



Town of Waynesville

AGENDA
REGULAR MEETING
PLANNING BOARD
TOWN OF WAYNESVILLE
TOWN HALL – 9 SOUTH MAIN STREET
AUGUST 20, 2012
MONDAY – 5:30 PM

1. Call to order
2. Approval of Minutes of May 21, 2012
3. Consideration of amendment to text of the Land Development Standards
Section 11.5.12 - Political Signs
4. Public Hearing: Ingles Conditional District Master Plan Change Request at 201 Barber
Boulevard – Russ Avenue Regional Center – Conditional District
5. Public Hearing: Consider request from Rick Wrenn of Richland Creek LLC for amendment to
Town of Waynesville Land Development (Zoning) Map - PIN 8605-72-8509 located at 75
Giles Place (8 acres) - from Hazelwood Business District (H – BD) to Commercial Industrial
(CI)
6. Adjournment

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
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TOWN HALL - 9 SOUTH MAIN ST
MAY 21, 2012
MONDAY - 5:30 PM

The Planning Board held a regular meeting on Monday, May 21, 2012. Members present were Lee Bouknight, Gary Sorrells, Brooks Hale, Ron Reid, Marty Prevost, Don Stephenson, Jon Feichter, and Chairman Patrick McDowell. Also present were Planning Director Paul Benson, and Administrative Assistant Eddie Ward.

Approval of Minutes of February 20, 2012

Gary Sorrells moved, seconded by Brooks Hale to approve the minutes of February 20, 2012 as presented. The motion passed unanimously.

For the first item on the agenda, Ms. Wanda Brooks, the applicant for the rezoning, was not present when the meeting was called to order. Board member Don Stephenson suggested to Chairman McDowell to go to the second item on the agenda, and give Ms. Brooks time to arrive.

Reorganization of Planning Board Members to comply with Land Development Standards

Chairman McDowell explained the current composition of the Planning Board. He said there are four members representing Haywood County, and five members representing the Town of Waynesville. When the new Land Development Standards were adopted, a revision was made to have less representation from Haywood County and more from the Town.

Mr. Benson said the new ordinance follows the language of the State of North Carolina law. If there is extraterritorial jurisdiction, the County is entitled to one appointment automatically. Extra appointments are given depending on the population of the extraterritorial jurisdiction relative to the population of the Town of Waynesville. Therefore, the Town will have seven members and the County will have two appointees. Two Haywood County appointees terms are expiring May 31, 2012, Jim Francis and Gary Sorrells. They will be replaced with two appointees from the Town. Mr Benson explained that Town Manager Marcy Onieal is looking at staggered terms to make the terms overlap and to make terms expire on June 30th for all boards.

Chairman McDowell and other members of the Board expressed their appreciation to Gary Sorrells and Jim Francis for the years each had served on the Board.

Ms. Wanda S Brooks arrived at 5:45 pm.

Public Hearing: Consider request from Wanda S. Brooks for amendment to the Town of Waynesville Zoning Map - PIN 8605- 80 -2744 located at 154 Hemlock Street (0.3 acre) - from Hazelwood Urban Residential (H-UR) to South Main Street Business District (SM - BD)

Chairman McDowell asked Mr. Benson to give a staff report on this request. Mr. Benson said the property was located across the street from the site of the former Haywood Correctional Facility. This property has been used for a variety of businesses and is now semi vacant. The current zoning is the Hazelwood Urban Residential District, Mixed Use Overlay. The base district permits single and multifamily residential development and in addition, the Mixed Use Overlay adds a limited range of non residential uses. These are limited to properties at the intersection of two public streets, and properties fronting South Main between Virginia Avenue and Mississippi Avenue.

The requested zoning is the South Main Business District which permits a wider range of non residential uses, including office, service, commercial, light manufacturing, wholesale operations, as well as single and multi family residential with no density limitation.

The 2020 Land Development Plan Land Use Maps indicate the property is to be developed for residential use. The existing zoning follows this plan. The boundaries follow the center line of the roads. The staff does not recommend a change to the business district for this particular property.

