



TOWN OF WAYNESVILLE Planning Board

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Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD REGULAR MEETING

Town Hall – 9 South Main St., Waynesville, NC 28786

December 21, 2015

THE WAYNESVILLE PLANNING BOARD held a regular meeting on December 21, 2015 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Vice Chairman Danny Wingate welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Phillip Gibbs
Marty Prevost
Shell Isenberg
Anthony Sutton

Absent:

Patrick McDowell
Robert Herrmann
Brooks Hale

The following staff members were present:

Elizabeth Teague, Development Services Director
Amie Owens, Town Clerk
Byron Hickox, Land Use Administrator
Ron Sneed, Attorney

Vice Chairman Wingate introduced the newest Planning Board member, Anthony Sutton. Mr. Sutton was sworn in by Town Clerk, Amie Owens prior to any business being conducted.

Members voted by consensus to move the Planning Board meeting to January 25, 2016 which is one week later than the regular schedule to avoid interfering with the Martin Luther King, Jr. holiday.

2. Adoption of Minutes

Development Services Director Elizabeth Teague noted that there were two corrections made to the minutes after distribution to the Board Members. These did not change any of the contexts of the minutes.

- Patrick McDowell was incorrectly identified as Phillip McDowell under Absent:
- The signature line for approval of the minutes should have indicated Vice Chairman Danny Wingate's name for signature as he led the meeting.

Board Member Shell Isenberg made a motion, seconded by Board Member Bucky Dykes, to approve the minutes of the November 16, 2015 meeting as corrected. The motion carried unanimously.

B. NEW BUSINESS

1. Public Hearing and Consideration for a Special Use Permit request by Haywood County for the installation of a communications tower in association with the new Emergency Management Services/911 Center at 1620 Brown Avenue, PIN 8605-70-9569

Attorney Ron Sneed provided an overview of the quasi-judicial process and the responsibilities of the Planning Board members, including the listing of standards which would be considered as part of the deliberation, and the duties of those individuals who would be testifying. Vice Chairman Wingate identified the parties involved and confirmed that no Board Members had any previous conversations with the parties outside of this hearing.

Those testifying were sworn in by Vice Chairman Wingate and the hearing was opened at 5:41p.m.

Staff Presentation:

Byron Hickox, Land Use Administrator – “Good Evening. I hope everyone is doing well. I’ve got just a brief staff presentation here. If you have had a chance to look over, I am sure if you all are, umm, certainly familiar with this site. This is located at 1620 Brown Avenue, on your agenda it was listed as 285 North Main that is actually the mailing address for Haywood County; that is not the location for the project. The project is at the Sheriff’s Office at 1620 Brown Avenue. It is a property of 3.9 acres and is one of 5 contiguous properties all along Haywood County that makes up the 12.7 acre complex that make up the Sheriff’s Office complex down on Brown Avenue.”

“What they are asking for is a special use permit to construct a monopole wireless communications tower of 140 feet in height. A wireless monopole communications towers require a special permit in all districts they are permitted in. So there’s not anything unusual about this particular location, anywhere you would propose to construct one of these towers you would be required to have a special use permit, so that is why we are here. This is located in the Hyatt Creek Regional Center District that’s a district – umm – regional center districts are our districts of highest development and generally the greatest density and largest commercial retail and some industrial uses. In looking over our 2020 Development Plan this is consistent with use in that area, it is called Waynesville Our Heritage, Our Future, 2020 Land Development Plan. According to this plan, the planned use for the subject property is community facilities which is pretty self explanatory. This category includes land that is or is proposed to be developed for ownership and operation by a public or semi-public institution or organizations with a community-wide focus. And it certainly seems that this sort of development meets that definition. The surrounding land use around this to the north and west is retail and commercial to the south. Subject property abuts a railroad line. All the properties to the east again are also owned by Haywood County and contain various buildings and operations related to Haywood County. This tower was for mission-critical two-way wireless communications for the County’s law enforcement, fire and emergency medical agencies, as well as local emergency management and county services.”

