

REGULAR MEETING
TOWN OF WAYNESVILLE PLANNING BOARD
MAY 16, 2005
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, May 16, 2005. Members present were Don Stephenson, Dan Wright, Rex Feichter, Lee Bouknight, Gary Sorrells, Patrick Bradshaw, Marty Prevost 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 April 18, 2005

Don Stephenson moved, seconded by Lee Bouknight to approve the minutes of April 18, 2005 as presented. The motion carried unanimously.

Maple Street Rezoning Application - Walnut Street Neighborhood District Study

Staff Report:

At the April meeting the Planning Board asked the staff to research the zoning/land use pattern in the Walnut Street Neighborhood District in response to the above rezoning request.

Findings:

The Walnut Street Neighborhood District contains 136 properties.

A wide range of commercial uses are permitted in this district but only on properties that front either on Walnut Street or North Main Street.

A total of 59 properties front either Walnut Street or North Main Street in the district, representing 43% of the total number of properties.

The land use for the remaining 77 properties is:

63 single-family dwellings

7 commercial

4 vacant

2 office

1 institutional

Of the 63 properties not zoned for commercial use, 10 have non-conforming uses.

Analysis:

The Walnut Street Neighborhood District is basically a ring of commercial zoning with a residential core. Of the nine non-conforming commercial/office properties, 4 are in the northern end of the district on the railroad and Marshall Street (mini-warehouses), 1 is on the western border (part of the First Citizens Bank parking lot) and three are on the eastern end of Maple Street (mini-warehouses and office building). Only 1, the Dixon law office, is in the residential core of the district (at 137 Maple Street). The single institutional use (nursing home) is on the very southern end of the district and does not affect the residential core of the district.

Recommendation:

The staff recommendation remains the same as presented at the April meeting, which is that the ordinance should be amended to permit properties within the district fronting West Marshall Street to be developed with commercial uses. This change would eliminate 5 of the 9 non-conformities. As for the 4 lots in the rezoning application, 1 would be made conforming by the staff recommendation (34/38 Maple Street). The 2 lots occupied by the mini-warehouses would remain non-conforming (but they would have remained non-conforming even if the requested rezoning were approved since they are not a permitted use in the North Main Street Boulevard District). The staff feels that rezoning the property at 72 Maple Street would intrude commercial zoning into the residential core of the district. In addition should this particular property be rezoned for commercial use, it would be difficult to justify not rezoning the large vacant lot immediately across Maple Street, possibly leading to further commercial encroachment into the residential core of the district.

Mr. Benson stated that Ms. Holbrook's position is that the Purple Sage Beauty Shop at 72 Maple Street was in operation prior to passage of the current LDS in April of 2003. However, Ms. Holbrook apparently failed to obtain the required zoning permit for the business, leading to notice of violation issued by John Swift, Land Use Manager for the Town. Mr. Benson feels that if Ms. Holbrook can supply the Town with documentation that the business was being operated at this location prior to April 22, 2003, the business may be considered to be grandfathered by the Town Attorney, thereby resolving her zoning problem. Mr. Benson presented the former zoning map to the Board showing C-2 zoning, a commercial district permitting beauty shops, for all 4 lots being petitioned for rezoning by Ms. Holbrook and Ms. Forga.

After discussion, the consensus of the Board was that rezoning 72 Maple as requested would create too great a commercial intrusion into the residential core of the district. This would be undesirable as this is a historic residential area that has been identified as having potential to be on the National Register of Historic Places. However, the Board agreed with staff that West Marshall is currently a commercial area and that commercial use should be permitted by the LDS.

Ms. Holbrook asked if she ever decided to sell the property if it could be used as a business. It was explained to her that it could continue to be used as a beauty shop or any other permitted use in that district or converted back to residential use.

Marty Prevost moved, seconded by Patrick Bradshaw, to recommend to the Town Board that the LDS be amended to permit commercial use for the properties within the Walnut Street Neighborhood District that border West Marshall Street, and that the other properties within the district remain zoned as is.

Rezoning Application - 3.59 acres on Russ Avenue (across from 1341 Russ Avenue) from Dellwood Neighborhood District to Russ Avenue Town Center

Staff Report:

The Dellwood Neighborhood District is planned to be a low to medium density residential district. The Russ Avenue Town Center is designed to be a gateway to the town and have higher density mixed use development. The 2020 Development Plan indicates that this property is to be within a low to medium density mixed-use development district.

Both water and sewer service are available to this property. Street access is by Russ Avenue, a five lane US highway. The property is within and bordered by the Dellwood Neighborhood District on 3 sides. Directly across Russ Avenue is the Russ Avenue Town Center District. The property is therefore adjacent to the Russ Avenue Town Center District. Surrounding development is vacant to

the south and east, residential to the north and commercial, residential and institutional to the west across Russ Avenue.

Staff Recommendation:

The land development plan supports mixed use zoning for this property. It has adequate road access and utility service to support higher density development, and it is across the street from existing commercial development and zoning. The property is located within an area that would be a logical node for mixed use development at the intersection of Russ Avenue and US 23/74 Bypass. The staff therefore recommends that this rezoning application be approved.

Marty Prevost moved, seconded by Dan Wright, to recommend the requested rezoning to the Board of Aldermen. The motion carried with Gary Sorrells and Rex Feichter voting no.

Subdivision - Jack Prevost Subdivision - Plateau Place off Eagles Nest Road - 6 lots on 5 acre property

Staff Report:

The Town of Waynesville Land Development Standards (LDS) require that preliminary plats for "major subdivisions" be reviewed and approved by the Planning Board. A "major subdivision" is

defined as any subdivision of land that involves 6 or more lots or the dedication of public streets and utilities.

The preliminary plat for the Jack Prevost subdivision indicates subdivision and recombination of 3 existing lots totaling 5.03 acres into 6 new lots ranging in size from 21,799 square feet to 32,827 square feet. The development would involve realignment and extension of Plateau Place and extensions of a 2" water line and 8" sewer line to all lots.

Town staff comments:

Street tree species needs to be specified, a "large maturing tree" is required. Note needs to be added to plat.

Street profiles and horizontal curves required, revise plat or submit additional sheet.

Both ends of the cul-de-sac need to be lengthened to extend 30'. Revise plat.

The existing circular driveway on lot must have one side closed. All new driveways must maintain a minimum separation of 40' edge to edge. Revise plat, also recommended to show all new driveway locations.

Sidewalk material may not be gravel. Revise plat to show concrete.

A no-build buffer of 30' from the edge of the stream must be shown on the plat on Lots 3 and 4. Revise plat.

Stormwater plan and calculations needed.

Recommendation:

Planning and Public Works staff recommend that the plat be approved only on condition that the above comments are resolved by the developer.

Gary Sorrells moved, seconded by Lee Bouknight to recommend that the plat be approved on the condition that the 7 items listed above are brought into compliance. The motion carried unanimously.

Adjournment

With no further business Dan Wright moved, seconded by Lee Bouknight to adjourn at 6:25 p.m. The motion carried unanimously.

Rex Feichter, Chairman

Freida F. Rhinehart, Secretary