Chairman McDowell then asked Ms. Brooks if she would like to speak. Ms. Brooks stated that if her property were rezoned, other opportunities could be opened to her and the neighborhood. She said she had grown up in that neighborhood, and she wanted the area to be improved and get away from the low end residential designation. Ms. Brooks explained that several property owners adjacent to her want to be rezoned and then sell the property as commercial.

Board member Jim Francis asked if there had been any resistance from her neighbors in regards to the rezoning. Ms. Brooks said no.

Board member Ron Reid had questions about what Ms. Brooks would like to see happen with her property. She replied she wanted to be open for whatever came along. She said she had been dealing with the mortgage on this property for over a year and needed to get the building leased. She would like something nice to be in the neighborhood. Mr. Reid also expressed concerns about the amount of parking that is required for a business.

Chairman McDowell said that lines have to be placed somewhere, and generally center of roads make good boundaries. He also stated that rezoning to commercial for other parcels could not be discussed because applications for other properties had not been submitted. He expressed concerns that some of the main reasons for Ms. Brooks making application to be rezoned commercial is the desire to sell the property. Ms. Brooks stated that interest in selling was not this parcel, but another. This property is planned to be leased.

Chairman McDowell asked if there were any other questions or comments, and then closed the public hearing.

A motion was made by Marty Prevost to deny the request from Ms. Wanda Brooks for an amendment to the Town of Waynesville Zoning Map - PIN 8605- 80- 2744 located at 154 Hemlock Street (0.3 acres) from Hazelwood Urban Residential (H-UR) to South Main Street Business District (SM-BD). Lee Bouknight seconded the motion. The motion carried to deny the application with seven ayes (Bouknight, Prevost, Stephenson, Sorrells, Feichter, Reid and McDowell) and two nays (Francis and Hale).

Adjournment

With no further business, a motion was made to adjourn by Brooks Hale and seconded by Gary Sorrells. The motion carried unanimously and the meeting was adjourned at 6:15 p.m.

Patrick McDowell
Chairman

Eddie Ward
Administrative Assistant

Planning Board Staff Report

Subject: Consideration of amendment to text of the Land Development Standards

Section: 11.5.12 Political Signs

Applicant: Staff initiated

Date: August 20, 2012

Background:

Last year the NC General Assembly amended state law to limit local government authority to regulate political signs along State highways (G.S. 136-32). Within the Town of Waynesville there are many State highways including: Duckett Cove Road, Davis Cove Road, Camp Branch Road, Lickstone Road, Pinewood Drive, Allens Creek Road, Piney Mountain Road, Hyatt Creek Road, Welch Street, Plott Creek Road, Will Hyatt Road, Sulphur Springs Road, Eagles Nest Road, Little Mountain Road, Chestnut Park Drive, Sylvan Street, Dolan Road, Frazier Street, Howell Mill Road, Calhoun Road, Leatherwood Road, Felmet Street, Bible Baptist Drive, Phillips Road, Bradley Street, Jule Noland Drive, Children Street, Brookside Court, Farley Street, Old Balsam Road, Walnut Street, Shingle Cove Road, Raytown Heights, East Street, Sunnyside Road, Test Farm Road, Russ Avenue, Pigeon Street, North and South Main Street.

Accordingly, this staff-initiated amendment to Section 15.5.12 of the Land Development Standards:

1. exempts political signs on the rights-of-way of State highways pursuant to state law,
2. changes the time period for placement of political signs from 60 days before the election to 30 days before "one stop" early voting, and removal after the election from 14 days to 10 days. This actually shortens the existing period since early voting begins 19 days before the election (total 49 days v. 60) and by 4 days after the election.
3. eliminates language for runoff elections, since above periods will apply to all elections: primary, general and runoff.

Staff Recommendation:

North Carolina has a relationship between state and local government known as "Dillon's Rule" meaning that the state has complete preeminence over local governments. The theory is that the state creates municipal corporations and it has full control over them. In this case the Town no longer has legal authority to regulate political signs along State highways, so we really have no choice but to amend our ordinance accordingly. Note that the Town retains full control over political signs located everywhere else.

Political signs along State highways are now regulated by State law which does impose size and placement restrictions and significantly requires the permission of adjacent property owners. Political signs are not permitted on limited-access highways such as the Smoky Mountains Expressway.

