



## TOWN OF WAYNESVILLE Planning Board

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### Chairman

Patrick McDowell

### Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr

Pratik Shah

Ginger Hain

### 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 19, 2016

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THE WAYNESVILLE PLANNING BOARD held a regular meeting on December 19, 2016 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

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate  
Bucky Dykes  
Anthony Sutton  
Patrick McDowell  
Ginger Hain  
Pratik Shah  
Phillip Gibbs  
Marty Prevost

Absent:

Robert Herrmann

The following staff members were present:

Elizabeth Teague, Development Services Director  
Eddie Ward, Deputy Clerk

Alternative dates for regularly scheduled meeting which conflicts with Martin Luther King Day on January 16, 2017

Chairman McDowell explained to the Board that the next regular meeting of the Planning Board is scheduled for January 16, 2017, which is the Martin Luther King Holiday and government offices are closed. Several alternative dates were discussed and it was the consensus of the Board to hold the next meeting on Thursday, January 19, 2017 at 5:30 p.m.

Russ Avenue road improvement plans

Ms. Elizabeth Teague, Development Services Director, told the Board that the Town had received copies of the plans for the Russ Avenue road improvement, and those plans were located in the Municipal Building for public review. She said the North Carolina Department of Transportation and the engineering firm are asking for public comments until January 13, 2017. Ms. Teague said that prior to the January Board of Alderman meeting, the Aldermen would be holding a work shop in order to look at the corridor study in more detail.

2. Adoption of Minutes

*A motion was made by Board Member Anthony Sutton, seconded by Board Member Pratik Shah, to approve the minutes of the November 21, 2016 regular meeting as presented. The motion passed unanimously.*

**B. NEW BUSINESS**

1. Public Hearing to consider a map amendment request for 59 Abel Lane, 48 Misti Lane, and 12 Misti Lane; Haywood County Tax Parcel Identification Numbers 8616-42-9030, 8616-51-0949, and 8616-52-0138 from Howell Mill Medium Density Residential to Howell Mill Urban Residential District.

**Background:**

Chairman McDowell opened the Public Hearing at 5:35 p.m. and asked Elizabeth Teague, to present background information.

Ms. Teague told the Board this Zoning Map Amendment request is from Mr. Thomas Mack Moody, for three properties along Howell Mill Road totaling 1.65 acres, adjacent to the DC Plus Packaging warehouse. Mr. Moody is requesting rezoning from Howell Medium Density Residential District to Howell Mill Urban Residential District.

Ms. Teague said that in May of 2016 the Planning Board voted to recommend a change in zoning designation for properties on the opposite side of Howell Mill Road to "Urban Residential." This designation was created as part of an earlier request in order to provide a zoning option that would allow professional offices and business services uses. The property is within the Town's ETJ but retain a residential character. This goal was for this area to serve as a transitional district between the intensive commercial uses allowed in the Regional Center District and the Medium Density District along Howell Mill Road. She explained that by transitional she meant that Howell Mill Road Urban  
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Residential District (HM-UR) buffers rural and medium density residential areas from the intense commercial uses found within the Russ Avenue Regional Center District. The change to Urban Residential would increase the allowable density from eight units per acre to 16 units per acre, and permit multi-family developments at a higher density of up to 24 units per acre with a Special Use Permit. Ms. Teague referred the Board to a comparison table of permitted uses showing the existing and proposed uses allowed in the Urban Residential District.

### **Consistency with 2020 Land Development Plan**

Ms. Teague stated that at the community meeting held in 2016, it was very important to residents to maintain the rural and residential nature of the area. The Town's Comprehensive Plan, Waynesville Our Heritage, Our Future, 2020 Land Development Plan state that the land use goal is to promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community. The Land Development Plan specifically speaks to the goal of creating a variety of residential opportunities for all incomes and to promote infill development and mixed use areas.

The Future Land Use Map shows this area along Howell Mill Road and adjacent to the Town's Recreation Center as medium to high density residential and mixed use district. Ms. Teague presented the Land Use Map for the Board Members to see. She explained that adjusting the map would create a higher density residential and mixed use district in the area identified on the Land Use Plan map. This would be consistent with the Plan's goals to create infill and prevent urban sprawl.

### **Surrounding Land Use/Zoning Patterns**

Ms. Teague said the proposed rezoning area is across the street from the recently expanded Ingles and Ingles' Russ Avenue Regional Center Conditional District Zoning. The 59 Abel Lane property abuts the DC Plus Packaging warehouse, and the Misti Lane properties abut residential property to the east.

### **Staff Recommendation**

Staff recommends in favor of this zoning map amendment.

### **Requested Action**

1. Motion to find that the map amendment is consistent with the Town of Waynesville's Comprehensive Land Use Plan.
2. Motion to recommend the proposed map amendment to the Board of Aldermen to rezone the property to the Urban Residential District.

