

REGULAR MEETING
TOWN OF WAYNESVILLE PLANNING BOARD
OCTOBER 17, 2005
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, October 17, 2005. Members present were Don Stephenson, Dan Wright, Patrick Bradshaw, Lee Bouknight, Gary Sorrells and Marty Prevost. Also present were Planning Director Paul Benson, Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Vice Chairman Patrick Bradshaw called the meeting to order at 5:30 p.m.

Approval of Minutes of September 19, 2005

Dan Wright moved, seconded by Gary Sorrells to approve the minutes of September 19, 2005 as presented. The motion carried unanimously.

LDS Text Amendment to Section 154.303(C) to delete the requirement for Town Purchase of Street Trees for Private Development

Fred Baker, Public Works Director, explained that the Town is 100% in favor of street trees and the Public Works Department spends considerable amounts of money for street trees. He feels however if individuals choose to develop property that the cost of street trees should be paid by the developer. The Town's function should be to fill in gaps where private development is probably not feasible. For example, work has recently been done at the Pigeon Community Center and the Town is attempting to add street trees on Oakdale Road.

The Public Works Department has an annual budget of about \$5000 for street trees. When the HVO project was completed the Town was billed \$4200 for street trees. The impact was obvious. Mr. Baker feels that the developers should make conscious decisions regarding landscaping.

Marty Prevost said that she hopes the trees were guaranteed since some of them are already dying. Mr. Baker responded that they are since the trees were so expensive. The Town usually purchases less expensive trees since some trees will obviously require replacement.

Paul Benson stated that the major question of the Board from the last meeting was the intent of the requirement for the Town to purchase street trees. Mr. Baker responded that when the Land Development Standards were being drawn up, there were many items that time limitations required that Andrew Powell and John Swift work out with the consultant. Mr. Baker did not recall any actual discussion of this item. Mr. Baker's wish is to be able to stay within the Public Works budget for the purchase of street trees for locations which cannot be covered by developers.

Gary Sorrells asked why street trees are important. Mr. Baker replied that trees are important for pedestrian traffic as well as a traffic calming device.

Dan Wright moved, seconded by Lee Bouknight to recommend to the Board of Aldermen that Section 154.303(C) of the Land Development Standards be amended to delete the requirement for the Town to purchase street trees for private development. The motion carried unanimously.

Rezoning Request - 1715 Asheville Road - from Raccoon Creek Neighborhood District (RC-ND) to Raccoon Creek Neighborhood Center (RC-NC)

This item was introduced at the last meeting of the Planning Board by Bruce McGovern representing Melody Francis, the prospective buyer of the property.

Marylyn Hetrick currently owns 0.27 acres at 1715 Asheville Road. The prospective buyer is interested in having the property rezoned from the Raccoon Creek Neighborhood District (RC-ND) to the Raccoon Creek Neighborhood Center (RC-NC) in order to be sold to Ms. Francis to operate a beauty shop at this location.

Paul Benson stated that the request is to take a single lot on one side of Asheville Road and rezone it the same as properties located on the opposite side of the road. Mr. Benson distributed photographs of the property requesting rezoning and adjoining properties. He gave the following staff report:

The Raccoon Creek Neighborhood District is planned to be a medium density residential district surrounding the Business 23 (Asheville Road) entrance to town. The Raccoon Creek Neighborhood Center is designed to be a gathering place for residents of East Waynesville with a highly mixed use, small scale, pedestrian friendly development pattern.

The 2020 Land Development Plan indicates that this property is to be within a medium to high density residential district. Both water and sewer service are available to this property. Street access to the property is Asheville Road/US Business 23 which is a 4 lane US highway.

This property is within and bordered by the Raccoon Creek Neighborhood District on both sides and to the rear. Directly across Asheville Road the property is zoned Raccoon Creek Neighborhood Center, which is the requested zoning for this property.

The surrounding development is single family residential to both sides and the rear. The subject property is within the Hillside Terrace subdivision. Across Asheville Road is a 7.9 acre property owned by Haywood Electric Membership that is currently vacant.

Staff Recommendation:

Current development patterns and the Land Development Plan support the current zoning for this property. It would be highly arbitrary and in direct conflict with the Land Development Plan to change the zoning of this property as requested.

Attorney Jack Kersten was present representing Marylyn Hetrick. Mr. Kersten stated that nothing stays the same. When the current Land Development Standards became effective, the Asheville Road was a smaller two-lane road. The daily traffic count is now close to 20,000 vehicles. His

client, Ms. Hetrick no longer wants to live on Asheville Road since the road has been enlarged to four lanes. Ms. Francis is unable to increase the size of her business at her current location and wishes to purchase the Hetrick house as a location for her beauty shop. When Ms. Francis found the property advertised for commercial use, she checked with Land Development Administrator Byron Hickox and was informed that she could operate a hair and nail salon at this location. So she proceeded to make application for a loan to purchase the house. After checking with Mr. Hickox again on zoning, Ms. Francis placed an order for shop equipment. Later, it was discovered that this use is not permitted in the Raccoon Creek Neighborhood District except within 200 feet of Asheville Road between Sims Circle and Monte Vista Drive.

Mr. Kersten continued that the Land Development Standards document is not perfect. Asheville Road is now a four lane highway and is a main entrance to Waynesville. This area is no longer residential. Ms. Francis should be granted the rezoning request for the following reasons:

She was placed in the current position of applying for a loan and of purchasing new equipment by the Town.

