

REGULAR MEETING  
TOWN OF WAYNESVILLE PLANNING BOARD  
MARCH 19, 2007  
MONDAY - 5:30 P.M.  
TOWN HALL

The Planning Board held a regular meeting on Monday, March 19, 2007. Members present were Don Stephenson, Dan Wright, Rex Feichter, 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. Chairman Rex Feichter called the meeting to order at 5:30 p.m.

Approval of Minutes of January 15, 2007

Dan Wright moved, seconded by Gary Sorrells, to approve the minutes of January 15, 2007 as presented. The motion carried unanimously.

Town Staff - Text Amendment Request - Clarification of Parking Requirements to Side or Rear of Principal Structures

Staff Report:

Background: The intent of this staff-initiated amendment is to clarify the staff interpretation of the existing parking requirement that all parking be to the side or rear of principal structures. It is not intended to change the current requirement or to impose any additional restrictions.

All districts require that “parking and vehicular use areas must be located to the side or rear of the principal structure located on the property”. Recently a situation arose where the effect of this requirement was questioned because this language is not clear about whether parking that is not directly in front of the principal building, but is in front of the front building line of the building is prohibited.

Staff Recommendation:

Amend the Land Development Standards to add the following language in bold to all districts: “parking and vehicular use areas, **excluding driveways generally perpendicular to the front building line**, must be located to the side or rear of the principal structure located on the property **behind the front line of the principal structure projected to side lot lines.**”

Paul Benson stated this text amendment was discussed at the November 20, 2006 meeting but was referred back to the Planning Board by the Board of Aldermen due to concerns that the amendment would prohibit driveways in front of buildings.

Gary Sorrells moved, seconded by Lee Bouknight, to recommend the revised text amendment to the Board of Aldermen. The motion carried unanimously.

John Kersten representing Steve and Karen McClure - Text Amendment Request - Section 154.403(A)(2)

Staff Report:

Background: Being bordered by Eaglenest Ridge to the north, Lickstone Ridge to the south, and the Great Balsams Ridge to the southwest, Waynesville is bordered on three sides by steep mountain ranges reaching elevations of over 6000'.

In recognition of the combination of factors making dense development undesirable on steep slopes including: erosion, landslides, watershed protection, viewshed protection, and difficulty of urban services provision, the Town of Waynesville has adopted hillside protection standards that basically reduce grading and density on steep slopes greater than 2900' in elevation.

Requested Amendment:

The applicant has requested that the area subject to the Hillside Protection section of the Land Development Standards be reduced by raising the elevation to which these standards apply from 2900' to 3125' in order to exclude the applicant's property from the hillside density requirements.

Staff Recommendation:

The staff recommends that the ordinance remain unchanged. The 2900' standard currently in the ordinance is the best and least arbitrary elevation to use for hillside protection since it reflects the average elevation at which the surrounding slopes have a pronounced grade change from the more level lower slopes and valleys to the steeper ridges. In addition, the 2900' level has been used for at least 4 years and is the result of an extensive analysis, public review and approval process.

Jack Kersten spoke on behalf of his clients Steve and Karen McClure. He said the McClures own a lot consisting of approximately 4.5 acres on Whispering Pines Drive. They have a buyer for their house and 1.425 acres of their property. They wish to keep the other 2.995 acres for future development. The minimum lot size in the Eagles Nest Rural District (EN-RD) is 0.5 acre. The Hillside Protection ordinance throws this provision out the window.

Mr. Kersten stated that he does not understand why the 2900' level was chosen. He continued that tying slope to lot size makes no sense either. Only wealthy people moving here can afford to purchase the lots which are required to be a minimum of 5 to 10 acres on which they build "eyesores". They are not allowed to buy one or two acre lots on which they can build a reasonable house. Therefore, Mr. Kersten feels that it is more reasonable to raise the elevation for the hillside protection ordinance to 3100' to protect the mountain tops and steep slopes. Our current ordinance is a "stop the development" ordinance and encourages the development of obnoxiously large mansions.

Mr. Kersten continued that the new amendment to the slope density ordinance for large developments does help alleviate this problem. However, if someone has a smaller lot next to larger lots, he will be unable to build on that property.

Gary Sorrells pointed out that others have requested changes but have been declined. Marty Prevost agreed that changes at this point would create severe problems.

Dan Wright expressed interest in considering each case on its own merit perhaps by means of a variance. This case involves no addition of streets, removal of trees, no additional infrastructure, and it is surrounded by residences.

Rex Feichter stated that the remaining property is very steep and would be difficult to develop. To build a house there would require extensive engineering. Mr. Feichter said that perhaps we should make it allowable if someone were to want provide the effort to develop properties over 2900'.