11.5.12 Political Signs

- A.** Such signs shall not be illuminated.
- B.** Political signs may not be located within a public street right-of-way and shall not be attached to trees or utility poles or on publicly-owned property.
- C.** Such signs may not exceed six (6) square feet in area and four (4) feet in height if freestanding.
- D.** Political signs may be displayed during a period beginning ~~sixty (60)~~ 30 days prior to the beginning date of "one-stop" early voting under G.S. 163-227,2 ~~an~~ election and concluding ~~fourteen (14)~~ ten (10) days after the election. ~~In the event of a runoff election, political signs for the candidates involved may remain on display may remain until fourteen (14) days after the runoff election.~~
- E.** Any person wishing to erect political signs must first make application to the Administrator which application shall include a deposit that shall be returned to the applicant upon removal of all signs.
- F.** Political signs located along State highways are exempt from this section and are instead regulated by G.S 136-32.

Planning Board Staff Report
Ingles Conditional District Master Plan Change Request
August 20, 2012

Project: Reconstruction / expansion of existing grocery and new convenience store with gasoline pumps
Location: 201 Barber Boulevard (off Russ Avenue)
District: Russ Avenue Regional Center – Conditional District

Background:

In February of 2011, the Town rezoned the property at 201 Barber Boulevard to a conditional district based on a Master Plan showing redevelopment of the Ingles grocery store and construction of a new convenience store with gas pumps. This approval contained modifications of the requirements for parking lot location, (permitting all parking in front), and for parking lot landscaping, (permitted a reduction of 30% of the required parking lot shade trees). During the review process the Town requested and Ingles agreed to dedicate right-of-way for a new street to the north side of the site, and to locate a public transit shelter on the site.

Ingles has now proposed changes to the previously approved Master Plan as follow:

1. The gross floor area of the redeveloped grocery store would be reduced from 119,848 square feet to 105,816 square feet – a reduction of 14,023 square feet.
2. The proposed garden center of 23,728 has been removed from the plan.
3. The convenience store has been relocated to the western corner of the property directly fronting on Russ Avenue.

Staff Review Comments:

The primary change to the Master Plan is the relocation of the convenience store/gas pumps to a site fronting Russ Avenue. This necessitates streetscape improvements to Russ Avenue, and changes traffic flow patterns on the site. Building design, parking and landscaping for the grocery store and main parking lot remain substantially unchanged. Building design for the convenience store remains unchanged as well. See attached staff review notes.

Staff Recommendation:

The staff views both the original Master Plan and the requested changes as a significant upgrade over the current development with the addition of landscaping, pedestrian facilities and new commercial buildings. The staff therefore recommends approval of the revised Master Plan, specifically Sheets C-107 Master Plan North, C-108 Master Plan South and Sheets L-1 Landscape Plan North and L-2 Landscape Plan South, provided that all issues identified in the staff review notes are addressed.

Ingles Conditional District Master Plan Amendment

Staff Review Comments

August 13, 2012

The revised Master Plan submittal consists of three plan sheets: C-107 Master Plan North, C-108 Master Plan South and L-1 Landscape Plan, and 3 building elevation sheets: iMarket front elevation, iMarket front/left side/right side/rear elevations, and grocery store front elevation.

