



TOWN OF WAYNESVILLE

Planning Board

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Susan Teas Smith (**Chairman**)
Ginger Hain (**Vice**)
Stuart Bass
John Baus
Michael Blackburn
Jan Grossman
Peggy Hannah
Tommy Thomas

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Scheduled Meeting

**Town Hall – 9 South Main St., Waynesville, NC 28786--
Monday November 20th, 2023, 5:30pm**

THE WAYNESVILLE PLANNING BOARD held a Regularly Scheduled Meeting November 20th, 2023, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present.

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chairman)
Stuart Bass
John Baus
Michael Blackburn
Jan Grossman
Tommy Thomas

The following board member were absent:

Peggy Hannah

The following staff members were present:

Elizabeth Teague, Development Services Director
Byron Hickox, Land Use Administrator
Olga Grooman, Land Use Administrator

The following representative for owner applicant were present:

Brian Noland-Realtor-Beverly-Hanks & Associates

The following Attorney was present:

Ron Sneed, Town Attorney

Chairman Susan Teas Smith called the meeting to order at 5:29pm. Mrs. Smith welcomed everyone and asked Development Service Director Elizabeth Teague to read Town Council summery action report. Ms. Teague said page two shows the recent Cryptocurrency and Data Mining actions of the Council. She explained that there is now a separate definition for each.

Chairman Susan Teas Smith read into the record:

“I want to take a few moments to recognize the service of Barbara Thomas to the Town of Waynesville and memorialize her service in our Planning Board Minutes.

Barbara was a very valuable member of this Board for over two years but also other important Town Committees-public and private.

Volunteering is not for the faint hearted. Something Barbara knew well and took the challenge on without complaint.

She was always prepared, cared deeply about being fully informed and did not hesitate to ask questions. She was a good friend to many on this Board. We miss her and will miss her input to our deliberations.”

Chair Smith then asked the Board to consider the minutes of the September Meeting.

A motion was made by Board Member Jan Grossman, seconded by Vice Chair Ginger Hain, to approve the minutes for the September 18th, 2023, meeting as presented or amended. The motion passed unanimously.

B. BUSINESS

Chair Susan Teas Smith read through the procedures for the public hearings.

1. Public Hearing on to consider a major site plan application for the construction of 10 townhomes on the 1.56-acre unaddressed parcel off Dellwood City Road in Waynesville, PIN 8615-29-7544 (LDS 15.8.2).

Chair Smith opened the public hearing at 5:35pm.

Land Use Administrator Olga Grooman asked the Board to continue the public hearing. After meeting the TRC and again with the applicant, the determination was made that they were not ready to present. They will be revising their plan and can be at the December 18th, 2023, meeting.

A motion was made by Chair Susan Teas Smith, seconded by Board Member Jan Grossman to continue the public hearing until December 18th, 2023. The motion passed unanimously.

2. Public hearing on an application for a Map Amendment (Rezoning) for the property at 1460 Russ Avenue (PIN 8616-24-8812) from the Dellwood Residential Medium Density District Mixed-Use Overlay (D RM MXO) to the Russ Avenue Regional Center District (RA-RC) (LDS Section 15.14)

Chair Smith opened the public hearing at 5:46pm.

Land Use Administrator, Byron Hickox read through the description of the property and noted that it is in two zoning districts. Dellwood Residential-Medium Density District (D-RM) and Russ Avenue Regional Center District (RA-RC). Mr. Hickox stated that the request is to rezone 1.943 acres of frontage of the property along Russ Avenue from D-RM to RA-RC. This is the flat area of the property adjacent to the roadway and is contiguous with the RA-RC zoning. The owner, Kyle Edwards, is being represented by real estate agent Brian Noland at the meeting.

Mr. Hickox read through the purpose and intent statements for the **Dellwood Residential—Medium Density District (D-RM)** and the **Russ Avenue Regional Center District (RA-RC)** from the Land Development Standards.

Board member John Baus asked to have the zoning area clarified and asked what the added permitted uses were. Development Service Director Elizabeth Teague directed the board to the Land Development Standards Table of Permitted Uses. Board member Jan Grossman read through the permitted uses.

Mr. Hickox continued with the description of the surrounding land uses and zoning patterns. Mr. Hickox suggested that the Planning Board consider if rezoning is appropriate and in the public interest to expand the regional center district along the Russ Avenue corridor. He pointed out the redevelopment of K-mart plaza, including Harbor Freight and an improved Advance Auto across the street, and the property's proximity to the interchange. Mr. Hickox stated that re-designating this portion of the property would be consistent with the 2035 Comprehensive Plan and Goal 1 to promote smart growth principles, and Goal 5 to create opportunities for a sustainable economy.

Board member Michael Blackburn asked if the property directly behind the property in question was going to be developed and if so, what right of way do they have to make that happen. Ms. Teague directed the board to page 25 of the agenda packet. The owner has been working with NCDOT on a driveway for that property with an right-of-way access. The area of the property behind the area designated in the rezoning request is very steep terrain and limited on what could be put there.

