

# TOWN OF WAYNESVILLE

## Planning Board

9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

Development Services  
Director  
Elizabeth Teague

### 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

### Special Meeting

**Town Hall, 9 South Main Street, Waynesville, NC 28786**

**Thursday, January 19, 2017, 5:30 PM**

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### A. CALL TO ORDER

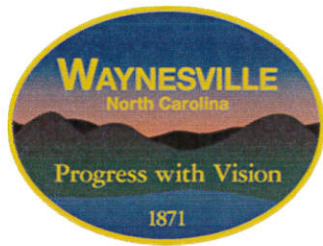
1. Welcome/Calendar/Announcements
2. Adoption of Minutes  
*Motion:* To approve the minutes of December 19, 2016 as presented (or as corrected)

### B. NEW BUSINESS

1. Public hearing to consider a Conditional District map and text amendment request for 1678 Brown Avenue, Haywood County Tax Parcel Identification Number 8605-70-6170 within the Hyatt Creek Regional Center District.

### C. PUBLIC COMMENT/CALL ON THE AUDIENCE

### D. ADJOURN



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## 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



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.*

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Patrick McDowell, Chairman

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Eddie Ward, Deputy Clerk

**Planning Board Staff Report**  
**Ingles Conditional District Master Ingles Store #58**  
**January 19, 2017**

**Project:** Ingles Market and Gas Express Development  
**Location:** 1678 Brown Avenue, Waynesville, PINs 8605-70-6170 and 8605-80-0103  
**District:** Hyatt Creek Regional Center Commercial District (HC-RC)  
**Applicant:** Ingles Markets, Inc.

**Background:**

Now that the Ingles store on Russ Avenue is completed, Ingles Markets, Inc. would like to redevelop their site on Brown Avenue to create a new store similar in building style, elevation and signage (but as a stand-alone store without additional commercial space adjacent to it). The site is owned by, and is under the Unified Development Control, of Ingles Markets, Inc. This proposed project includes:

- the existing parcel plus 0.54 acres purchased by Ingles from the railroad totaling 6.42 acres;
- the demolition of the existing building;
- construction of a new, larger building (footprint will go from 36,492 square feet to 72,111 square feet);
- construction of a Gas Express facility in the front of the store near Brown Avenue;
- Upgrades to existing parking lot, including installation of planted islands, sidewalks, and a new parking plan;
- Construction of a new parking lot area to accommodate employee parking at the side of the store and a new loading dock at the rear of the store accessed from Lea Plan Road.
- Connection to existing sidewalk on the adjacent property owned by Haywood County;
- Installation of a transit stop along Brown Avenue and coordination with sidewalk and other improvements along Brown Avenue; and
- Improved stormwater management practices, including an upgrade and permanent easement with Haywood County.

In order to accommodate these plans, Ingles is applying for a Conditional District rezoning. If approved, their request would amend the zoning map for the area identified in the Master Plan to Hyatt Creek Regional Center Conditional District (HC-RC-CD). It would amend the Land Development Standards as they apply specifically to that property and are shown on the approved Master Plan.

According to the Town of Waynesville's Land Development Standards, Section 15.15:

“Conditional Districts (Section 2.6) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development.”



Conditional Districts are handled in the same way as a text and map amendment in which the Planning Board holds a hearing and makes a recommendation to the Board of Aldermen. The Board of Aldermen will then hold a public hearing and approve, deny, or approve with changes the application. The Planning Board's recommendation should consider:

- If the proposed use is compatible with surrounding properties,
- Area impacts and adequate facilities, infrastructure, etc.
- Building and site design, and
- Compatibility to the immediate context.

Once approved, the site plan and CD designation will replace any conflicting development regulations which would otherwise apply. Therefore the Planning Board may discuss and recommend "reasonable and appropriate conditions including, but not limited to the location, nature, hours of operation and extent of the proposed use." Such conditions or additional standards that the Board imposes "shall be limited to improving conformance with the existing ordinance and/or addressing expected impacts generated by the development and use of the site." The applicant will have a reasonable opportunity to consider and respond prior to final action by the Board.

The Plan was reviewed by the Town's Technical Review committee on Friday, December 23, 2016 and revised plans and complete application were submitted January 3, 2017.

Notification of this hearing was scheduled for advertisement in the Mountaineer on January 9 and 16<sup>th</sup>, letters were sent to property owners within 500 feet of the project site on January 6, and the property was posted.

#### **Conditional District Application and Ordinance Request:**

The attached application and draft Conditional District Ordinance submitted by Ingles covers the extent of the conditions and requests being submitted as part of the design and text amendments as would apply to the area of the Master Plan. This are listed within "Exhibit B" in the Application and are included in the Proposed Ordinance:

1. **Permitted Uses (Sec 12.5.3)** - that the following uses currently permitted in the HC-RC District be eliminated within the proposed CD area: Agricultural Uses, Adult Establishments, Cemeteries, Kennels, Recycling Collection Centers except as conducted by Ingles Markets within the confines of the store.
2. **Parking (Sec. 9.3)** - that parking be allowed as shown on the Master Plan, rather than limited to rear or side of building or requiring a Special Use Permit. (Note the proposed parking exceeds the Town's minimum standard).
3. **Parking Lot Plantings (Sec. 8.2.4 and 8.6.2)** – that interior parking lot plantings be provided as shown as "alternative compliance" with several parking spaces *not* within 40 feet of a shade tree.
4. **Building and Development Design (Sec 5.6 and 5.8.6)** – that the Gas Express Store which is 247 square feet be exempt from the design guidelines.
5. **Signage (Sec 11.7.2)** – that maximum number of attached signs be increased from 3 to 11, but to stay within the allowable 15% of the total wall surface area.

## **Staff Review Comments:**

### **Zoning:**

This project does not change the primary use of the site as it exists now. It only changes from a grocery store to a larger more modern grocery store, with the addition of a “gas express” facility in the front. The proposed grocery store is permitted outright in the HC-RC district as a General Commercial use of less than 100,000 square feet. The gas/fueling station is permitted with supplemental standards (Sec 3.5.5) that the pump canopies be at least 50’ from any interior side or rear property line that adjoins residentially developed property and buffered from adjoining residential uses with a Type B buffer. This property does not adjoin any residentially used or zoned property and so these supplemental standards would not apply. Therefore the proposed use is compliant with the existing zoning.

### **Environmental:**

The “pre-development” footprint of the site is 4.36 acres of impervious and 1.66 acres of pervious surface; while the proposed “post development” footprint is 4.62 acres of impervious (an increase of 0.26 acres) and 1.4 acres of pervious (a decrease of 0.26 acres). Therefore the proposed increase of impervious surface is 11,325.6 square feet, below the 24,000 square foot threshold for application of required stormwater management. However, the site plan does include stormwater management facilities to minimize run-off where none existed before and actually improves the retention capability of the site from what is in existence now. In other words, stormwater BMPs are not required but are provided. Portions of the lot fall within the 100 year floodplain and will require a floodplain permit and compliance.

### **Infrastructure:**

The project installs sidewalk infrastructure to connect pedestrians from Brown Avenue to the front door of the grocery store and provides sidewalk along Lea Plant Drive where there currently is none. It also connects to existing sidewalk along Brown Avenue and along the access road coming from the Haywood County property to the north. The Town was recently approved for NCDOT funding to redesign this section of Brown Avenue to better accommodate bicycles and pedestrians, and this project will not impact that design process. In fact, Ingles has agreed to install a bus stop along Brown Avenue at the Town’s request as part of the Town’s desired improvements.

Pedestrians may access sidewalks on either side of the parking lot and the sidewalks provide the most practical route between the public sidewalk and the building entrance in accordance with Section 9.4.4. Dedicated pedestrian ways within the interior of the parking lot however, are limited to ADA parking spaces do not fully comply with a strict interpretation of Section 9.4.4. However, I would argue that the addition of a 5’ interior walkway would impair Ingles ability to install the amount of parking and landscaping and so are left out as part of alternative compliance in the landscaping plan. Furthermore and practically, I would also argue that in grocery store settings wherein people are utilizing carts to transport groceries to cars, an interior pedestrian way is not preferred anyway.

There is adequate water and sewer available to the site to accommodate the proposed development.

### **Landscaping and Parking Lot:**

The proposed parking exceeds the Town’s minimum standards, Sec 9.2.1, but is below what Ingles would like to provide given their experience at their other stores. Applicant seeks relief from Sec 9.3 which limits how parking may be located in the front of the store. In commercial applications within Regional Center Districts, this request would require a Special Use Permit, but can be addressed as part of the Conditional District process instead. Bicycle parking has been provided in compliance with Sec 9.5.

Landscaping on the edge of the property is compliant with the ordinance and provides an adequate parking lot buffer and street trees along the public rights-of-way of Lea Plant Road and Brown Avenue.



The landscaping plan provided seeks alternative compliance in regards to interior parking lot landscaping in accordance with Section 8.2.5 because of the lot configuration. The lot is more narrow at the street frontage than it is at the rear boundary line and Lea Plant Road creates an angled side yard boundary. Given the experience with the other commercial sites, the technical review committee felt it was important to maximize the number of parking spaces while providing landscaped areas that are large enough to support healthy shade trees. This means that some parking spaces (23 of 202 spaces) are not within 40' of a shade tree and interior parking lot trees are placed in locations where the landscaped island could be maximized in size. This configuration also limits the availability of space within the interior of the lot for an additional walkway (see comment above).

### **Signage:**

Chapter 11, Section 7.2(E) states: "No more than three attached signs (excluding a single Pedestrian Sign where permitted) may be erected provided the total surface area permitted is not exceeded." Ingles has proposed 9 separate attached signs. The maximum sign area permitted in this district is 15% of the wall to which the signs are attached and the 9 signs proposed by Ingles total 400.27 square feet, well within the overall 15% limit of the wall of the proposed building, but exceeding the allowed number of signs. The use of multiple signs on a building of this scale does not seem out of place with the intent of the Land Development Standards in that, if this building were broken up into individual store fronts such as within a shopping center, each individual unit would be allowed an attached sign. This request is similar to, and modeled after, the Conditional District Amendment that the Board granted for Ingles for signage on the Russ Avenue store in October of 2015. The proposed monument sign is compliant in dimension for commercial development in Regional Center Districts on sites over 5 acres.

