



# 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

Anthony Sutton (Vice Chair)

Marty Prevost

Robert Herrmann

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Jason Rogers

Susan Teas Smith

## Special Called Meeting

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

### Tuesday, October 1, 2019, 5:30 PM

#### A. CALL TO ORDER

1. Welcome/Calendar/Announcements
2. Adoption of Minutes
  - *Motion:* To approve minutes of August 19, 2019 as presented (or as corrected)
  - *Motion:* To approve minutes of September 5, 2019 as presented (or as corrected)
3. Approval of Order as presented (or as corrected) for Special Use Permit to locate a school within the Folkmoot Center Hazelwood Urban Residential District (H-UR) at 112 Virginia Avenue, PIN 8605-92-6127

#### B. BUSINESS

1. Public hearing to consider an application for a Conditional District Rezoning and Map Amendment at 366 Russ Avenue, PIN # 8616-40-3231 (*legislative proceeding*)
2. Continuation of Board Discussion on the Comprehensive Land Use Plan Update Draft, Chapter 5.

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

#### D. ADJOURN



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Don McGowan

Ginger Hain

Susan Smith

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 August 19, 2019

THE WAYNESVILLE PLANNING BOARD held its regular meeting on August 19, 2019 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 called the meeting to order at 5:30 p.m. and welcomed everyone.

The following members were present:

- Patrick McDowell (Chairman)
- Anthony Sutton (Vice Chairman)
- Ginger Hain
- Don McGowan
- Robert Herrmann
- Bucky Dykes
- Susan Smith

The following Board members were absent:

- Jason Rogers
- Marty Prevost

The following staff members were present:

- Elizabeth Teague, Development Services Director
- Amie Owens, Assistant Town Manager
- Eddie Ward, Town Clerk
- Jesse Fowler, Planner

Chairman McDowell asked Development Services Director Elizabeth Teague if she had any announcements. Ms. Teague told the Board that staff had received a request from Folkmoot asking if a school could use a section of

the building. She asked the Board to schedule a special meeting prior to the next regularly scheduled meeting. The consensus of the Board was to hold the special meeting on Thursday September 5<sup>th</sup>, 2019 at 5:30 pm.

Ms. Teague also reminded the Board of the upcoming Waynesville Public Art dog show which will be held at the Shelton Campus on August 29, at 4:00 pm.

2. Adoption of Minutes

***Note: Board Members Susan Smith and Bucky Dykes abstained from voting on the minutes due to not being present at the July 15, 2019 meeting.***

***A motion was made by Board Member Anthony Sutton, seconded by Board Member Don McGowan to approve the minutes of the July 15th, 2019 board meeting as presented. The motion passed unanimously.***

**B. BUSINESS**

1. Map Amendment Request to change zoning at 504 Church Street, PIN 8615-17-6586, from Main Street Residential to Main Street Central Business District (Legislative Proceeding)

Ms. Teague said that this is the second application to request rezoning of this property in the last several years. In February 2016, Mr. Muse made application along with other property owners along Richland Avenue to rezone their property from Main Street Residential to Central Business District zoning that was more conducive to redevelopment and consistent with existing land uses. The Planning Board determined that while lots along Richland Creek and the railroad were appropriate as part of the Central Business District, Mr. Muse's lot and that of the Lorna Barker Trust property were adjacent to residences and were more appropriately part of a mixed-use overlay. She said the Board of Aldermen agreed in part, designating the overlay on the Barker Trust property at the corner of Goodyear Street, but deciding not to change the zoning of the Muse property.

Ms. Teague explained that the current zoning of the lot in question is Main Street Neighborhood Residential (MSNR). The purpose of this District as specified in the Land Development Standards is:

*"As a walkable, in-town neighborhood separating two business districts — the Central Business District and the South Main Street Business District. In addition to the convenient location, the public library, Central Elementary School and many larger, older homes are among the amenities that make this area attractive for residential living. Future development should work to maintain this attractive area, continuing a scale and design that will attract ongoing residential use of this district. The dense tree canopy currently found in the area will be maintained and sensitivity to this canopy and the improvement of pedestrian facilities will be important with any new development." (Town Code of Ordinances Section 2.3.3.)*

She said the requested zoning is Central Business District (CBD) which would tie this lot into the CBD zoning to Frog Level. The purpose statement of the CBD reads (LDS Section 2.3.6):

*As the civic and cultural center for the town, the Central Business District (CBD) is designed to preserve Downtown Waynesville as the primary civic, retail, office, Institutional, cultural and entertainment center of the community. Expansion of what has been known as the Central Business District area into Frog Level will secure the relationship of the two areas and encourage the further redevelopment of Frog Level, including the development of a "town square" in the area. Building design, parking and transportation improvements in the Central Business District should focus on the comfort and enjoyment*

*of the pedestrian while promoting the development of a well-balanced transportation system, including the reinstatement of the old train depot in Frog Level. Residential development in the form of multi-family development and dwelling units in the second floor of buildings is strongly encouraged. Infill opportunities and high-density development, respecting the historic fabric of the area are envisioned. Public parking areas are recommended as opposed to the generation of private parking facilities.*

Ms. Teague stated that in 2016, the Planning Board recommended that instead of changing the zoning designation to CBD, that the Mixed-Use overlay District option be applied. The overlay is described as:

**A. Purpose:** The Mixed-Use Overlay District (MX-O) is a zoning overlay district established to permit certain limited mixed-uses within residential neighborhoods.