Brian Noland-Realtor-Beverly-Hanks & Associates of Waynesville introduced himself. Chair Smith asked him what the intended uses of the property would be. Mr. Noland stated that there was nothing yet, but that the property is up for sale and has gotten the interest of businesses that are only allowed in the Regional Center District.

Board member Tommy Thomas asked if the property was land locked as of now. Mr. Noland stated that DOT has granted access to a driveway for that part of the property.

Mr. Noland told the board that it is extremely difficult to find commercial property along the Russ Avenue corridor. He stated property along South Main is very expensive right now. He continued by saying that prospective businesses would be interested in the property if the regional center district were extended.

There was no public present to speak.

Chair Smith Closed the public hearing at 6:08pm.

As the board began deliberation, Ms. Teague asked the Board to consider if the property is appropriate for a higher intensity of commercial development than what's already allowed. Ms. Teague gave examples of currently allowed uses and some uses that Mr. Noland had been asked about.

Board member Jan Grossman recommended that if the Board thought the area needed rezoning, the Board should rezone a specific area not the single property.

A motion was made by Board Member John Baus, seconded by Board Member Michael Blackburn, to amend the Towns Comprehensive Land Use Plan and find the requested change is consistent therewith. Motion passes 6 Approved 1 Opposed.

A motion was made by Board Member Stuart Bass, seconded by Chair Susan Smith, to recommend to Town Council to approval of requested map amendment for 1.943 acres of property described as 1460 Russ Avenue (PIN 8616-24-8812) and to add findings of proximity to the Great Smoky Mountain Expressway, the redevelopment of the Old K-Mart Plaza and the addition of Harbor Freight, and the need for additional commercial space along Russ Avenue to allow for economic development. Motion passes 6 Approved 1 Opposed.

3. Discussion on Density and Adhoc Committee from the joint meeting of the Planning Board and Town Council from April 28th, 2023.

Chair Smith asked member Jan Grossman to share concerns that he wanted to bring before the Planning Board. Mr. Grossman stated that during the election the public expressed concern about the density and building height that is allowed in the Land Use Standards. Mr. Grossman suggested putting a motion on the table to see where the board members stand in terms of those issues. He said that he had suggested it at the joint meeting, but because of legal issues or questions, the subject got pushed back. Mr. Grossman stated when he makes the motion, he wants it to be an official meeting, so it got into the minutes. So, the public could see where this board stood and if the board wanted to move it forward.

Board Member Micheal Blackburn responded that he feels that what he personally wants or doesn't want is not what he was appointed to be on the board for. He feels that he is here to evaluate what applicants want to do with their property and make his decision accordingly.

Chair Smith added that the joint committee of Planning Board and Council representatives meeting was formed to look at this question and their work is in process. Chair Smith stated that there are property rights issues to be considered too.

Mr. Grossman expressed that one of his motions would be to not change the rights of any landowner. He wished to lower the number of the maximum density allowed and not the number allowed with a Special Use Permit in the Table of dimensional standards. Ms. Teague asked Mr. Grossman to clarify. Mr. Grossman gave examples of maximum numbers and what he would propose. Mr. Baus stated that this was an interesting approach.

Vice Chair Hain asked Attorney Sneed if this was a motion or does it just go on record. Attorney Sneed said it would be a recommendation to Council, but a better approach would be to follow the planning process. Ms. Smith suggested reading the Planning Board rules and regulations and what authority the board has when making decisions and asked Attorney Sneed for guidance. Attorney Sneed said that this motion suggests that the board assumes they know the opinion of the people and convey that to the elected officials. He added that, “part of the reason you’re appointed and not elected is so you can apply the rules adopted by council fairly and evenly across the board.”

Ms. Teague stated that such an action would be a text amendment. There are procedures to follow in making a legislative change to the ordinance that requires public hearings and public input. She added that a motion dies without a second. Ms. Smith asked the Board if there would be a second to the motion and there was none.

There was continued discussion about the joint committee and how it was appointed or just volunteered for. Mr. Baus said that he didn’t recall anyone getting appointed, that people just stepped forward. Ms. Smith suggested that she would withdraw herself from the committee so that Mr. Grossman could participate. *Board Member John Baus made a motion to have Mr. Grossman named to the subcommittee on density.* Ms. Smith stated that she could just ask the Council to replace her. *John Baus’ motion was withdrawn.*

4. Discussion on Building Height

Mr. Grossman said that another potential motion he wanted would be to only allow two stories throughout Town and require a SUP for three stories. There was discussion among Board members regarding building height, previous planning board work on the subject, and process. Ms. Teague suggested that she and Mr. Grossman get together to look at building heights and thanked everyone for the good discussion.

A motion was made by Board member Stuart Bass, seconded by Vice Chair Ginger Hain to adjourn the meeting. The motion passed unanimously. Meeting adjourns at 7:05pm.

C. ADJOURN

Susan Teas Smith, Chairman

Esther Coulter, Administrative Assistant