The proposed drawing meets Town development standards in all other respects than those listed in Exhibit B of the application or as described in this report. Lighting, floodplain, and State and Local Building codes will be required as part of the building permit.

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

Staff submits that this Conditional District request is consistent with the Town of Waynesville's 2020 Land Development Plan in that it re-uses and improves an existing commercial site promoting the "orderly growth, development and enhanced land values of the Town." Such re-use of a site is considered "in-fill development" which is the preferred alternative to commercial development outside of the Town or in more rural areas. A statement of Consistency is proposed in the attached ordinance.

### **Staff Recommendation:**

Staff believes that the proposed Master Plan and Ordinance is both consistent with the Town's Goals for Land Development as written in the 2020 Plan and an improvement to the area. The impacts of this project as proposed will be positive, expanding the pedestrian network, adding a transit stop, providing landscaping and stormwater controls where there currently are none, and providing a new grocery store and gas station for residents in the area as well as those using the adjacent shopping and restaurants. Staff recommends approval of the Master Plan and ordinance as presented.

### **Requested Action:**

1. Motion to find the project consistent with the 2020 Land Development Plan.
2. Motion to recommend approval by the Board of Aldermen.



Parcel Report For 8605-70-6170

INGLES MARKETS INC  
2913 HWY 70 W  
BLACK MOUNTAIN, NC 28711

Account Information

PIN: 8605-70-6170

Legal Ref: 907/319

907/314

Add Ref: 919/2399

885/2155

Site Information

STORE, SUPERMARKET, OFFICE, GENERAL  
COMMERCIAL USE, COMMERCIAL USE  
1678 BROWN AVE

Heated Area: 0

Year Built: 0

Total Acreage: 5.83 AC

Township: TOWN OF WAYNESVILLE

Site Value Information

Land Value: \$622,400

Building Value: \$1,104,900

Market Value: \$1,727,300

Deferred Value: \$0

Assessed Value: \$1,727,300

Sale Price: \$0

Sale Date: 6/2/2016

Tax Bill 1: \$0.00

Tax Bill 2: \$0.00



1 inch = 200 feet  
January 11, 2017

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.





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## Ingles Zoning

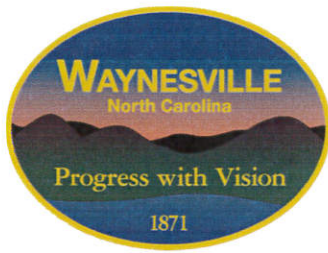
1 inch = 200 feet  
January 11, 2017











# TOWN OF WAYNESVILLE

## Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

January 3, 2017

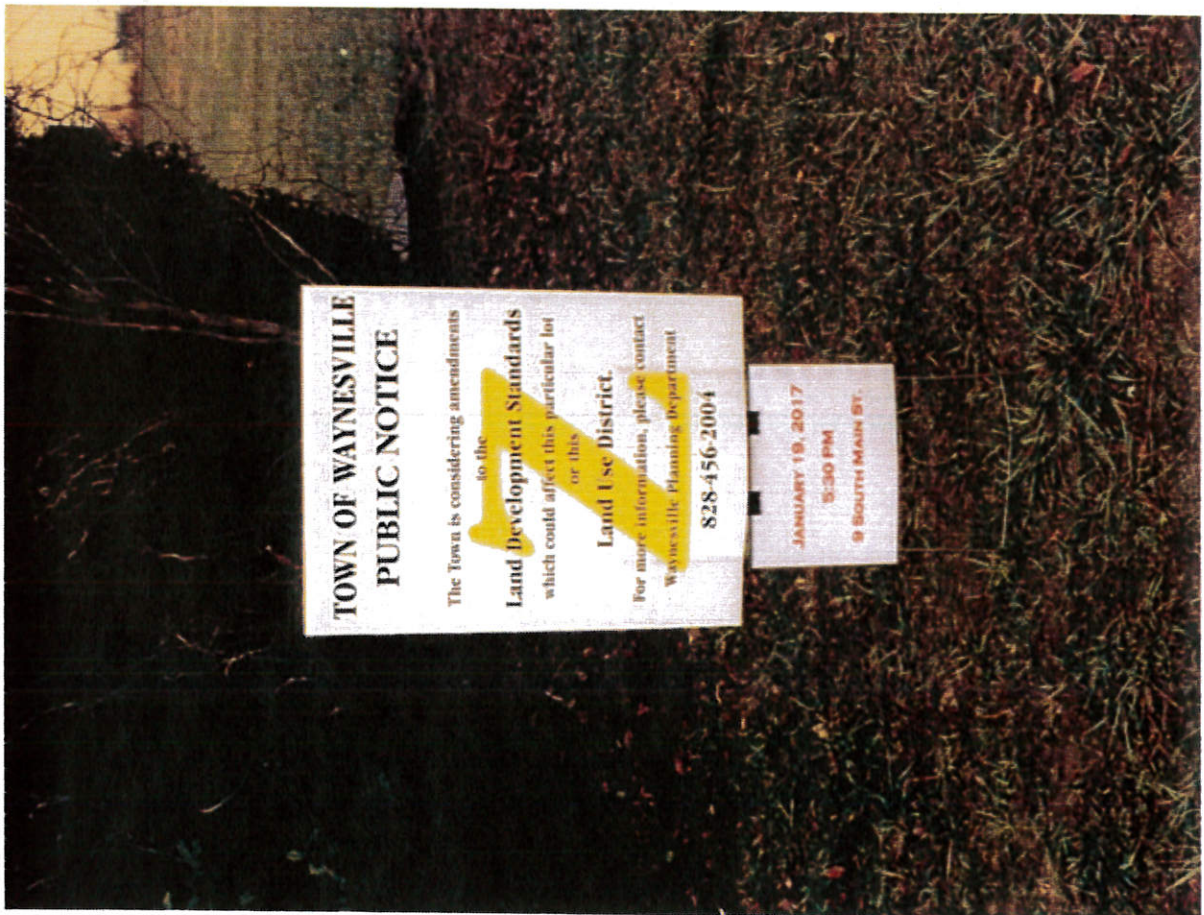
### **Notice of Public Hearing for a Map Amendment (Rezoning) Request Town of Waynesville Planning Board**

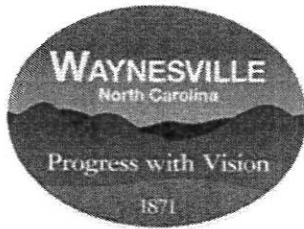
The Town of Waynesville Planning Board will hold a public hearing on January 19, 2016 at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC to consider a request to rezone 1678 Brown Avenue, Haywood County Tax Parcel Identification Number 8605-70-6170 from Hyatt Creek Regional Center Commercial District (HCRC) to Hyatt Creek Regional Center Commercial District Conditional District (HCRC-CD). This hearing is part of the January Planning Board meeting rescheduled to accommodate Martin Luther King Day.

For more information please contact Elizabeth Teague, phone: (828) 456-2004, email: [eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov), mail: 9 South Main Street, Suite 110, Waynesville, NC 28786

Elizabeth Teague, AICP, CTP  
Development Services Director







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**APPLICATION FOR LAND DEVELOPMENT STANDARDS MAP AMENDMENT**

Application is hereby made on January 3, 2017 to the Town of Waynesville for the following map amendment:

Property owner of record: **INGLES MARKETS, INCORPORATED**

Address/location of Property: **1678 BROWN AVENUE, WAYNESVILLE, NC 28786**

Parcel identification number(s): **8605-70-6170**

Deed/Plat Book/Page, (attach legal description): **DB 891 – PAGE 1; DB 907 – PAGE 314; DB 907 – PAGE 319. [Copies of the vesting deeds and the pertinent legal descriptions are attached.]**

The Property contains **6.02** acres.

Current district: **HYATT CREEK REGIONAL CENTER [HCRC]**

Requested district: **HYATT CREEK REGIONAL CENTER – CONDITIONAL DISTRICT [HCRC-CD]. [Included and submitted with this Application and incorporated herein is the Master Plan, which Master Plan includes the Sign Plan and Environmental Plan.]**

The Property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary): **SEE ATTACHED EXHIBIT "A"**

**Applicant Contact Information**

Applicant Name: **INGLES MARKETS, INCORPORATED [c/o Preston Kendall]**

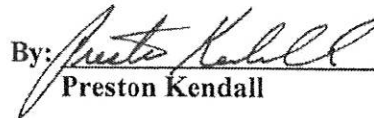
Mailing Address: **2913 HWY 70 W, BLACK MOUNTAIN, NC 28711**

Phone: **828.768.3992**

Email: **pkendall@ingles-markets.com**

Signature of Property Owner of Record Authorizing Application:

**INGLES MARKETS, INCORPORATED**

By:  **INGLES MARKETS INC.**  
**Preston Kendall**

**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 Development Services Department, 9 South Main Street, Waynesville, NC 28786.**

#### EXHIBIT "A"

In light of market conditions and to better serve the Hyatt Creek community and the greater Town of Waynesville, Ingles Markets, Incorporated proposes a Master Plan [including the Sign Plan and Environmental Plan] which includes but is not limited to the following features:

- 1) The gross floor area of the grocery store will be increased from 36,492 square feet to 72,111 square feet, an increase of 35,619 square feet.
- 2) The construction of the gas station to the eastern side of the Property.
- 3) The redesign of the existing parking lot to add more parking spaces.
- 4) The Master Plan makes the site much more pedestrian-friendly by adding a bus stop, electrical car charging station, bicycle parking and new sidewalk.
- 5) The grocery store is generally well articulated with many changes in massing, front façade height and materials alternating between brick, EIFS and glass with a high degree of permeability from windows and glass doors.
- 6) Dedication of an additional easement, as necessary, for the relocation of a storm sewer line.
- 7) Ingles Markets, Incorporated will coordinate with the Town of Waynesville to endeavor to improve Brown Avenue.
- 8) Building elevation shall be separate from the site plan by showing a variety of services provided by Ingles Markets, Incorporated, to the local community.
- 9) This project will benefit the Town of Waynesville in many ways, which include but are not limited to, a] creating many new jobs, b] substantially increasing sales tax revenues, c] substantially increasing *ad valorem* tax revenues and d] enhancing the design context of the overall Hyatt Creek Regional Center District.



