

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
September 15, 2008
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, September 15, 2008. Members present were Don Stephenson, Rex Feichter, Lee Bouknight, Gary Sorrells, Jim Francis, Marty Prevost and Patrick McDowell. Also present were Planning Director Paul Benson, Public Works Director Fred Baker and Deputy Town Clerk Freida Rhinehart. The meeting was called to order at 5:30 p.m.

Approval of Minutes of June 16, 2008

Jim Francis pointed out on Page 2, paragraph 5 the last name should read “Francis” rather than “Freeman”. Mr. Francis then moved, seconded by Lee Bouknight, to approve the minutes of June 16, 2008 as revised. The motion carried unanimously.

Zoning Map Amendment Request - Timothy and Patricia Shook - Howell Mill Road and Calhoun Road - from Howell Mill Neighborhood District (HM-ND) to Russ Avenue Town Center (RA-TC)

Staff Report:

Requested amendment: From Howell Mill Neighborhood District (HM-ND) to Russ Avenue Town Center (RA-TC)

2020 Land Development Plan: The 2020 Land Development Plan indicates that planned land use for this area is “Residential, Low to Medium”. This classification is recommended on lands where utility services are provided but roads are such that higher density development is not recommended. Development included in this classification is single family residential at average densities of 3 units per acre, and residential support uses such as churches, schools and small parks.

The existing zoning, HM-ND has a vision/goal of the area developing as a residential area with a mix of housing types. The maximum residential density in HM-ND is 10 units per acre. As for permitted uses, HM-ND is basically a residential district with no commercial uses permitted.

The requested zoning, RA-TC has a vision/goal of providing a gateway to town and permitting dense, high intensity land uses. There is no limit on residential density and a wide range of residential and commercial land uses are permitted.

Utility service: A full range of public utilities is accessible to this property.

Accessibility: The property fronts Howell Mill Road and Calhoun Road. Howell Mill Road is funded for major improvement by NCDOT currently scheduled for construction beginning in 2011.

Zoning and development pattern: This property is bordered on the west and south by RA-TC zoning. To the west across Calhoun Road is the Ingles Plaza shopping center, to the south across Howell Mill Road is the Associated Packaging manufacturing facility. Zoning to the north and east is HM-ND and development is characterized by low density single family residences.

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Tim Shook said he owns the property across from Associated Packaging running along Howell Mill all the way to Calhoun Road. Mr. Shook is in the process of listing this property and putting it on the market. He would like to request this rezoning in order to sell this property for commercial use. There is a rental house located on this property.

Paul Benson emphasized that the Land Development Standards call for "low to medium" density in the Howell Mill Neighborhood District which fits with the existing zoning. The requested zoning would not fit with the adopted Land Development Plan. Fred Baker informed Mr. Benson that sewer is not currently available to the property at this time.

Mr. Shook said the sewer line is just across the road. The property has not been listed but he has a realtor who plans to list as commercial property. The developer can have the sewer extended to the property.

Marty Prevost asked Mr. Shook if he is outside the city limits. He stated that he is by about 10 feet.

Mr. Feichter asked if he had petitioned for annexation. Mr. Shook said he assumes that his property will be annexed at any time since his property is so close.

Patrick McDowell asked about the differences between use classifications in Russ Avenue Town Center and Howell Mill Neighborhood District. Mr. Benson replied that Russ Avenue Town Center has a pretty wide range of commercial uses. Howell Mill Neighborhood District is more of a medium density residential district that allows very little commercial use.

Marty Prevost asked about the proposed widening of Howell Mill Road. Mr. Benson said that right of way acquisition is scheduled for next year and construction will most likely begin sometime in 2011. The road will be two lanes with some turn lanes. The road will be straightened as well.

Rex Feichter noticed there has been some construction on the property. Mr. Shook replied the Town is bringing some underground conduit from the substation directly behind his property along the edge of his property line.

Mr. Feichter asked if Mr. Shook's property might be affected by changes to the Land Development Plan as a result of the current study of the Standards. Mr. Benson stated that it is probably too early to determine what changes might be made. The problem he foresees in adding commercial areas is the Town already has a great deal of commercial property now that is under utilized such as vacant parking lots, vacant buildings and very low end warehousing. This is somewhat of a blight on the Town and it might be of more benefit to tighten up the supply of commercial property so available property can be redeveloped.

