

SPECIAL MEETING
TOWN OF WAYNESVILLE PLANNING BOARD
NOVEMBER 17, 2005
THURSDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a special meeting on Thursday, November 17, 2005. Members present were Don Stephenson, Dan Wright, Rex Feichter, Gary Sorrells, Marty Prevost and Brooks Hale. 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 October 17, 2005

Gary Sorrells moved, seconded by Don Stephenson, to approve the minutes of October 17, 2005 as presented. The motion carried unanimously.

Text Amendment - John Kersten on behalf of Tim Welch - Exemption of Property in Unrecorded Subdivisions from Hillside Protection Requirements - Section 154.403

John Kesten was present to offer an apology for having requested a special meeting to accommodate his needs and then withdrawing the agenda item since the matter has now been resolved.

Marty Prevost asked how the matter was resolved with Mr. Welch's property.

Paul Benson explained that the preliminary plat for the subdivision had been approved several years ago. Later the developer went bankrupt and the subdivision was divided among some other developers. Mr. Welch's section of the property was presented to the Planning Board at one point for approval. Mr. Welch sold one of the lots just prior to the adoption of the Land Development Standards. Therefore the subdivision belonging to Mr. Welch is grandfathered but the number of lots was not increased. The lots are located approximately in the same place they were before. The top of the mountain will be leveled but will be stable. The proposed ordinance amendment would have opened an undetermined amount of land with the Town to exemption from the Hillside Protection regulations, thereby undermining the intent of the LDS.

Zoning Map Amendment - David Pope - Carolina Log Homes - Exclusion of Property in Phase 3 of Smoky Mountain Retreat from Town's ETJ

Staff Report:

Mr. David Pope of Carolina Log Homes has requested that 6 lots located on Unula Loop off Gaddis Branch Road be excluded from the Extraterritorial Jurisdiction (ETJ) of the Town of Waynesville. The 2020 Land Development Plan indicates this property to be outside of the Town's Urban Services Boundary. Maggie Valley Sanitary District serves the site with water. No sewer is available. The property is zoned Eagles Nest Rural District, as is property to the

south. Property to the north toward Maggie Valley is not zoned. The surrounding development consists of low density (less than 4 units per acre) single-family dwellings.

This property is part of a small area of Waynesville's ETJ that lies to the north of the ridgeline on Eagles Nest Mountain. This ridgeline forms a natural divide between Waynesville and Maggie Valley. Primary road access to this development is from Maggie Valley, most of the development is within Maggie Valley, water lines are provided by Maggie Valley and the subdivision's streets are being built to Maggie Valley's standards for dedication to the Town of Maggie Valley. According to former Town Land Development Manager, John Swift, the intent of Waynesville's ETJ when first delineated was to follow this ridgeline.

The staff therefore recommends that the requested amendment be approved.

David Pope was present and stated that it was discovered that approximately 13 acres of Phase 3 of Smoky Mountain Retreat is inadvertently included in the Town's ETJ. It was Mr. Pope's understanding that the ETJ ended at the ridgeline at the top of Eagles Nest Mountain. The 13 acres in question lie on the Maggie Valley side of the mountain. Mr. Pope is requesting that the ETJ boundary be pulled back to the ridgeline at the top of the mountain in order to develop these 13 acres.

The road has been dynamited and graded and the property is ready to be developed in compliance with County specs.

Paul Benson said only this small portion of the property crosses the ridgeline. This small portion is more related to Maggie Valley. The ridgeline is a good boundary and the property located on the other side does not belong in Waynesville's ETJ. The remainder of the Eagles Nest property will remain in the Waynesville ETJ.

Marty Prevost moved, seconded by Don Stephenson, to recommend approval of the zoning map amendment to the Board of Aldermen. The motion carried unanimously.

Text Amendment - Increase Minimum Right of Way to 50 feet and Pavement Width from 20 to 28 feet - Streets - Section 154.309

Staff Recommendation:

Paul Benson explained that there is an inconsistency in the Land Development Standards in Section 154.309. Street standards call for a minimum right of way width of 45 ft. In Table VII-2 of that same section a 50 ft. minimum right of way is stated. Fred Baker, Public Works Director, has asked that this inconsistency be resolved. Mr. Baker has also requested that the pavement width for streets be changed to read from 20-28 ft.

The 45 ft. right of way makes it very difficult to allow for trees, lawn and sidewalk on each side of the street. 50 ft. will be sufficient to allow for these requirements as well as curb and gutter. This was a clerical error and should be made consistent. Any plats that have already been approved with a 45 ft. right of way will be grandfathered.

Marty Prevost moved, seconded by Dan Wright, to recommend to the Board of Aldermen that Section 154.309 of the Land Development Standards be amended to read "minimum right of way width of 50 ft." in all instances and that pavement widths for streets read "20-28 ft.". The motion carried unanimously.

Adjournment

With no further business Lee Bouknight moved, seconded by Dan Wright to adjourn at 6:05 p.m. The motion carried unanimously.

Rex Feichter, Chairman
Freida F. Rhinehart, Secretary