## EXHIBIT "B"

### LIST OF STANDARDS & CONDITIONS

#### INGLES MARKETS, INCORPORATED HYATT CREEK REGIONAL CENTER – CONDITIONAL DISTRICT [HCRC-CD]

- 1) **Definitions.** Within this List of Standards & Conditions the following terms shall have the meanings articulated:
  - a) "District" refers to the Hyatt Creek Regional Center – Conditional District [HCRC-CD], as depicted on the Master Plan, which is created by the Ordinance to which this List of Standards & Conditions is attached.
  - b) "Master Plan" refers to the documents entitled "Ingles Markets, Incorporated, Store 58, 1678 Brown Ave, Waynesville, NC 28786 – Master Site Plan" [which Master Plan includes the Sign Plan and Environmental Plan] submitted as part of the Application.
  - c) "LDS" refers to the Town of Waynesville Land Development Standards.
- 2) **Future Development.** Future development within the District shall comply with the Master Plan, a copy of which is attached hereto and incorporated herein by reference, and with this List of Standards & Conditions.
- 3) **Land Uses.** Except as modified herein, land uses for the District shall be those permitted in the Hyatt Creek Regional Center [HCRC] Zoning District. The following uses, which are either permitted uses, permitted uses subject to special requirements, or conditional uses within the Hyatt Creek Regional Center [HCRC] Zoning District shall not be permitted within the District:
  - a) Agricultural Uses
  - b) Adult Establishments
  - c) Cemeteries
  - d) Kennels
  - e) Recycling Collection Stations [except as may be part of the grocery bag recycling normally conducted by Ingles Markets, Incorporated within the internal confines of its grocery store].
  - f) Mini-Warehouses
- 4) **Development Standards.** As provided in §15.15.2D of the LDS, the Master Plan replaces all conflicting development regulations set forth in the LDS which would otherwise apply. Development standards which are not modified by the Master Plan or this List of Standards & Conditions shall be those contained in the Hyatt Creek Regional Center [HCRC] Zoning District. Land Development Standards are varied to the extent they conflict with the Master Plan and this List of Standards & Conditions. These include, without limitation, the following:
  - a) **Parking.** Parking and vehicular use areas need not be located to the rear of the principal structure on the site as required by Chapter 9 of the LDS.
  - b) **Landscaping and Buffering.** Landscaping and buffering depicted and noted on the Master Plan is deemed to constitute Alternative Compliance pursuant to §8.2.4 of the LDS.
  - c) **Building & Development Design.** The building design standards in Chapter 5 of the LDS are modified to accommodate development of the convenience store as noted on the Master Plan.
  - d) **Signage.** The signage standards in Chapter 11 of the LDS are modified to allow the number of signs to be attached to buildings to exceed three, but not more than 11, provided that the total surface area of signage is no more than 15% of the wall surface area to which the signs are attached.

Furthermore, prior to the completion of the improvements authorized by the Master Plan, Ingles Markets, Incorporated shall, at its sole expense, relocate and replace the existing storm sewer line as depicted on the Master Plan.

**C-104**

STORE #68  
251 WELCH ROAD  
WAYNESVILLE, NC 27788

APHC SCALE: HORIZONTAL

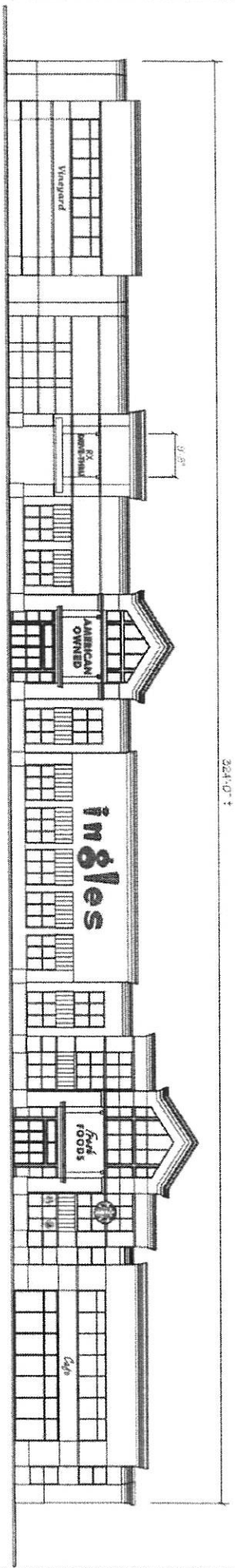
1 INCH = 40 FEET

1 INCH = 40 FEET



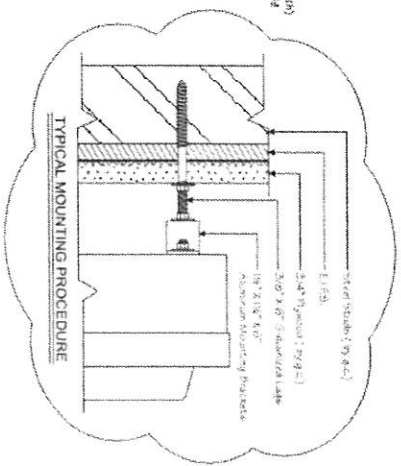
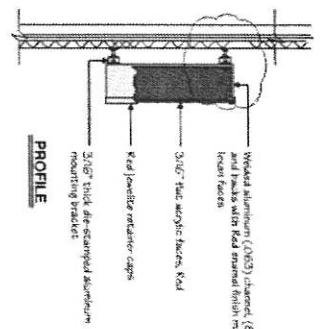
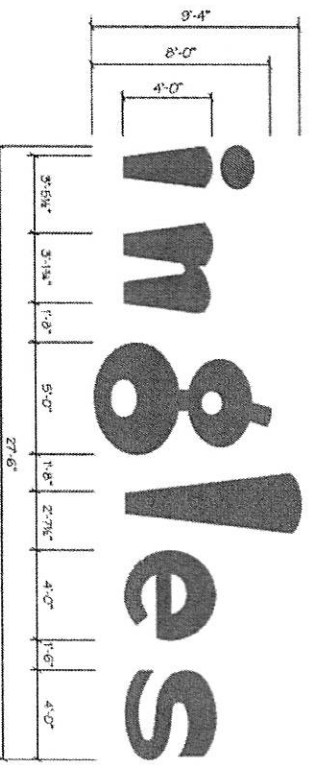
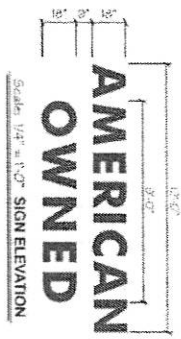






**SIGN SQUARE FOOTAGE**

STARBUCKS	@ 1'-0" x 8'-0" = 16.00
AMERICAN OWNED	@ 5'-0" x 12'-0" = 45.00
in8les	@ 9'-4" x 12'-0" = 256.56
FRESH FOODS	@ 4'-7" x 8'-0" = 36.64
CAFE	@ 1'-0" x 12'-0" = 12.00
DRIVE THRU	@ 1'-0" x 8'-0" = 8.00
<b>TOTAL</b>	<b>= 408.20</b>



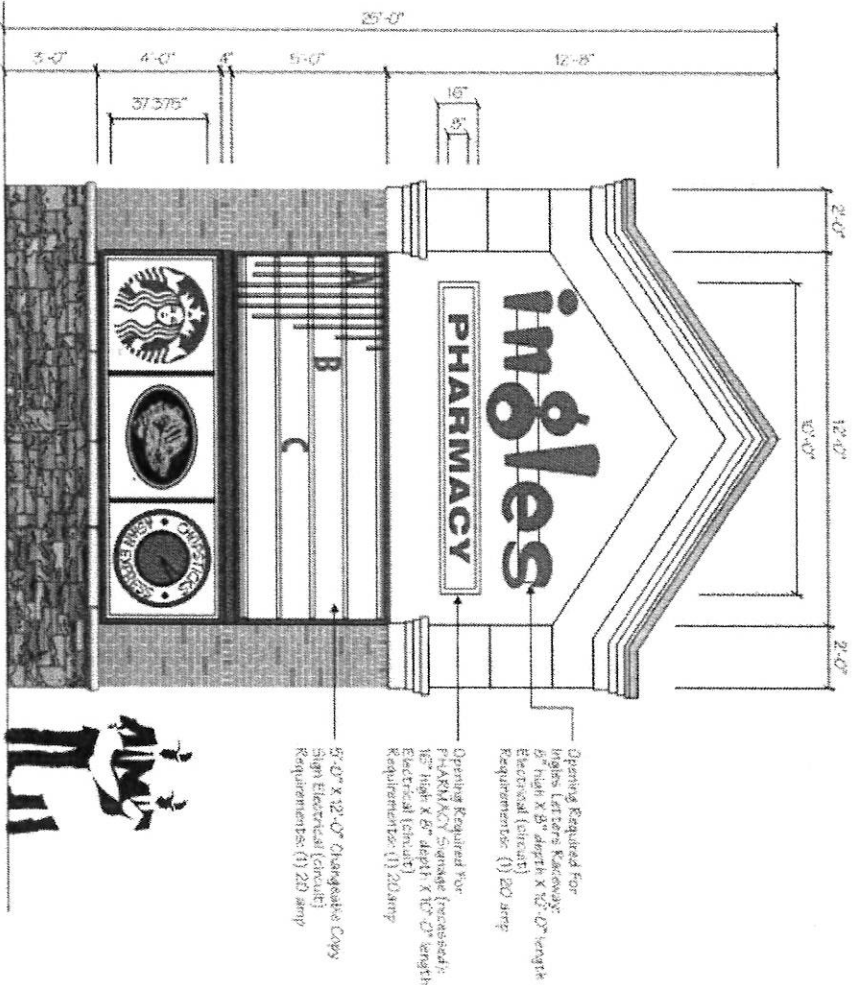
**Rainbow Signs, Inc.**  
GREENWOOD, SC 864-223-8423

CUSTOMER NAME: **INGLES (Store #58)**  
ADDRESS: **1678 Brown Ave, Suite 1 - Waynesville NC**  
EIGHT TYPE Illuminated Letters

DATE: **10/22/16**  
SCALE: **AS NOTED**  
APPROVED BY: **CLAUDETTE**

FILE # **16-311-2**  
FILE # **16-311-2**  
DATE: **10/22/16**  
DATE: **10/22/16**  
DATE: **10/22/16**

COPY RIGHT NOTICE: This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.