“Now, before we get to staff recommendations, I’m gonna pass out this document here, that Mr. Sneed alluded to a few moments ago. There are 30 questions there and those are various requirements, the first 30 that are required by our land development standards as what we call supplemental standards that pertain specifically to wireless monopole communications towers which is what we are looking at tonight. The final six questions, or I should say, the final question is sort of an open ended one, Questions 31 through 36, are the six slightly more subjective questions that Mr. Sneed mentioned. I don’t think we need to go through all of these thirty unless you really want to, they are basically a very cut and dried, they either meet the standard or they don’t. Do they meet FAA guidelines? Do they meet the height requirement? Do they meet the set backs? Do they have the appropriate amount of buffering? If it joins a residentially zoned district are the set backs appropriate? It does not adjoin a residentially zoned district. So that is the first thirty questions, what are your feelings on those, do you feel like you’d like a moment to sorta look through those?

Board Member Anthony Sutton – “Yes, please.”

Byron Hickox: “Okay, sure.”

Attorney Ron Sneed: "Excuse me, is it your testimony that those references in this sheet is in the staff's opinion are the matters in the application that fulfill these requirements?"

Byron Hickox: "Yes, Yes, I filled this out today when this questionnaire was given to me and the first thirty items, which are the items that relate to requirements in the land development standards. The only item is number nineteen (19), I wouldn't say it is questionable, but I answered it as mute as was submitted to us in their application. Take a look at question 19 on page six, the question says Is stealth technology being used, that is, is the tower and antennas designed to blend into the surrounding environment through use of color and/or camouflaging architectural treatment. And the answer to that was No. We received, in the original, I think even as early as the preliminary applications it was made clear that, umm, the stealth technology was really designed with cellular communications towers in mind and that in a public safety application for this type of tower it is not really practical and I am certainly not an engineer and could not speak to whether this is possible. But, uhh, we have seen in a number of occasions in some of their documentation that it is not practical in a public safety communications environment."

Board Member Anthony Sutton: "But it did say that it was a brushed finish and not a shiny finish."

Byron Hickox: "That actually applies to the fence, I believe. I want to say that... yeah"

Board Member Anthony Sutton: "Oh, okay."

Byron Hickox: "But I believe that, as far as a requirement goes, yes, but the finish on the tower itself, yes, it is not a shiny reflective surface."

Silence then papers ruffling

Byron Hickox: "Lots of the items are not applicable; they are sort of follow up questions. The tower is not artificially lit, umm, the FAA requires that towers of 180 feet or higher be lit and it is also related to topography, so I was speaking to Mr. Dale Burris earlier today and you know, if you were in Nebraska where everything is flat, they might require lighting on a tower that is only 80 or 100 feet tall. Here with our topography in the mountains, that changes a little bit. So in this area they wouldn't require lighting until you reach 180 feet; this is only 140 feet proposed tower. So no lighting is required by the FAA, so all the follow up questions regarding lighting are not applicable."

Byron Hickox: "Would you like to move on to questions 31 through 36?"

Barely audible, non identified – "Uh, huh"

Byron Hickox: "And again these are the more subjective questions (cellphone rings in background), this is really sort of turn up the heat, so to speak, umm, let's just start and go through each of these if you don't mind."

"Question number 31, does the proposed special use conform to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site? Now this is my opinion that I filled out here this afternoon, but this is really yours to make here."

"Question number 32, are adequate measures being taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads?"

"Question number 33, are adequate utilities, water, sewer, drainage, electric, etc available for the proposed use?"

"Number 34, will the proposed use not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?"

"Number 35, will the establishment of the proposed use not impede the orderly development and improvement of surrounding property for uses permitted within the land development district?"

"And finally, number 36, will the establishment, maintenance or operation of the proposed use not be detrimental to or endanger the public health, safety or general welfare?"

"So, if you notice, it may seem a little odd that these questions are answered yes, because they were asked in the negative. So they are phrased in a little bit of a round about manner. And number 37 is the additional conditions if the board wants to place any conditions on the use as part of the approval to assure that mitigation measures are associated with the use. Such conditions shall become part of the special use permit approval and shall be included in the final site plan application. So with that, let's take a look at staff recommendations."

"If you want to go back to your staff report there. Its page three, I believe, of this particular section. Staff recommends that the following findings of fact can be established. That One - The proposed use is conforming to the neighborhood because - a. Regional Center Districts are intended to be a setting for high intensity land uses; b. the Town of Waynesville's comprehensive land development plan indicates that this property be developed by public institutions with a community-wide focus; c. a privately-owned 180-foot tall monopole wireless communications tower currently exists less than a quarter mile from Haywood County's proposed tower location; and d. the site is surrounded by industrial and commercial property. Two - The site will have restricted access (coughing in background) and so not create traffic hazard or congestion. Three - Adequate utilities are available for the proposed use. Four - The tower will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. Five - The construction of a communications tower at this location will not impede the orderly development and improvement of surrounding property for permitted uses within the land development district. And Six - The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety or general welfare. On the contrary, this proposed tower has been deemed a necessary improvement to the current county-wide public communications system and is critical to improved emergency management service for the community."