**B. Applicability:** The frontage of locations or blocks shall be identified on the Land Development Map to permit certain non-residential uses as permitted in the Use Table in Section 2.5.3. Such locations are noted as either PC (permitted on any Corner Lot located at the intersection of two publicly-maintained streets) or PL (Permitted in Designated Locations on the Land Development Map).

The Planning Board recommended this approach because a mixed -use overlay would allow a shortened list of commercial uses from what is allowed in the Central Business District and would mimic a mixed use overlay of another Neighborhood Residential Districts, creating a transitional buffer along Richland Street. However, the Board of Aldermen determined to not act to amend the zoning on this property based on concerns from adjacent neighbors (Board Minutes attached).

Since that time, the Land Use Plan Steering Committee recommended that an overlay be considered for the railroad corridor to allow for some flexibility where property is impacted by the railroad track as part of Land Use Plan update discussions.

#### **Surrounding Land Use/Zoning Pattern:**

Surrounding land use is primarily residential to the north, east and south, and commercial to the northwest and across Richland Street. Immediately across the street is the Town railroad corridor and an empty lot that is currently owned by Giles Chemical.

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

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the Future Land Use Map (Map 12) indicates the area of the subject property and other properties along Richland Avenue by the Railroad track to be designated for “Residential of Medium to High Density” concentration. However, this area has historically been commercial in nature, and the implementation of residential zoning designation in 2003, did not result in changes of use of these lots (or other lots along this stretch of Richland Street to Smathers) from commercial.

In the text of the 2020 Plan, the stated Land Use Goal is:

*“Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville’s existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community.” (2020 LDP, p 4-2)*

The action items are to “...revise the zoning map to reflect the Land Use Map...” and to “encourage mixed use development on adjacent properties in designated mixed-use



areas.” The text of the plan would seem to encourage mixed-use or infill commercial development in an area such as this, but also to protect the existing neighborhood that abuts this lot. In the adopted Future Land Use Map, the lot is designated within the Low to medium residential district.

Discussion on updates to the plan have indicated support for encouraging re-use and re-development of properties adjacent to the railroad corridor with the goal of designing to the context of surrounding areas. The draft plan is still under review however, and no changes to the Town policies, visions or goals have been adopted since the last application.

**Staff Recommendation:**

Staff believes that allowing for increased options for use of this property would be in the public interest by introducing limited commercial uses that might promote redevelopment. However, staff submits that designation to the Central Business District category would be too much in that such a change in zoning could negatively impact the adjacent residences and church because of the number and type of uses allowed within the CBD. While the Land Use Plan recommends mixed use and low to medium residential development in this area, it does not promote commercial development of the intensity allowed in the Central Business District.

Staff recommends that this zoning request is not consistent with the current Land Use Plan. However, the Planning Board’s initial recommendation for this lot in 2016 as a mixed-use overlay is still noteworthy and offers an alternate approach. This approach would better meet the goals and be consistent with the current land use plan. If the applicant agrees to amend his request, this would require new notice and a new hearing.

Chairman Patrick McDowell opened the Public Hearing and asked if anyone wished to speak.

**Ron Muse  
730 Woodfield Drive  
Waynesville, NC**

Mr. Muse stated that the worst fire that ever happened in Haywood County was on this lot, and it has been vacant since 1941. He stated that the lot was cleaned up, but he knew that there would never be a restaurant or ATM or any of the other uses that would be allowed if it were rezoned. He said Frog Level was developed years ago, because of the railroad, and it all is in the flood plain. He would like to see the lot rezoned as Central Business because it is a workable corridor. There has only been one new building in 70 years. He said that keeping like it is will just prolong how it is now and limit the possible future of that corridor.

Board Member Anthony Sutton ask Mr. Muse if he would consider submitting an application to reapply for a Mixed Use Overlay District. Mr. Muse said he would consider it.

**William Sterrett  
247 Church Street  
Waynesville, NC**

Mr. Sterrett addressed Board of Aldermen minutes from February 2016. He read an excerpt from the minutes quoting Ms. Teague and the 2020 Land Development Standards. He said the key words were preserving and protecting the natural beauty of the community. He asked what the redeeming value would be by moving a Business District right up to residential property lines. He said this issue had been ongoing since 1985. Mr. Sterrett gave instances of new dwelling being constructed in the area, and stated that the residence in the area were very much against the rezoning of this property owned by Mr. Muse.