Lee Bouknight asked if Mr. Shook's property adjoins the access road to Ingles. Mr. Shook replied that it does not.

Patrick McDowell pointed out to the Board that once we begin allowing rezoning into the Russ Avenue Town Center, other properties along Howell Mill might begin a chain reaction of requests all the way to Vance Street. There is a need to be aware of such a situation.

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Chuck Brown, Mr. Shook's realtor, who has the property listed said that one of the drawbacks for residential is the fact that the property faces Associated Packaging. He feels there is a good case to maintain a residential pattern on out Howell Mill Road but since this property is across from Associated, a developer will have to be able to use the property to its fullest without having the manufacturing facility as its view. Mr. Brown said that stopping the commercial growth on the east side of the Shook property is a more logical approach.

Mr. McDowell responded that he understands Mr. Brown's marketing point of view but from a land planning standpoint, this might be a continuing problem resulting in an erosion of neighborhood districts.

Mr. Benson explained that the Planning Board could table action for 30 days. At the end of that time, a recommendation for or against action would have to be made to the Board of Aldermen. If the Planning Board recommends against it, Mr. Shook can appeal to the Board of Aldermen.

Jim Francis pointed out that since Mr. Shook's property directly joins the Russ Avenue Town Center, action in favor of his request would not be considered spot zoning. Mr. Benson agreed but stated that the line has to be drawn somewhere and feels the Land Development boundary was placed there because the sewer line ends on the other side of the street.

Gary Sorrells said this was probably the case but felt since the property faces Associated Packaging, it should be rezoned.

Don Stephenson stated the property is being marketed for multi-family.

Mr. Francis said for this reason sewer would have to be made available.

Mr. Benson responded that multi-family with a density of 10 units per acre is currently allowed in the Howell Mill Neighborhood. The developer would be required to furnish sewer to the development and would be required to apply for annexation. The Town Board would have to make a decision to annex the property before access to sewer would be granted.

Rex Feichter asked if there were plans to extend sewer out Howell Mill Road with the proposed new road work. Mr. Baker said the sewer line does not follow the road. At this point, the Town has no plans to annex in that area. It would be up to the developer to bring the annexation proposal to the Town. Also sewer requirements depend upon density of the units. If the density is lower, sewer would not be required.

Gary Sorrells moved, seconded by Jim Frances, to recommend approval of the zoning map amendment request to the Board of Aldermen. The motion failed with Sorrells, Francis and Bouknight voting in favor; Stephenson, Feichter, Prevost and McDowell opposed.

Zoning Text Amendment Request - Section 154.402 - Stormwater Management

Public Works Director Fred Baker presented the proposed Stormwater Management Plan for recommendation of adoption to the Board of Aldermen. He pointed out highlights of the changes. There will be a capital improvements program to upgrade our stormwater system.

Some of the recommended changes include:

- New definitions have been added to clarify terms within the document.
- The requirements only affect new development or redevelopment.
- Trout waters are designated due to temperature differences in streams where waters may be too warm for trout to reproduce.
- Areas that are designated as open space cannot be disturbed and do not require runoff treatment.
- Provision of incentives to reduce impervious surface when redeveloping.
- Uniform Watershed Analysis is required for all developments.
- Homeowners and other associations may require escrow accounts for maintenance and inspections of their sites.
- Annual maintenance inspections of drainage basins, ponds or other facilities are required. Violation inspections can also be made based upon complaints.
- Submittal of a performance security for installation and maintenance of a stormwater system.

Marty Prevost moved, seconded by Don Stephenson, that the Stormwater Management Plan be recommended to the Board of Aldermen for approval. The motion carried unanimously.

Election of Officers

Gary Sorrells moved, seconded by Jim Francis, that Rex Feichter be elected Chairperson. The motion carried. Feichter abstained.

Marty Prevost moved, seconded by Rex Feichter that Patrick McDowell be elected to serve as Vice Chairperson. The motion carried unanimously.

Adjournment

With no further business, Lee Bouknight moved, seconded by Rex Feichter that the meeting be adjourned at 6:30 p.m.

Rex Feichter
Chairperson

Freida F. Rhinehart
Secretary