"The Development Services staff feels that the proposed project is both consistent with the Town's 2020 Comprehensive Plan and meets the required standards for findings for a special use permit. For these reasons that the Development Services staff recommends approval of the special use permit request by Haywood County. Do you have any questions for me at this time?"

Board Member Shell Isenberg: "What are one are they using now?"

Byron Hickox: "Uhh, I believe they are using a facility, and I don't want to speak out of school here, I believe it is... what is the current tower being used now, Mr. Burris?"

Mr. Burris approaching the podium

Dale Burris, Facilities Maintenance Director, Haywood County: "I'm Dale Burris, I'm the Facilities Maintenance Director for Haywood County. Ahh, actually the uses, where our towers are... or lack of towers I would say, our antenna usage is on top of the annex at the courthouse located at 215 North Main Street.

Board Member Shell Isenberg: "So still a separate use like this one would be... better placed."

Dale Burris: "Yes, sure we have multiple antennas on this facility; this would be one tower with all of the antennas located on it."

Board Member Shell Isenberg: "And it will be only for this purpose nobody else will share this tower?"

Dale Burris: "Ahh, due to 911 EOC there is no other use, no one else can use this, cellular services or anything like that, that is correct."

Board Member Anthony Sutton: "This is for county and the city, correct?"

Dale Burris: "It is for county and municipalities, that is correct, sir."

Board Member Bucky Dykes: "So, so when you, when you build this will you take out other antennas that may be elsewhere or is this just a augmentation of the system?"

Dale Burris: "The, umm, it is my understanding that the antennas on the existing location now would be removed and these antennas would connect to our repeater sites in the appropriate locations."

Board Member Marty Prevost: "And is there anyway to use the monopole that is already there? Is that not possible, the one that is behind Ingle's?"

Dale Burris: "Are you speaking to the one that is owned by and I think leased by other cellular companies?"

Board Member Marty Prevost: "Uh, huh."

Dale Burris: "Well, the issue would be at that point was 911 does not allow communications for 911 EOC purposes on a tower such as that... It goes back to them not being able to use our tower as well we can't use theirs, and then of course, as well as the lease space and having external antennas on that tower itself.

Board Member Anthony Sutton: "How could we provide for it and make sure there no cell overlap (fades out)..."

Dale Burris: "I would, I would defer that question to our tower expert, but I am pretty sure you are correct on that."

Vice Chairman Danny Wingate: "Anybody else have any other questions...for the applicant?"
(Quietly to Mr. Burris) "Do you want to have someone from the tower company speak at this time or is there something else that you want to say?"

Dale Burris: Well, I just like to add, first of all I want to ahh, thank Ms. Teague and Mr. Hickox for actually helping with this, I mean they reading the ordinances is very timely and it's been, certainly been a great job that you are able to get these ordinances together like you have. I would like to speak on one (coughing in background) item you mentioned about the built in stealth technology. In the ordinance it does require that the tower fencing cannot be reflective, so the tower itself and the fencing is set up to be galvanized and we do have the perimeter with Leland Cyprus around the fence itself, the secure fence, that ties back into the facility. Ummm, while it is hard to hide a 140 foot tower, we can at least try to hide the fence." (Laughter in background) And I guess at this point, I'll turn it over to our tower expert, Mr. Chris Kelley... I'm sorry, sir."

Board Member Shell Isenberg: "So these are, so in this white area (pointing to graphic of the proposed tower site) that's where the tower and that's where the fence will come to?"

Dale Burris: "Yes, sir, that would be correct. We are going to extend that fencing on out to the sidewalk. Ahh, and due, the reason is we have enough planner space between the sidewalk, the existing sidewalk, at the law enforcement center and the fence and then it will have one secure entrance, its an abutted, the fence will abut to the law enforcement center to have a secure location..."

Board Member Shell Isenberg: "With that entrance there will remain, you're gonna just, the fence will go up to that road."

Dale Burris: "That is correct, sir, that is correct."

Board Member Anthony Sutton: "And you're planting Leland Cyprus..."

Dale Burris: "Yes, that is correct."