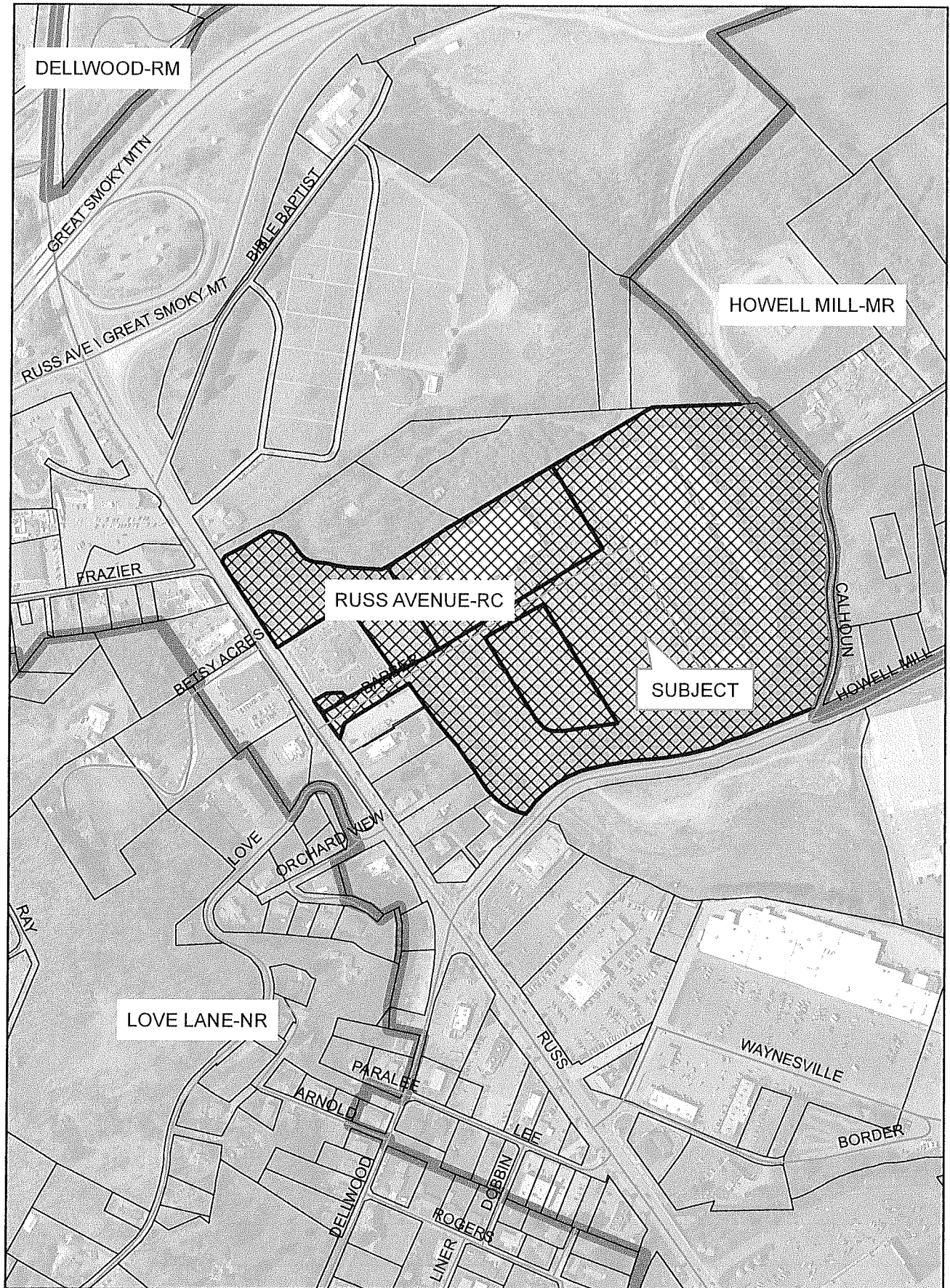
1. The staff has requested that the Landscape Plan be reduced in scale from 1": 80' to 1": 50' and separated into two sheets as has been done for the Master Plan to make the plan more legible.
2. Landscaping for the new convenience store location does not appear to meet requirements for parking lot shade trees (1 within 40' of each parking lot space), or parking lot buffer (7' minimum width, with canopy trees planted 30' on center).
3. The Master Plan needs to show the location of the transit stop agreed to as a condition of the original Conditional District rezoning.
4. Streetscape improvements in front of the convenience store need to include a minimum sidewalk width of 8' and a minimum street tree planting strip width of 6' (reference LDS Section 6.6.2.B.)
5. Building design for both the convenience store and grocery store as substantially the same as originally approved.
6. Parking lot design, pedestrian facilities and parking lot landscaping for the grocery store are substantially the same as originally approved.
7. All other development details will be subject to full compliance with applicable requirements of the Land Development Standards at the time full plans are submitted for a Certificate of Land Development Standards Compliance.