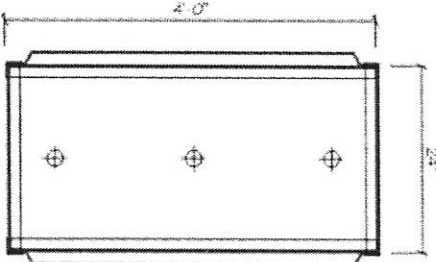


Opening Required For  
ingles Letters: Kerosene  
6" high X 8" depth X 12'-0" length  
Electrical (circuit)  
Requirements: (1) 20 amp

Opening Required For  
PHARMACY Signage (increased)  
16" high X 6" depth X 10'-0" length  
Electrical (circuit)  
Requirements: (1) 20 amp

5'-0" X 12'-0" Changeable Copy  
Sign Electrical (circuit)  
Requirements: (1) 20 amp

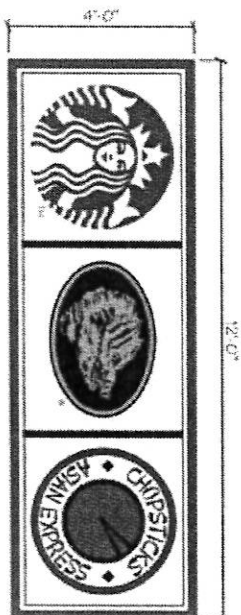
Sectional View  
Scale: 3/4" = 1'-0"



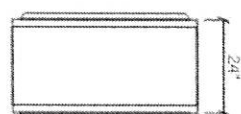
#### SIGN SQUARE FOOTAGE

ingles	3'-10" X 10'-0" =	38.30
PHARMACY	1'-4" X 10'-0" =	13.30
COPY SIGN	5'-0" X 12'-0" =	60.00
SIREN/CHOP	4'-0" X 12'-0" =	48.00
<b>Total Sq. Ft. =</b>		<b>159.60</b>

Front View  
Scale: 3/8" = 1'-0"



Side View  
Scale: 3/8" = 1'-0"



#### STARBUCKS COFFEE COLORS

PMS Paint  
PMS 3525C

Vinyl  
Holly Green # 3670-76

#### ILLUMINATED STARBUCKS COFFEE

@ 4'-0" X 12'-0" = 48.00 Sq. Ft.

#### SPECIFICATIONS:

- Double faced, internally illuminated pylon sign. Cabinet width to be 28", fabricated aluminum. Over welded steel angle iron frame. Retainers are 2" X 2" extruded aluminum.
- Graphics Starbucks Coffee text to be 1st. Surface 3M translucent Scotchlite vinyl Holly Green #3630-76.
- Faces are to be White Acrysteel with Green graphics applied to surface.

THIS SIGN TO BE  
Unbreakable Label  
120 VOLTS

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



# ingles

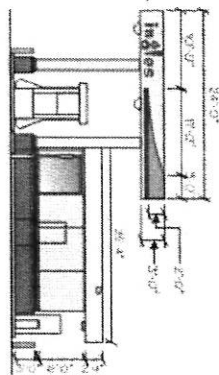
**Rainbow Signs, Inc.**  
GREENWOOD, SC 864-223-8423

CUSTOMER NAME	INGLES (Store #53)	ACC. EXEC.	C. P. Hunt	JOB NO.	16-310-2	APPROVED BY CUSTOMER	
ADDRESS	1678 Brown Ave. Suite 1 Waynesville NC	DESIGNER	C. Johnson	DATE	10/22/06	FILE	#160 Waynesville, NC Main Pylon-2
SIGN TYPE	D/F Illuminated	SCALE	AS NOTED				
COPY RIGHTS NOTICE: This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.							

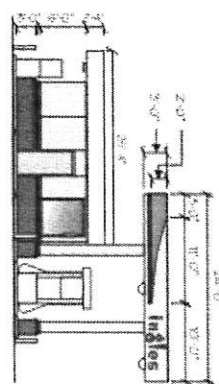
Excluded current to sign section and final construction not by Rainbow Sign Co., Inc.



2'-9" X 7'-10" = 21.53 Sq. Ft.

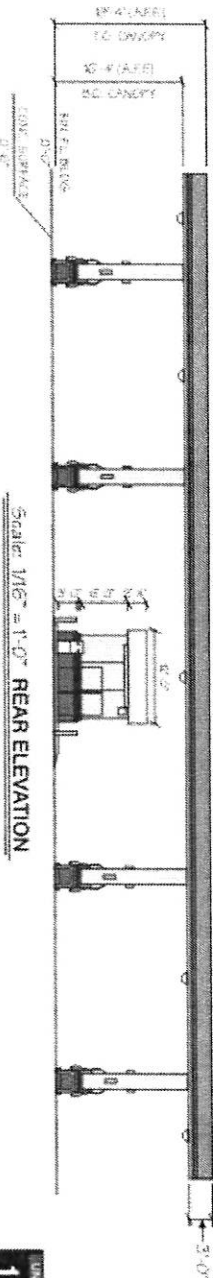


Scale: 1/16" = 1'-0" RIGHT SIDE ELEVATION



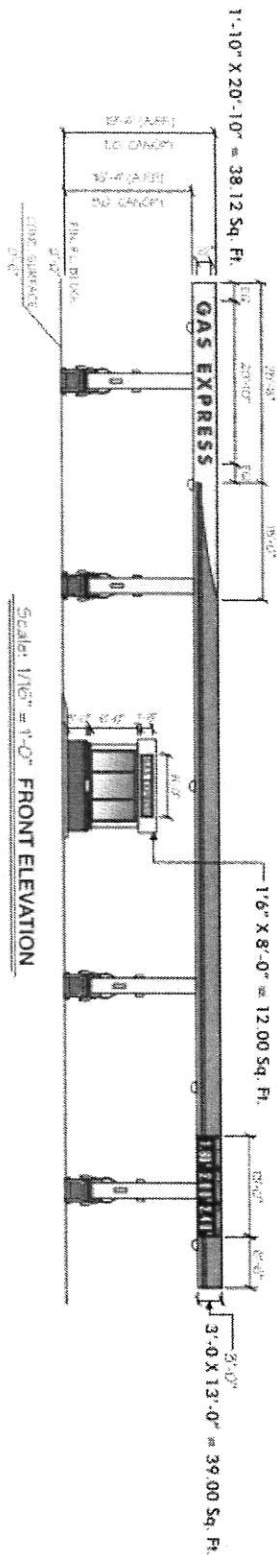
Scale: 1/16" = 1'-0" LEFT SIDE ELEVATION

2'-9" X 7'-10" = 21.53 Sq. Ft.
2'-9" X 7'-10" = 21.53 Sq. Ft.
1'-10" X 20'-10" = 38.12 Sq. Ft.
1'-6" X 8'-0" = 12.00 Sq. Ft.
3'-0" X 13'-0" = 39.00 Sq. Ft.
<b>Total Sq. Ft. = 132.18 Sq. Ft.</b>



Scale: 1/16" = 1'-0" REAR ELEVATION

1.80 2.00 2.49



Scale: 1/16" = 1'-0" FRONT ELEVATION

**Rainbow Signs, Inc.**  
GREENWOOD, SC 864-223-8423

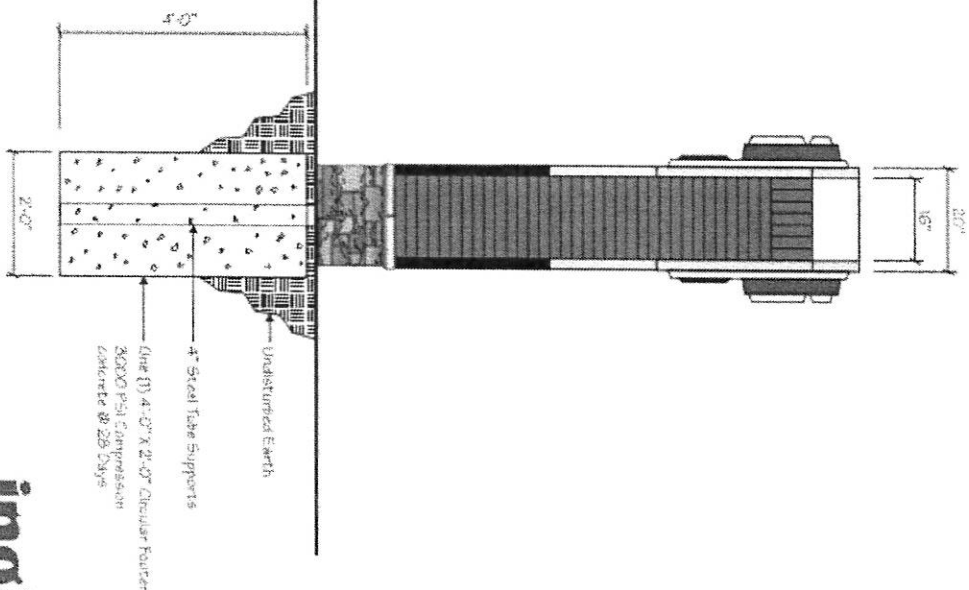
CUSTOMER NAME:	INGLES (Store # 58)	ACC. EXEC:	C. Probst	JOB NO.	16-313	APPROVED BY CUSTOMER:
ADDRESS:	1878 Brown Ave. Suite 1 - Waynesville, NC	DESIGNER:	L. S. Gray	DATE:	11/22/15	
SIGN TYPE:	Canopy Elevation Plan View	SCALE:	AS NOTED			
COPY RIGHTS NOTICE:	This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.					