Board Member Anthony Sutton: "Those seem to grow very tall very quickly. Will this essentially be a hedge?"

Dale Burris: "That is the intent, and how its laid out on the plans is to where it will be a hedge to hide those three sides facing the roads, because you've got the front side facing towards Brown Avenue then the opposite side, I guess that is the north side facing towards Ingle's and then the west side, (gesturing) trying to get my bearings correct, basically is the old Hickory plant, so there is those three areas that falls under the ordinance that we have to meet."

Board Member Anthony Sutton: "Those tend to grow to be about 26 feet in about six years; any concerns..."

Dale Burris: "It will, I, well, it won't affect the actual tower antennas at their height."

Board Member Phillip Gibbs: "But that, they will be maintained well, right?"

Dale Burris: Yes, sir, we will be keeping them maintained. We will probably not, will try our best not to let them get over five feet above the razor wire on the fence."

Board Member Shell Isenberg: "What kind of a structure will be underneath to control all of the equipment?"

Dale Burris: Well, see all of the equipment is actually in the radio control room which is in a secure location inside the law enforcement center; there is no equipment, no buildings, no additional structures other than the tower, foundation and footings.

Vice Chairman Danny Wingate: "You said you would like to call on someone else."

Dale Burris: "Yes, sir, Chris Kelley with Mission Critical Partners."

Mr. Kelley approaching the podium

Chris Kelley, Mission Critical Partners: "Ah, yes, Chris Kelley, Mission Critical Partners, the County's consultant from Stecoah, Pennsylvania. Just three quick things I wanted to just cover on the RF engineering side and you had mentioned about interference. One of the goals and why we always focus on 911 public safety on their own towers there is that you start opening up a lot of other interference potential when you collocate on existing towers that are out there, too, because there are a lot more antennas on there and you don't control what's going on with those towers and with public safety we have that first and foremost, in mind. As I mentioned before all of the antennas currently on the existing facility now due to - why we need them now, there is a lot more horizontal space on the facility, the new facility, with the roof top being so low it really made us have to get vertical space to accommodate all of the antennas on there, we are looking at putting at least 20 antennas as part of that outfit all for public safety."

"Some of that were the height of the tower increases is for two main reasons: one is line of site for our microwave dishes. That provides the backdoor connectivity to the remote sites in order to provide network connectivity for some of them, as well as the actual coverage from the antennas that we put on the towers which always have to get not only above the tree lines, but have to be able to just see the remote sites out there and provide a coverage footprint so you can actually achieve the coverage when you need it on portables for fire or police or whoever may need to make that connection there. So with that, we actually originally were looking at a 180 foot tower and trying be cognizant of what we really needed, and we were able to drop that down to 140 feet.

Board Member Anthony Sutton: "This says 140 feet, but there's an antenna on the top. Do you know the height of the entire tower including the antenna?"

Chris Kelley: The height and I believe the overall height of the tower is 140 feet.

Board Member Anthony Sutton: "But there's an antenna located on the top; and I can see it on top."

Shuffling of papers and coughs

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Dale Burris: "That is actually the lightning rod."

Board Member Anthony Sutton: "Okay."

Dale Burris: "That is above everything and it can extend from one up to ten feet depending upon what the static electricity is that is happening on the location at the ground."

Board Member Anthony Sutton: "There is one that says for the City of Waynesville, its right at the top... at the lightning rod."

Dale Burris: "Yes, we're, the Town of Waynesville will be... right, all our antennas based on NFBA and NEC, national electrical code, has to be below the lightning rod. So, the top portion, so the Town of Waynesville has radio communications from remote locations that you are aware of is at the top of the tower."

Chris Kelley: "Any other questions for me?"

Board Member Anthony Sutton: "How tall is the lightning rod?"

Chris Kelley: "Ten feet."

Board Member Anthony Sutton: "Ten feet. So, actual height of the entire structure is 150 feet including the lightning rod."

Chris Kelley: "Yes, I believe that is the final and that's why I asked...."

Muffled discussion unidentifiable party – So, its 141 feet?

Carroll Montgomery approaching the podium

Carroll Montgomery, Advanced Wireless Solutions: "My name is Carroll Montgomery and I am with Advanced Wireless Solutions, the contractor that has been selected to build the tower. I am from Johnson City, Tennessee. To answer your question, it could be 141 or it could be 150, when we say at the top, you have a side mount that goes onto a round leg at the top of the tower. If that side mount, if this is the top of the tower and this is the side mount (attempting to illustrate using hand gestures) coming out here, if it is like that... you are going to see maybe point five feet but if that side mount is brought down here to where the antenna is even with the top of the tower, it could be 141, to give you your answer. And if uhh, does that answer...?"

