



# TOWN OF WAYNESVILLE

## Planning Board

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### Chairman

Patrick McDowell (Chairman)

### Planning Board Members

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Don McGowan

Ginger Hain

Susan Teas Smith

Robert M Blackburn

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

### Special Called Meeting

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

June 29, 2020

### Development Services

#### Director

Elizabeth Teague

The Waynesville Planning Board held a regular held meeting on June 15, 2020, at 5:30 pm in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

The following members were present:

Patrick McDowell (Chairman)

Marty Prevost

Robert Herrmann

Ginger Hain

Susan Teas Smith

H.P. Dykes, Jr.

Don McGowan

Robert M Blackburn

Jason Rogers

The following members were absent:

None

The following staff members were present:

Elizabeth Teague, Development Services Director

Bryon Hickox, Land Use Administrator

Jesse Fowler, Planner

Esther Coulter, Administrative Assistant

Representatives for the application:

John Neil Tate, Representative for Shining rock Classical Academy

George Genero, PE

Chairman Patrick McDowell called the meeting to order at 5:30, welcomed everyone, and thanked them for coming to the meeting. Byron Hickox, Land Use Administrator stated the property owner of the adjacent lot to the property in question was on the phone to listen in on the meeting. Mr. Hickox spoke with Attorney Ron Sneed about swearing the person in over the phone.

Chairman Patrick McDowell advised that the hearing is quasi-judicial in nature and read instructions for how the hearing would proceed. He asked that those who wanted to speak at the hearing come forward to be sworn in. Nick Noland, Byron Hickox, and Jesse Fowler came forward to be sworn in. Mr. Nick Noland introduced himself and stated the adjacent property is 4th generation owned. He stated he was not going to question anyone or call any witnesses. Chairman Patrick McDowell polled the board members with the following questions:

1. First, have any member of this board had any conversation or contact concerning this case other than the agenda packet distributed to the board prior to this meeting? All 9 board members stated No.
2. Is any member subject to any impermissible conflict of interest which would make the member unable to be impartial or to be impartial decision maker in the matter under consideration? All 9 board members stated No.
3. Does any party have any objections concerning the impartiality of this Board to this case? All 9 board members said No.

***A motion was made by Board Member Jason Rogers, seconded by Board Member Robert Herrmann, to open the public session.***

Byron Hickox, went to the podium to present his staff report

Mr. Hickox began by stating that Shining Rock Classical Academy is proposing the construction and operation of an Elementary and Secondary School, which requires the issuance of a Special Use Permit (LDS 3.1.3) and compliance with the pertinent Supplemental Standards. (LDS 3.7.3) Referring to the site plan provided, Mr. Hickox reviewed the projects compliance with the ordinance.

Mr. Hickox stated that legal ads were published in The Mountaineer on June 17 and June 24, 2020 and that Written notices were sent by first class mail to the owners of properties within 100 feet of the subject property on June 18, 2020. He also stated that a sign was posted on the subject property notifying the public of the hearing on June 19, 2020.

Mr. Hickox stated that this property is located within the Dellwood Residential Medium Density District (D-RM), with a portion of the property lying within the Mixed-Use Overlay (MXO). The Dellwood Residential Medium Density District permits schools with a required Special Use Permit. Surrounding uses include vacant land across Jule Noland Drive to the north, single-family residential, multi-family residential, and vacant land to the east, single-family residential and vacant land to the south, and single-family residential, vacant land, and commercial uses across Russ Avenue to the west.

Mr. Hickox stated that the school building is proposed as a civic/monument building type which requires review by the Historic Preservation Commission. This project was review by the Historic Preservation Commission at their June 3<sup>rd</sup> regularly scheduled meeting. The Historic Preservation Commission found that the proposed building meets the standards for a civic/monument building and voted unanimously to approve the proposed building design.

Mr. Hickox continued by stating that the proposed project connects to Russ Avenue (U.S. 276) approximately 420 feet south of the intersection of Russ Avenue and Jule Noland Drive. The access point consists of two entry lanes and two exit lanes. An extensive interior network of vehicular travel lanes and parking will feature approximately 3,700 linear feet of vehicle stacking, 113 parking spaces, and a multi-lane loop that encircles the development. A concrete sidewalk connects the Russ Avenue frontage with the front entrance of the building.