Electrical current to sign location and final construction by Rainbow Sign Co. Inc.

**ingles**



Double Face Elevation  
"Double" FSS 14000000  
2'-6" X 7'-1" X 20" (14" #5)  
Provided by Ingles and  
shipped to sign installer  
for install.



**Rainbow Signs, Inc.**  
GREENWOOD, SC 864-223-8423

CUSTOMER NAME:	INGLES (Store #58)	ACC. EXEC.	C. Priest	JOB NO.	16-312-2	APPROVED BY CUSTOMER:
ADDRESS:	1678 Brown Ave, Suite 1 - Waynesville, NC	DESIGNER:	C. Johnson	DATE:	12/15/06	
SIGN TYPE:	1 Gas Express Pylon	SCALE:	AS NOTED			
COPY RIGHTS NOTICE: This design, artwork, and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.						
				FILE #	58 Waynesville 1 Gas Ex Pylon 2	

Technical drawings are for reference and not for construction. All dimensions are in feet and inches.

**ingles**

PENDING REVIEW FOR TAX LISTING

DATE 8/11/15 BY KH.

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien  
against parcel number(s) 8605-70-6079

Mike Matthews, Haywood County Tax Collector

Date: 8/11/15 By: [Signature]



**2015006581**

HAYWOOD CO, NC FEE \$26.00

**NO TAXABLE CONSIDERATION**

PRESENTED & RECORDED:

08-11-2015 01:38:57 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY AMANDA GUTIERREZ  
DEPUTY

**BK: RB 891**

**PG: 1-6**

**PARCEL IDENTIFIER NO.: 8605-70-6079**

Verified by Haywood County on the \_\_\_ day of \_\_\_\_, 2015

By: \_\_\_\_\_

**This instrument prepared by and mail after recording to:**

Burton C. Smith, Jr.

Burton C. Smith, Jr., P.C.

675 North Main Street

Waynesville, North Carolina 28786

Brief Property Description for Index: 5.816 Acres+/-, Brown Avenue (a.k.a. Allen's Creek Road Extension), Waynesville Township, Haywood County, North Carolina, being the same as that certain property conveyed at Deed Book 579, Page 2276, in the Office of the Register of Deeds for Haywood County, North Carolina, and at Deed Book 885, Page 2157-2162, aforesaid records.

Excise Tax Stamp: \$ 0

**NORTH CAROLINA SPECIAL WARRANTY DEED**

**THIS NORTH CAROLINA SPECIAL WARRANTY DEED** (this "**Deed**") is made as of this 6th day of August, 2015, by and between **INGLES HAZELWOOD EXCHANGE, LLC**, a North Carolina limited liability company (herein "**Grantor**"), and **INGLES MARKETS, INCORPORATED**, a North Carolina corporation (herein, "**Grantee**"). Grantee's address is P.O. Box 6676, Asheville, North Carolina 28816. The designation "Grantor" and "Grantee" as used herein shall include said parties, their heirs, successors and assigns, as applicable, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that the Grantor, for valuable consideration paid by the Grantee, the receipt of



which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey, unto Grantee, in fee simple, that certain lot or parcel of land (the "Property") lying and being situated in the Waynesville Township, Haywood County, State of North Carolina, that is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof, together with any and all appurtenances thereto (including, without limitation, easements described in such Exhibit "A"), but subject to the Permitted Encumbrances and, in particular, the Restrictive Covenants hereinafter described.

The Property is conveyed subject to the matters described on Exhibit "B" attached hereto and by this reference made a part hereof (to the extent they affect the Property, if at all)(the "Permitted Encumbrances").

**TO HAVE AND TO HOLD** the Property and all privileges and appurtenances thereto belonging unto the Grantee in **FEE SIMPLE**, but in all respects always subject to the Permitted Encumbrances.

**AND THE GRANTOR COVENANTS** with the Grantee, that Grantor has done nothing to impair such title as Grantor received, that Grantor is seized of the Property in fee simple, has the right to convey the same in fee simple, that title is free and clear of all encumbrances except for the Permitted Encumbrances, and that Grantor will warrant and defend the title to the Property against the lawful claims of Grantor and all persons claiming by, through or under Grantor, but not otherwise and always subject to the Permitted Encumbrances.

**IN WITNESS WHEREOF**, Grantor has caused this Deed to be executed under seal by its duly authorized representative as of the day, month and year first above written.

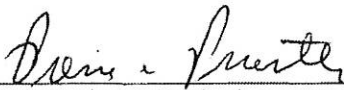
**[USE BLACK INK ONLY]**

**GRANTOR:**

**INGLES HAZELWOOD EXCHANGE, LLC**, a  
North Carolina limited liability company

By: **NATIONAL SAFE HARBOR  
EXCHANGES**, a California corporation

Its: Sole Member

By:   
Name: Pierre W. Priestley  
Its: Senior Vice President

(CORPORATE SEAL)

[ACKNOWLEDGEMENT ON FOLLOWING PAGE]

STATE OF Illinois; COUNTY OF Cook

I, a Notary Public of the County and State aforesaid, certify that **Pierre W. Priestley** in his capacity as a Senior Vice President of **NATIONAL SAFE HARBOR EXCHANGES**, a California corporation, being the sole member of **INGLES HAZELWOOD EXCHANGE, LLC**, a North Carolina limited liability company, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the said company. Witness my hand and official stamp or seal, this 6th day of August, 2015.

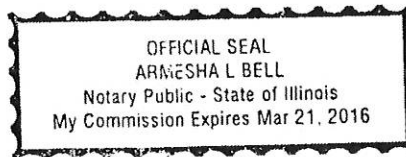
My commission expires:

3/21/16

Arnesha L Bell

NOTARY PUBLIC

NOTARIAL SEAL OR STAMP:



**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPERTY**

**ALL OF THAT CERTAIN LOT OR PARCEL OF LAND** situated in Waynesville Township, Haywood County, North Carolina, containing 5.88 acres, more or less, adjoined on the east by Brown Avenue, American National Red Cross (Deed Book 503, Page 1874), and Daniel Boyd (Deed Book 373, Page 730), on the south by Lea Plant Road (S.R. 1172), on the west by KMW Holdings, LLC (Deed Book 594, Page 209) and Norfolk Southern Railway, and on the north by County of Haywood (Deed Book 579, Page 2180) and being more particularly described as follows:

**BEGINNING** on a magnetic nail flush in the asphalt pavement in the intersection of the centerline of Norfolk Southern Railway, (said railway having a 200 foot right-of-way per Plat Cabinet B, Slide 67 and Deed Book 508, Page 1050, recorded in the Haywood County Register of Deeds Office) and the centerline of Lea Plant Road (S.R. 1172), said nail lying South 47°04'47" East 1333.09 feet (horizontal ground distance) from North Carolina Geodetic Survey Monument "John", said monument having N.C. Grid, NAD 83 (2001) coordinates of N: 650810.62', E: 806312.99'; said nail being a common corner with KMW Holdings, LLC recorded in Deed Book 594, Page 209 of the Haywood County Register of Deeds Office, and running thence from said beginning point and with the common line of KMW Holdings, LLC and the centerline of Norfolk Southern Railway and aid 200 foot right-of-way North 17°27'03" East 495.34 feet to a magnetic nail in a crosstie in the centerline of Norfolk Southern Railway, a common corner with KMW Holdings, LLC and Haywood County, recorded in Deed Book 579, Page 2180, thence leaving the centerline of Norfolk Southern Railway and with the common line of Haywood County for the following four bearings and distances: 1) South 72°29'45" East 446.46 feet to a 5/8" rebar lying 0.1 foot below the adjacent grade; 2) North 06°50'15" East 102.59 feet to a 5/8" rebar lying 0.1 foot below the adjacent grade; 3) North 07°49'57" East 39.99 feet to a 5/8" rebar with yellow plastic cap stamped "Ed Holmes and Assoc.", hereinafter referred to as "EHA" rebar; 4) South 83°01'21" East 41.37 feet to a railroad spike flush in asphalt pavement, a common corner with Daniel Boyd, recorded in Deed Book 373, Page 730; thence with the Boyd property the following three bearings and distance: 1) South 55°27'30" West 21.90 feet to a railroad spike flush in asphalt pavement; 2) South 22°31'17" East 143.52 feet to a magnetic nail flush in the asphalt pavement; 3) South 06°44'08" West, passing a railroad spike flush in the asphalt pavement at 82.02 feet, a common corner with American National Red Cross recorded in Deed Book 503, Page 1874, a total distance of 118.52 feet to a magnetic nail in the asphalt pavement, thence continuing with the common line of American National Red Cross South 85°49'57" East 120.30 feet to an "EHA" rebar, the southeast corner of said American National Red Cross, said rebar lying approximately 4.98 feet east of the western margin of the 80 foot right-of-way of Brown Avenue as shown on State Highway Commission Plans having Project No. 9.7142203; thence inside said right-of-way Brown Avenue, on a curve to the left having a radius of 1632.64 feet, an arc distance of 165.10 feet, and a chord bearing and distance of South 05°12'54" West 165.03 feet to a magnetic nail in the asphalt pavement in the intersection of the centerline of Lea Plant Road (S.R. 1172) and the margin of the asphalt pavement of Brown Avenue; thence with the center of Lea Plant Road (S.R. 1172) the following three bearings and distances: 1) South 82°42'12" West 120.71 feet to an unmarked point in the center of Lea Plant Road, 2) on a curve to the right having



a radius of 730.07 feet, an arc length of 69.95 feet, and a chord bearing and distance of South 85° 26' 54" West 69.92 feet to an unmarked point, 3) South 88° 11' 34" West 571.92 feet to the point and place of **BEGINNING**.