Paul Benson said that a variance would not be a solution because this would be an arbitrary means of handling the ordinance. 2900' is the average where valleys meet the hillsides. This is not true in every instance, but also 2950' is the point where pump stations are required to furnish water to homes at higher elevations. We do require larger lots on steeper slopes even though current techniques allow building on almost any property. We have to consider the purpose of the ordinance. The recent amendment to the hillside ordinance doubles the density on lots larger than 6 acres.

Don Stephenson said that he drives by the lot in question back and forth to his home. He indicated that there is a portion of the lot that might be buildable without being a pedestal home. Mr. Stephenson is involved with the McClures and the potential buyer of this property and will have to abstain from voting. It does not seem fair to Mr. Stephenson to prevent Mr. McClure from drawing off that survey line and selling the property to a party who wishes to purchase it.

Gary Sorrells and Rex Feichter agreed that before the 2900' ft. level is changed, more study of the issue needs to be done. Paul Benson said he could draw up a draft amendment for the next meeting.

Rex Feichter asked if Mr. Kersten's proposed amendment is rejected, can he still approach the Board of Aldermen with the request. Mr. Benson stated that he could.

Gary Sorrells moved, seconded by Lee Bouknight, to not recommend approval of the text amendment to the Hillside Protection section of the Land Development Standards by raising the elevation to which these standards apply from 2900' to 3125'. The motion carried with Feichter, Bouknight, Sorrells and Prevost in favor, Wright opposing, and Stephenson abstaining.

Don Stephenson asked if there was any way Mr. McClure could go ahead and subdivide the property and sell the house and 1.4 acres. Rex Feichter explained that the Planning Board did not have the authority to grant that request.

Dan Wright moved, seconded by Lee Bouknight, that Town Staff draft a proposal that the Planning Board might make recommendations to the Board of Aldermen for possible waivers to the Hillside Protection section of the Land Development Standards for properties above 2900' elevation on a case by case basis when appropriate if the following criteria are met:

“If the property is fronted by existing roadways and is served by utilities and there is no interior roadway construction required to accommodate the needs of building the house then it ought to be approved for subdivision and we should rely upon things such as Town inspections, plans review, the new slope ordinance that comes into play. There are so many checks and balances right now that are going to look at the construction of a house that there is no way that an inappropriate structure is going to be built on that property. Only elevation above 2900' should be given the opportunity to be looked at individually on merit.”

The motion carried with Feichter, Bouknight, Sorrells, Prevost, and Wright voting yes. Stephenson abstained.

Mr. Benson will draft an amendment for consideration at the next meeting.

Haywood Oldtown, LLC - Zoning Map Request - From Allens Creek Neighborhood District (AC-ND) to South Main Business District (SM-BD)

Staff Report:

The 2020 Land Development Plan indicates that this property and surrounding properties are planned to be developed with mixed uses at a low to medium density. The requested district meets this objective.

Town of Waynesville 24" water and 8" sewer lines are available to service this property.

This lot is contiguous with another lot in the same ownership that adjoins South Main Street. Vehicular access will be provided through this lot to South Main Street. The property does not have a platted right of way to Franklin Street.

This property is on the border of Allens Creek Neighborhood District and South Main Business District. The requested rezoning would create a suitable zone boundary. This property borders Allens Creek and is mostly in the 100-year flood plain.

The property is currently vacant. It is bordered by another vacant lot in the same ownership adjacent to South Main Street currently zoned SM-BD. Other bordering property is mixed commercial and residential to the west along South Main Street, and primarily single-family residential to the east along Franklin Street leading into the large Allens Creek residential area.

Recommendation:

This proposed rezoning is in compliance with the 2010 Land Development Plan which indicates a large mixed use development area in the vicinity of this property along South Main Street. With the major new shopping center development occurring directly across South Main Street from this property a mixed use classification is appropriate. Existing residential development to the east of the property along Franklin Street will be protected from commercial traffic since this property has

no direct access to Franklin Street. In addition, a landscape buffer will be required along the property line of this property where it is adjacent to residential properties as part of any nonresidential development of this property.

Paul Benson said that this piece of property is currently a residential vacant lot. There are actually two parcels. The front parcel is already zoned South Main Business District but the back parcel is Allens Creek Neighborhood District. The applicant is requesting that this adjoining parcel be rezoned from Allens Creek to South Main. Access will be from South Main Street.

Patrick Bradshaw said his clients have the option on three parcels, two of which are in the South Main Business District. The third is in Allens Creek Neighborhood District.

Don Stephenson moved, seconded by Marty Prevost, that the rezoning of the property identified as Parcel #8604-78-4504 be changed from the Allens Creek Neighborhood District to the South Main Business District. The motion carried unanimously.

Adjournment

With no further business, Dan Wright moved, seconded by Lee Bouknight that the meeting be adjourned at 6:38 p.m.

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Rex Feichter  
Chairman

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Freida F. Rhinehart  
Secretary