Mr. Hickox stated that the Public Services Department has confirmed that water and sewer utilities are available from the Town of Waynesville and that water and sewer capacity is sufficient to meet the school 's needs. The plan proposes an 8" water line that will connect to the Town's system. Sewer service will be provided by an 8"gravity sewer. The plan provides for the installation of four fire hydrants surrounding the building site, the locations of which have been deemed adequate by the Waynesville Fire Department. Electric service to the area is provided by Duke Power.

Mr. Hickox stated that the subject property currently contains 3.48 acres of tree coverage. Of that total, 0.86 acres of tree area will be cleared, and 2.62 acres of tree area will remain undisturbed. The use of existing trees and shrubs to satisfy landscaping requirements will be credited toward required landscaping and will form an effective natural buffer around much of the development. The standards for interior parking lot shade tree plantings are met, with each parking space being located within 40 feet of a shade tree. Mr. Hickox pointed out that some additional plantings are needed along the edge of the northern most parking area to form a street wall. Additionally, schools must be buffered from adjoining residentially zoned property with a Type B Buffer as set forth in Section 8.4.2.B. While trees are shown along the interior vehicular lanes, the landscaping along the southern boundary of the development needs some additional plantings to meet this standard.

Mr. Hickox stated that parking standards in the LDS do not indicate a specific minimum parking space requirement for schools. The site contains a total of 113 parking spaces, which will accommodate staff and visitors. The proposed access point for the development is a driveway connection located approximately 420 feet south of the intersection of Russ A venue and Jule Noland Drive and 240 feet north of the next nearest driveway on the east side of Russ Avenue.

Mr. Hickox discussed the environmental characteristics of the site and began by pointing out that a blue line stream is located along the eastern portion of the property running in a south to north direction. There is, however, no flood hazard area on the property. One potential wetland area has been identified along the southeastern portion of the property and will remain undisturbed. The subject property is 15.31 acres. The proposed impervious area created by the school building, parking lots, and vehicular travel lanes is 4.45 acres. This will leave 10.86 acres (70.9%) as pervious surface. The property consists of moderately to steeply sloping topography. The project area ranges from approximately 2,590 feet

elevation to approximately 2,660 feet elevation. Because the entire property is below an elevation of 2,900 feet, additional hillside protection standards do not apply to this development.

Mr. Hickox stated that he recommends that the project is consistent with the adopted comprehensive plan for the Town of Waynesville, entitled Waynesville: Our Heritage, Our Future, 2020 Land Development Plan in the following ways:

- "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." (2020 LDP, page 4-2)
- "Promote infill development in the Town of Waynesville as an alternative to continued outward expansion." (2020 LOP, page 4-4)

Mr. Hickox concluded that rather than develop a site on the outskirts of available public infrastructure, the proposed project will develop a site located along one of the town's most well-developed corridors and will be served by existing water, sewer, electric, and transportation infrastructure. The property is surrounded by multiple single-family, multi-family, and commercially developed properties. Mr. Hickox also suggested that the project meets the required criteria for a Special Use Permit, specifically:

- Conforms 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.
- This use is permitted within this district with a Special Use Permit and complies with the supplemental guidelines for schools, with the exception of some additional plantings required along the southern boundary of the development to meet the buffering standards.
- Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
- The proposed development will be accessed from Russ Avenue with two entry lanes and two exit lanes. An extensive interior network of vehicular lanes will allow employees, buses, and visitors to navigate the development once on site.
- Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use. Adequate utilities for water, sewer, and electricity are available and are in accordance with current codes.
- Shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- No evidence indicates that the school will create vibration, noise, odor, dust, smoke, or gas that would be noxious or offensive. Any additional noise traditionally associated with schools and their functions would generally take place during school hours, which are well within the time constraints of the town's noise ordinance. The school is located near the center of almost 16 acres and is set back significantly and buffered from surrounding properties.
- Shall not impede the orderly development and improvement of surrounding property for permitted uses within the land development district.
- The development of a school on the subject property will not prevent the future development of surrounding properties for uses that are currently permitted within the Dellwood Residential Medium Density District or in the adjacent Dellwood/Junaluska Regional Center District.

- The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
- No evidence indicates that the establishment of a school on this property would be detrimental to or endanger the public health, safety, or general welfare. It will be the responsibility of the school to maintain building and fire safety measures and to be subject to any required regular inspections.