Board Member Anthony Sutton: "That does answer."

Carroll Montgomery: "Do you have any other questions?"

Board Member Shell Isenberg: "Yes, sir... with the new tower, how much more service does this now create, or ability, I guess for service than the towers that are set on the courthouse?"

Chris Kelley: "The primary service from a lot of the remote sites now has the largest footprint across the county. With the tower here now, it expands much further outside of the town here, as well as provide a much larger footprint for a backup scenario because this is also our back up if any of the remote sites fail, it can provide a much wider footprint across the county for any of the agencies on the outside as well."

Board Member Shell Isenberg: "So coverage is increased substantially?"

Chris Kelley: "Yes, I think substantial is a good way to put it."

Board Member Bucky Dykes: "So you are increasing the coverage as well as the efficiency with this tower?"

Chris Kelley: "Correct."

Board Member Marty Prevost: "But some of those other remote sites will be taken out?"

Chris Kelley: "No, the remote sites will remain in effect. This is to primarily replace the existing antennas that are out the same amount of antennas that are on the existing facility now. When we relocate, we are relocating all of these to the tower."

Vice Chairman Danny Wingate: "Any questions?" "Thank you." "Would anyone else like to comment? Staff, rebuttal, anybody... so I guess we can close the hearing?"

Vice Chairman Danny Wingate: "Before we close here, Mr. Sneed one question maybe before the hearing wraps... we have to approve each of these things or put a condition on it, is that correct?"

Ron Sneed: "Correct. You have to find all of those have been proved and you have that quirky one that has to do with stealth technology and this isn't totally, not one that appears to be totally in vision, but that is one that this board has to find that what they are arguing is sufficient to satisfy the requirement. It sounds like there is no need to work yourselves to death on this one. If you agree with the staff's findings or what they propose as the findings, you could adopt as your findings the staff's proposed findings on that sheet."

Vice Chairman Danny Wingate: "Alright. We will now close the hearing and ahh.... (interrupted)"

Board Member Anthony Sutton: "Can we also stipulate something on number 37?"

Ron Sneed: "Sir?"

Board Member Anthony Sutton: "Like on number 37, could we put something in to require them to keep the cypruses below a certain number of feet?"

Ron Sneed: "That could be done."

Multiple Board Members discussing various stipulations at the same time – garbled on microphones and recording

Board Member Shell Isenberg: "Wasn't that a restriction or law that you could only go to 150 or is it that just the way that... (interrupted) "

Board Member Anthony Sutton: "No, this is for the landscaping around the tower."

Ron Sneed: "If you are making such a proposal, then you have to have some basis or reason for doing that. If you have some, something, and I am sure that you have some reason or you wouldn't say anything. But this board would have to agree to the reason for putting a limit on the Cyprus and your evidence so far is that no harm from a fully grown Cyprus and the controlling, maybe self controlling, and they testified that they will try to limit that height because they have to have clear view for their equipment."

Vice Chairman Danny Wingate: "It would be real subjective."

Multiple Board Members discussing various stipulations at the same time – garbled on microphones and recording

Ron Sneed: "Please keep in mind that this entire discussion is public record and the discussion needs to be loud enough so she can get the record."

Vice Chairman Danny Wingate closed the hearing at 6:09 p.m.

Board Member Anthony Sutton made a motion, seconded by Board Member Bucky Dykes to approve the staff findings and to approve Haywood County's request for a Special Use Permit for the construction of a monopole wireless communications tower. The motion carried unanimously.

PUBLIC HEARINGS – CONSIDERATION OF ZONING CHANGES

Ms. Teague provided background on the upcoming series of public hearings as they were the result of multiple applications filed in the same geographical area. All petitioners were requesting consideration for changing of their existing zoning areas to that of Central Business District in an effort to allow for more commercial and small business uses. Ms. Teague added that the properties in question had historically been zoned as commercial; however, following the revision of the land use map in 2003, this was changed. She highlighted the flood plain map and where each of the properties fell related to 100 and 500-year flooding. Ms. Teague provided pictures of the area and that illustrated the proximity of the railroad tracks and other commercial businesses.