**Michael Birchfield**  
**63 Goodyear Street**  
**Waynesville, NC**

Mr. Birchfield said that since the last meeting in which the Planning Board granted property down the street to be Mixed Overlay, there have been 9 homes built there. He stated that nothing had changed on Mr. Muse's property apart from punishing the community by allowing vagrants to live in tents on the lot, and it took a great amount of time to get them removed. Mr. Birchfield said that Mr. Muse knew the property was zoned residential when he bought it and asked why he should keep trying to ruin the neighborhood. He said there should be no commercial District allowed there other than the Mixed Overlay.

**Dick Young**  
**191 Meadow Street**  
**Waynesville, NC**

Mr. Young expressed concerns about a creek that runs through the property and stated that nothing can be built over a creek.

**Jane Allen Shope**  
**59 Meadow Street**  
**Waynesville, NC**

Ms. Shope stated she had lived on Meadow Street for 5 years. She said she was very nervous when the homeless camp was just across the street from her home. She said she did not understand why it took so long to have the camp removed. Ms. Shope said she want the neighborhood to remain residential, and she did not recall hearing about a neighborhood meeting being called to talk about the rezoning. She is very much in support of keeping the neighborhood residential.

**Angie Schwab**  
**192 Church Street**  
**Waynesville, NC**

Ms. Schwab explained to the Board that she is friends with Mr. Muse and her neighbors. She said she walked around the neighborhood frequently, and she feels there needs to be some improvements, and a community meeting would be very useful. She said she feels that something could be worked out that would be in the best interest of Mr. Muse and his neighbors. Ms. Schwab said she hated for anything to happen without a neighborhood discussion.

Chairman McDowell closed the Public Hearing at 6:18 pm.

***A motion was made by Board Member Susan Smith, and seconded by Board Member Anthony Sutton, to reject the zoning amendment because it is inconsistent with the Town's Land Use Plan, and is not reasonable and in the public interest, because it does not promote the orderly growth and development and enhance land values by preserving and improving the existing neighborhood. The motion passed unanimously.***

Chairman McDowell stated that from the discussion that the Board would be willing to entertain a Mixed-Use Overlay and encourage a public hearing that the Planning Board would be willing to attend, and a neighborhood meeting, before the new request. When asked if he would be willing to participated in a neighborhood meeting, Mr. Muse stated he did not think it would be productive.

## 2. Planning Board review of Draft Comprehensive Plan Chapter 1 – 3

- Jesse Fowler, Planner

Mr. Fowler stated that staff wanted to start the process of review of the draft Comprehensive Plan, chapters 1 – 3. He asked the following questions of the Board:

1. Does each chapter accomplish what it sets out to accomplish?
2. Does the Board have any changes or additions they would
3. Does the Board have any overall observations or comments?

He explained that the first three chapters of the 2035 Comprehensive Land Use Plan are intended to set the stage, and provide background information about the document itself, the people of Waynesville, and the strengths and weaknesses of Waynesville as a whole.

There was much discussion about each chapter (1 – 3) of the Plan and the things the Board felt like needed to be changed.

1. *Chapter 1: Introduction*
  - a. Outlines the purpose of the document.
  - b. Outlines the processes used to draft the document.
  - c. Highlights stakeholders and community input.
2. *Chapter 2: Vision and Goals*
  - a. Presents the future vision of Waynesville.
  - b. Presents the overarching goals of the document.
  - c. Lays out the ideologies that will form the strategies we will use to achieve our goals.
3. *Chapter 3: Community Profile*
  - a. Illustrates Waynesville's demographic information.
  - b. Discusses the challenges currently facing Waynesville.
  - c. Discusses Waynesville's success from 2020 Comprehensive Plan

Ms. Teague compiled comments from the board members on flip chart pages so that the staff could make revisions based on the discussion. Once each of the chapters is reviewed, a revised draft will be presented to the Planning Board for additional comments or changes.

Ms. Teague told the Board that at the September 5<sup>th</sup> special called meeting they would be discussing Chapter 4 and at the September 16<sup>th</sup> regular meeting they would discuss Chapter 5.

### **Public Comment/Call on the Audience**

No one spoke.

**ADJOURN**

*With no further business to discuss, a motion was made by Board Member Ginger Hain, seconded by Board Member Anthony Sutton, to adjourn the meeting at 7:49 pm. The motion carried unanimously.*

**ATTEST:**

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Patrick McDowell, Chairman

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Eddie Ward, Town Clerk





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Don McGowan  
Ginger Hain  
Susan Teas Smith

**MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD  
Special Called Meeting  
Town Hall – 9 S Main St., Waynesville, NC 28786  
9/5/2019**

THE WAYNESVILLE PLANNING BOARD held a special called meeting on September 5, 2019, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

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

The following members were present:

- Patrick McDowell (Chairman)
- Anthony Sutton
- Marty Prevost
- Robert Herrmann
- Ginger Hain
- Susan Teas Smith
- H.P. Dykes, Jr.