Mr. Hickox then listed the items he would like entered into the record as evidence:

- Staff Report- Plaintiff's Exhibit 1
- Location and Zoning Map- Plaintiff's Exhibit 2
- Proposed Site Plan- Plaintiff's Exhibit 3
- Building Elevations (4 Pages)- Plaintiff's Exhibit 4
- SUP Checklist- Plaintiff's Exhibit 5
- Application Cover Sheet for Quasi-Judicial Proceeding- Plaintiff's Exhibit 6
- Authorization for J. Neil Tate to represent the applicant before the Planning Board- Plaintiff's Exhibit 7
- Copy of notice mailed to adjacent landowners-Plaintiff's Exhibit 8
- Mailing list of adjacent landowners- Plaintiff's Exhibit 9
- Photographs (2) of signs posted on subject property- Plaintiff's Exhibit 10

Chairman Patrick McDowell asked the board if they had any questions for staff. Bucky Dykes asked if the staff talked to Shining Rock Classical Academy about what have they done with respect to the potential financial liability of this project in consideration of challenges with the school in last couple of years. Mr. Hickox referred Mr. Dykes to the applicant regarding the question. Marty Prevost asked if the property at Maple Grove are in city limits or ETJ and does the Town provide water and sewer? Byron answered that the Town does provide water and sewer and that electricity is provided from Duke Power. Susan Smith stated that she would like to ask to applicant about the access.

Patrick McDowell asked the Applicant to come forward.

John Neil Tate, AIA introduced himself and stated that his address is P.O. Box 1784 Kernersville, NC. 27285. He stated he is from Tate Architecture PLLC representing PCFD and BCCG Construction. He also introduced George Genero with Civil & Environmental Consulting Inc. who would be discussing the traffic and site plans.

Mr. Tate stated that they are proposing a 2-story structure that is 48,850sf and will accommodate grades K-8. The project will be 32 classrooms with a full-size gym with bleachers and changing room and will be constructed in two phases. He continued that the building will be constructed of 8" thick concrete walls with architecture modeled after the old Town Hall. He brought examples for review of texture of building elements. He explained what the samples were.

George Genero came to the podium and provided his address as 530 Howell Rd. Suite 203 Greenville, SC. 29615. George Genero stated that there are 2 lanes coming into the property with a right turn lane and a left turn lane. They are still working with the NCDOT on all the details. He explained that the lanes going in are to drop students off for the K-8 population. In Phase 2 this entrance will also accommodate high schoolers who are driving.

Susan Smith asked how many students and how many buses will be used. Mr. Genero stated that there will be 600 students in phase 1 and 850 when phase 2 is complete. There will be in total 3 busses and 59 student drivers at end of phase 2.

Susan asked about noise and if there was going to be a stadium. Mr. Genero replied that events will only be held in the gym.

Don McGowen asked about left turn lane going out onto Russ Ave. Mr. Genero stated that the access design is subject to NCDOT approval. Mr. McDowell stated that the developer could not use any secondary residential or private roads to access the site. Mr. Genero stated that they have made application with NCDOT and that they are reviewing the site plan access of this intersection and when they receive their comments they will move forward with any changes.

Mr. McDowell stated that the NCDOT has control over the Russ Avenue right of way and how the driveway will intersect the road. He asked Elizabeth Teague to address this, and she stated that he is and that Russ Avenue is an NCDOT road. The NCDOT will dictate the design of the entrance and requirements for the deceleration lane. Ms. Teague continued that in order for there to be a traffic light at this location, NCDOT would have to conduct a warrant study. Jason Rogers and Ginger Hain stated that having the preliminary report from the NCDOT would be preferred for considering the site plan and associated traffic.

Mr. Hickox returned to the podium to address Ms. Prevost's earlier question concerning whether the site is located within the City Limits. Mr. Hickox stated that the site is located in the ETJ, and that the developers will have to request annexation in order to connect to the Town's sewer infrastructure. Mr. Hickox asked whether the sidewalk that connects Russ Avenue to front of school is an 8 foot sidewalk and stated that the ordinance requires an 8 foot sidewalk. Mr. Tate said if the sidewalk is not 8', then it will be.

Jason Rogers stated that Waynesville requires 2nd and 3rd layer parking. He also asked about pathways for pedestrians through the parking lots. There was board discussion regarding the orientation of the building. Mr. Genero stated that they would add pathways to comply with the ordinance. Mr. McDowell stated that the parking lot will need signs directing pedestrians through the parking lots.