Less and excepting all right, title and interest, if any, of the North Carolina State Highway Commission in and to a 376.93 square foot, more or less, area described in a deed recorded in Deed Book 220, Page 342, and further described as follows:

**BEGINNING** on a 5/8" "EHA" rebar, said rebar being on the northern margin of a 60 foot road right-of-way of Lea Plant Road, described in Deed Book 220, Page 341, said rebar lying North 44° 53' 18" West 43.69 feet from a magnetic nail in the asphalt pavement in the intersection of the centerline of Lea Plant Road (S.R. 1172) and the margin of asphalt pavement of Brown Avenue, said nail being the southeast corner of the above described property, and running thence from said **BEGINNING** point, North 41° 33' 50" East 43.93 feet to a concrete right-of-way monument with a broken top, lying 0.4 foot below the adjacent grade, on the western margin of the 80 foot right-of-way of Brown Avenue as referenced above; thence on a curve to the right with a radius of 1472.39 feet, an arc length of 28.21 feet, and a chord bearing and distance of South 04° 05' 56" West 28.21 feet to an "EHA" rebar; thence on a curve to the right having a radius of 1497.89 feet, an arc length of 27.54 feet, and a chord bearing and distance of South 80° 05' 14" West 27.54 feet to the point and place of **BEGINNING**, containing 376.93 square feet, more or less.

The tracts described above are shown on an unrecorded survey by Phillip B. White, PLS of Ed Holmes and Associates Land Surveyors, PA, titled "Boundary and Topographic Survey of Property Owned by Hazelwood NC NG, LLC for Ingles Markets, Inc." dated December 22, 2014 and last revised April 30, 2015. All bearings described above are N.C. Grid, NAD 83(2001) bearings. All distances are horizontal ground distances.

**TOGETHER WITH** the Grantor's right, title and interest, if any, in the following:

- 1) Easements in favor of the Property herein conveyed for parking purposes over the "First Tract" and "Second Tract" contained in Right-of-Way Deed from Kenneth Dwight Eatmon (a/k/a Kenneth Eatmon) and wife, Sharon K. Eatmon, to J. Aaron Prevost and Emil Massard dated December \_\_, 1983, and recorded at Deed Book 347, Page 806, in the Office of the Register of Deeds of Haywood County, North Carolina; and
- 2) Easements in favor of the "parties of the first part" and the property of the parties of the first part (being the Property herein conveyed) established by Agreement by and between Jack G. Prevost and Wachovia Bank, NA, Co-Executors of the Estate of J. Aaron Prevost and Successor Co-Trustees under the Amended and Restated Trust Agreement of J. Aaron Prevost, dated August 12, 1989, Blake P. Garrett, Jr., Trustee, and George B. Nalley, Jr., Trustee, parties of the first part; Daniel P. Boyd (a/k/a/Daniel Michael Boyd) and wife, Elizabeth Boyd, parties of the second part; Haywood County, a Unit of Local Government of the State of North Carolina, party of the third part; and State of North Carolina, party of the fourth part, dated October 21, 2003, and recorded at Deed Book 579, Page 2183, in the Office of the Register of Deeds of Haywood County, North Carolina.
- 3) Any and all other property conveyed in that certain North Carolina Special Warranty Deed from Hazelwood NC NG, LLC, to Ingles Hazelwood Exchange, LLC, dated May 19, 2015, and recorded at Deed Book 885, Page 2157-2162, aforesaid records.

PENDING REVIEW FOR TAX LISTING

DATE 6-2-16 BY SA

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien

against parcel number(s) 8605 80 0103

Mike Matthews, Haywood County Tax Collector

Date: 6-2-16 By: ell



**2016004301**

HAYWOOD CO, NC FEE \$26.00

**NO TAXABLE CONSIDERATION**

PRESENTED & RECORDED

06-02-2016 03:28:22 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY STACY C. MOORE

ASSISTANT

**BK: RB 907**

**PG: 314-318**

**PARCEL IDENTIFIER NO.: 8605-80-0103**

Verified by Haywood County on the \_\_\_ day of June 2016

By: \_\_\_\_\_

**This instrument prepared by and mail after recording to:**

Burton C. Smith, Jr.

Burton C. Smith, Jr., P.C.

675 North Main Street

Waynesville, North Carolina 28786

Brief Property Description for Index: 0.129 Acres +/-, Brown Avenue (a.k.a. Allen's Creek Road),  
Waynesville Township, Haywood County, North Carolina

Excise Tax Stamp: \$0.00 (EXEMPT SELLER)

**NORTH CAROLINA SPECIAL WARRANTY DEED**

RND THIS NORTH CAROLINA SPECIAL WARRANTY DEED (this "**Deed**") is made as of this day of June 2016, by and between **THE AMERICAN NATIONAL RED CROSS**, a non-profit corporation, a Federally chartered instrumentality of the United States, and body corporate and politic under the laws of the United States (36 U.S.C. §§300101-300111 (2007)) (herein "**Grantor**"), and **INGLES MARKETS, INCORPORATED**, a North Carolina corporation (herein, "**Grantee**"). Grantee's address is 2913 Highway 70 West, Black Mountain, North Carolina 28711. The designation "Grantor" and "Grantee" as used herein shall include said parties, their heirs, successors and assigns, as applicable, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey, unto Grantee, in fee simple, that certain lot or parcel of land (the "**Property**") lying and being situated in the Waynesville Township, Haywood County, State of North Carolina, that is more

particularly described on Exhibit "A" attached hereto and by this reference made a part hereof, together with any and all appurtenances thereto.

The Property is conveyed subject to the matters described on Exhibit "B" attached hereto and by this reference made a part hereof (to the extent they affect the Property, if at all)(the "Permitted Encumbrances").

Neither the Property nor any portion thereof herein conveyed includes the primary residence of a Grantor.

**TO HAVE AND TO HOLD** the Property and all privileges and appurtenances thereto belonging unto the Grantee in **FEE SIMPLE**, but in all respects always subject to the Permitted Encumbrances.

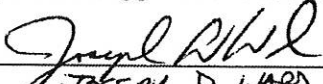
**AND THE GRANTOR COVENANTS** with the Grantee, that Grantor is seized of the Property in fee simple, has the right to convey the same in fee simple, that title is free and clear of all encumbrances except for the Permitted Encumbrances, and that Grantor will warrant and defend the title to the Property against the lawful claims of Grantor and all persons claiming by, through or under Grantor, but not otherwise and always subject to the Permitted Encumbrances.

**IN WITNESS WHEREOF**, Grantor has caused this Deed to be executed under seal by its duly authorized representative as of the day, month and year first above written.

**[USE BLACK INK ONLY]**

**GRANTOR:**

**THE AMERICAN NATIONAL RED CROSS**,  
a non-profit corporation, a Federally chartered  
instrumentality of the United States, and body  
corporate and politic under the laws of the United  
States (36 U.S.C. §§300101-300111 (2007))

By:   
Name: JOSEPH D. WARD  
Title: EXECUTIVE DIRECTOR - REAL ESTATE

Attest: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

(CORPORATE SEAL)

**[ACKNOWLEDGEMENT ON FOLLOWING PAGE]**



STATE OF Ohio; COUNTY OF Lucas

I, a Notary Public of the County and State aforesaid, certify that Joseph D. Ward, in his/her capacity as EO - Hazelwood of **THE AMERICAN NATIONAL RED CROSS**, a non-profit corporation, a Federally chartered instrumentality of the United States, and body corporate and politic under the laws of the United States (36 U.S.C. §§300101-300111 (2007)), personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the said company.

Witness my hand and official stamp or seal, this 1 day of June 2016.

My commission expires: 10-22-17

Robert W. Menner

NOTARIAL SEAL OR STAMP:



ROBERT W MENNER  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 10-22-17

The foregoing Certificates of \_\_\_\_\_ and \_\_\_\_\_ are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for Haywood County

By: \_\_\_\_\_, Deputy/Assistant - Register of Deeds

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPERTY**

All of that certain lot or parcel of land situated in Waynesville Township, Haywood County, North Carolina, and being more particularly described as follows:

BEGINNING at a point lying two (2) calls from the most western point of that deed of record in Deed Book 297, Page 747, as follows: S. 25 deg. 30 min. 00 sec. E. 143.55 and S. 03 deg. 49 min. 20 sec. W. 69.21 feet to the point and place of BEGINNING; and from said point of BEGINNING thus established, running S. 86 deg. 05 min. 45 sec. E. 122.64 feet to a point in the western margin of Allen's Creek Road; thence with the margin of said road, with the arc of a circle with a curve to the left, having a radius of 1632.64 feet, a linear distance of 43.82 feet to an iron pipe, thence leaving the road right of way and running, N. 88 deg. 44 min. 45 sec. W. 120.30 feet to an iron pin; thence running N. 03 deg. 49 min. 20 sec. E. 49.32 feet passing a railroad spike set at 36.33 feet on line, to the point and place of BEGINNING. The same identified as Tract III, being .129 acre on that survey captioned "J. A. Prevost" dated December 28, 1984 under the seal of James T. Herron, R.L.S.

BEING the identical property described in a deed dated January 1, 1988, from Erwin Roe Jones, Jr. and wife, Evelyn L. Jones, to Erwin Roe Jones, III and wife, Debra L. Jones, recorded in Deed Book 387, Page 385, Haywood County Registry, and likewise the property conveyed by Erwin Roe Jones, III and wife, Debra L. Jones, to American National Red Cross by North Carolina General Warranty Deed dated October 3, 2001, and recorded at Deed Book 503, Page 1874, Haywood County Registry.



