwood Road effective January 11, 2011. The motion carried unanimously. (Ord. No. 1-11)

Annual Certification of Firemen

Each year, the Chiefs of all Fire Departments in North Carolina must submit a certification to the State that the firefighters in that department have been active in responding to fires and in receiving the required annual thirty-six annual training hours. If a fireman is on this certified list, that individual or his heirs become eligible for certain benefits, including the state line-of-duty death benefit. After a period of service and certification spanning twenty years, and at the age of fifty-five years, the firefighter becomes eligible for a small monthly payment through the Firemen's' Pension Fund.

Chief Joey Webb has submitted the list of firefighters and certified that they have the appropriate number of training hours. In order for these individuals to be certified, the Town Board must approve the list as well.

Alderman Greeley moved, seconded by Alderman Roberson, to approve the Annual Certification of Firemen list as presented by Fire Chief Joey Webb. The motion carried unanimously.

Snow Removal

Manager Galloway said street cleaning during the snow storm this week has been a challenge. It was evident after the crews worked Sunday night that some help was needed because the snow was coming down rapidly. The Town contacted WNC Paving and contracted with them for four motor graders to begin work on Monday afternoon. Some of the Town's crews were still out on Tuesday evening removing snow from the Town's streets. The snow on Main Street was removed during the day on Tuesday. Alderman Greeley added that streets in Waynesville were in good condition compared to other areas in Haywood County and the Town's crews have done an outstanding job with the streets. Mayor Brown said it is important for Waynesville's citizens to see that things are being taken care of in the Town.

State Budget Issues

Manager Galloway said, in a recent meeting with the Department of Environment Health and Natural Resources in Raleigh, there was discussion regarding budget issues with the State of North Carolina and the need to come up with 5, 10 and 15% budget reductions. There was concern that some of the money needed to make up the shortfall would be taken from education. Manager Galloway said this will be a difficult budget year and there is still a lot of uncertainty.

Progress Energy and Duke Energy

Manager Galloway said e-mails were sent out regarding the sale of Progress Energy to Duke Energy. He added that in speaking with representatives of Progress Energy, once the two companies merge, there is a possibility that the Town of Waynesville may be able to continue dealing with the same group of people they have dealt with for the past several years with Progress Energy.

Retreat

The Board Retreat is scheduled for Friday, February 18, 2011 at the Lake Logan Episcopal Center. Manager Galloway asked Board Members to contact Assistant Town Manager Alison Melnikova if they have items to add for discussion during the retreat.

Comments by Vic Dossey

Vic Dossey attended the meeting and complimented the Board for moving forward with the purchase of the new Christmas decorations that were displayed this year. Mr. Dossey also expressed appreciation for the snow removal on the Town's streets during the recent snowstorm.

Adjournment

With no further business, Alderman Greeley moved, seconded by Alderman Feichter, to adjourn the meeting at 7:31 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor

ITEM 2. PUBLIC HEARING
CONSIDERATION OF CONDITIONAL DISTRICT REZONING
APPLICATION SUBMITTED BY INGLES MARKETS

A few months ago, the Town Board approved a recommendation from the Planning Board for the creation of Conditional District Zoning. This allows a use within a zoning district that might otherwise not be allowed as a permitted use in that district, unless the Board is willing to grant Conditional District Zoning to that parcel. In doing so, the Board may set specific conditions under which it may allow the use, and the lot owner may negotiate with the Town Board in an effort to seek the Board's approval of the conditional zoning.

The first applicant for this Conditional District Zoning is Ingles Markets, and they have made their presentation to the Planning Board. You will find attached the rather extensive documents related to the request for the Conditional District Zoning by Ingles. Included are the Application submitted by Ingles, including the List of Standards and Conditions for which Ingles is making application.

You will also find the Staff Report, in which Planning Director Paul Benson presents Plan Review Comments for both the Grocery Store and the separate Convenience Store. In his comments, Mr. Benson addresses the Master Plan for the Ingles Property, noting specifically the parking, pedestrian facilities, landscaping and access. Mr. Benson also lists the recommendations coming from the Community Appearance Commission.

Finally, you will find a copy of the proposed Ordinance which would amend the zoning map to create the Ingles Markets Conditional District. This ordinance addresses the specific requests of Ingles Markets and incorporates the changes which Town Staff has recommended based upon review by other Board or Commissions of the town. Supporting documentation includes several maps and layouts of the areas of the grocery store and the convenience store/gas station.

There will be larger maps on hand at the meeting on Tuesday evening for your consideration; however, I would encourage you to contact Mr. Benson in advance of the meeting should you have questions or need a clearer understanding of the request. You might also want to review the minutes of the Planning Board from January 18, at which time that body considered this request.

A public hearing on the matter is scheduled for Tuesday evening.

Staff Report
Ingles Conditional District Rezoning Application
February 3, 2011

Project: Reconstruction / expansion of existing grocery and new convenience store with gasoline pumps
Location: 201 Barber Boulevard (off Russ Avenue)
District: Russ Avenue Town Center

Description:

The existing grocery store is nonconforming in because the parking lot is located in front of the building, there are no parking lot shade trees, there are no sidewalks connecting the grocery store to either Russ Avenue or Howell Mill Road, and there are no pedestrian walkways internal to the parking lot. Redevelopment/reconstruction of an existing nonconforming building to an extent of more than 75% of its current tax value, as is the case with this project, triggers compliance with all applicable provisions of the Land Development Standards (LDS). In recognition of this fact, Ingles has applied for a Conditional District zoning designation to modify some of the requirements of the LDS.

This project consists of reconstructing and expanding the existing grocery store to a total of 119,848 square feet with an attached 23,728 square feet garden center and 5,897 square feet retail shop. The project also includes the construction of a new convenience store of approximately 1,900 square feet with a connected canopy covering 16 vehicle lanes accessing 8 gasoline pumps. The project proposes 21,296 square feet of additional landscape area, with 90 new trees and approximately 1,100' of new sidewalk.

Plan Review Comments:

Architectural Design/Grocery store:

1. There are no applicable design standards in the LDS, since the building does not directly front a public street, other than a maximum building height of 40'. The proposed maximum height is 47'. **The requested district modifications contained in the List of Standards and Conditions would permit buildings with a maximum height of 47'.**
2. The building is generally well articulated with many changes in massing, front façade height and materials alternating between brick, EIFS and glass.
3. There is a high degree of permeability from windows and glass doors.

Architectural Design/Convenience store:

1. There are no applicable design standards, since the building does not directly front a public street, other than a maximum building height of 40'. The proposed maximum height is 29'.

2. Building materials have not been specified, but a high percentage of the façade fronting the alley to the rear of the Home Trust Bank is permeable with windows, but no doorway.

Master Plan:

1. **Parking location:** currently the grocery store fronts on a large parking lot (approximately 500' deep), and is proposed to continue to be sited in the same location after the redevelopment. This does not comply with the current district standard, which requires all parking to be to the side or rear of principal buildings. **This provision has been proposed for deletion by the List of Standards and Conditions of the Conditional District application.**
2. **Pedestrian facilities:** currently there is no pedestrian connection along Barber Boulevard from the existing grocery store to either Russ Avenue or Howell Mill Road, nor are there any internal pedestrian pathways within the large parking lot connecting to the entrances of the building. The Master Plan proposes approximately 750' of new sidewalk construction extending from Howell Mill Road along the driveway and edge of parking lot. This sidewalk would connect with a sidewalk internal to the parking lot extending approximately 500' across the parking lot to the sidewalk in front of the building. There is also a approximately 200' of new sidewalk proposed adjacent to the convenience store/gas station site.

A drive-thru lane for the pharmacy window on the front of the building breaks the pedestrian connection from the parking area in front of the garden center to the main grocery store building entrances. Since pedestrians will walk through the drive-thru lane in moving between the garden center and grocery store this will create an obstacle and hazard to pedestrian movement.

In response to public comment, and Community Appearance Commission and Planning Board recommendation, a raised, textured crosswalk is proposed for the pedestrian crossing of Barber Boulevard adjacent to the proposed convenience store/gas station.

3. **Landscaping:** the proposed landscaping plan calls for 90 new trees in and adjacent to the parking area - 69 of these would qualify as parking lot shade trees since they are within 30' of a parking space. These 69 trees would "shade" approximately 374 spaces out of the 621 spaces proposed, or 60% of the parking lot.

As to species, 18 of the 69 (26%) parking lot shade trees are proposed to be Eastern Redbud – a small tree/shrub species. This slightly exceeds the 25% allowance for parking lot shade trees to be a small maturing species. A mitigating factor is that 11 of these trees are proposed within an overhead power line right-

of-way. The Redbuds were added to replace the original Crape Myrtles at the request of the Community Appearance Commission.

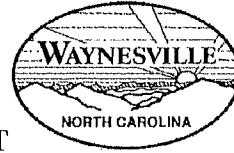
Proposed new landscape area is 21,296 square feet. In addition to the trees detailed above, a number of shrubs are proposed within this landscaped area.

This landscaping plan is requested to be deemed as “alternative compliance” with the landscaping standards by the List of Standard and Conditions of the Conditional District application.

4. **Access:** access to the site is provided by Barber Boulevard, a private street extending from Russ Avenue to the parking lot, and by a private driveway extending to Howell Mill Road. The Russ Avenue Corridor Plan indicates two new street connections on this site: to Russ Avenue at the western end of the property from the access road between the bank and gas station, and to the Pizza Hut site from the driveway connecting with Howell Mill Road (this plan may be viewed at TownofWaynesville.org).

The Master Plan does not show either of these connections, but a “Right of Way Exhibit” shows a proposed 40’ right of way connection to Russ Avenue, and the List of Standards and Conditions indicates that the portion of this right-of-way on the Ingles property will be dedicated to the Town within one year of the enactment of the Conditional District. No right-of-way is indicated on the Master Plan or in the List of Standards and Conditions for the “Pizza Hut” connection. There has been a request stated by the owner of the nearby Arby’s property that this connection be provided at that location, with which the Town staff is in agreement.

The primary objective of the Russ Avenue Corridor with regard to this connection is that it provide rear access to the tier of lots between Howell Mill Road and Barber Boulevard so that vehicular traffic is not limited to using direct turns to and from Russ Avenue to access these properties. **The Town staff recommends amending the List of Standards and Conditions to add this connection as requested to the Arby’s property.**



TOWN OF WAYNESVILLE PLANNING DEPARTMENT

Application for Land Development Standards Map Amendment

Application is hereby made on November 29, 2010 to the Town of Waynesville for the following map amendment:

Property owner of record: Ingles Markets

Address/location of property: 201 Barber Boulevard

Parcel identification number(s): See attached

Deed/Plat Book/Page, (attach legal description): See attached

The property contains 28.61 acres.

Current district: RA-TC

Requested district: RA-TC CD

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

See attached

Applicant Contact Information

Applicant Name (Printed): W.R. Jameson

Mailing Address: PO Box 6676 Asheville, NC 28816

Phone(s): 828-669-2941 ext 305

Email: rjameson@ingles-markets.com

Signature of Property Owner(s) of Record Authorizing Application:

WR Jameson

Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Planning Department, 9 South Main Street, Waynesville, NC 28786.



You Get A Lot More. You Pay A Lot Less.

REAL ESTATE DEPARTMENT

Robert P. Ingle
Chairman of the Board

Jim Lanning
President

W. Randolph Jameson
Vice President

This site was developed long before enactment of the Land Development Standards (LDS). Rezoning this property to a conditional district will enable the redevelopment of the site in a fashion that will bring it more into conformity with the LDS and with the vision and goals of the Russ Avenue Town Center District.

Address- 201 Barber Boulevard

Parcel #- there are four-

8616-22-7311 with deed book 345 and page 459- gas parcel

8616-32-8401 with deed book 430 and page 646- main parcel

8616-32-3480 with deed book 345 and page 459- parking lot parcel

8616-32-3480 with deed book 430 and page 646- belks parcel

[illegible]



MATCHLINE
SEE SHEET
C-108 FOR
CONTINUATION

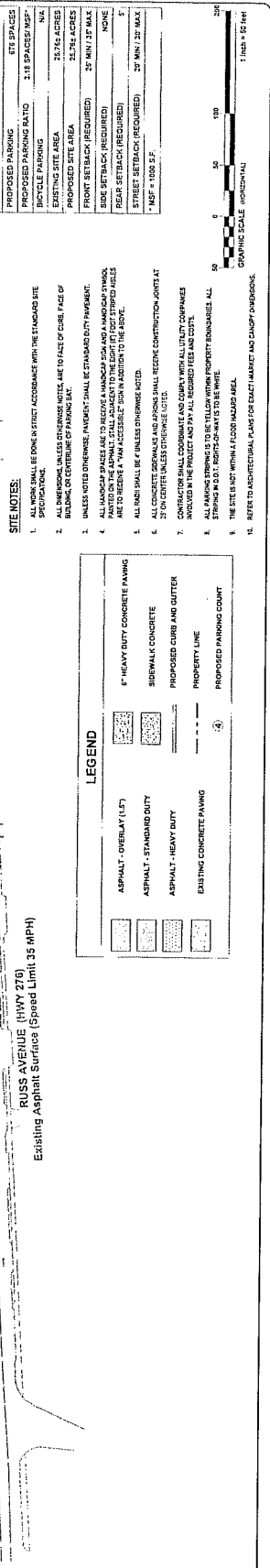
	ASPHALT - OVERLAY (1.5")		6" HEAVY DUTY CONCRETE PAVING
	ASPHALT - STANDARD DUTY		SIDEWALK CONCRETE
	ASPHALT - HEAVY DUTY		PROPOSED CURB AND GUTTER
	EXISTING CONCRETE PAVING		PROPERTY LINE
			PROPOSED PARKING COUNT

1	ALL WORK IS TO BE DONE IN STRICT ACCORDANCE WITH THE STANDARD SITE PREPARATION SPECIFICATIONS.
2	ALL IMPROVEMENTS, UNLESS OTHERWISE NOTED, ARE TO BE OF COMMERCE OF BEARING, OR EQUIVALENT OF MATERIALS.
3	UNLESS OTHERWISE SPECIFIED, MATERIALS SHALL BE FURNISHED AND PLACED BY CONTRACTOR.
4	ALL MANHOLE SPACES ARE TO RECEIVE A MANHOLE VENT AND A MANHOLE SYMBOL PAINTED IN THE SYMBOL. SHALL BE LOCATED IN THE NORTH BY STANDARD MILES AND BE TO BE IN A WELL-ACCESSIBLE LOCATION SUBJECT TO THE DEPT.
5	ALL ADJ. SHALL BE 4' UNLESS OTHERWISE NOTED.
6	ALL CONCRETE STRUCTURES AND IMPROV. SHALL RECEIVE CONSTRUCTION Joints AT 10' UNLESS OTHERWISE NOTED.
7	CONCRETE SHALL CONFORM TO ALL CITY AND STATE REQUIREMENTS. CONTRACTOR SHALL CONFORM TO ALL CITY AND STATE REQUIREMENTS. CONTRACTOR SHALL CONFORM TO ALL CITY AND STATE REQUIREMENTS. CONTRACTOR SHALL CONFORM TO ALL CITY AND STATE REQUIREMENTS.
8	ALL MANHOLE SPACES ARE TO BE YELLOW WITH WHITE REPEL. ALL SPACING IS 4' TO 6'. HEIGHT IS 4' TO 6'.
9	THE SITE IS NOT WITHIN A FLOOD HAZARD AREA.
10	REFER TO ADJUTANT GENERAL'S ORDER FOR FLOOD HAZARD.

PROPERTY OWNER	INDUSTRIAL TRACTS 200 BOX 697 ASHEVILLE, NC 28716
CIVIL CONTACT	JERRY COLE, P.E. LAND PLANNING ASSOCIATES 19 WEST 1ST AVENUE SUITE 204 BARNEYSVILLE, MD 21015 866-246-6272
PROJECT NAME	IND LOTS 23 - ROUSE AVE.
SUBJECT LOCATION	331 BARBER BLVD ROUSE AVENUE BARNEYSVILLE, MD 21015
PIN NUMBER	866663-2731
REF. CREED AND PAGE	425 D.B. 64 PG. 90
ZONING	R-1C
EXISTING BUILDINGS	16721 S.F. / 10%
PROPOSED BUILDINGS	72148 S.F. / 17%
EXISTING PARKING	82 SPACES
PROPOSED PARKING RATIO	1 SPACE/100 S.F. GROSS AREA
REQUIRED PARKING RATIO	1 SPACE/100 S.F. GROSS AREA
REQUIRED PARKING	268 MIN/150 S.F. MAX.
PROPOSED PARKING	268 MIN/150 S.F. MAX.
PROPOSED PARKING RATIO	1.17 SPACES/MSF
BICYCLE PARKING	N/A
EXISTING SITE AREA	21,741-SQFT
PROPOSED SITE AREA	31,761-SQFT
FRONT SETBACK (REQUIRED)	32' MIN/15' MAX
SIDE SETBACK (REQUIRED)	NONE
REAR SETBACK (REQUIRED)	NONE
STREET WIDENESS (REQUIRED)	27' MIN/32' MAX
STREET WIDTH (REQUIRED)	MIN = 100'S F.T.

[illegible]

NO. DATE REVISIONS:	REVISIONS:		CORPORATE SEAL	 <p style="text-align: center;"> LAND PLANNING ASSOCIATES <small>INCORPORATED</small> </p>	BSA LAND PLANNING ASSOCIATES OF NC, INC. 114 WEST 1ST AVENUE - SUITE 4 EASLEY, SC 29649 864-242-9971 FAX 202-732-8174 dsmith@lpainc.net	<p style="text-align: center; font-size: 2em; font-weight: bold;">ingles</p> <p style="text-align: center;"> #23 201 BARBER BLVD. WAYNESVILLE, NC </p> <p style="text-align: center; font-size: 0.8em;"> NORTH CAROLINA PERMIT DATE: _____ DESIGN DATE: _____ SCALE: _____ JOB NUMBER: _____ </p>	PROPERTY INFORMATION: TAX MAP NUMBER: _____ REFERENCE DATE & FOR: _____ ADDITIONAL INFO: _____	ISSUE FOR CONSTRUCTION: PERMIT DATE: _____ BID DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____ SCALE: _____ JOB NUMBER: _____	MASTER PLAN (SOUTH) <p style="text-align: center; font-size: 1.5em; font-weight: bold;">C-108</p> <p style="text-align: center; font-size: 0.8em;"> STORE # 23 NORTH CAROLINA </p>
------------------------	------------	---------------------------------------------------------------------------------	----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Landscape plan

DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & LAND PLANNERS
1293 Hendersonville Road
Suite 21
Asheville, NC 28003
828-277-7410
Fax: 828-277-7413

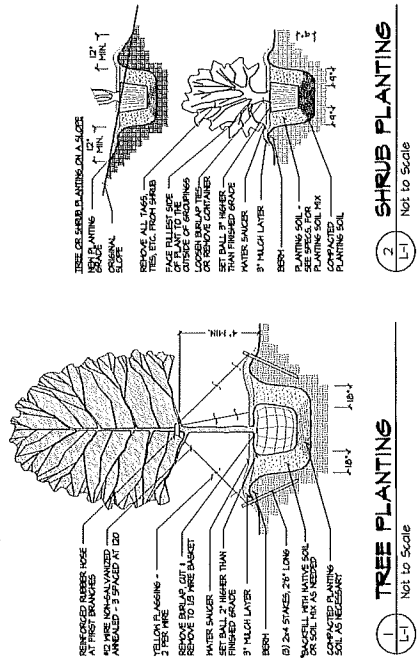
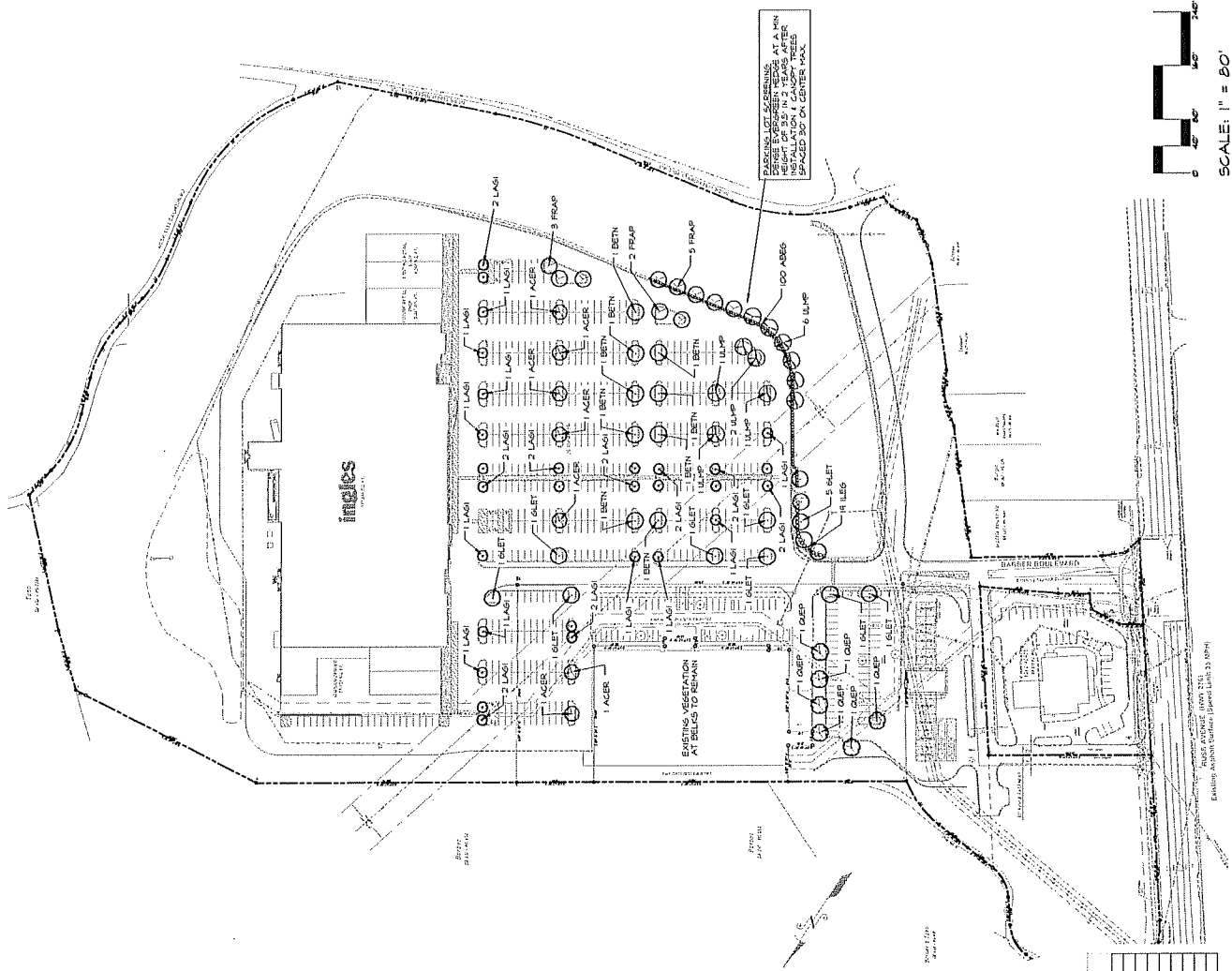
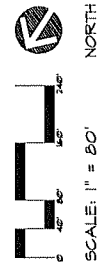


Ingles Markets
Waynesville, NC

Landscape Plan

REVISIONS:
12-13-10 REVISED
12-13-10 REVISED

L-1
11-24-10



2 SHRUB PLANTING

1 TREE PLANTING

LANDSCAPING AREA
LANDSCAPING AREA REQUIRED - 5,000 SF
LANDSCAPING AREA PROVIDED - 2,000 SF

PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	MATERIAL SPECIFICATIONS
ALC1	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC2	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC3	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC4	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC5	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC6	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC7	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC8	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC9	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.
ALC10	100	Alnus incana	Common Alder	24" min. in. 1/2" min. 3/4" min. 1" min.	12' to 14' ft.	Shrub, 1/2" min. 3/4" min. 1" min.

Project No: 10.027

EXHIBIT 1
1 of 1

Sheet No.:

Waynesville

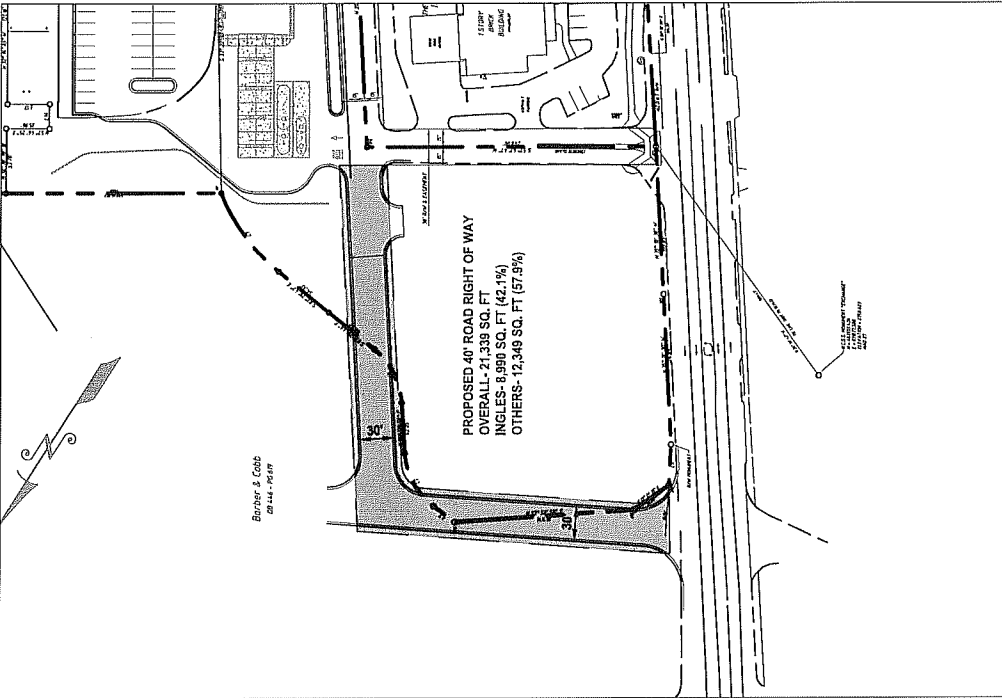
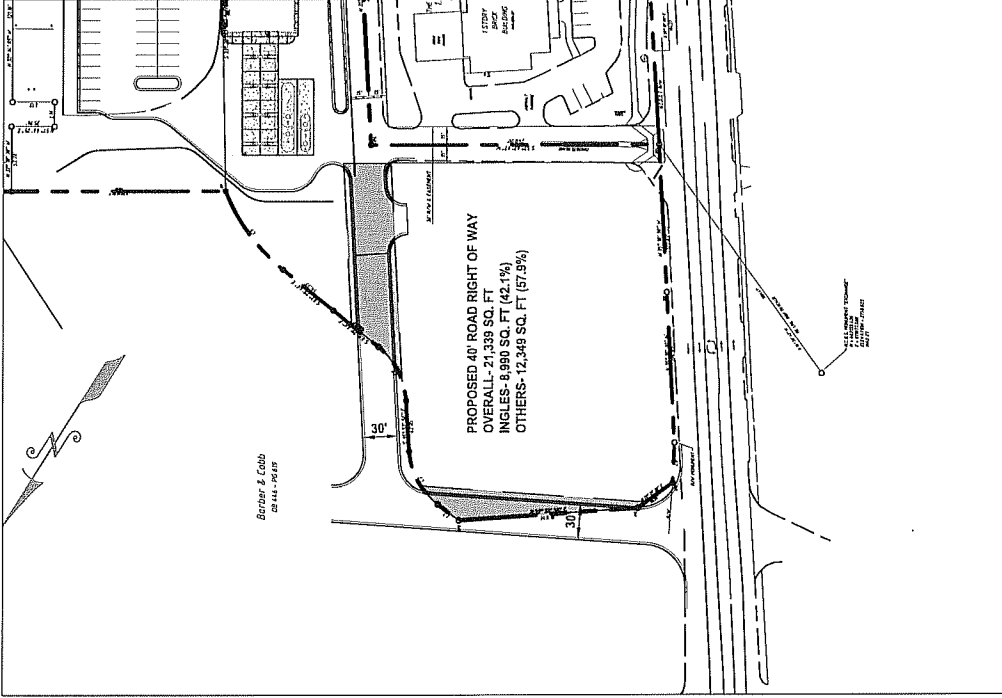
Drawing Title:

RIGHT OF WAY EXHIBIT

INGLES MARKETS, INC.
SITE DEVELOPMENT PLANS
STORE #23
NORTH CAROLINA



Designed: JDC
Drawn: JDC
Checked: JDC
Reviewed: PM
Scale: AS NOTED
Date: 02/02/11



ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING MAP OF THE
TOWN OF WAYNESVILLE; CREATING THE INGLES MARKETS
CONDITIONAL DISTRICT**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this Ordinance is consistent with the Town's 2020 Land Development Plan for the reasons set out herein; and

WHEREAS, this Ordinance is neither consistent with nor inconsistent with other official plans of the Town of Waynesville; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed ordinance and recommends its enactment by the Board of Aldermen

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.

Section One. Upon petition of Ingles Markets, Inc., the Official Zoning Map of the Town of Waynesville is hereby amended to create the Ingles Markets Conditional District as more particularly set forth herein.

Section Two. This Ordinance is found to be consistent with the Town of Waynesville 2020 Land Development Plan, in particular with the Land Use Goal contained therein which states the following:

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.

This Ordinance is further found to be consistent with the Town of Waynesville 2020 Land Development Plan by virtue of the following land use objective:

Promote infill development in the Town of Waynesville as an alternative to continued outward expansion.

Section Three. The zoning classification of that certain real property described in Exhibit A, attached hereto and made a part hereof, is hereby changed from RA-TC to RA-TC CD. Said property is also identified on Haywood County tax maps by means of the following PIN numbers: 8616-22-7311; 8616-32-3480; 8616-32-8401.

Section Four. The Ingles Markets Conditional District is a conditional zoning district established pursuant to the Land Development Standards of the Town of Waynesville by means of authority granted by the North Carolina General Statutes. Future development and use of lands situated within the Ingles Markets Conditional District, and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Ingles Markets Conditional District: List of Standards & Conditions, which is attached to this ordinance as Exhibit B and incorporated herein. The aforementioned List of Standards & Conditions, including the Master Plan made a part thereof, shall run with the land and shall be binding on Ingles Markets, Inc., its heirs and assigns.

Section Five. Pursuant to §154.095.2 the Town of Waynesville Land Development Standards, the Master Plan replaces all conflicting development regulations set forth in the Land Development Standards, and such development regulations are varied to the extent they conflict with the Master Plan and List of Standards & Conditions.

Section Six. Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160A-385.1, to undertake and complete the development and use of the property under the terms and conditions specified in the Master Plan and the List of Standards & Conditions. Such vested right shall have a term of two years from the date of adoption of this Ordinance.

Section Seven. The Office of the Zoning Administrator is hereby authorized and directed to modify the Town's Official Zoning Map consistent with this Ordinance.

Section Eight. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Nine. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section Ten. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this ____ day of _____, 2011.

Mayor

ATTEST:

Town Clerk

Approved as to form:

Town Attorney

REGULAR MEETING

COMMUNITY APPEARANCE COMMISSION
TOWN OF WAYNESVILLE
JANUARY 5, 2011
WEDNESDAY, 9AM
TOWN HALL

The Community Appearance Commission held a regular meeting January 5, 2011. Members present were: Chairman Daniel Hyatt, Vice-Chairman Bill Skelton, Mib Medford, Joanna Swanson, Lynn Sylvester, Buffy Phillips, Kevin Cable, Don Norris and Ron Muse. Also present were Land Use Administrator Byron Hickox, Planning Director Paul Benson, Horticulturist Jonathan Yates, Alderman Libba Feichter and Secretary Ginny Boyer.

The meeting was called to order at 9:00 am.

Approval of minutes

Joanna Swanson moved, seconded by Daniel Hyatt, to approve the minutes of July 7, 2010 as presented. The motion carried unanimously.

Ingles' Reconstruction/Expansion

Staff Report

Subject: Ingles' Reconstruction/Expansion
Location: Russ Avenue & Barber Boulevard
District: Russ Avenue Town Center
Date: January 5, 2011

Ingles is proposing an extensive reconstruction of its existing Waynesville store, which is currently nonconforming with regard to its parking in front of the building, lack of landscaping, and lack of pedestrian connectivity. Any nonconforming structure for which reconstruction is proposed in an amount equal to or more than 75% of the taxed value of the structure shall only be reconstructed as a conforming structure.

Because of this requirement, Ingles has applied for a Conditional District zoning designation. This designation will alter several requirements of the Land Development Standards, creating a Conditional District for this project alone with requirements to be requested by the applicant and specified in a List of Standards and Conditions.

Since neither the grocery store nor the convenience store front a public street, there are no applicable building design standards. The List of Standards and Conditions proposed by Ingles would alleviate the restriction on parking in front and would reduce the amount of landscaping required.

Mr. Cox explained the landscaping plan. The version submitted does not meet the letter of the ordinance but does meet alternative compliance: "We do not meet all the spacings, but we do meet or exceed the number of trees required, and we do meet or exceed the number and space of islands. We do have more square footage of islands than is required and we have the same number of trees that are required, we just don't have them in the spacing pattern that is in the ordinance currently".

Joanna Swanson mentioned the idea of having a central garden area for aesthetic purposes. Mr. Benson mentioned the standard is intended to shade the parking lot, to disperse the trees. The standard does not lend itself to the best-looking landscape.

On the issue of parking in the unused quadrant, Mr. Cox said one hundred fifty spaces were lost due to landscaping. Mr. James addressed the question, mentioning the loss of parking is not an issue and can be afforded. He said people approach him about placing a restaurant in the parking field, the lower quadrant, and that is a possibility.

Tree choices were discussed, Mr. Cox mentioning "we're not hung on species". This can still be discussed with Clay Mauney, the landscape architect, to consider specific recommendations and to gain clarification.

Chairman Hyatt expressed his desire for additional trees and/or shrubs being added to the big islands to the right of Barber Boulevard. Mr. Cox mentioned being a little more sensitive in that area. He did not want to heavily plant in that area as it might impact visibility to the store. He added that the correct number of trees has been added, in keeping with the ordinance.

Horticulturist Jonathan Yates expressed concern over whether or not the curbs have any breaks to allow water to infiltrate into the islands. Mr. Cox explained that, no, that is not part of the design. He has found that when water does enter the islands through breaks, oftentimes the mulch floats, spilling over the side creating messy conditions. Mr. Cox felt that the species chosen will live with the amount of rainfall this area receives.

Chairman Hyatt asked about the requirement for planting large trees on the bank side of the gas station, in the larger islands. Mr. Cox explained that is technically not a street but an alleyway. There is no street tree requirement there. Mr. Hyatt requested some being placed there. Mr. Cox said that would be considered.

Ron Muse mentioned having larger spaces being added for larger motor homes.

Mr. Cox said typically plans are not made for accommodating larger vehicles as this may invite tractor trailers. Mr. Jameson mentioned that tractor trailers are not only an eyesore but their movement through the parking lot and the petroleum is damaging to the asphalt.

Construction may begin in April or May, dependent upon approval from the Planning Board and the Board of Aldermen, at which point the job would still have to be bid to a general contractor.

Therefore, the role of the Community Appearance Commission is to give specific advice to the Planning Board and Board of Aldermen regarding the proposed landscaping and the appearance of the reconstructed grocery store and the proposed convenience store.
(end staff report)

Randy Jameson, Vice President, Real Estate and Distribution of Ingles and John D. Cox, PE of Land Planning Associates, Inc. gave an overview of the plan and answered Commission members' questions.

The existing building will be demolished and a 115,000 square foot grocery store will replace it, being almost double what it is now. Site work, including islands and landscaping will probably be constructed during the second phase. This will be the largest Ingles store, including a very large produce section, Starbuck's, a larger dining area, more prepared food stations, an open wine section, larger frozen food section, more aisles of grocery and a 24,000 square foot garden section.

Below Belk, the empty out-lot will be used for an 8-pump gas station with an 1,800 square foot store.

Mr. Jameson explained that this is a two-phased construction project but Ingles will always be open. The old store will be open as construction is done on the first half of the new part. Then the new store will open and construction will continue with the second half.

The exterior will be brick and stucco with a lot more glass, including skylights throughout the entire store. Minimal bulbs will be burned during the daytime.

The convenience store, with four pumps to each side, was discussed. Mr. Cox mentioned, based on recommendations of Town Planner Paul Benson and Public Works Director Fred Baker regarding traffic, some islands were placed such that entrances are differentiated. In the original plan, it was one flush opening, but through Mr. Baker's suggestion, changes were made allowing the gas station to have good ingress/egress, while the islands serve to alleviate the current traffic problem. We have adequate access to serve the gas station and we feel safe in the manner that we are pulling traffic back onto Barber Boulevard.

Mib Medford hoped that sidewalks could be placed on both sides of Barber Boulevard all the way to Ingles. Town staff recommended a sidewalk in the middle, up the center, to separate and give pedestrian access to where people will be parking. This serves three purposes. This gives access from Russ Avenue to the store. Secondly, the majority of people parking will have safe access. Also, a hard barrier is created so that cars will no longer be going all the way through the parking lot.

Kevin Cable asked if there was any thought to placing a crosswalk/speed bump across Barber Boulevard from the gas station to the other side, a raised area to create slowdown. Mr. Cox said that can be discussed with both Town and Ingles staff for consideration.

Ron Muse mentioned being pleased with the willingness of the planners to include trees on the site.

Chairman Hyatt made a motion to approve the architectural elevations as submitted and the landscaping plan as submitted with the following recommendations: that there be a material/and or vertical change at the crosswalk on Barber Boulevard, that Red Sunset be specified as the maple cultivar installed, that an alternative for the crepe myrtles be explored, that shrubs be installed in the interior mulched islands, and that there be a few large trees added to the islands around the gas station. Joanna Swanson seconded and all were in favor.

Other Business

Bill Skelton inquired about the future of the Community Appearance Commission. Paul Benson said the draft land development plan does propose eliminating the Community Appearance Commission. Alderman Feichter expressed her thanks and appreciation to the Community Appearance Commission for its service to the community over the years and its diligence in meeting the job description.

Byron Hickox mentioned that although the Community Appearance Commission is an advisory board without enforcement authority, the recommendations are always taken seriously by the Planning Board and the Board of Aldermen. He mentioned those on the CAC have either a field of expertise that relates to the task or an eye for the community. He said the CAC has an important role.

Adjournment

Bill Skelton moved, seconded by Lynn Sylvester to adjourn the meeting. All were in favor. The meeting adjourned at 9:50.

Ginny Boyer
Secretary

R. Daniel Hyatt
Chairman

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
JANUARY 18, 2011
TUESDAY – 5:30 P.M.
TOWN HALL

The Planning Board held a special meeting on Tuesday, January 18, 2011. Members present were Don Stephenson, Brooks Hale, Gary Sorrells, Patrick McDowell, Jim Francis, Jon Feichter and Marty Prevost. Also present were Planning Director Paul Benson, Assistant Town Manager Alison Melnikova and Town Clerk Phyllis McClure. Chairman McDowell called the meeting to order at 5:30 p.m.

Approval of Minutes of December 20, 2010

Chairman McDowell said there was one needed change on the signature line.

Gary Sorrells moved, seconded by Jim Francis to approve the minutes as corrected. The motion carried unanimously.

Consideration of Conditional District Rezoning Application submitted by Ingles Markets

Planning Director Paul Benson explained the process of submission of a site plan, environmental survey and list of standards and conditions talking about what time of uses and dimensional requirements they would like to see limited or varied in the proposed the Conditional District Rezoning Application. Ingles Markets is requesting an alternation of the Town's requirement regarding parking. This is an existing building on Russ Avenue with parking currently in front. Ingles would like to retain the parking location in relation to the building and have requested a modification to that standard. They have also asked for an alternative to the landscaping standards.

Mr. Benson said Ingles Markets plans to rebuild and expand the existing business to a total of 120,000 square feet with attached garden center with a 6,000 square feet retail shop. A new 1,900 square foot gas station and convenience store is proposed on the property with a connected canopy and six fueling lanes. The project proposes a good deal of landscaping with 53 new canopy trees and 1,100 square feet of new sidewalk. Mr. Benson said an issue was discovered with the height of the grocery store, with a proposed height of 47' and the maximum allowed height is 40'. A modification is proposed to comply with the standards. There is some concern about the percentage of small tree species in the parking lot. The Ordinance is to provide canopy and town staff is concerned about the percentage of small tree species. Approximately 42% of the parking lot shade trees proposed were of the small variety trees and Crape Myrtle. Staff recommendation is that Ingles provide easements/right-of-way for that plan. Mr. Benson said these plans are posted on line for the public to review.

Five recommendations were made by the Community Appearance Commission. 1. That the crosswalk in front of the gas station be constructed with a material change to serve as a traffic calming device and to make the crosswalk more visible. 2. Where Red maples are proposed the Cultivar Sunset Maple should be used. 3. That another small tree be used in Place of Crape Myrtles, which are shrub-like and may not be hardy in Waynesville's climate. 4. Shrubs should be added to mulched tree island to stabilize mulch and to improve appearance. 5. Some large trees should be added to mulch islands at the gas station.

Mike Egan said he was here in September 2010. One of the things talked about at that time was that this request by Ingles would give the town an opportunity for a "test run". Feels that this is very clear at this point in time what a good tool the conditional zoning can be, especially to help with situations such as this for the redevelopment of Ingles. Mr. Egan said Randy Jamison, John Cox, Clay Moody, Sammy Coker, Jeff Henderson, were also in attendance representing Ingles.

John Cox presented the proposed site plan for a 119,000 square feet building, which won't be much more building there is currently. The new construction will be upfitted to look like current building. The Ingles store will remain open during the construction. The former Goody's space will be torn down and rebuilt. When this portion of the store is open, the old store will be torn down and rebuilt. Once this is complete the full store will be open. The gas station would be located between Belk and HomeTrust Bank. The parking lot is designed to try and help better channelize the traffic flow by adding islands. The number of parking spaces have been reduced from 890 to 676 spaces. Pedestrian safety has been addressed with the location of a sidewalk from the gas station to Ingles and the addition of a number of pedestrian islands. The gas station will have 8 fueling stations. Mr. Cox said he has been working with Public Works Director Fred Baker to try to channelize Barber Boulevard. An island has been added to help separate Barber Boulevard from the gas station. Another island has been added to help channelize the alleyway and an intersection is lined up with Howell Mill Road and Barber Boulevard.

Architect Sammy Coker described the Ingles floor plan, with produce, video and wine departments. The two existing end flanking towers are solid brick. The existing Ingles design will be maintained with two gabled entrances and small dining area. A garden center is proposed in the area to the left. Instead of solid brick, the towers have glazing that maximizes the natural light. When you walk in the produce will be in front – deli on left; bakery on right; dairy; wine department will be extended with walk in wine cellar and walk in beer cooler. The color scheme is updated with an Ash Gray color. In order to maintain proportions the canopy has been brought down and heights were raised. The bulk of building is 29 feet in height. The left entry gable is less in height and the main entry gable is 47 feet in height in order to maintain the same proportions. There is space for outdoor dining in an area that is felt to maximize the view at this site. There will also be a shop for pizza, subs and salads beside the dining area. The current plan has 65 skylights for the current 100,000 square foot store. The new plan will have more skylights.

Clay Moody, Architect with Design Associates in Asheville, spoke about the proposed landscaping. He said what they have tried to accomplish is to provide a landscape that provides shade/season entrance throughout the year. Because of the diagonal electrical transmission line,

they are somewhat limited to plant materials and have provided smaller trees that won't reach such a height to cause problems with the electric company. Have added some red buds which fit in quite well. Mr. Moody said he understood there is some concern with Crape Myrtle. Crape Myrtle has been installed on other projects in other locations in this area, including at his house in Asheville. There are some varieties that have been quite hardy. He has called Jim King at Mountain View Nursery and talked this over with him. Mr. King had no major concerns about this variety. Some Red Buds have also been added. A sidewalk has been added where smaller trees are flanked with more of a pedestrian scale. Some trees and shrubs have been added along the lower front of the parking area to provide some screening/buffering of the parking lot. Red Buds have been along the gas station area. Mr. Moody said he feels that this is a good plan.

Gary Sorrells asked about the proposed right-of-way. Paul Benson said in the Russ Avenue plan a connection is shown at the existing road behind HomeTrust Bank. The consultant proposed extending this road to Russ Avenue and aligning it with Frazier Street, coming in at an angle. Also, behind the Pizza Hut, most of the property is not on the Ingles property but there is a single connection behind Pizza Hut going into the driveway from Howell Mill Road to Barber Boulevard.

John Cox would like to provide some right-of-way to provide access, but would like to have a better out parcel. They would rather have the road come in at a 90 degree angle to allow an out parcel that would be marketable and sellable. This would include using some of Ms. Barber's property. Because of her access it would provide better access to her property and make it more marketable and sellable.

Brooks Hale asked why the gas station was located between HomeTrust and Belk rather than the property fronting on Russ Avenue. Mr. Cox said the property fronting Russ Avenue was worth a much larger amount and would be better marketable for a restaurant.

Don Stephenson asked what Ingles obligation was to provide any of these roads. Mr. Cox said nothing has been agreed to with Ms. Barber.

Paul Benson said construction would be either Town of Waynesville or the NCDOT. It is typical and appropriate that dedications of right-of-way would be requested as part of the development. If the right-of-way is in place, it would be there when needed to construct the road. Mr. Benson said he would feel better to see more of the right-of-way located on the Ingles property. To do it right the road would have to be engineered and it has not been engineered at this point. Mr. Benson said he appreciates the concern of Ingles to preserve the out parcel.

Patrick McDowell said the plan addresses the flow in the general parking lot and the fact that it will help with the "free for all" that occurs there now. Jim Francis said it looks like a good plan to him, adding that he is impressed with the plan. Patrick McDowell asked how the Ingles gas station fits in with gas stations under new proposals. Paul said it would fit with the new Land Development Standards. Gas stations are allowed as a permitted use and the gas pumps could be located there without a principal building. The vehicular use area runs in front of the gas station, but it would be permitted in front of the building in that district.

Gary Sorrells asked about the shrubbery plans proposed under #2 and if that is what the Town of Waynesville was requesting. Paul Benson said he hasn't reviewed the plan in detail. There was some concern that replacing Crape Myrtles with Red Buds which would be in compliance with the request of the Community Appearance Commission, but that it may not satisfy the ratio of small trees being replaced with larger trees. It was felt that the justification for the replacement is to satisfy the pedestrian scale plans and the issue with the electrical lines. There was discussion about Red Sunset Maples and it was felt that it would be nice to have something closer to the eye, rather than something that is a lot taller. Paul Benson said he will be reviewing the plans in detail; and his recommendation would be to have no greater than 25% small trees ratio.

Marty Prevost asked about traffic calming devices which was a recommendation of the Community Appearance Commission, including raised crosswalks. As part of that, Ingles representatives said they were amiable to changing the material, but not to raise the elevation. Philan Medford said raised stamped concrete pedestrian crossings are located at the Waynesville Recreation Center and on Wall Street. Paul Benson said both the Developer and Board of Aldermen will have to agree on conditions, and hopefully a compromise will be worked out.

Marty Prevost asked if a shelter could be located on the Ingles property for public transit transportation. Mr. Benson said the Community Appearance Commission and town staff did not recommend this, however the Planning Board can consider and make this as a recommendation. This was proposed by Philan Medford in her comments at an earlier meeting.

Public Input

John Burgin said he was the trustee of an adjoining piece of property, the Arby's property. In an effort to help with the right-of-way he proposed that the right-of-way road be moved from behind Pizza Hut to behind Arby's. Mr. Burgin said he would be willing to work with Ingles and Town of Waynesville to help this work out. He added that there would be an elevation gain which would be a "win" for both properties. Mr. Burgin said this would not require as much filling in and would help relieve the entrance and exit to Arby's. Mr. Burgin said he would construct the road which would be in his best interest. Mr. Burgin expressed a willingness to give a 10 foot easement across his property to make this happen. Paul Benson said he thought it would be fine and it would not matter to the town about this connection.

Roscoe Wells asked why another curb cut on Russ Avenue is being considered. He felt that we were trying to restrict curb cuts on Russ Avenue. Paul Benson said this was recommended by a DOT Traffic Consultant. Mr. Wells said this was close to the portion where traffic congestion is being experienced now and he felt that existing roads could be used instead of new ones. He said any time another curb cut is made and another traffic light is installed, the congestion will be increased on the road. Paul Benson said this is an important feature to have for this median. In order to put a median along that entire length you have to have an area for people to make a U-Turn. Roscoe asked if there was a left turn proposed. Paul said there was a left turn proposed. Roscoe said he does not feel that Russ Avenue congestion would be improved or solved by making another curb cut.

Randy Jamison said right-of-way has been committed to help facilitate the proposed connection at Russ Avenue if it ever comes to be, but we don't have the detailed plans in place to see what that would look like yet. The Ingles development is mostly a parking lot where speed is an issue, but felt that the textured material similar to what is used in other parts of the town is something they are willing to do. The raised pedestrian crossings could be a problem for Ingles delivery trucks.

Philan Medford said she would like to see crosswalks slightly raised with texture. People speed up to beat the traffic light and she would like to see more traffic calming plans included in this proposal.

Jon Feichter said if the area is to be made more walkable, some slight raise of a crosswalk is reasonable. He also understands Ingles position regarding possible damage to trucks. There is no traffic calming in this area now and he would like to see a recommendation of a slightly raised sidewalk there.

(Note: Jim Francis had to leave the meeting at 6:34 p.m.)

There was some discussion about a raised crosswalk, whether it would slow traffic down and how high it would need to be raised. Paul asked if there would be a reasonable raise in the crosswalk recommended by the Planning Board that would be considered by Ingles. Marty Prevost felt that the raised crosswalk on Wall Street might be too high and the raised crosswalk on Church Street might not be high enough, so something in between might be sufficient. Ingles representatives said they would be glad to place signs for speed limit signs or pedestrian crossings.

Gary Sorrells moved to approve the conditional district rezoning submitted by Ingles Markets upon meeting the modifications made by Staff and Community Appearance Commission, seconded by Don Stephenson. The motion failed due to lack of a majority vote.

Jon Feichter moved to approve the conditional district rezoning submitted by Ingles Markets upon meeting the staff recommendations and recommendations of the Community Appearance Commission and to add some type of traffic calming slightly raised crosswalk on Barber Boulevard, with the height somewhere between the heights of the crosswalks located on Wall Street and Church Street. The motion was seconded by Marty Prevost and carried unanimously.

Public Comments and Discussion of Revised Land Development Standards

Philan Medford read prepared comments. Ms. Medford outlined the history of adoption of Waynesville's Land Development Standards in 2003 which received the "NC Smart Growth Award". She said in the 2010 draft, regional business districts such as Hyatt Creek, South Main, Russ Avenue and Dellwood-Junaluska Districts permit up to 50% of required parking to be located in front of principal buildings and don't recognize these districts are adjacent to neighborhoods where people would walk to their destination if it is safe and convenient. Ms. Medford explained that she is a huge fan of multi-modal transportation and Waynesville's

commitment to a walkable community, with safe pedestrian access between neighborhoods and business destinations and commented on how build to the street meets these goals.

Build to the Street Goals – has many positive attributes. The position adjacent to the sidewalk creates economic vitality, by encouraging walk-in traffic and improving visibility.

Knightdale, NC Unified Development Ordinance Chapter 5: Building Types and Architectural Standards – includes their build to the streets type program.

Knightdale, NC Chapter 10. Parking Standards – highlights of this ordinance are connectivity – adjacent lots should be interconnected except in the case of existing steep topography between the sites. Parking lots shall be placed to the side of or behind buildings. Examples included pharmacy with drive thru, fast food restaurant and gas station.

High Point's ordinance requires that signs be set on the ground and are limited in size. Convenience stores are to have the store portion fronting on the highway, while the gas pumps are located behind the building.

In Huntersville business owners and developers are still willing to adhere to ordinances that require "build to the street" and have more stringent design requirements than Waynesville. Ms. Medford showed the site plan for McDonalds which included a drive thru and parking in back.

Ms. Medford showed a larger shopping center image from Cornelius that she said would honor our walkable community goal and "build to the street". Audio Books – business have two front doors; one from the sidewalk and one from the parking lot located behind the buildings.

A new shopping development in Huntersville, NC shows buildings set close to the road, and roof lines and awnings that vary within the same building as well as within the groups of buildings. She also showed an image of a restaurant which was two stories tall, built to the street with outside dining. Internal streets are designed for pedestrians and cars to create friendly and inviting atmosphere for pedestrians and motorists. As trees grow they will provide a canopy and provide shade. Bicycle racks are required to encourage bicycles for personal transportation.

Ms. Medford said it is important to make accommodations for public transit to accommodate people that have trouble meeting their weekly needs and for the increasing senior population. Most patrons hang out in the entrance of the building which may not have a place to sit and rest. Transit shelters are needed to provide safe shelter and seating.

In the code analysis and recommendations by Craig Lewis, it was recognized that South Main Street was undergoing rapid change. Because of the fragmented parcel and ownership pattern in that area it is difficult to provide uniform policies to guide growth.

Active Living by Design – Ms. Medford said good decisions require vision, and our census report predicts that the most growth in our population will be in the over 50 age group. She said she would like to build a future where our aging population will be able to remain independent-

by design and accommodate all modes of transportation. She asked that the Town continue to require parking to the side and back in our regional business districts.

Adjournment

Don Stephen moved, seconded by Gary Sorrells to adjourn the meeting at 7:03 p.m. The motion carried unanimously.

Patrick McDowell
Chairman

Phyllis R. McClure
Town Clerk

ITEM 3. PUBLIC HEARING
CONSIDERATION OF ZONING TEXT AMENDMENT TO
SECTION 154.119(B)(8)(c)1 TO PERMIT OUTDOOR STORAGE IN
MAIN STREET NEIGHBORHOOD DISTRICT
REQUEST SUBMITTED BY KATIE HENDERSON

At the November 15, 2010 meeting of the Planning Board, a request was heard for an amendment to the Main Street Neighborhood District which would allow outdoor storage in that district. The minutes of that meeting are enclosed for your review and information.

You will note in the background included in the minutes that in some commercial districts, outdoor storage is allowed provided it is totally enclosed by screening. Most districts do not allow outdoor storage and that is the case with the Main Street Neighborhood District. The request is to allow outdoor storage outside of an enclosed structure as long as screening is used. In the case of this request from Katie Henderson, the property (formerly owned by O. T. V. Barker) is located at 191 Richland Street. On this property, several metal storage containers have been placed in violation of the Town ordinances. These containers cannot be used for outdoor storage as they are not considered structures. So even with the change requested, the metal containers that have been illegally placed on the property would not be able to comply.

If this request were approved, it would not only apply to the Henderson tract, but would apply to all lots within the Main Street Neighborhood District.

After hearing the request, the Planning Board voted unanimously to turn down the applicant's request to recommend amendments that would permit outdoor storage in the Main Street Neighborhood District. Ms. Henderson was advised that she has the right to appeal the decision to the Mayor and Aldermen and has chosen to do so. The public hearing on this request is scheduled for the meeting on Tuesday evening.

TOWN OF WAYNESVILLE

Application for Amending the Waynesville Land Development Standards

Application is hereby made on October 11, 20 10 to the Town of Waynesville for amending the: () Zoning Map (X) Text of the Land Development Standards

Zoning Map Amendment:

Address/location of property: _____

Parcel identification number(s) (PIN): _____

The property contains _____ acres. **Attach metes and bounds description.**

Current zoning: _____

Requested zoning: _____

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

Text Amendment:

Designate the specific section(s) of the Land Development Standards being requested for change:

Main Street Neighborhood District - Design and Operations Standards/Outdoor Storage

Description of the requested amendment, (attach additional sheets if necessary):

Outdoor storage areas must maintain the street wall if abutting a public street and must be completely buffered from all surrounding properties. Ex: N. Main Boulevard, S. Main Boulevard

The reasons for the requested amendments, (attach additional sheets if necessary):

See attached

Katie Henderson
Applicant (print name)

22 Cherry St Waynesville, NC
Address

Note: for map amendment applicant must be property owner of record, or have written authorization by owner.

October 11, 2010

Re: Outdoor Storage

To Whom It May Concern:

In response to your letter dated September 21, 2010 concerning the three metal containers on 191 Richland Street:

1. The property was purchased and used for industrial purposes since 1947.
2. In 2003, against our wishes we were forced to tear down an existing warehouse which was essential to our livelihood. (Please see enclosed documents) Now, seven years later we are being asked to build a warehouse; we have endured such economic hardship that we no longer have the means to rebuild.
3. Metal containers (which are enclosed structures) are in use in Waynesville, Haywood County, and throughout the world. (Please see enclosed photos-all in violation of code)
4. Our intent is not break any rules but to make a living like everyone else whose containers we have photographed.
5. The removal of these containers would completely bankrupt us.

We would like to propose the following:

1. A complete buffer will surround the containers as is the code in the surrounding districts, South Main Street Business District (SM-BD) and North Main Street Boulevard District (NM-BD).
2. Our future plans for 191 Richland include an in-home resale business operated by my sister and myself, aptly named From Rags to Richland.

Thank you for your help in this matter.

Sincerely, Katie and Molly Henderson

Planning Board Staff Report

Subject: Text Amendment to Permit Outdoor Storage in the Main Street Neighborhood District (MS-ND)
Section: 154.119(B)(8)(c)1. Outdoor Storage
Applicant: Katie Henderson
Date: October 11, 2010

Background:

The Main Street Neighborhood District (MS-ND) currently requires that all "outdoor" storage be done in an enclosed building. In other words no outdoor storage is permitted.

The applicant has been cited for violation of the ordinance because they have moved in a number of shipping containers that they wish to use for storage. The use of these containers is considered to be outdoor storage as they are not buildings.

The applicant has applied for an amendment to the Land Development Standards that would permit outdoor storage in the MS-ND subject to screening. Currently, the Francis Cove Rural District (FC-RD) is alone among the residential districts in permitting outdoor storage provided it is completely buffered from all surrounding properties.

Interestingly, other residential districts currently have a range of standards under the ordinance when it comes to outdoor storage. Five of the more rural districts have no restrictions at all: AC, EN, HT, RC and SW. However, most of the districts (11) prohibit non-residential outdoor storage. Finally, the MS and WS districts are the most restrictive in permitting no outdoor storage.

Under the draft ordinance currently under consideration these standards are made consistent among residential districts by only permitting outdoor storage customarily associated with residential use. This would not include storage containers whether used for residential or nonresidential storage.

Staff Recommendation:

The Vision/Goals for the Main Street Neighborhood, as stated in the Land Development Standards, is for a walkable in-town neighborhood, with amenities such as the Public Library and Central Elementary School and many older, larger homes which make the area attractive for residential living. Future development should work to maintain this attractive area.

Given these goals and the fact that most other residential districts do not permit non-residential outdoor storage with or without buffering, the staff feels that the requested amendment would not be in keeping with planned future development of the MS-ND, and could be detrimental to the desirability of the area for residential use. Further, that rather than attempting to amend the ordinance to solve their particular violation, the applicant should comply with the Land Development Standards and promptly remove the shipping containers and any other outdoor storage on this property.

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
NOVEMBER 15, 2010
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, November 15, 2010. Members present were Don Stephenson, Marty Prevost, Patrick McDowell, Brooks Hale, Gary Sorrells and Jon Feichter. Also present were Planning Director Paul Benson and Administrative Assistant Eddie Ward. Chairman Patrick McDowell called the meeting to order at 5:30 p.m.

Approval of Minutes of October 18, 2010

Planning Director Paul Benson pointed out on page two, paragraph two, under Revised Land Development Standards, it should read that the Committee had the benefit of, rather than the Planning Board had the benefit of. Gary Sorrells moved, seconded by Brooks Hale, to approve the minutes of October 18, 2010 as amended. The motion carried unanimously.

Request by Katie Henderson for Text Amendment to Permit Outdoor Storage in the Main Street Neighborhood District (MS-ND) Section 154.119 (B) (8) (c)1. Outdoor Storage

Chairman Patrick McDowell asked Paul Benson, Planning Director to present the staff report. Mr. Benson presented the following staff report and recommendation.

Background:

Mr. Benson said metal storage containers have become very popular in our area for storage. There are some of the containers located on the property at 191 Richland Street. These containers are not considered to be structures and the Town's policy is that these containers cannot be used where outdoor storage is prohibited. Byron Hickox, Land Use Administrator, has been consistently enforcing this policy with a lot of success in removing the containers. Mr. Hickox had notified Ms. Henderson that the containers on her property were in violation, and at that point Ms. Henderson indicated she wanted to apply for a text amendment to allow the containers on her property. The change would be to permit outdoor storage in the Main St Neighborhood District with buffering.

In our commercial districts we allow outdoor storage provided it is totally enclosed by screening. Residential districts vary, and some have no standards at all. Most prohibit non residential outdoor storage. The Main Street Neighborhood District (MS-ND) and the Walnut Street Neighborhood Districts (WS-ND) have no outdoor storage at all. The property owner requests to allow residential storage outside of an enclosed structure as long as screening is used.

Under the draft ordinance currently in consideration these standards would be made consistent by permitting customary residential storage which would not include these containers. Also, there would be no outdoor storage of non-residential material allowed in residential districts. In commercial districts outdoor storage would be allowed with varying degrees of screening, depending on whether it is a neighborhood, downtown, or regional commercial.

Members of the Planning Board asked Mr. Benson for a map showing the Main Street Neighborhood District. Chairman McDowell and Mr. Benson reviewed the boundaries of the residential and commercial district on the map.

When asked if she had any comments Ms Henderson stated the property had been in her family for three generations and the storage containers were vital to her welfare, and if amended the containers would be completely buffered, fenced and landscaped.


Staff Recommendation:

Mr. Benson explained to Ms. Henderson that this amendment would not solve their particular problem. If they were planning on using the containers for commercial use, they would still be in violation. The staff recommends that the requested amendment would not be in keeping with planned future development in the Main Street Neighborhood District and the applicant should comply with the Land Development Standards and promptly remove the containers and any other outdoor storage on this property.

Marty Prevost moved, seconded by Jon Feichter to decline the applicant's request to permit outdoor storage in the Main Street Neighborhood District (MS-ND) Section 154.119. The motion carried unanimously.

Adjournment

With no further business, Marty Prevost moved, seconded by Brooks Hale that the meeting be adjourned at 6:00p.m. The motion carried unanimously.


Phillip McDowell
Chairman


Eddie Ward
Administrative Assistant

ITEM 4. HISTORIC PRESERVATION COMMISSION REAPPOINTMENTS

There are three individuals whose terms on the Historic Preservation Commission expired on January 31, 2011. Those individuals completing four year terms are Shawn Leatherwood, Nikki Owens and Bob Kearney, and each has been contacted about their continuing service on this Commission. Mr. Leatherwood and Ms. Owens have expressed an interest and desire to be reappointed to the Historic Preservation Commission, but Mr. Kearney has advised Town Clerk Phyllis McClure that he does not wish to be reappointed to this Commission.

For your information, the Town Clerk has submitted any applications received which express an interest in serving on the Historic Preservation Commission. Perhaps the Board would like for Ms. McClure to advertise the vacancy and solicit applications from citizens who might be interested.

The Board might also consider current members of the Community Appearance Commission for vacancies on the Historic Preservation Commission and other Town Boards. This suggestion is made due to the recommendation in revisions to the Land Development Standards that the Community Appearance Commission be disbanded and its duties passed to the Planning Board. If the Town Board should follow through with that recommendation, there may be some of the members from that group that the Board would want to appoint to serve on other Boards and Commissions.

We will be glad to follow your directions on this matter.

ITEM 5. STREET CLOSURE REQUEST BY HISTORIC FROG LEVEL
MERCHANTS' ASSOCIATION, INC.
"THE 'WHOLE BLOOMIN' THING FESTIVAL"

There follows a letter from the Historic Frog Level Merchants' Association requesting that the Town close streets in Frog Level on Saturday, May 7, 2011, for the 9th Annual 'Whole Bloomin' Thing' Festival. Specifically, the request is to close Commerce Street from Panacea Coffee to Depot Street between the hours of 5:30 a.m. and 5:30 p.m. In addition, the Association requests that Depot Street be closed between the railroad tracks and the intersection of Depot Street and Water Street. Traffic would be rerouted onto Boundary, Charles and Water Streets so that vehicles could By-Pass the festival area.

During the past several years, this festival has grown and it has been determined that it is much safer to close Depot Street and reroute traffic. This has worked well and we have received cooperation from the North Carolina Department of Transportation with the installation of a mechanical sign on Russ Avenue a few weeks in advance of the festival to warn motorists about the detour around the festival.

In recommending to the Board that this request from the Association be approved, I would also recommend that the Association be tasked with the responsibility of notifying every business operator in the affected area of the plans for the street closings. We need to make sure they are aware of the changes that will be occurring that day.

January 31, 2011

Mayor Gavin Brown
Board of Aldermen
Town of Waynesville
16 South Main Street
Waynesville, NC 28786

Re: Street Closure Request, The 2011 "Whole Bloomin' Thing Festival"

Dear Sirs and Madam:

The Frog Level Merchants' Association is once again planning for their spring "Whole Bloomin' Thing Festival" in Frog Level. This year's event will be held on Saturday, May 7th, 2011 from 9 a.m. until 4 p.m. A call for vendors went out approximately two weeks ago. We anticipate over seventy plus vendors will be juried for the event.

The festival is in its ninth year and continues to grow. Although police officers do an excellent job in managing both pedestrian and vehicular traffic, we feel compelled to request the following:

A. The closure of Commerce Street from Panacea to the traffic light on Depot Street from 5:30 a.m. until 5:30 p.m. and

B. A detour of traffic around the festival by closing Depot Street from the railroad tracks to Water Street from 5:30 a.m. until 5:30 p.m. (Both Water Street and Boundary Street would be open for traffic).

The depot area continues to benefit from the restoration of structures and the increase in commercial traffic. With the growth of the "Whole Bloomin' Thing Festival", we feel we must insure the safety of pedestrians and motorists. Therefore, we respectfully request you grant the requested street closings.

Thank you for your continued support of Frog Level property owners and merchants.

Very truly yours,

Historic Frog Level Merchants' Association, Inc.
Festival Committee

ITEM 6. DISCUSSION REGARDING WAYNESVILLE HOUSING
AUTHORITY APPOINTMENTS

A letter of resignation has been received from Waynesville Housing Authority Chairman Dr. George W. Brown. Dr. Brown has served on the Waynesville Housing Authority since its beginning in 1966.

Appointments to the Waynesville Housing Authority are made by the Mayor of the municipality per North Carolina General Statutes. Historically the appointments made by Waynesville's Mayor are done so with the blessings of the Board of Aldermen. Mayor Gavin Brown has requested that appointments to the Waynesville Housing Authority be placed on the agenda for the discussion by the Board.