Ginger Hain asked about the stream and wetlands. Mr. Genero responded that they had a U.S. Army Corps of Engineers report of approved jurisdictional determination, and provided a copy of the report for the record. He stated that they will provide a 20' landscape buffer by planting along the property line and will leave as many existing trees as they can during the grading process.

Mr. McDowell asked if there were any other statements or questions from the board. He asked Mr. Hickox to ask Mr. Noland on the phone if he had any other questions.

Mr. Tate interjected to answer a previous question regarding financing of the project. He commented that the company that is funding the school is from Boise, Idaho and they are financing it 100%. He continued that the company would not provide financing if they did not believe in the school.

Mr. Hickox stated that Mr. Noland had questions. Mr. Noland asked about the traffic stating that it backs up to Dellwood Road during certain times of the day. Mr. Noland stated that he would like to have a landscape buffer between his land and the school. He asked about the property's lighting and stated

that he doesn't want it lit up like an airport. Mr. Noland wondered if the school runs into financial difficulty, can they use the building for something else without going through a rezoning. He mentioned that standing water draws mosquitos and asked if the project will have adequate drainage. He continued to ask whether there are any local or state requirements for dust control. Mr. Noland speculated that his house will need to be washed if construction covers it with red clay. Mr. Noland also asked what kind of fencing they would be using on the property and it be posted no trespassing after school hours.

Mr. Hickox thanked Mr. Noland and stated that the project is required to get a state Sedimentation and Erosion Control permit based upon an approved plan. Mr. Tate stated that there will be no security fence and that it is a public school for everyone's use and enjoyment. He added that the only lighting will be for the school's building security and that there would be no parking lot lighting. Mr. Tate also stated that they are willing to put up additional screening along his property line. Mr. Hickox stated that there is extra landscaping needed on the Southern end to meet Town standards. Mr. Genero stated that there will be a retention pond on the lower part of the property which will meet all storm water management requirements.

Mr. McDowell asked if there were any other questions or comments from staff or the applicant. Ms. Hain asked if they would talk to Haywood Waterways Association in regard to wetland preservation. Mr. Tate agreed.

Mr. McDowell asked again if there were any other question before closing the hearing. There being none, Mr. McDowell asked for a motion to close the hearing.

***A motion was made by Board Member Robert Herrmann, seconded by Board Member Susan Smith, to close the public session at 7:04pm. The motion passed unanimously (9-0).***

Board went into deliberation and discussed various issues. An audience member identifying himself as Mr. Noland came forward to speak. Mr. McDowell stated that the hearing was closed but that the board could reopen the meeting.

***A motion was made by Board Member Marty Prevost, seconded by Board Member Ginger Hain to reopen the public session at 7:11. The motion passed unanimously (9-0)***

Lynn Noland introduced himself as the owner of the property adjacent to the project site. Mr. McDowell swore him in. Mr. Noland stated that he and his brother own the property of the project and that 13.1 and 13.2 acres are still in negotiation. He stated that it is the area near the southern boundaries of the property that is considered the wetlands. He stated that they are talking to the buyers to require retaining a 20' corridor all the way around the wetland pond so they can keep it mowed. He mentioned that in 2006 the D.O.T. gave the Town the road, that there is water and sewer at the road, and also natural gas on the Russ Ave side. Mr. McDowell asked if Mr. Noland had any other comments or information to share, and Mr. Noland said he did not.

***A motion was made by Board Member Jason Rogers, seconded by Board Member Robert Herrmann, to close the public session at 7:14. The motion passed unanimously (9-0)***

***A motion was made by Board Member Susan Smith, seconded by Board Member Robert Blackburn to find that the project meets all the standards of the Dellwood Residential Medium Density district and that it does meet the standards for a school. The motion passed unanimously (9-0).***

***A motion was made by Board Member Jason Rogers, Seconded by Ginger Hain Board Member to defer approval of the plan until additions of landscaping, sidewalks, pedestrian pathways, and parking are presented to the board. The motion failed (1-8)***

***A motion was made by Board Member Robert Blackburn, seconded by Board Member Bucky Dykes with the conditions of an 8' sidewalk, pedestrian crossing in the staff parking lot, and buffing and landscaping put in. The motion passed unanimously (9-0)***

Ron Sneed reminded the Planning Board of the worksheet for approval of Special use Permits to assist with findings. Mr. McDowell asked the Board to go through each of the questions.