The following members were absent:

- Jason Rogers
- Don McGowan

The following staff members were present:

- Elizabeth Teague, Development Services Director
- Byron Hickox, Land Use Administrator
- Tom Maguire, Senior Code Enforcement Official
- Chelle Baker, Administrative Assistant
- Attorney Ron Sneed

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and asked Ms. Elizabeth Teague if there were any changes to the agenda or announcements on the calendar. There were none.

**B. BUSINESS**

1. Public hearing to consider Special Use Permit Request to locate a school within the Folkmoot Center Hazelwood Urban Residential District (H-UR) at 112 Virginia Avenue, PIN (8605-92-6127)

Chairman McDowell explained that this was a Public Hearing to consider a Special Use Permit Request to locate a school within the Folkmoot Center Hazelwood Urban Residential District. Chairman McDowell advised since this matter was a Special Use Permit request the hearing would be Quasi-Judicial. He explained the protocols of a Quasi-Judicial Hearing and rules of conduct to the Board Members and to the audience.

***A motion was made by Board Member H.P. Dykes, Jr., seconded by Board Member Robert Herrmann, to open the Public Hearing at 5:32 p.m. The motion passed unanimously (7-0).***

Chairman McDowell asked anyone who wished to testify to come forward and be sworn in. After swearing in potential witnesses, Chairman McDowell reviewed further protocols with the Board and asked that the public also follow all rules. He asked anyone who wished to have Standing to come forward. No one came forward.

Chairman McDowell polled the members of the Board to see if there were any procedural matters, ethical considerations or conflicts of interests that should be disclosed prior to beginning the hearing:

- Have any Members of this Board had any conversations concerning this case other than this agenda packet distributed to the Board in anticipation of this meeting?

Board Member Anthony Sutton advised that he had a member of the public call and leave a voicemail message. He stated they had gotten his number from the local media. Board member Sutton advised he did not listen to the voicemail but that he did call the media and request that they not send voicemails to his phone number.

- Any Board Member subject to an impermissible conflict of interest which would make a Member unable to be an impartial decision maker in the matter under consideration?

All Board Member answered no.

Chairman McDowell called upon staff to present the staff report.

Mr. Byron Hickox, Land Use Administrator, presented the background information on the special use permit application explaining that it was to operate a school at The Folkmoot Center located at 112 Virginia Avenue in the Hazelwood Urban Residential zoning district on a 2.07-acre lot. He advised the property currently houses Folkmoot USA and the application was to operate a school in a portion of the building known as B-Wing. The school would be operated by The Academy at SOAR, this is a branch of SOAR (Success Oriented Achievement Realized) Incorporated.

Mr. Hickox informed that the property is located within the Hazelwood Urban Residential District, in which schools are permitted to operate with a SUP. He read the Purpose and intent of the H-UR of the LDS, Section 2.3.4(B).

Mr. Hickox reviewed the surrounding land use and zoning patterns. He described the surrounding property on the North, South, and West which contained a day care, a multi-purpose building, athletic fields, and parking areas as a 9.09-acre lot owned by Haywood County Schools. He also stated that to the east, were several single-family dwellings. He informed that all surrounding properties were located within the same zoning of the Hazelwood Urban Residential District.

Mr. Hickox informed the Board of the school's background. He stated that the Academy at SOAR functions as a hybrid residential boarding school that operates on a four-week cycle. Groups of no more than sixteen students spend two weeks on campus in a traditional classroom setting and then two weeks on expeditions in various outdoor settings. He advised that this arrangement allows SOAR to serve sixteen students on campus during most of the school year. He further advised that The Academy at SOAR is a North Carolina certified non-public co-educational boarding school. It is accredited regionally through AdvancEd (SACS) as a fully accredited secondary school. He stated that the school currently serves a maximum of 32 male and female students, grades 7-12, who are diagnosed with a learning disability and/or ADHD.

He advised that the application for SUP proposes using existing spaces in the B-Wing of the Folkmoot Center in the following ways:

- B-Wing First Floor- Rooms B1, B2, B3, and B4 for resident student dorms, the shower facilities for hygiene for up to 32 students and the multipurpose room for physical education class and after-school recreation seven days a week during the school year.
- B-Wing Second Floor- Academic and school administrative offices for day use Monday through Friday; rooms B5, B7, B9 and B10 for traditional classrooms, B8 for administrative offices and B6 for the infirmary/medical room.
- Dining Facility- The Academy at SOAR employs a qualified chef for student meals. Students would utilize this space seven days a week for up to three meals a day during the school year.

Mr. Hickox reviewed the LDS, Section 3.7.3, wherein it calls for the following supplemental standards to be applied to elementary and secondary schools:

- Buffering: Schools must be buffered from adjacent residentially zoned property with a Type B buffer as set forth in Section 8.4.2.B.
- Site Design/Access:
  1. Parking and active recreation areas shall not be located within the required yards
  2. Primary access shall be provided from thoroughfare and collector streets. Local residential streets shall not be used for primary access.
  3. Connectivity (vehicular and pedestrian) to surrounding residential areas is encouraged.

He explained that it is the consensus of staff that the standards for buffering are not applicable in this scenario for two reasons: 1) the proposed use of a portion of the property as a school will take place within an existing structure that has been at this location since 1923 and was originally built as a school and serve as a school for the majority of the life of the building, and 2) the relevant portion, B-Wing, is surrounded by a day care to the north, a multi-purpose building to the south, and parking and outdoor recreation space to the west, all of which makes little sense to buffer. Additionally, Mr. Hickox stated that the B-Wing is separated from the single-family dwellings to its east by Virginia Avenue, a street with a sidewalk and on-street parking. He advised that the site design and access standards mentioned above will be met by the proposed use.

Mr. Hickox presented as staff consensus the following six findings of fact that the Planning Board could make:

- 1) The proposed special use conforms to the character of the neighborhood, considering the location, type and height of building or structures and the type and extent of landscaping on the site.  
*The building in question was originally constructed as a school and is considered a significant landmark in the neighborhood as referenced earlier in the purpose and statement of the LDS. Neither the building's exterior nor the landscaping will be changed by this use.*
- 2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.  
*The existing parking area in the rear of the building will accommodate staff, faculty, and visitors. Because the school is residential in nature, there will be no daily drop-off or pick-up traffic.*
- 3) Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.  
*Adequate utilities are available for the proposed use.*
- 4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.  
*The proposed use will not be noxious or offensive by any of the above-listed reasons.*
- 5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.



*Because the proposed use will not change the exterior of the building, the landscaping, or the overall site plan, it will not impede the orderly development of surrounding properties within the district.*

- 6) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.  
*The proposed use will not be detrimental to or endanger the public health, safety, or general welfare.*

Mr. Hickox informed that the purpose and intent statement for the Hazelwood Urban Residential District specifically recognizes the Folkmoot Center as a major public space within the district. He stated that the statement establishes a goal to “encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood,” which would describe the proposed use of operating a small-scale school at this location.

He advised that based on these factors and the staff responses to the required findings above, the staff recommendations are that the Planning Board could approve the application for a Special Use Permit for The Academy at SOAR to operate a school as described in their application at 112 Virginia Avenue.

\*Noted 5:49 p.m. the clerks recorder malfunctioned, and staff asked for a short break to fix the recorder. Noted 5:51 p.m. recorder was fixed, and Chairman McDowell called the meeting back to order.

Chairman McDowell asked any staff and citizens that had arrived later in the meeting that had not been sworn in yet to come forward and be sworn in.

Chairman McDowell asked for the applicant to come forward and speak.

**Mr. David Francis**  
**Waynesville, NC 28786**  
**President of Folkmoot**

Mr. David Francis introduced himself and informed that he had been a part of Folkmoot since the time of its inception. He advised that this year he was serving as President of Folkmoot. He stated that it had been a wonderful experience throughout time to be a part of, including the transition from using the school system and moving into Hazelwood in 2004 and then in 2014 helping Folkmoot acquire the building from the school system. He stated that one of the challenges of that time was that the festival cannot support the building and the building cannot support the festival and so a balance was needed to be found. He explained that with Angie’s leadership they had a great success last year of introducing more music and bringing the building to life with storytellers and now SOAR has come through looking for space bringing the Hazelwood school back for what it was originally built for. Mr. Francis expressed feeling grateful and informed that they had received an endowment of HVAC for Bldg. A and part of their agreement with SOAR included HVAC in Bldg. B, therefore heating and air would now be in both buildings that currently do not have any. He stated that this will help prolong the life of the building. He further explained the way the SOAR program works is on a calendar of August to May; therefore, the festival can still be held there with no overlapping

issues of performers and kids at the same time. SOAR would be out of the building for when Folkmoot festival needs the building. Mr. Francis called this a win-win for Haywood County, Folkmoot, and the Town of Waynesville. He asked the Board if they had any questions.

Board Member Susan Smith asked if there was any effect on the other things that Folkmoots been focused on such as the storytellers and the music events?

Mr. Francis advised that most of those happen in Bldg. A, a different building, with exception to the use of the cafeteria, Bldg. B and that is something they would work out when they use the cafeteria for some of those events. He advised they may look at ordering a pizza as an example but things would work out so there wouldn't be any interference or crossover.

Board Member Ginger Hain asked regarding the residential portion if there would be three rooms for dorms?

Mr. Francis directed the answering to Mr. Joseph Geier or Ms. Angie Schwab.

Chairman McDowell clarified that Folkmoot was the applicant and would not be the actual organization utilizing the Bldg. B space. He called upon the organization to come forward.

**Mr. Joseph Geier**  
**Candler, NC**  
**Head of School for the Academy of SOAR**

Mr. Geier thanked the Board for the opportunity. He advised that the school started about three years ago working with Folkmoot for some activities for the students and this has developed a very good relationship. He described that the children do community service with Folkmoot as well. He stated that the facility itself provided a lot of opportunities for the students to grow in ways they had not been able to in the past and allow for more creative growth of students. He informed that SOAR's been in existence in North Carolina since 1982. They started as a summer camp focused on working with children with ADHD and learning disabilities and have grown into the school over the years now being a fully accredited, secondary Boarding school. Mr. Geier stated that he felt the staff report did a really good job at describing how they function. He asked the Board if they had any questions for him.

Chairman McDowell advised that he had questions. He asked Planning Board Attorney Ron Sneed for some guidance if what staff presented as evidence was satisfactory or if the applicant needed to re-iterate the whole process.

Attorney Ron Sneed advised that the staff's report was evidence and hearing affirmation of the staff's report should be good so as not to have to hear the same thing presented twice.

Chairman McDowell asked is the Applicant affirming the evidence brought forward by the staff?

Mr. Geier stated yes.

Board Member Susan Smith wanted to clarify if there is a different group of students coming in from the in-classroom curriculum and then transitioning to the out-side curriculum. She asked if the students come back again or if it is a new group of students.

Mr. Geier explained that they serve 32 students per school year. He stated that at the beginning of the school year the students are on campus roughly one week before they start transitions and then 16 students spend 2 weeks out travelling all over the Southeast area doing somewhat of a travel school type program with adventure education incorporated in the schooling as well. He explained further that then the other 16 students are on campus in a more traditional school sense, going to classes, doing core-curriculum. He stated that then as weekends come, those two weeks crisscross and those on campus students leave out.

Board Member Marty Prevost asked to clarify that there will be 16 students in the residential part.

Mr. Geier replied that most of the time there would be 16 students and no more than a max of 32.

Board Member Ginger Hain asked where the adults stay.

Mr. Geier advised that the adults are there as staff with them 24/7 to supervise in the same residential dorm.

Board Member Marty Prevost asked if since they had been in Balsam since the 80's they had just outgrown their space?

Mr. Geier advised that was correct. He stated that their Balsam base was currently their home for their summer camp and has been the home for the school which is undergoing major renovations. He explained this as the reason that caused them to look and given them the opportunity to hopefully partner with Folkmoot.

Chairman McDowell asked if there were any other questions for the applicant. There were none. He thanked the applicant and asked if there anyone else who wished to testify.

Ms. Angie Schwab stood and stated that she wanted to affirm the staff report. Chairman McDowell asked Ms. Schwab to come forward and speak.

**Angie Schwab**  
**Waynesville, NC 28786**  
**Director of Folkmoot**

Ms. Schwab stated that it was nice to work with the town staff and felt they had been very accommodating and helpful, naming Mr. Hickox and Mr. Maguire. She expressed her gratitude and thanks.

Chairman McDowell stated that he would move to the public comment from the sign-up sheet and asked speakers to follow the public comment rules.

**Jean Allard**  
**Waynesville, NC 28786**

Ms. Allard introduced herself and asked if this school will change the infrastructure of the neighborhood. She further asked if she would have to move or if the Board would be taking away their land.

Chairman McDowell replied no, it is all existing properties that are within that and there is nothing being acquired. Ms. Allard stated good, that was her only questions, and thanked the Board.

Chairman McDowell called on the remaining names from the sign-up sheet:

**Laura Pate**  
**No Comment**

**John Willson**  
**No Comment**

**Cole Slates**  
**No Comment**

**Nick Baker**  
**No Comment**

Chairman McDowell asked if there was any rebuttal and there was none.

He asked if there were any closing arguments and there were none.

He asked the Board if they had any final questions before they closed the public hearing.

Board Member Anthony Sutton asked Mr. Tom Maguire, Senior Code Enforcement Officer, if the building accommodate the school with all the building codes.

Mr. Maguire replied yes, it will accommodate way more students then they plan to have.

Mr. Sutton asked if all the structures also were in place as well to accommodate. Mr. Maguire advised yes, that the structure was great.

Chairman McDowell asked the Board if there were any further questions for Mr. Maguire and there were none. He asked if there were any other questions before closing the public hearing and going into deliberations. There were none.

***A motion was made by Board Member Robert Herrmann, seconded by Board Member Anthony Sutton, to close the Public Hearing at 6:00 p.m. The motion passed unanimously (7-0).***

Chairman McDowell addressed the Board that they have heard all the testimony and were there any thoughts or comments. He stated that he felt this was a great use and using it for what it was designed for and will generate activity in the area which is a good, positive aspect. The current level of use will be dramatically less than what it was for most of its tenure with 16 students versus two hundred and some when it was built. Board Member Marty Prevost



expressed agreement. Chairman McDowell asked if there was a motion concerning the Special Use Findings from any Board Member.

Attorney Ron Sneed advised the Board that there would be two parts for consideration, the general findings for each special use and then if the Board would have additional findings/ conditions they wanted to place.

***A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann to accept the findings of fact as presented by staff. The motion passed unanimously (7-0).***

Chairman McDowell advised that secondarily, the Board has the option of going over the LDS Chapter 3 supplemental standards for special use findings for elementary and secondary schools. He reviewed the following:

#### BUFFERING

- Is the site proposed for elementary or secondary school adjacent to a residentially zoned property? Yes, being this property is across the street.
- Secondly, if it is, will there be a Type B buffering set forth? Advocating No, based on staff and none required due to the reference and staff findings. Board Member Anthony Sutton supported with staff findings: proposed use will not change the exterior of the building, the landscaping or surrounding properties.

#### SITE DESIGN

- Are parking and active recreation areas located outside of yards? Yes, the evidence supporting is the current existence of facilities.

#### STREETS

- Is primary access to the property through a thoroughfare or collector street not from a local residential street? Yes, Virginia Avenue is the primary access and is a major thoroughfare.

#### CONNECTIVITY

- Although not required for issuance of special use permit, is there vehicular and pedestrian connectivity to surrounding residential areas? Board answered yes, it is already in existence with sidewalks and roads present.

***A motion was made by Chairman Patrick McDowell, seconded by Board Member Anthony Sutton for the special use required findings for elementary and secondary schools that buffering section one is adjacent residentially zoned property and the evidence supporting that is the zoning map. The proposed school is adjacent residentially zoned property, and then will there be a type B buffering, No and the evidence is the current existence of no changes to the current existing***

*building. Parking and active recreation areas located outside the setbacks and the answer is yes and the evidence findings the current existence of the facilities. Primary access from thoroughfare, collector streets and not from local resident streets. The answer is yes, Virginia Avenue. Is it pedestrian connected to surrounding areas? It is already in existence with sidewalks present. The motion passed unanimously (7-0).*

2. Continuation of Board Discussion on the Comprehensive Land Use Plan Update Draft, Chapter 4.

Ms. Elizabeth Teague, Director of Development Services began the continuation of the discussion with the Board on the review of the Comprehensive Land Use Plan Update Draft beginning with Chapter 4, Existing Conditions:

- Existing Land Use
- Adopted Policy and Regulations
- Slopes and Floodplain
- Land Suitability
- Infrastructure
- Parks, open space and natural resources
- Historic and cultural resources

Ms. Teague compiled notes from the Boards comments and suggestions on flip chart pages so that the staff could make revisions based on the discussion. Once these suggestions are reviewed, a revised draft will be presented to the Planning Board for additional comments or changes.

Ms. Teague informed the Board that at the September 16<sup>th</sup> meeting they would be hearing a special use permit application for the BI-LO site from Mountain Creek Plaza and a discussion of the Comprehensive Land Use Plan Update Draft on Chapter 5.

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

No one spoke

**D. ADJOURN**

*With no further business, a motion was made by Anthony Sutton, seconded by Ginger Hain to adjourn the meeting at 7:11 p.m. The motion passed unanimously (7-0).*

\_\_\_\_\_  
Chelle Baker, Administrative Assistant

\_\_\_\_\_  
Patrick McDowell, Chairman

TOWN OF WAYNESVILLE  
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE  
PLANNING BOARD

In the Matter of the Application of )  
NORTH CAROLINA INTERNATIONAL )  
FOLK FESTIVAL, INC., )  
for a Special Use Permit )  
\_\_\_\_\_ )

ORDER AND  
SPECIAL USE PERMIT

THIS CAUSE, coming on to be heard before the Planning Board for the Town of Waynesville in the Town Hall Board Room at 9 South Main Street in Waynesville, North Carolina, on September 5, 2019, at 5:30 p.m. on the Application of North Carolina International Folk Festival, Inc., commonly known as “Folkmoot”, for a Special Use Permit to allow the operation of a school on its property located at 112 Virginia Avenue in Waynesville.

The Planning Board reviewed the physical and documentary evidence, heard testimony by Byron Hickox, Land Use Administrator for the Town of Waynesville and David Francis, president of the Applicant, and others speaking for the Applicant. No one testified in opposition to the application.

The Planning Board of the Town of Waynesville, having heard the testimony and having reviewed the evidence, makes the following

FINDINGS OF FACT

1. The Planning Board has jurisdiction to hear this application for special use permit pursuant to Section 14.3.1.E.3 of the Land Development Standards of the Code of Ordinances for the Town of Waynesville (hereafter called the Land Development Standards or LDS.)