**EXHIBIT "B"**

**PERMITTED ENCUMBRANCES**

1. Taxes for the year 2015, liens not yet due and payable, and for subsequent years.
2. Rights-of-Way of S.R. #1172 (Lea Plant Road, f/k/a Welch Road) and Allens Creek Road Extension to their full legal widths (80' right-of-way for S.R. #1172 and 60' or apparent 40' right-of-way for Allens Creek Road, in each case as shown on Boundary and Topographic Survey of Property Owned by Hazelwood NC NG, LLC for Ingles Markets, Inc. dated December 22, 2014, prepared by Ed Holmes & Associates Land Surveyors, PA and bearing the seal of Phillip B. White, North Carolina Professional Land Surveyor No. L-4994 dated December 31, 2014 (the "Survey").
3. 200' Right-of-Way of Norfolk Southern Railway (now Blue Ridge Southern Railway, LLC) as shown on Survey.
4. Electric easements in favor of Carolina Power & Light recorded at (a) Deed Book 86, Page 322, (b) Deed Book 111, Page 239, (c) Deed Book 220, Page 476, (d) Deed Book 220, Page 510, and (e) Deed Book 244, Page 718, all in the Office of the Register of Deeds of Haywood County, North Carolina.
5. Sewer easement in favor of the Town of Waynesville recorded at Deed Book 289, Page 203, in the Office of the Register of Deeds of Haywood County, North Carolina.
6. Terms and conditions of easements contained in and restrictions regarding pavement set forth in Right-of-Way Deed recorded at Deed Book 347, Page 806, in the Office of the Register of Deeds of Haywood County, North Carolina, but excluding and without exception for the 40' road right-of-way therein described, which has been terminated by virtue of the Agreement described in Item 7 following.
7. Terms and conditions of and restrictions set forth in Agreement recorded at Deed Book 579, Page 2183, in the Office of the Register of Deeds of Haywood County, North Carolina.
8. Terms and conditions of and restrictions set forth in Restrictive covenant in favor of Ingles Hazelwood Exchange, LLC, dated May 19, 2015, and recorded at Deed Book 885, Page 2169, in the Office of the Register of Deeds of Haywood County, North Carolina.

DATE 6-2-16 BY SA

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien

against parcel number(s) 8605 80 0103

Mike Matthews, Haywood County Tax Collector

Date: 6-2-16 By: cel



**2016004302**

HAYWOOD CO, NC FEE \$26.00

**NO TAXABLE CONSIDERATION**

PRESENTED & RECORDED

06-02-2016 03:28:23 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: STACY C MOORE

ASSISTANT

**BK: RB 907**

**PG: 319-323**

**PARCEL IDENTIFIER NO.: 8605-80-0103**

Verified by Haywood County on the \_\_\_ day of June 2016

By: \_\_\_\_\_

**This instrument prepared by and mail after recording to:**

Burton C. Smith, Jr.

Burton C. Smith, Jr., P.C.

675 North Main Street

Waynesville, North Carolina 28786

Brief Property Description for Index: 6.01 acres +/-, Brown Avenue (a.k.a. Allen's Creek Road),  
Waynesville Township, Haywood County, North Carolina

Excise Tax Stamp: \$0.00

**NORTH CAROLINA QUITCLAIM DEED**

**THIS QUITCLAIM DEED** (this "Deed") is made as of the 2nd day of June 2016, by **THE AMERICAN NATIONAL RED CROSS**, a non-profit corporation, a Federally chartered instrumentality of the United States, and body corporate and politic under the laws of the United States (36 U.S.C. §§300101-300111 (2007)) (hereinafter called "**Grantor**"), in favor of **INGLES MARKETS, INCORPORATED**, a North Carolina corporation (hereinafter called "**Grantee**"). Grantee's address is 2913 Highway 70 West, Black Mountain, North Carolina 28711. The words "Grantor" and "Grantee" include the neuter, masculine and feminine genders, and the singular and the plural, as the context requires or permits.

**WITNESSETH:**

**FOR AND IN CONSIDERATION** of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor (a) has remised, released, conveyed and forever quitclaimed, and (b) by these presents does remise, release, convey and forever quitclaim, unto Grantee and the successors, legal representatives and assigns of Grantee, all of Grantors' right, title and interest, if any, in and to that tract or parcel of land lying and being in Waynesville

Township, Haywood County, North Carolina, that is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter called the "**Property**").

**TO HAVE AND TO HOLD** the Property unto Grantee in order that neither Grantor nor any person claiming by, through or under Grantor shall at any time or by any means or ways have, claim or demand any right, title or interest in or to the Property or any portion thereof or any of the rights, members and appurtenances thereof.

Neither the Property nor any portion thereof herein conveyed includes the primary residence of a Grantor.

This Deed is executed in connection with and as a companion document to the North Carolina Special Warranty Deed, the purpose and intent of this Deed being to transfer to Grantee, for the consideration given for the said North Carolina Special Warranty Deed and for no additional consideration, the property conveyed by such North Carolina Special Warranty Deed utilizing a legal description for same drawn from Grantee's current survey of the Property and certain adjoining property owned or to be acquired by Grantee, so as to divest Grantor, without warranty of any kind, of any right, title and interest Grantor otherwise might have in and to any property contained within such survey legal description, including gaps and gores, not previously conveyed by such North Carolina Special Warranty Deed.

**IN WITNESS WHEREOF**, Grantor has caused this Deed to be executed by its duly authorized representative as of the day, month and year first written above.

**[USE BLACK INK ONLY]**

**GRANTOR:**

**THE AMERICAN NATIONAL RED CROSS**,  
a non-profit corporation, a Federally chartered  
instrumentality of the United States, and body  
corporate and politic under the laws of the United  
States (36 U.S.C. §§300101-300111 (2007))

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

(CORPORATE SEAL)

**[ACKNOWLEDGEMENT ON FOLLOWING PAGE]**



STATE OF Ohio; COUNTY OF Crawford

I, a Notary Public of the County and State aforesaid, certify that Joseph D. Ward, in his capacity as the Executive Director of **THE AMERICAN NATIONAL RED CROSS**, a non-profit corporation, a Federally chartered instrumentality of the United States, and body corporate and politic under the laws of the United States (36 U.S.C. §§300101-300111 (2007)), personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the said company. Witness my hand and official stamp or seal, this 1 day of June 2016.

My commission expires: 10.22.17 Robert W. Menner  
NOTARY PUBLIC

NOTARIAL SEAL OR STAMP



ROBERT W. MENNER  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 10-22-17

The foregoing Certificates of \_\_\_\_\_ and \_\_\_\_\_ are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for Haywood County

By: \_\_\_\_\_, Deputy/Assistant - Register of Deeds

\_\_\_\_\_

**EXHIBIT "A"****SURVEY LEGAL DESCRIPTION OF PROPERTY**

All of that certain lot or parcel of land containing 6.02 acres more or less, situated in Waynesville Township, Haywood County, North Carolina, and being more particularly described as follows:

**BEGINNING** on a magnetic nail flush in the asphalt pavement in the intersection of the centerline of Norfolk Southern Railway, (said railway having a 200 foot right-of-way per Plat Cabinet B, Slide 67 and Deed Book 508, Page 1050, recorded in the Haywood County Register of Deeds Office) and the centerline of Lea Plant Road (S.R. 1172), said nail lying South 47°04'47" East 1333.09 feet (horizontal ground distance) from North Carolina Geodetic Survey Monument "John", said monument having N.C. Grid, NAD 83 (2001) coordinates of N: 650810.62', E: 806312.99'; said nail being a common corner with KMW Holdings, LLC recorded in Deed Book 594, Page 209 of the Haywood County Register of Deeds Office, and running thence from said beginning point and with the common line of KMW Holdings, LLC and the centerline of Norfolk Southern Railway, a 200 foot right-of-way, North 17°27'03" East 495.34 feet to a magnetic nail in a crosstie in the centerline of Norfolk Southern Railway, a common corner with KMW Holdings, LLC and Haywood County, recorded in Deed Book 579, Page 2180, thence leaving the centerline of Norfolk Southern Railway and with the common line of Haywood County for the following four bearings and distances: 1) South 72°29'45" East, passing 5/8" rebars with yellow plastic caps stamped "Ed Holmes and Assoc.", hereinafter referred to as "EHA" rebar, at 50.00 feet and 100.00 feet, a total distance of 446.46 feet to a 5/8" rebar lying 0.1 foot below the adjacent grade; 2) North 06°50'15" East 102.59 feet to a 5/8" rebar lying 0.1 foot below the adjacent grade; 3) North 07°49'57" East 39.99 feet to an "EHA" rebar; 4) South 83°01'21" East 41.37 feet to a railroad spike flush in asphalt pavement, a common corner with Daniel Boyd, recorded in Deed Book 373, Page 730; thence with the Boyd property the following three bearings and distance: 1) South 55°27'30" West 21.90 feet to a railroad spike flush in asphalt pavement; 2) South 22°31'17" East 143.52 feet to a magnetic nail flush in the asphalt pavement; 3) South 06°44'08" West, 69.20 feet to a magnetic nail in the asphalt pavement, thence continuing with said Boyd property South 83°10'57" East 122.64 feet to an "EHA" rebar, said rebar lying approximately 5.35 feet east of the western margin of the 80 foot right-of-way of Brown Avenue as shown on State Highway Commission Plans having Project No. 9.7142203, thence leaving said Boyd property and running inside said right-of-way, on a curve to the left having a radius of 1632.64 feet, an arc distance of 43.82 feet, and a chord bearing and distance of South 09°57'16" West 43.82 feet to an "EHA" rebar, said rebar lying approximately 4.98 feet east of the western margin of the 80 foot right-of-way of Brown Avenue as shown on State Highway Commission Plans having Project No. 9.7142203; thence inside said right-of-way of Brown Avenue, on a curve to the left having a radius of 1632.64 feet, an arc distance of 165.10 feet, and a chord bearing and distance of South 05°12'54" West 165.03 feet to a magnetic nail in the asphalt pavement in the intersection of the centerline of Lea Plant Road (S.R. 1172) and the margin of the asphalt pavement of Brown Avenue; thence with the center of Lea Plant Road (S.R. 1172) the following three bearings and distances: 1) South 82°42'12" West 120.71 feet to an unmarked point in the center of Lea Plant Road, 2) on a curve to the right having a radius of 730.07 feet, an arc length of 69.95 feet, and a chord bearing and distance of South 85° 26'54" West 69.92 feet to an unmarked point, 3) South 88°11'34" West 571.92 feet to the point and place of **BEGINNING**.