1. 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?

Susan Teas Smith stated that evidence to support this finding is that the Historic Commission's opinion that the project is consistent with the Town's design standards for civic structures. She added that the board and applicant also discussed landscaping as a condition of approval and for the protection of the residential neighbors. Additionally, the project is generally compliant with the standards for the two Zoning districts.

Mr. McDowell asked if Board members agreed and all approved the statement.

2. 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?

Mr. McDowell asked if Board members agreed that evidence in support is that the project is subject to the NCDOT's approval, and that the location of entrances as shown and currently designed on the plan are reasonable. All approved the statement.

3. Are adequate utilities (water, sewer, drainage, electric, etc.) available for the proposed use?

The board members agreed that the Town's Public Service Department has confirmed that water and sewer service is already available at the road and all approved statement.

4. Will the proposed use not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

The board discussed that the school would produce noise, mostly during school hours and based on interior activities. The main noise might be from the gymnasium and should not be an issue. All approved the statement.

5. Will the establishment of the proposed use not impede the orderly development improvement of surrounding property for uses permitted within the land development district?

The board discussed that schools are already an allowed use so it will not affect anything related to zoning or other uses within the district. All approved the statement.

6. Will the establishment, maintenance or operation of the proposed use not be detrimental to or endanger the public health, safety or general welfare? It will not be detrimental.

The board discussed that evidence supporting includes that since the project will be operated as a school during regular school hours, there is no high-risk activity connected to it, and that it will have normal educational endeavors and not propose any public health or safety issues. All approved the statement.

7. Does the board want 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.)

Mr. McDowell re-iterated possible conditions that had been discussed as:

- a) Additional vegetative buffering be installed along the northern southern and eastern boundaries of the as approved by the Town Development Services Department.
- b) Pedestrian corridors as required by the LDS shall be planned and constructed in the parking areas.
- c) Eight-foot-wide sidewalks shall be designed and built within the project.
- d) The Applicant shall consult with the Haywood Waterways Association when planning for the protection of the wetlands.

All approved the statement.

***A motion was made by Board Member Ginger Hain, seconded by Board Member Don McGowan that findings required as described in section 15 of the Land Develop Standards are met by the proposed plan. The motion passed unanimously (9-0).***

***A motion was made by Board Member Susan Smith, seconded by Board Member Don McGowan to approve with the conditions that we have outlined for the Special Use Permit. The motion passed unanimously (9-0)***

Jesse Fowler, Planner for Town of Waynesville came forward to discuss with the board some of the Comprehensive Land Use Plan to propose to the Board of Aldermen. Board Member Marty Prevost asked what was being recommended on Howell Mill Road where it is labeled "community mixed use." Jesse Fowler said that the proposed future land use changed from low density to community mixed use up to the Howell Mill bridge. Community mixed use includes businesses that can have store fronts on the bottom and residential at the top and includes professional offices and personal services. It does not allow the same intensive commercial uses that are allowed on Russ Avenue.

Don McGowan, Bucky Dykes, and Jesse Fowler talked about the map on page 25 of the draft plan. The two agreed to meet and work on consistency between the map and the descriptive statements related to the map.

Mr. Dykes and Mr. Blackburn observed that the plan tries to be practical. Mr. Blackburn stated that if a property owner wants to keep their farmland, then the plan allows them to keep it, but does not limit

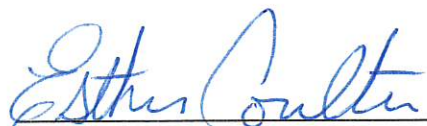
future development potential as long as it fits the context of the area. Other board members made their comments.

***A motion was made by Board Member Don McGowan, seconded by Board Member Ginger Hain to recommend adoption of the Comprehensive Plan to the Board of Aldermen. The motion passed unanimously (9-0)***

With no further business, Mr. McDowell asked if the board could adjourn.

***A motion was made by Board Member Susan Smith, seconded by Board Member Robert Blackburn to adjourn the meeting at 8:05 p.m. The motion passed (9-0)***

  
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Vice Chairman

  
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Esther Coulter, Administrative Assistant