Ms. Teague reminded members that although the requests were similar, all hearings and decisions would be considered individually. When she concluded, the first in this series of public hearing was announced by Vice Chairman Wingate.

2. Public Hearing and Consideration of a zoning map amendment from Hazelwood Urban Residential to Central Business District at 52 Killian Street, PIN 8615-07-7153 and adjacent multi-unit property, PIN 8615-07-8281

Vice Chairman Wingate called the hearing to order at 6:34 p.m.

Ms. Teague provided the staff report including the intent and purpose of the existing Hazelwood Urban Residential District and the requested Central Business District. In the interest of time, she again noted that the Consistency with the 2020 Land Development Plan would be the same for all properties being reviewed and explained that the plan was a visioning document that was developed to ensure effective land use planning.

Ms. Teague relayed the staff recommendation to change the zoning of this property to Central Business District to enable more improvement and economic opportunities for use of those structures that currently exist.

The Board Members asked questions pertaining to the types of businesses that could be allowed if the zoning was changed, about the impact of being in the flood plain and requirements for sidewalks, buffering and lighting. Ms. Teague explained that since most of the surrounding area is already being used commercially, traffic patterns are already established and would provide an opportunity to bring in new businesses which may lead to improvements and impacts. Rezoning does not guarantee road improvements nor does it automatically require sidewalks be built. At this time, only a home occupation is allowed with no signage permitted for the property.

Jack Kersten, representing property owners Jon and Leah Jorstad, explained that this area is unique in its current zoning. Historically, it has been commercial, only after 2003 was it changed to residential. He commented that the Town needs a place for start up businesses and that the Jorstad's had several ideas for use of the property including an artisan studio and an enclosed cat motel. Mr. Kersten noted that rental of property on Main Street is expensive and that if approved, the natural rejuvenation of the area could occur and would be a chance for the town to expand.

John Ebert, Killian Street, spoke in favor of the proposed change explaining that there is ample parking available for a small business. He noted that there is currently a landscape contractor utilizing one of the units. Mr. Ebert added that he has met with most of the neighbors and they confirmed that the areas has been commercial and did not see this as a big change for the location. Board Member Gibbs asked who would be responsible for any buffers if this change was made. Ms. Teague answered that the property owner would be responsible for meeting land use requirements.

Troy Inman, whose property is adjacent to another that is being considered for rezoning, added that when he purchased his property, the area was commercial and he was given a listing of about 25 businesses that could be opened there. Mr. Inman was supportive of the change as he is considering applying for a similar zoning change. Vice Chairman Wingate reminded Mr. Inman that he would need to reapply if he wished to move forward with his request.

There being no further individuals to address the board and no further questions from board members, Vice Chairman Wingate closed the hearing at 7:07 p.m.

Board Member Anthony Sutton made a motion, seconded by Board Member Phillip Gibbs, to approve the requested rezoning of from Hazelwood Urban Residential to Central Business District for property located at 52 Killian Street, PIN 8615-07-7153 and adjacent multi-unit property, PIN 8615-07-8281. The motion carried unanimously.

3. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at 182 Richland Street, PIN 8615-17-2463

Vice Chairman Wingate called the hearing to order at 7:12 p.m.

Ms. Teague noted that this is a lot owned by Christine and Viola Forga that has existing buildings on site that are currently used for storage for Forga Contracting/Construction. Again, the request is to change back to a commercially zoned area. Ms. Teague added an adjoining lot owned by William Scott Forga would be considered at a later date as the application was not submitted in time to meet the deadline for discussion at this meeting. Ms. Teague explained that because of the site abutting the railway corridor and within the floodplain, conversion to residential use is highly unlikely. The staff recommendation is to change the zoning of the property to enable more improvement and economic opportunities for use of the existing structure.

Vice Chairman Wingate asked if anyone wished to speak on this issue. No one addressed the board.

Vice Chairman Wingate closed the hearing at 7:12 p.m.

Board Member Marty Prevost made a motion, seconded by Board Member Anthony Sutton, to approve the requested rezoning of from Main Street Neighborhood Residential to Central Business District for property located at 182 Richland Street, PIN 8615-17-2463. The motion carried unanimously.

4. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at 504 Church Street, PIN 8615-17-6586

Vice Chairman Wingate opened the hearing at 7:13 p.m.

Ms. Teague explained that the request was received from Richard Muse for property located at 504 Church Street. Ms. Teague provided the intent and purpose of districts as before. The property has been marketed unsuccessfully as residential. Rezoning would lead to redevelopment and revitalization. There has been concern about the slope of the property. Ms. Teague provided views from the property. The staff recommendation was to approve the change in zoning in an effort to enable more improvement and economic opportunities for the lot; short of that, staff would

recommend that the Planning Board work with the property owner to consider an overlay designation for the residential district to allow some commercial or mixed use.

Ronald Muse, property owner, provided his own pictures for the board to review. He provided a history of the property and its use as a commercial business. Mr. Muse noted that he had worked with the town and that drainage issues had been remedied. He expressed concern that due to the location of the property in between districts, there would be no use for property unless it was rezoned. Mr. Muse acknowledged that he had previously submitted requests for rezoning which had been denied. He reminded the board that a portion of the property is in the 500 year flood plain. Board Member Isenberg asked what kind of businesses had considered the location in the past. Mr. Muse answered light automotive was the most recent.

William Sterritt, Church Street resident, spoke against the rezoning and provided the board with a 31 year history of the rezoning of this and the contiguous properties. Mr. Steer explained that he was not anti-business, but that this particular location would detract from the historic neighborhood setting of Church Street and expressed concerns about noise and light.

Rob Roland, 91 Worsham Drive in Waynesville, spoke in support of the change noting that the area started with a commercial form and the property is looking at 270 degrees of commercial with the railroad track in front. He noted that the necessary buffers that Mr. Muse would build will be easy because of the lay of the land. Mr. Roland has had calls for commercial properties in or near Frog Level and due to the residential zoning has had to turn them away or find other areas for businesses.

Vice Chairman Wingate asked if anyone wished to speak on this issue. No one addressed the board.

Vice Chairman Wingate closed the hearing at 7:30 p.m.

Discussion was held among the board members regarding the possibility of a mixed use overlay that could be applied to this property. Ms. Teague called attention to Section 2.6.2 of the Land Development Standards discussed further mixed use overlays. She explained that in order to develop such an overlay, there would have to be a zoning study of the corridor and involve property owners and would require an amendment to the mixed use table and would take some time. There are other mixed use overlay areas that could be used as examples should the board wish to go in this direction.

Ms. Teague continued noting that the current option that the board is reviewing is for a change to Central Business District. She reminded members that even though Mr. Muse has applied for commercial zoning multiple times and the decision has not been favorable, the board is only to look at the facts of the current situation, not what has occurred in the past and make their decision based on now.

Board Member Anthony Sutton made a motion, seconded by Vice Chairman Danny Wingate, to approve the requested rezoning of from Main Street Neighborhood Residential to Central Business District for property located at 504 Church Street, PIN 8615-17-6586. The motion failed as the remaining members voted in opposition.

Board Member Phillip Gibbs made a motion to explore the option of a mixed use overlay

further before a decision is made regarding this particular property. There was no second to this motion; however, the group indicated agreement by consensus.

This agenda item will be tabled and future action following further review.

5. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at 191 Richland Street, PIN 8615-17-2186 and 24 Goodyear Street, PIN 8615-17-4206

Vice Chairman Wingate called the public hearing to order at 7:39 p.m.

Ms. Teague explained that the property is owned by the Lorna J. Barker Trust with Betty Henderson as the trustee. Ms. Teague informed members that compared to the other lots in this series of rezoning requests along Richland Street, this lot has more development potential as a residential lot because of the size and depth from Richland Street. Additionally, this lot is flat and does have access from Goodyear, a side street serving the abutting residential neighborhood. However, redevelopment of this lot has not occurred, and it currently holds a mixture of storage buildings. Conversion to commercial or mixed use would make this lot more marketable and would provide flexibility in the development standard allowing better use of the lot. Rezoning this to commercial would also require the development a preservation of a buffer along the lot lines abutting residential properties.

Ms. Teague noted that the staff recommends changing the zoning of this property to Central Business District to enable more improvement and economic opportunities for this lot and in keeping with the original nature of the corridor. This would make the lot more marketable and increase the chance of redevelopment and infill. Short of that, staff would recommend the Planning Board work with the property owner to consider an overlay designation for the residential district to allow some commercial or mixed-use, or possibly the development of some multi-family or commercial/residential, or work/live type of approach. Because of this lot's location between the Richland Street corridor and the neighborhood district, a conditional rezoning based off of a specific plan may also be a good approach.