The total net area of the above described property contains 6.02 acres, more or less, and is a compilation of parcels owned by Ingles Markets Inc. described in Deed Book 891, Page 1 (without exclusion of an approximately 0.01 acre parcel at the southeasterly corner of the property

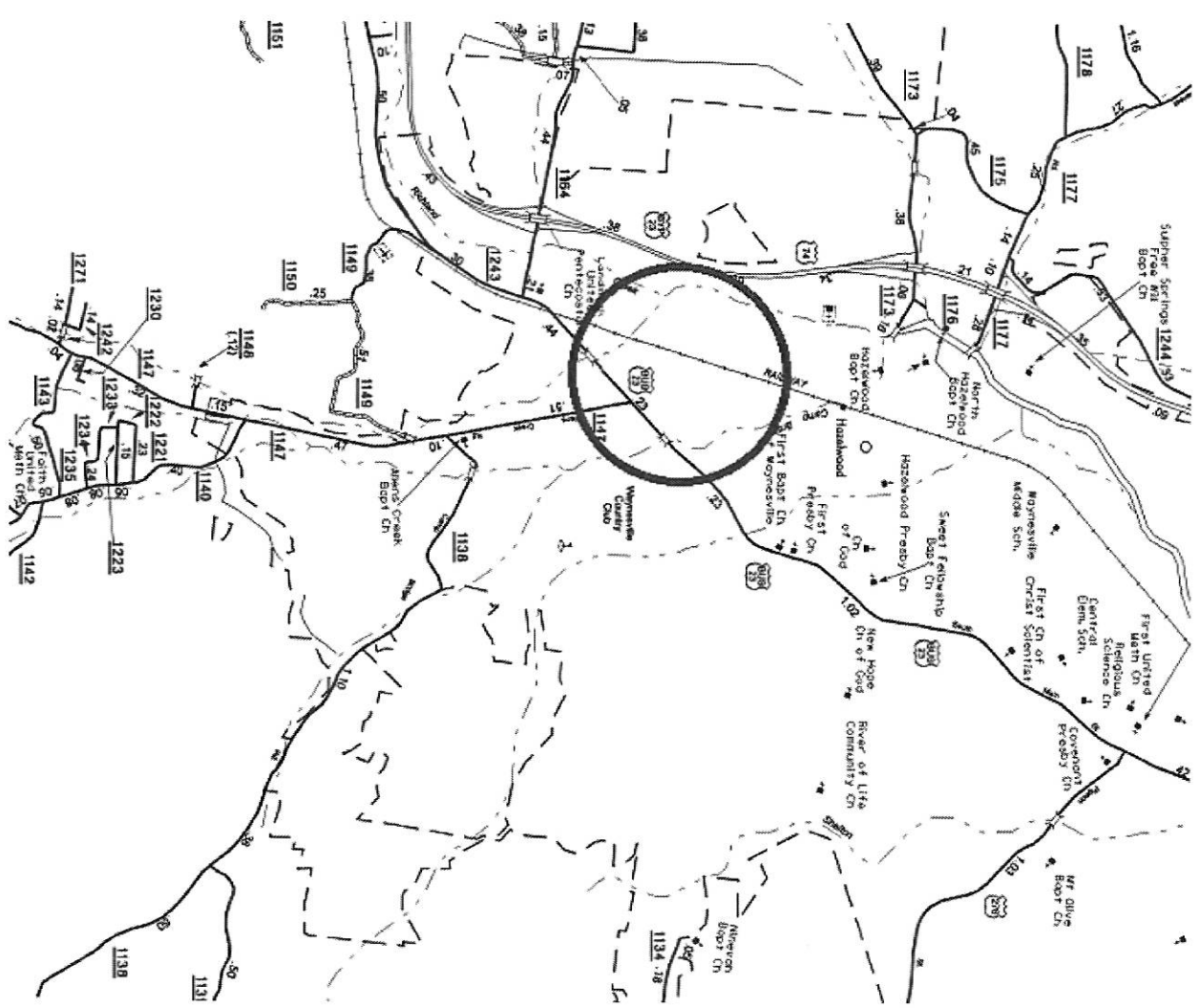
shown on the Holmes Survey hereafter described) and American National Red Cross described in Deed Book 503, Page 1874, all in the Office of the Register of Deeds of Haywood County, North Carolina, said parcels being shown on an unrecorded survey by Phillip B. White, PLS of Ed Holmes and Associates Land Surveyors, PA, titled "Boundary and Topographic Survey of Property Owned by Ingles Markets, Inc. and American National Red Cross" dated January 25, 2016, and last revised May 30, 2016 (the "Holmes Survey"). All bearings described above are N.C. Grid, NAD 83(2001) bearings. All distances are horizontal ground distances.

The foregoing parcel includes within its bounds, without limitation (and Grantor conveys hereby to Grantee all right, title and interest, if any, of Grantee in and to), the following described parcel of land conveyed to the American National Red Cross by virtue of deed recorded at Deed Book 503, Page 1874, in the aforesaid records:

All of that certain lot or parcel of land containing 0.13 acres more or less, situated in Waynesville Township, Haywood County, North Carolina, adjoined on the east by Brown Avenue, on the south and west by Ingles Markets, Inc. (Deed Book 891, Page 1), and on the North by Daniel Boyd (Deed Book 373, Page 730), and being more particularly described as follows:

**BEGINNING** on a railroad spike flush in the asphalt pavement, said railroad spike lying South  $68^{\circ}03'02''$  East 1764.50 feet (horizontal ground distance) from North Carolina Geodetic Survey Monument "John", said monument having N.C. Grid, NAD 83 (2001) coordinates of N: 650810.62', E: 806312.99'; said railroad spike being a common corner with property owned by Ingles Markets, Inc., description recorded in Deed Book 891, Page 1 in the Haywood County N.C. Register of Deeds Office, and runs thence from said beginning point and with said Ingles Markets Inc. property South  $06^{\circ}44'08''$  West 36.50 feet to a magnetic nail in asphalt pavement; thence South  $85^{\circ}49'57''$  East 120.30 feet to a  $5/8$ " rebar with plastic yellow cap stamped "Ed Holmes and Assoc.", hereinafter referred to as "EHA" rebar, said rebar lying approximately 4.98 feet east of the western margin of the 80 foot right-of-way of Brown Avenue as shown on State Highway Commission Plans having Project No. 9.7142203; running thence inside said right-of-way of Brown Avenue and leaving said Ingles Markets property, on a curve to the right having a radius of 1632.64 feet, an arc distance of 43.82 feet, and a chord bearing and distance of North  $09^{\circ}57'16''$  East 43.82 feet to an "EHA" rebar, said rebar lying approximately 5.35 feet east of the western margin of the 80 foot right-of-way of Brown Avenue as shown on State Highway Commission Plans having Project No. 9.7142203, said rebar being a common corner with that property owned by Daniel Boyd, described in Deed Book 373, Page 730; thence with said Boyd property and leaving said right-of-way, North  $83^{\circ}10'57''$  West 122.64 feet to a magnetic nail in asphalt pavement, a common corner with said Ingles Markets Inc. property; thence leaving said Boyd property and with said Ingles Markets property South  $06^{\circ}44'08''$  West 12.82 feet to the point and place of **BEGINNING**, containing 0.13 acre more or less and being shown on the Holmes Survey. All bearings described above are N.C. Grid, NAD 83(2001) bearings. All distances are horizontal ground distances.





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF WAYNESVILLE;  
CREATING THE HYATT CREEK REGIONAL CENTER – CONDITIONAL DISTRICT**

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS**, this Ordinance is consistent with the 2020 Land Development Plan of the Town of Waynesville for the reasons set out herein; and

**WHEREAS**, this Ordinance is neither consistent with nor inconsistent with other official plans of the Town of Waynesville; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed ordinance and has recommended its enactment by the Board of Aldermen.

**NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING:**

**Section One.** Upon the application of Ingles Market's, Incorporated, the Official Zoning Map of the Town of Waynesville is hereby amended to create the Hyatt Creek Regional Center – Conditional District [HCRC-CD] as more particularly set forth herein.

**Section Two.** This Ordinance is found to be consistent with the 2020 Land Development Plan of the Town of Waynesville, in particular with the Land Use Goal contained therein which states the following:

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.

This Ordinance is further found to be consistent with the 2020 Land Development Plan of the Town of Waynesville by virtue of the following land use objective:

Promote infill development in the Town of Waynesville as an alternative to continued outward expansion.

**Section Three.** The zoning classification of that certain real property described in Exhibit "A", attached hereto and made a part hereof, is hereby changed from Hyatt Creek Regional Center [HCRC] to Hyatt Creek Regional Center – Conditional District [HCRC-CD]. Said property is also identified on Haywood County tax maps by means of Property Identification Number 8605-70-6170.

**Section Four.** The Hyatt Creek Regional Center – Conditional District [HCRC-CD] is a conditional zoning district established pursuant to the Land Development Standards of the Town of Waynesville by means of authority granted by the North Carolina General Statutes. Future development and use of lands situated within the Hyatt Creek Regional Center – Conditional District [HCRC-CD] and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Hyatt Creek Regional Center – Conditional District – List of Standards & Conditions, which is attached to this ordinance as Exhibit "B" attached hereto and made a part hereof. The List of Standards & Conditions, including the Master Plan made a part thereof, shall run with the land and shall be binding on Ingles Markets, Incorporated, its successors and assigns.

**Section Five.** Pursuant to §15.15.2D of the Town of Waynesville Land Development Standards, the Master Plan replaces all conflicting development regulations set forth in the Land Development Standards, and such development regulations are varied to the extent they conflict with the Master Plan and List of Standards & Conditions.

**Section Six.** The signage standards in Chapter 11 of the Town of Waynesville Land Development Standards are modified to allow the number of signs attached to buildings to exceed three, but not more than 11, provided that the total surface area of signage is no more than 15% of the wall surface area to which the signs are attached.

**Section Seven.** Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. Section 160A-385.1, to undertake and complete the development and use of the property under the terms and conditions specified in the List of Standards & Conditions, including the Master Plan. Such vested right shall have a term of two years from the date of adoption of this Ordinance and shall continue thereafter provided that Ingles Markets, Incorporated completes the development and use of the property under the terms and conditions specified in the List of Standards & Conditions, including the Master Plan.

**Section Eight.** The Office of the Zoning Administrator is hereby authorized and directed to modify the Official Zoning Map of the Town of Waynesville consistent with this Ordinance.

**Section Nine.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section Ten.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section Eleven.** This ordinance shall be in full force and effect from and after the date of adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Gavin Brown – Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney