

REGULAR MEETING
TOWN OF WAYNESVILLE PLANNING BOARD
AUGUST 15, 2005
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, August 15, 2005. Members present were Don Stephenson, Dan Wright, Rex Feichter, Gary Sorrells, Patrick Bradshaw, Patrick McDowell and Brooks Hale. Also present were Planning Director Paul Benson, Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Chairman Rex Feichter called the meeting to order at 5:30 p.m.

Approval of Minutes of June 20, 2005

Dan Wright moved, seconded by Don Stephenson to approve the minutes of June 20, 2005 as presented. The motion carried unanimously.

Paul Benson introduced Byron Hickox, the Town's new Land Development Administrator.

Rezoning Request - Russ Avenue - From Dellwood Neighborhood District (D-ND) to Russ Avenue (RA-TC)

Staff Report:

The Dellwood Neighborhood District is planned to be a low to medium density residential district separating the Russ Avenue Town Center and the Dellwood/Junaluska Area Center commercial districts. The Russ Avenue Town Center is designed to be a gateway to the town and have high density mixed use development.

The subject property has both water and sewer services and is located on Russ Avenue, a 5-lane state maintained road. This property is completely surrounded by the Dellwood Neighborhood District. The existing boundary of the Russ Avenue Town Center is approximately 450 feet southwest of this property on the south side of Russ Avenue. The requested rezoning would constitute a spot zone, being a relatively small area surrounded by a larger area of uniformly zoned property.

The existing land uses neighboring this property are a large single family residential tract to the east; medium density single family residences, the Haywood County Chamber of Commerce Visitor Center and log home office to the south across Russ Avenue; a single family residence to the north and the Barberville Baptist Church to the west.

Staff Recommendation:

The 2020 Land Development Plan proposes low to medium density mixed use zoning for this property. The existing Dellwood Neighborhood District permits a number of "business, professional and personal services" for properties in this district that are adjacent to Russ

Avenue. The existing zoning fits with the land use plan for this property. The Russ Avenue Town Center permits a very wide range of high density commercial uses that would not be in accord with existing or planned land use for this property, and raises the possibility of illegal spot zoning. Therefore, the staff recommends that this rezoning application be denied and that the property remain zoned Dellwood Neighborhood District.

Mr. Keith Gibson stated that he and his brother-in-law Jerry Hightower are applying for rezoning of their properties from Dellwood Neighborhood District to the Russ Avenue Town Center District. He said that these two tracts compliment each other and should be considered together. Mr. Gibson and Mr. Hightower have had no residential interest in this property. These properties were formerly zoned commercial prior to adoption of the Land Development Standards. Mr. Gibson feels that they need greater use. Mr. Gibson pointed out that Mr. Hightower formerly operated a body shop at this location but does not desire to do so in the future.

Mr. Gibson continued that the Hightower tract was annexed about 1993 and the Gibson tract was annexed in 2000. Following the adoption of the Land Development Standards two other properties on Russ Avenue have been rezoned. These properties are R. W. Fleming Plumbing which was rezoned from Dellwood Neighborhood to Dellwood-Junaluska Area Center and the Myrna Gordon property which was rezoned from Dellwood Neighborhood to Russ Avenue Town Center. Mr. Gibson wants this rezoning to allow for a broader spectrum of uses for their property.

Mr. Gibson also stated that the only property located between the Hightower/Gibson tract and the Russ Avenue Town Center is the Barberville Baptist Church which is considered a special use. He said that Kristen Hammett is proposing the addition of an animal hospital further out Russ Avenue, Distinctive Builders is located just across Russ Avenue, and that the NCDOT has already provided an entrance to their property.

Rex Feichter stated that business, professional and personal services are already allowed uses in the Dellwood Neighborhood District. He asked Mr. Gibson what use was planned for the property. Mr. Gibson responded that a lending institution had made an offer on the property but that he would like to have the same uses available as in the Russ Avenue Town Center. He wants to market the property for its highest and best use.

Mr. Feichter said that since there are only two acres of property available and the front portion is rather steep, the market might be more limited. Mr. Gibson responded that only about ½ acre would require grading.

Paul Benson stated that the Land Development Standards call for commercial nodes at the north and south ends of the Dellwood Neighborhood District. Both the other rezonings mentioned by Mr. Gibson were adjacent to those commercial nodes. If the highest use of all properties are allowed, there would be no residential areas remaining. The Land Development Standards call for preservation of residential uses in between the Russ Avenue and Dellwood/Junaluska Districts. The Dellwood Neighborhood District was intended to have lower intensity uses and was down zoned in 2003. Mr. Benson indicated that this might be an ongoing issue.

Rex Feichter pointed out that the 20 uses allowed provide a natural blend into Russ Avenue. If the Dellwood Neighborhood District becomes primarily commercial, more traffic would result in increased congestion since traffic lights might need to be placed every 50-60 feet.

Mr. Gibson responded that both the Myrna Gordon and R. W. Fleming properties were also in the "lower density" Dellwood Neighborhood District before they were rezoned. Mr. Benson explained that the difference was that they were directly adjacent to the other two Districts. Ms. Gordon's property joined the Russ Avenue Town Center in the center of Russ Avenue. Mr. Fleming's property joined the Dellwood-Junaluska Area Center. Barberville Baptist Church separates the Gibson/Hightower property from the Russ Avenue Town Center.

Patrick Bradshaw explained that the goal of the Land Development Standards is to balance commercial and residential uses. The zoning could more likely be permitted if the residential property directly joins an existing commercial area. A higher impact zoning might have a negative effect on the church property next door.

Gary Sorrells inquired about the legal aspects of spot zoning. Mr. Benson replied that the Land Development Standards do not support this because it calls for this District to be low intensity. Mr. Benson said that since there are already 20 commercial uses permitted in the Dellwood Neighborhood District, the Planning Board must be wary of recommending spot zoning.

Patrick Bradshaw asked about the possibility of sharing common space such as connecting driveways. Mr. Gibson stated that Andrew Powell had previously asked if the Hightower/Gibson property might be accessed by a loop driveway with parking in the rear. Mr. Gibson also said that Mr. Hightower has a 16 ft. right of way across the Barberville Baptist Church parking lot in order to access the back of his house.

Gary Sorrells stated that he wished to abstain from voting on this issue due to his personal relationship with the Hightower and Gibson families.

Chairman Feichter called for a motion on whether to recommend the rezoning to the Board of Aldermen. No motion was made. Mr. Gibson stated that he wished to take the matter to the Board of Aldermen for a decision.

Rezoning Text Amendment Request - South Main Street

Patrick Bradshaw requested a special meeting to be held August 29, 2005 to consider a rezoning text amendment for properties located on South Main Street. Under the current Land Development Standards, Section 154.113(B)(8)(b), in the Hazelwood Neighborhood District, "All "Institutional and Civic" uses, "Business, Professional and Personal Services" uses, and "Retail, Trade and Food Services" uses permitted in the H-ND must be located at the intersection of at least two (2) public streets. Mr. Bradshaw wishes to purchase a property from Mrs. Setzer for his engineering business. Under current standards, he would not be able to operate his business on this property. Therefore, Mrs. Setzer is requesting a rezoning and wishes to expedite the process as much as possible due to health concerns.

The property in question is currently grandfathered as commercial under the previous ordinance, but the lending institution requires that it be clearly stated in the current ordinance that this business would be a permitted use in order to grant the loan. Therefore, Mrs. Setzer is asking for a zoning text amendment in order to sell the property to Mr. Bradshaw.

Mr. Benson reminded the Planning Board members that this requirement is unique to the Hazelwood Neighborhood District.

Patrick McDowell moved, seconded by Don Stephenson, to hold a special meeting on August 29, 2005 at 5:30 p.m. to consider this matter. The motion carried unanimously.

Adjournment

With no further business Gary Sorrells moved, seconded by Dan Wright to adjourn at 6:28 p.m. The motion carried unanimously.

Rex Feichter, Chairman
Freida F. Rhinehart, Secretary