The road is now four lane.

The house only has access from the front.

Her clients depend on her and do not want to go out of town.

The neighbors do not want to live on such a busy highway and would like to have the property rezoned so they can sell their properties for commercial uses.

Melody Francis told the board that when she decided to purchase the property, it was not her intent to have it rezoned. Leasing another property is just too expensive for her to consider. Property values in this area are quite expensive and this property is affordable for her needs. She asked the Board members to please keep an open mind.

Marylyn Hetrick stated that living along the new four lane road is not safe for elderly people or pets. Also, she expressed concerns about what sort of development might take place on the other side of the highway. She said that it will not be residential. Ms. Hetrick stated that her property is not suitable for families with small children and should allow for commercial uses.

Sandra Best stated that Ms. Francis intends to protect the integrity of the appearance of the house. It will not look different on the outside.

Leo Best said the Ms. Francis' business, Cutters Corner, has been located in Waynesville for 21 years. Ms. Francis would like to keep her business here for her customers' convenience.

Jackie Netherton, an employee of Ms. Francis, pointed out that the availability of property in this area is critical. People like convenient, nice locations. Their clientele does not want to go out of town.

Letters of recommendation were presented from neighbors with the exception of Newhouser and Smathers. Ms. Francis stated the Ms. Newhouser is ill and does not currently live there, and the Smathers house is a rental unit.

Louise Bennett, another employee, stated that Ms. Francis recently put a lot of money into renovating the current location of the beauty shop. Subsequently, the owner went up on the rent. It is Ms. Francis intent to purchase a building so that she can hire more employees.

Bruce McGovern pointed out that along Dellwood Road there is good mixture of residential homes and businesses which has not compromised the neighborhood. There is both a nail salon and beauty shop on that street.

Gary Sorrells asked if Ms. Francis was told twice that a beauty shop would be allowed at this location. Mr. Benson said that she was told this in error. It was a staff mistake but does not change the ordinance.

Mr. Sorrells also inquired if parking would have to be moved to the side and rear. Mr. Benson said that it might be tricky since the building sits so far back on the lot, but it would be required.

Marty Prevost said during the three years that the Land Development Standards were being drawn up, it was known that Asheville Road would be widened to four lanes. She feels that the Land Development Standards have not yet been given time to work properly.

Patrick Bradshaw explained that he has recently been involved in a rezoning effort. He does not discount the Land Development Standards but feels that the Planning Board must find a balance of preserving a small business element within the town.

Marty Prevost felt that the small town effect will be lost if every entrance into Waynesville becomes a business strip. The "strip" is what we are trying to avoid. Mr. Bradshaw stressed the need to visualize "reality".

Paul Benson stated that this issue involves one lot. The Board has the ability to say "yes" or "no" to one lot or the larger area. Mr. Benson suggested leaving a strip along Clement Drive to prevent businesses from developing in order to preserve the residential area on Clement.

Lee Bouknight expressed interest in looking at rezoning the entire nine lots fronting on Asheville Road.

Mr. Benson indicated the need to draw a line of a desired area to be rezoned which should take into consideration the needs for the neighborhood over at least a five year period.

Patrick Bradshaw expressed that it might be good to rezone the area with lesser impact uses.

Dan Wright said there is no doubt that the four lane road has impacted this neighborhood. The Board should look at the reality of the change that has been created for the entire block of

properties. Consideration should be given to rezoning with buffers to shield the neighborhood areas behind these parcels. This is an area of town that lends itself to a commercial corridor.

Mr. Benson explained that permitted uses in the Raccoon Creek Neighborhood Center allow a full range of professional services, hotels, motels, clothing stores, full service convenience stores, real estate businesses, retail trade, food service and other various uses.

Byron Hickox pointed out that the Raccoon Creek Neighborhood District allowed more limited commercial uses between Sims Circle and Monte Vista Drive which is about half the uses allowed in the Raccoon Creek Neighborhood Center. Mr. Hickox recommended consideration of extending this limited commercial use section on the same side of the highway from Monte Vista Drive all the way to the intersection of Zemery Lane by means of a text amendment.

Don Stephenson commented that the four lane highway does lend itself to expansion of uses so only the lots fronting on Asheville Highway should be considered in the text amendment.

Dan Wright indicated that he felt this would be a good compromise.

Mr. Kersten stated that his client wished to withdraw her rezoning request.

Don Stephenson moved, seconded by Gary Sorrells to recommend to the Board of Aldermen a text amendment to Section 154.124(B)(8)(b) to read as follows:

All "Business, Professional and Personal Services" uses and "Retail Trade and Food Services"

uses permitted in the RC-ND District (as listed in Sec. 154.124(C)) must be within two hundred (200) feet of Business 23 on property abutting Business 23 and located between Sims Circle Road and Monte Vista Drive, or between Zemery Lane and Hillside Terrace Drive, provided that Clement Drive may not be used for nonresidential access.

The motion carried. Marty Prevost voted "nay".

Other Business

Paul Benson informed the Board that a regional educational class entitled "Planning Board Basics and Beyond" will be offered Wednesday, November 9, 2005 at the Community House in Morganton. Any member interested in attending the class should contact Mr. Benson.

Adjournment

With no further business Lee Bouknight moved, seconded by Dan Wright to adjourn at 6:55 p.m. The motion carried unanimously.

Patrick Bradshaw, Chairman
Freida F. Rhinehart, Secretary