Betty Henderson, trustee, explained that her family had owned the property since 1948 and was not aware of the zoning change in 2003 and tore down the warehouse, which would have been grandfathered in. She noted that with the proximity to the railroad tracks and train traffic coming through, this was not a good site for residential properties due to shaking and noise. Ms. Henderson voiced that she would be amenable to a mixed use for the property citing examples of artist cooperatives and live/work situations. She added that residential use was not feasible.

William Sterritt, Church Street resident, spoke in favor of a mixed use overlay for the property rather than change to Central Business District and cited that neither he nor his neighbors were informed of this particular property being on the agenda for discussion. Mr. Sterritt noted that he feels this does deserve further study.

Ms. Teague explained that the notices regarding the rezoning request had been properly sent out to individuals and the media and that signage was posted on all properties in question. She

clarified that individuals who were within 150 feet of the boundary were those required to receive notice.

Hillary Green, 243 Richland Street, commented that she lives across from the railroad tracks and had not had difficulties with shaking from the train traffic. Her concern was that businesses would be going in without neighborhood input. Board Member Gibbs clarified with Ms. Green that she did not experience shaking, but only noise. She confirmed.

Doc Queen, Meadow Street, commented that he had never been shaken out of his bed by the train and the only time he hears the train when it blows its whistle. His concern was that a rezoning change would do damage to the neighborhood; he would like to see it remain residential.

Dick Young, 191 Meadow Street, he commented that the train has never caused issues. His concern is that he did not receive notice about this request and wondered why. He also noted that he worked at 182 Richland Street previously and felt that 191 Richland Street should remain residential.

Ms. Teague noted that there was an addressing issue related to 182 Richland Street and she has been working with Haywood County Land Records to assist with remedying the shared address.

Vice Chairman Wingate asked if anyone else wished to speak on this issue. No one else addressed the board.

Vice Chairman Wingate closed the hearing at 7:53 p.m.

Board members held further discussion regarding possible mixed use overlay for this property as well. Ms. Teague reminded members that in order to create a new mixed use overlay, the Planning Board would have to research, then initiate a text and map amendment, and provide proper notice to the public. The recommendation from the Planning Board would then be provided to the Board of Aldermen who would make the legislative decision which could take two to three months.

Board members discussed the potential of live/work studios and agreed that further study and neighborhood involvement would be warranted. Board Member Gibbs noted that if the board was sensitive to the neighborhood's needs and positions, it would make the Planning Board's job easier.

Board Member Shell Isenberg made a motion, seconded by Board Member Phillip Gibbs to explore the option of a mixed use overlay further before a decision is made regarding this particular property and table this request until the Planning Board can determine if a mixed use overlay would meet the Town's goals for the lot and the area. The motion carried unanimously.

6. Presentation by staff on Land Use Impacts of Howell Mill Road Improvements

In the interest of time and due to the fact that this agenda item was not time-sensitive, Ms. Teague requested that this agenda item be tabled until the next Planning Board meeting on January 25, 2016.

Board Member Marty Prevost made a motion, seconded by Board Member Anthony Sutton to table the agenda item on Land Use Impacts of Howell Mill Road Improvements. The motion carried unanimously.

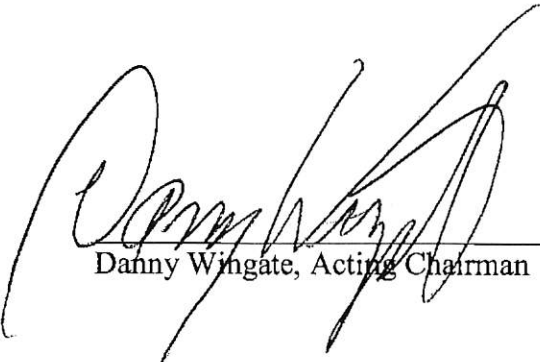
C. PUBLIC COMMENT/CALL ON THE AUDIENCE

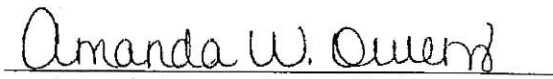
There were no additional public comments.

D. ADJOURN

Vice Chairman Wingate thanked the newest Planning Board Member Anthony Sutton for his input and participation.

With no further business to discuss, a motion was made by Board Member Phillip Gibbs, seconded by Board Member Anthony Sutton, to adjourn the meeting at 8:01 pm. The motion carried unanimously.



Danny Wingate, Acting Chairman

Amanda Owens, Town Clerk