

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
DECEMBER 17, 2007
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, December 17, 2007. Members present were Don Stephenson, Dan Wright, Lee Bouknight, Brooks Hale, Patrick McDowell and Marty Prevost. 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.

Amendment to the Zoning Map to Remove Property at 2902 Asheville Road from the Town's Planning Jurisdiction

Paul Benson presented the following report:

Staff Report:

Background: When the Waynesville ETJ map was prepared a point-to-point boundary description was used in places resulting in many split properties. The subject property is an example of one such property. Approximately 0.7 acre of the 4.7 acre tract is within Waynesville's ETJ while the majority of the property is not.

The applicant and property owner, Landon McGary, has requested that this section of his property be excluded from Waynesville's ETJ so that the property may be developed for commercial or industrial use. The Raccoon Creek Neighborhood District regulations do not permit commercial or industrial development of this property.

The area surrounding and including this property are shown in Waynesville's long range development plan as being developed for low to medium density residential uses and as being in the Town's urban services boundary, indicating a potential for future annexation.

Recommendation:

The staff recommends that his relatively small area of jurisdiction which splits the applicant's property be excluded as requested to avoid development hardships created by split zoning.

A more comprehensive solution to this and similar situations would be for the Board to consider a revision to the ETJ map to eliminate the large number of properties currently split by Waynesville's ETJ boundary.

Rex Feichter asked if there were many similar properties that were split. Mr. Benson replied that there are hundreds. Mr. Benson further stated he did not feel rezoning of this property would affect the residential nature of Junaluska Oaks since this property is the first drive on the left at the entrance to Junaluska Oaks.

Dan Wright said he would like to see the entire ETJ boundary studied. Mr. Benson replied that he had brought this issue up at the last Board of Aldermen retreat and said that he would bring it up again at the 2008 retreat.

Patrick McDowell moved, seconded by Lee Bouknight, to recommend to the Board of Aldermen that the 0.7 acre of jurisdiction which splits the applicant's property be excluded from the ETJ as requested. The motion carried unanimously.

Amendment to Section 154.093(F) Text of the Land Development Standards to Meet North Carolina General Statutes Requirements for Posting Notices of Public Hearings on Proposed Rezonings

Staff Report:

The North Carolina General Statutes, Section 160A-384, specify a procedure to be used by municipal governments when considering a change of the official zoning map. This procedure includes a requirement that "a city shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed meeting."

Section 154.093(F) of the Town's Land Development Standards specifies the Town's procedure for public notification of rezoning hearings; however this section has no reference to the posting requirement contained in State law. Therefore, the staff proposes that an ordinance be adopted to bring the Land Development Standards into compliance with State law.

Recommendation:

The Planning staff recommends that an ordinance be recommended by the Planning Board for adoption by the Board of Aldermen to provide for the posting of on-site public notices for proposed rezonings.

Mr. Benson stated that it was discovered recently that our ordinances do not require the posting of signs on a property when it is being rezoned but the General Statutes do require that a sign be posted. No time period has been given, but our ordinance needs to be brought into compliance with the North Carolina General Statutes. Mr. Benson recommends that a sign be put up 14 days prior to the hearing by the Board of Aldermen. This is the same time frame for ads to appear in the newspaper.

Marty Prevost moved, seconded by Brooks Hale, to recommend to the Board of Aldermen that Section 154.093(F) be amended to comply with the North Carolina General Statutes. The motion carried unanimously.

Other Business

Paul Benson stated that he had a call from Ed Williams with the North Carolina Division of Water Quality who has conducted a research project on Richland Creek. Mr. Williams asked about venues for presenting his research program. Mr. Benson felt that the Planning Board might like to be informed about this project and this would be a good time for the presentation since there was a light agenda for the meeting.

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Adjournment

With no further business, Marty Prevost moved, seconded by Dan Wright that the meeting be adjourned at 5:50 p.m. for Mr. Williams' presentation. The motion carried unanimously.

Rex Feichter
Chairperson

Freida F. Rhinehart
Secretary