Chairman McDowell asked if anyone would like to speak.

**Thomas Moody  
Howell Mill Road  
Waynesville, NC**

Mr. Moody said he appreciated the Board's time on this matter. He stated that this request was basically the same as a former request by Mr. Tim Shook concerning his properties on Howell Mill Road. He said that decision had created more possibilities for him to possibly sell his properties. Mr. Moody said he felt that Howell Mill Road would eventually become commercial, and he hoped his request would be the start of progress going in that direction.

**Bill Bolton  
Howell Mill Road**

Mr. Bolton said he owned approximately three acres near Mr. Moody's property. He had several questions for the Board concerning buffers, sewer systems, set backs and fire sprinklers. Ms. Teague explained the buffer and set backs that are required by the Town of Waynesville. She explained that Haywood County handles all private sewer systems, and that in order for the Town of Waynesville to supply sewer, the property must be annexed. Sprinkler systems depend on the design of the building as required by the North Carolina Building Code. Mr. Bolton also asked about where a buffer would be located for a dedicated right-of-way. Ms. Teague said that the buffer would start on the property of usable land space.

***A motion was made by Board Member Danny Wingate, seconded by Board Member Phillip Gibbs, to close the Public Hearing at 6:01 pm. The motion passed unanimously.***

Board Member Ginger Hain stated that she felt that while adjusting the zoning map might promote infill for mixed use, it doesn't provide for how deep or how wide the Urban Residential District could, or should, extend. She said the upcoming, but yet undeveloped, Land Development Plan could address that issue. Ms. Hain said she feared that the Board was dismantling the 2020 Plan piecemeal, parcel by parcel.

***A motion was made by Board Member Ginger Hain to find the proposed map amendment not consistent with the Town of Waynesville's Comprehensive Land Use Plan. There was no second to the motion. Motion Failed.***

***A motion was made by Board Member Danny Wingate, seconded by Board Member Bucky Dykes, to find the map amendment is consistent with the Town of Waynesville's Comprehensive Land Use Plan. The motion passed with seven ayes (Board Members Phillip Gibbs, Anthony Sutton, Danny Wingate, Patrick McDowell, Pratik Shah, Bucky Dykes, and Marty Prevost) and one nay (Board Member Ginger Hain).***

*A motion was made by Board Member Anthony Sutton, seconded by Board Member Pratik Shah to recommend the proposed map amendment to the Board of Aldermen to rezone the property to Howell Mill Road Urban Residential District. The motion passed with seven ayes (Board Members Phillip Gibbs, Anthony Sutton, Danny Wingate, Patrick McDowell, Pratik Shah, Bucky Dykes, and Marty Prevost) and one nay (Board Member Ginger Hain).*

## **C. OLD BUSINESS**

### **1. Revised Draft of Signage Ordinance for Planning Board Comment and Review**

Chairman McDowell asked Ms. Teague to give background information on the proposed text amendment to the Land Development Standards regarding Political Signs.

Ms. Teague said this working draft is in response to discussion from the November meeting. At that meeting, concerns were raised about limiting political signage and possible conflicts with freedom of expression. Ms. Teague told the Board that in rewriting these rules, the Town is responding to a decision of the Supreme Court but for which there is not a precedent of how it will be interpreted, however the Town wants to be responsive and keep our ordinances up to date. In this version of the draft, political signage has been separated into its own category. Ms. Teague said that political signage has specific protections under State Statutes. Locally, the Town wants to err on the side of freedom of expression, and allow temporary signs to be placed on private property during political season. At the same time the Town is always trying to be consistent with the purpose and intent of the Town's Sign Ordinance and Comprehensive Land Use Plan.

There was much discussion with Mr. Ronald Sneed, Attorney for the Planning Board, concerning the legality of the political signage as stated in the draft ordinance.

**Philan Medford  
Waynesville, NC**

Ms. Medford had questions concerning signage being placed in a Public Garden located on Church Street. Ms. Teague stated that in Section 11.5.11 Temporary Signs that such signage shall not be placed on any Town property or Park without the permission of the Town Manager.

### **Suggested Motion**

1. Motion to move forward with the Signage Draft as provided (or as amended) in order to set a Public Hearing and make a recommendation to the Board of Aldermen.


*The consensus of the Board was to move forward with the Signage Draft as provided in order to set a Public Hearing and make a recommendation to the Board of Aldermen.*

**D. PUBLIC COMMENT/CALL ON THE AUDIENCE**

No one spoke

**E. ADJOURN**

*With no further business, a motion was made by Board Member Anthony Sutton, seconded by Board Member Phillip Gibbs, to adjourn at 6:26 pm. The motion passed unanimously.*



Patrick McDowell, Chairman



Eddie Ward, Deputy Clerk