

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
FEBRUARY 21, 2011
MONDAY, 5:30

The Planning Board held a regular meeting on Monday, February 21, 2011. Members present were Don Stephenson, Gary Sorrells, Patrick McDowell, Jim Francis, Jon Feichter, Marty Prevost and Lee Bouknight. Also present were Planning Director Paul Benson and Administrative Assistant Ginny Boyer. Absent were Brooks Hale and Deputy Clerk Eddie Ward. Chairman McDowell called the meeting to order at 5:30 pm.

Approval of Minutes -- January 18, 2011

Marty Prevost mentioned one correction regarding crosswalk elevations. She feels that both Church Street and Wall Street's raised crosswalks are a little high. Her recommendation is for something between zero elevation and the aforementioned crosswalks' elevation.

Jim Francis moved, seconded by Jon Feichter to approve the minutes as corrected. The motion carried unanimously.

Consideration of New Zoning for Properties 2018 and 2020 Dellwood Road PIN 8617-01-3397 and 8617-01-5209

Paul Benson mentioned this has been initiated by the Town, to zone two adjacent properties recently annexed. These properties need to be zoned because they are outside the ETJ. All property inside Town limits and the ETJ must be zoned per State law. Staff is recommending the Dellwood Junaluska Area Center District for the two adjacent satellite annexations because the other satellite annexations in this area are zoned this way and the comprehensive plan calls for meeting the high intensity commercial use on that property. The buildings are now currently vacant, but there is a plan to put a microbrewery in one of the buildings which prompted the annexation request to get sewer service to the property.

Don Stephenson asked if the owners are in favor. Mr. Benson mentioned they requested the annexation and are proposing commercial use. Mr. Benson has not spoken to them specifically about the proposed zoning but mentioned they will get notice prior to the Town Board public hearing. Don Stephenson then made a motion to approve based on the recommendations. Lee Bouknight seconded. The motion carried with the exception of Marty Prevost who wanted to go on record as abstaining due to a conflict of interest.

Consideration of Revised Land Development Standards

Paul Benson mentioned concern about projects potentially being phased and setting under the thresholds for nonconforming use as being brought into compliance with the ordinance. The ordinance allows for expansions or reconstructions less than 50% to meet a lower standard of compliance and also smaller parking lot expansions. The concern was, and it was heard from both the public and members of the Planning Board, a developer could deliberately phase a project and split it up, building one part of an addition under one permit, and then come in within a short period of time and build another addition under another permit. The total of both additions would have triggered compliance, but taken separately they would stay beneath the threshold. The time limit is arbitrary. Mr. Benson put twenty-four months. That would cover anyone arbitrarily breaking up a project.

Mr. Benson had a conversation with Jim Francis. There is a valid concern over membership composition. The current Board composition has a generous ETJ representation. Craig Lewis' concern is the ETJ is over-represented on our boards and town residents are under-represented. The intent of the NC General Statute (NCGS 160A-362) is to have proportional representation. Mr. Benson said it would be a good idea to reference the statute in the ordinance. As each appointment comes open, the staff will advise who needs to make the appointment.

Regarding the LDS, Patrick McDowell asked if there had been any public comment. Mr. Benson mentioned a comment from Luis Quevado regarding the format of the parking table. A label needs to be added to table 9.3 to reference building type.

Patrick McDowell opened the meeting for public comment on the LDS. Mr. Jacobson of 46 Meade Street asked if the plan has a provision for protecting adjacent property owners if a proposed development next to them would adversely affect them, specifically putting a three story apartment building next to single family dwellings.

Mr. Benson mentioned the entire ordinance is designed to protect adjacent properties. The basic safeguard is a special use permit. The special use permit means that there is a public hearing, a site plan review held by the planning board, with a quasi-judicial process with eight discretionary criteria as part of that process. That is the primary safeguard against something of significantly different scale because any project over eight or more units has to get a special use permit in any district.

Mr. Jacobson said more signage and notification to neighborhoods would be helpful when something different is coming in. Mr. McDowell mentioned public announcements in addition to signage. Mr. Benson mentioned site plans also being available through the Town of Waynesville website.

Chairman McDowell closed the public comment portion.

Marty Prevost asked what provision is being made for the future to locate railroad corridor.

Mr. Benson wants to begin immediately upon adoption of this ordinance. There are two rezonings the committee recommended and endorsed: Reducing the South Main Business District and increasing the Hyatt Creek Area Center District, to recognize more of the regional business development going on South Main and also to do the railroad corridor zoning at least in the Southern Concrete/ Haywood Builders Supply area adjacent Frog Level. We may also want to look on the other side of Frog Level at the Giles Chemical building and the area along Richland Street.

Patrick McDowell then asked if anyone wanted to make a motion to approve the Land Development Standards. Gary Sorrells made a motion to approve, seconded by Marty Prevost. All were in favor.

A second issue to be voted upon: The composition of the Board of Adjustment and Planning Board. This Board will slowly start changing composition to reflect a stronger influence from the actual Town, thereby coming into compliance with the NC State Statutes. Staff recommends that the language of Section 14.3.2,B be changed to read:

“The Waynesville Board of Aldermen shall appoint members from within the Town limits and, if the Town is exercising extraterritorial planning jurisdiction, one (1) or more members shall be filled by the Haywood County Commissioners as provided for in NCGS 160A-362 to provide for proportional representation of residents of the ETJ. As vacancies occur the Administrator shall advise the appropriate governing board to make appointments/reappointments as necessary to remain in compliance with the provisions of NCGS 160A-362 based on the best available estimates of population. The representatives of the extraterritorial area shall have equal rights, privileges, and duties with the other members of the Planning Board.”

Similarly, Section 14.4.2,C. regarding appointments to the Board of Adjustment, would read:

“The Waynesville Board of Aldermen shall appoint members from within the town limits and, if the Town is exercising extraterritorial planning jurisdiction, one (1) or more members shall be filled by the Haywood County Commissioners as provided for in NCGS 160A-362 to provide for proportional representation of residents fo the ETJ. As vacancies occur the Administrator shall advise the appropriate governing board to make appointments/reappointments as necessary to remain in compliance with the provisions of NCGS 160A-362 based on best available estimates of population. The representatives of the extraterritorial area shall have equal rights, privileges, and duties with the other members of the Board of Adjustment.”

Jim Francis made a motion to adopt this language as presented. Lee Bouknight seconded and all were in favor.

The third issue to be voted upon: To Section 13.7 Nonconforming design Elements and Site Features, add the following text:

For the purpose of this section the size of projects involving parking area expansion and building expansion/reconstruction shall include all such projects previously undertaken on the site within a twenty-four (24) month period.

Jon Feichter made a motion to approve. Lee Bouknight seconded and all were in favor.

Adjournment

Lee Bouknight made a motion to adjourn which was seconded by Gary Sorrells. All were in favor and the meeting adjourned at 6:02 pm.

Patrick McDowell
Chairman

Ginny Boyer
Administrative Assistant