Paul Benson

Planning Director

Location Map

Ingles Markets, Inc. Conditional District Master Plan Amendment



**TOWN OF WAYNESVILLE PLANNING DEPARTMENT****Application for Land Development Standards Map Amendment**

Application is hereby made on July 30, 20 12 to the Town of Waynesville for the following map amendment:

Property owner of record: Richland Creek LLC

Address/location of property: 75 Giles Place

Parcel identification number(s): 8605-72-8509

Deed/Plat Book/Page, (attach legal description): 464/634

The property contains 8 acres.

Current district: Hazelwood Town Center

Requested district: Commercial Industrial

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

On-going historical industrial use, proximity to the railroad and follows the recommendation of Land Development Standards Steering Committee in 2011.

Applicant Contact Information

Applicant Name (Printed): Richland Creek / Rick Wrenn

Mailing Address: PO Box 370 Waynesville, NC 28786

Phone(s): 828-452-4784 828-734-0962 (MATT HAYNES)

Email: mhaynes@gileschemical.com

Signature of Property Owner(s) of Record Authorizing Application:

[Signature]

Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Planning Department, 9 South Main Street, Waynesville, NC 28786.

STAFF REPORT

Agenda Item: Richland Creek/Rick Wrenn Rezoning Request
Location: 75 Giles Street
Properties: 1
Size: 8.0 acres
Owner(s): Richland Creek LLC
Proposed Zoning: Commercial Industrial (CI)

Background

The subject property is located south and west of the Hazelwood central business area. It is bordered by the Norfolk Southern railroad and Browning Branch. It is the former site of the A.C. Lawrence Leather Company/tannery.

The property is currently occupied by a 12,000 square foot warehouse with a building value of \$60,000 and a land value of \$517,500 according to Haywood County GIS records.

The subject property is currently zoned Hazelwood Business District (H-BD). The Purpose and Intent of this district as established by the Land Development Standards (Section 2.3.6.B.):

The H-BD is a small scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods. A broad mixture of uses is permitted, however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort. The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.

The requested Commercial Industrial (CI) zoning district has the following Purpose and Intent as established by the Land Development Standards (Section 2.3.8.A.):

The CI district is an area designed to accommodate research and development, industrial and manufacturing uses, administrative facilities and limited supporting commercial services. While a broad mixture of uses is permitted, the principal focus in this area shall be on industrial development. High design and performance standards will be important for future development as this district is highly visible not only from a usage standpoint but also because of its location at one of the major entrances into Waynesville. Connectivity within the district is required to create an industrial campus feel within this area.

2020 Land Development Plan

Under North Carolina law local municipal zoning is required to be based on an adopted comprehensive land development plan. In Waynesville this document is: Waynesville: Our Heritage, Our Future, 2020 Land Development Plan. According to this plan, specifically Map 15, planned land use for the subject property is primarily "Industrial" with a small area of the site between Browning Branch and Hazelwood Avenue designated as "Mixed Use, Low to Medium (see attached map). This map also contains Highlighted Goals and Objectives. Goal 4-5 is "Promote the reuse of vacant or underutilized industrial land".

Staff Recommendation:

Staff recommends approval of this request for the majority of the site west of Browning Branch with the small portion of the site between Browning Branch and Hazelwood Avenue remaining zoned as is (H-BD). This fits with the 2020 Plan and meets the recent direction from the Land Development Standards Revision Steering Committee that the Town rezone property suitable for industrial development within the corridor served by the railroad. This site does have railroad access. It would also make the existing use of warehousing a conforming use.

Preserving the small area of H-BD at the eastern end of the property would preserve the corridor of this district along Hazelwood Avenue and would not hamper the ability of the applicant to use the property for CI type uses.

Suggested Action:

1. Motion to amend Page 5-13 of the 2020 Plan by adding the following text as the last paragraph under the "Industrial" section:

"In addition to the Industrial locations mapped on the Future Land Use Map, additional locations, particularly within the railroad corridor, may be appropriate and should be considered on a case-by-case basis provided that such locations are compatible with existing and planned infrastructure and neighboring existing and planned land use."

2. Motion to recommend that the portion of PIN 8605-72-8509, located at 75 Giles Place, west of Browning Branch be rezoned from Hazelwood Business District to Commercial Industrial.

Richland Creek LLC / Rick Wrenn Rezoning Request
75 Giles Place

