

REGULAR MEETING
TOWN OF WAYNESVILLE PLANNING BOARD
APRIL 18, 2005
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, April 18, 2005. Members present were Don Stephenson, Dan Wright, Rex Feichter, Lee Bouknight, Gary Sorrells, Patrick Bradshaw, Marty Prevost, Brooks Hale, and Patrick McDowell. Also present were Planning Director Paul Benson and Deputy Town Clerk Freida Rhinehart. Chairman Rex Feichter called the meeting to order at 5:30 p.m.

Approval of Minutes of February 21, 2005

Don Stephenson moved, seconded by Lee Bouknight to approve the minutes of February 21, 2005 as presented. The motion carried unanimously.

Rezoning Application - 4.5 acres, Elysinia Avenue and US 23-74 Bypass - from Sulphur Springs Neighborhood District to Hazelwood Town Center

Staff Report:

The Sulphur Springs Neighborhood District is planned to be primarily a low density residential district. The Hazelwood Town Center is planned to develop into a small scale center for business, retail and institutional activity serving the residents of the surrounding area. Section 154.114 (A).

The 2020 Land Development Plan indicates that this property is within a borderline area between medium to high density residential along Sulphur Springs Road, and low to medium density mixed use development along Elysinia Avenue.

This property is within and bordered by the Sulphur Springs Neighborhood District generally to the east and north. It borders the Hazelwood Town Center District to the south. The Eagles Nest Rural District is to the west across the Bypass.

The most significant neighboring land use is the Bypass which borders this property to the west and carries approximately 20,000 average daily trips. Along the northern border there are a few mobile homes and abandoned residences off Seventh Street. There is existing commercial development to the east and south along Sulphur Springs Road and Elysinia Avenue.

This property is in the same ownership as the property to the south which fronts Elysinia Avenue and is currently zoned Hazelwood Town Center. The staff believes that the most appropriate use of this property is for low to medium mixed use in keeping with the zoning to the south on Elysinia, as the area provides access to this property. The electrical substation and high-voltage power lines across the eastern end of this property would make a good permanent district boundary. The staff recommends the requested zoning.

Marty Prevost did not sit on this case as she made the presentation on behalf of a client who is purchasing 6 acres currently owned by the Andersons. Ms. Prevost stated that 2 acres of this tract is already zoned in the Hazelwood Town Center. The remaining 4 acres are zoned Sulphur Springs Neighborhood District.

Ms. Prevost pointed out that natural buffers such as Eagles Nest Creek and the Progress Energy transmission lines would prevent infringement on the surrounding residential areas. Bypass Power Equipment was rezoned a few months ago.

Patrick Bradshaw stated that the natural boundaries and access to the property would logically justify the rezoning.

Patrick Bradshaw moved, seconded by Don Stephenson, to recommend the rezoning of this property from the Sulphur Springs Neighborhood District to the Hazelwood Town Center. The motion carried unanimously.

Rezoning Application - 0.75 acres, 2311 Russ Avenue - from Dellwood Neighborhood District to Dellwood/Junaluska Area Center

Staff Report:

The Dellwood Neighborhood District is planned to be a low to medium density residential district. Dellwood/Junaluska Area Center is planned to develop into a hub for retail, service and employment uses serving Waynesville and the region. Section 154.107 (A).

The 2020 Land Development Plan indicates that this property is within a borderline area between low to medium density residential, and medium to high density mixed use development.

This property is within and bordered by the Dellwood Neighborhood District to the north, west and south. Directly across Russ Avenue is the Dellwood Junaluska Area Center District which includes the properties on the east and west sides of Russ Avenue to Dellwood Road/US 19.

Surrounding development is commercial to the northeast, (WK Fabrics, Blue Ridge Pawn & Gun, vacant to the east (Noland farm), high density residential to the south and north (mobile home park) and commercial to the west (trash compactor).

This property is situated in a mixed use, transitional area. The subject property has been in commercial use for a number of years with the Fleming Plumbing and Heating business. The property fronts on a 5-lane road with a 50 mile per hour speed limit. There are existing commercial uses directly adjacent to the property. The staff therefore recommends the requested zoning to promote a mixed-use development pattern in this area.

R. W. Fleming reported that his business is in the building formerly occupied by Jack's Royal Tire. He cannot improve the building until the zoning is changed. This location has always been a business since it was constructed in the 1960's. Mr. Fleming moved to this location when his business on the opposite side of road was taken by the construction of the 5-lane highway.

Gary Sorrells moved, seconded by Brooks Hale, to recommend approval of this rezoning request to the Board of Aldermen.

Conditional Use Permit - Vantage Pointe Homes - 160 Multi-family Dwelling Units in 8 Buildings - 12.95 acres - Old Balsam Road and US 23-74 Bypass

Staff Report:

Vantage Pointe Investments of Waynesville, LLC has submitted plans in application of a conditional use permit to permit a 160-unit apartment development on a 13 acre site on Old Balsam Road.

The site plan indicates 8 apartment buildings, each with 20 multi-family dwelling units, a clubhouse with pool, 7 freestanding garages and a mail kiosk. Site development includes a sidewalk with street trees along Old Balsam Road, 248 parking spaces (including the 42 within the 7 garages), gated entryways from Highway 23-74 Bypass and Old Balsam Road, an internal sidewalk system, and extensive landscape plantings including a buffer yard along the western property line and parking lot shade trees.

The Community Appearance Commission has reviewed and approved the landscaping plan and building appearance.

Town staff has reviewed the plat, and makes the following findings:

This site has a significant amount of area within the 100-year flood plain, but the flood plain boundary is not shown in the plans. It needs to be added to sheets AS1, C1.00-C3.00 and L100-L104.

The minimum driveway separation of 50' is not met on Highway 23-74 Bypass between the proposed driveway connection and the existing gravel drive as shown on sheet C1.00.

Buffer yard plantings along the western property line needs to be identified as tree species in order to meet the standards of Section 154.303(D)(4)(a) or (b).

Internal sidewalks need to connect with the public sidewalk along Old Balsam Road. Additional sidewalk connections between building entry walkways and the internal perimeter walkway are recommended. Section 154.226(B).

Building heights exceed the maximum 40' as follows: building B2 - 48', building C2 - 55' and building D2 - 49'. Section 154.128(8)(a).

Building entryways do not meet the required 18" elevation above sidewalk grade. Section 154.128(B)(8).

Sewer: the proposed layout does not provide for future extension up the basin. System needs to be designed with a recorded 20' utility easement to the western property line. Construction may

be stubbed and capped at building C2. The system must meet public standards and be permitted by the State. Provide additional plans and specifications as per Town Engineer.

Water: additional information is needed regarding fire demands and line sizing. The Town does not permit sub-metering. Water line to project must be trenched under Richland Creek rather than running under bridge. Indicate whether each unit is to be metered or if entire project is to be master-metered. Submit appropriate information for the selected alternative. Provide additional plans and specifications as per Town Engineer.

Storm Water: Provide calculations for percent pervious surface. Provide storm water management plan, specifications, and declarations of covenants for system as per Town Engineer.

Site Lighting: Submit full cutoff fixture selections, catalog sheets, pole design, etc. and point by point footcandle arrays as per Town Engineer.

Show gas and telephone lines to coordinate locations as required by Town Engineer.

Town Staff recommends approval on condition that the above list of actions are met.

Patrick Bradshaw did not sit on the Board for this item. Mr. Ron Wilkinson of Vantage Pointe make the presentation.

Mr. Wilkinson stated that these 1, 2 and 3 bedroom apartments will rent for approximately \$600-\$950 per month. The apartments will have security, internet connections and a walking trail. Primary access will be from Old Balsam Road by a new bridge to be constructed or from a right-in/right out turn from the By-pass. All water, streets and landscaping will be maintained by Vantage Pointe. A sewer extension easement allowed Vantage Pointe to connect at Autumn Care's connection to Town lines so that new lines could be run across the Autumn Care property to their apartments. The exterior of the buildings will be Hardi-plank siding and native stone. Construction of the buildings would be bid out to contractors. Vantage Pointe would hold and manage upon completion.

Three two-story buildings with a pop-up building creating a third story in the center will be built. Since the buildings are lower than the By-pass and Balsam Road, the buildings will only appear to be two stories high. Mr. Wilkinson requested that the current height restriction of 40' be waived.

Mr. Wilkinson also requested the following exemptions:

That the 18" elevation above the sidewalk be waived to accommodate handicapped residents.

That Vantage Pointe be allowed to only extend the sewer only to the western border of their property. They will then provide an easement to any future developer as Autumn Care did for them.

That they not have to bore under the creek to bury water lines but be allowed to hang water lines from bridge.

That they be allowed to master meter and then sub-meter each unit so that the tenant would be more conservative with usage. They would then hire a licensed sub-contractor to read the meters by telephone line.

Mr. Benson stated that even though the Planning Board might want to recommend that the conditional use permit be granted, he felt that the Town Engineer's suggestions must be considered. He suggested that Mr. Wilkinson and Patrick Bradshaw meet with the Town Engineer to discuss what changes might be allowed on the Board's recommendation. Mr. Benson further stated that an exception to the sidewalk elevation might be allowed since the buildings will not join a public sidewalk. Also, the building height issue might be solved by an ordinance amendment since higher density recently permitted in that area may require higher buildings. The Town Engineer would have to make the final decision on the sewer line, master metering, and trenching under the creek.

Marty Prevost moved, seconded by Brooks Hale, that the conditional use permit be recommended to the Board of Adjustment for approval subject to Vantage Pointe's compliance with the punch list presented by Town Staff with the recommendation that 18" elevation requirement above the sidewalk be interpreted as not applying to this project. The motion carried unanimously.

Rezoning Application - 4 lots, 1.5 acres - 1, 3 and 72 Maple Street - from Walnut Street Neighborhood District to North Main Street Boulevard District

Staff Report:

The Walnut Street Neighborhood District is an important, older, in-town district separating three major centers: Russ Avenue, North Main Street and the Central Business District. This district will continue to develop with a strong residential core of medium density, single family homes surrounded by appropriately designed service and business uses along Walnut and North Main Streets. Section 154.130(A).

The 2020 Land Development Plan indicates that this property is within a medium to high density residential area, with low to medium density mixed use nearby along Walnut and North Main Streets.

This property is within and bordered by Walnut Street Neighborhood District to the north, west and south, and the North Main Street Boulevard District to the east across West Marshall Street.

This property is situated toward the eastern end of Maple Street, in a transitional area between older, single-family residences to the west and commercial development to the east along Marshall Street, and to the north along Walnut Street.

Since all but one of the properties front West Marshall Street are currently developed with non-residential uses the staff recommends adding properties fronting West Marshall Street to the areas

within the Walnut Street Neighborhood District permitting commercial uses. This change would eliminate the nonconformity of the First Citizens Bank office buildings at 34 and 38 Walnut Street.

However, the staff does not recommend changing the zoning of the 3 lots further west on Maple Street, as this would lead to adverse impact on the residential character of the western end of the street. The mini-warehouses would not be a permitted use in the Main Street Boulevard District anyway.

Jean Holbrook, a part-time hair stylist and Chris Forga, owner of the mini-warehouses spoke in favor of the rezoning. Ms. Holbrook pointed out that the mini-warehouses, Mountain Credit Union, the medical and dental clinics on Marshall Street all surround her. If the zoning were changed for all these, they would become conforming uses and her business would not be an illegal spot zoning.

Mr. Benson expressed concern about going too far into the neighborhood district to rezone her property. A solution might be for Ms. Holbrook to look into establishing a home occupation.

Ms. Holbrook said that she has a business license and does not advertise. She has been at her current location for 4 years.

Patrick Bradshaw indicated that the Planning Board might want to look into expanding permitted uses in the district. The question was also raised as to whether Ms. Holbrook's business might have been grandfathered in under the old ordinances.

It was determined that Mr. Benson would do further research to determine which businesses are non-conforming uses and if any additional uses might be permitted in the Walnut Street Neighborhood District.

Patrick McDowell moved, seconded by Patrick Bradshaw, to table Ms. Holbrook's request until the next meeting on May 16, 2005, and ask Paul Benson to investigate further to see what uses might be permitted in the Walnut Street Neighborhood District so that the Planning Board can address this issue intelligently and make a fully informed decision. The motion carried unanimously.

Zoning Text Amendment

Mr. Wilkinson requested that the maximum building height of 40' be increased between Old Balsam Road and the US 23-74 Bypass and the Town Limit due to the fact that the elevation is lower in this area and that the Town recently approved a density increase in this area.

Patrick McDowell moved, seconded by Dan Wright, to recommend to the Board of Aldermen that building heights be increased in this area of the Hyatt Creek Area Center. The motion carried unanimously.

Proposed New Business - Inflatable Kayak and Tubing Rides on Richland Creek

Max and Shelia Mraz came before the Planning Board with a proposal for a new tubing and kayak business which would involve launching into Richland Creek along Smathers Street and disembarking at the Industrial Park. The office would be located in the Industrial Park where a van would be available to transport customers and equipment to the launch point. The plan is to also lease a launch site. Mr. and Ms. Mraz stated that they have received approval from the North Carolina Department of Water Quality, the U.S. Army Corps of Engineers and the Wildlife Commission.

The retail business in the High Tech Center District would have to be added as a permitted use which would entail an ordinance amendment. There would also have to be designated customer parking with an approved entrance and exit. In addition, buildings, signs and a site plan would have to be presented and approved.

Gary Sorrells moved, seconded by Lee Bouknight, to recommend to the Board of Aldermen that canoeing, kayaking and tubing be added as a permitted use in the High Tech Center District. The motion carried unanimously.

Adjournment

With no further business Dan Wright moved, seconded by Lee Bouknight to adjourn at 7:15 p.m. The motion carried unanimously.

Rex Feichter, Chairman

Freida F. Rhinehart, Secretary