2. The Applicant desires to allow The Academy at SOAR (hereinafter called “SOAR”) to operate a private school on the property located at 112 Virginia Avenue in the town limits of Waynesville, North Carolina. The current PIN number for that property is 8605-92-6127, and the property lies within the Hazelwood Urban Residential zoning district.

3. The described real property is owned by the North Carolina International Folk Festival, Inc., commonly referred to as “Folkmoot”.

4. The real property consists of 2.07 acres upon which there are two major structures which were formerly used as a school, although no school has operated at that site in several years so that a special use permit is required by Section 2.5.3 of the Land Development Standards before the property can now be used for a school.

5. Of the two major structures on the property, the Applicant desires to allow SOAR to operate a school for up to 32 students with learning disabilities or ADHD in the smaller of the two structures now known as the B-Wing of the Folkmoot Center.

6. Proper notice of the hearing was posted and published as required by the North Carolina General Statutes and by the ordinances of the Town of Waynesville.

7. The proposed special use as described in the application will require no exterior changes to the property and the existing facilities can safely and adequately accommodate far more students than SOAR plans to house and teach on the property.

8. Adequate ingress and egress for the operation of a school already exist as the property was previously used for a school with a far larger student body than that proposed by SOAR.

9. Adequate utilities are available for the proposed use, as the facility has previously been used as a school and no evidence was presented to indicate there is now less access to necessary utilities.

10. The operation proposed is the same as the prior use of the property and that school use was not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas, and no evidence has been provided that indicates that the proposed use will be noxious or offensive.

11. The establishment of a school on the subject property will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district as the subject property was once a school and still has the same physical appearance as when it was a school, with the property being identified in the LDS section setting out the purpose and intent of the zoning district.

12. The establishment, maintenance or operation of a school on the subject property will not be detrimental to or endanger the public health, safety or general welfare, as the property presented no such detrimental effects when it was a school with a larger student populations.

13. The subject property and proposed site for the school is adjacent to residentially zoned property as it is located in a residentially zoned district.

14. There will be no changes to the exterior physical characteristics of the property other than some possible improvements to landscaping.

15. The property is surrounded on all sides by property that is zoned for residential use, the only adjacent property actually in residential use is across Virginia Avenue, where buffering on the subject property would not benefit that property and more likely detract from the appearance of the subject property. The requirement for a Type B buffer as described in Section 8.4.2.B of the Land Development Standards would serve no practical purpose and should be waived.



16. Parking and active recreation areas are not located in the required yards or the planting areas located parallel to the side and rear lot lines as described in Section 8.2 of the Land Development Standards.

17. Primary access to the property will be from Virginia Avenue, a collector street or thoroughfare, and not local residential street.

18. Although not required for issuance of a special use permit, there is vehicular and pedestrian connectivity to the surrounding residential areas.

BASED UPON THE FOREGOING FINDINGS OF FACT, by unanimous vote in favor of the issuance of the requested special use permit, this Board concludes as a matter of law that the Applicant should be granted a special use permit and that any buffering requirement be waived.

IT IS NOW, THEREFORE, ordered that a Special Use Permit shall and hereby is granted to the Applicant for the operation of an elementary or secondary school on the property located at 112 Virginia Avenue in Waynesville, North Carolina, with the requirement for buffering waived.

This the \_\_\_\_\_ day of September, 2019.

\_\_\_\_\_  
Patrick McDowell, Chairman

**If you are dissatisfied with this decision of the Board, an appeal may be taken to the Superior Court of Haywood County within 30 days after the date this order is received by you.**

**Planning Board Staff Report**  
**Mountain Creek Plaza Conditional District Map amendment (Rezoning) Application**  
**October 1, 2019**

**Project:** Mountain Creek Plaza Apartment Complex  
**Location:** 366 Russ Avenue; PIN 8616-40-3231  
**District:** Russ Avenue Regional Center Commercial District (RA-RC)  
**Applicant:** Tribridge Residential, represented by Katherine Mosley  
 Assisted by Patrick Bradshaw and Warren Suggs, P.E.s, Civil Design Concepts

**Background:**

This parcel is the location of the “Bi-Lo Shopping Center” and is owned by RFLP Mountain Creek LLC, who is requesting a Conditional District Rezoning in order to redevelop the property as an apartment complex. If approved, their request would amend the zoning map for the area identified in the Master Plan to Russ Avenue Regional Center Conditional District (HC-RC-CD), and would amend the Land Development requirements specifically as they apply to that property and as shown on the 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 has to determine if this request is consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest. The Planning Board must make a recommendation to the Board of Aldermen, who will then schedule and hold a second public hearing, have to adopt a statement of consistency and then approve, deny, or approve with conditions 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.

If approved, the site plan and CD designation will replace any conflicting development regulations which would otherwise apply. The Planning Board may therefore 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 August 14, 2019 and revised plans and complete application were submitted August 26, 2019.

Notification of this hearing was scheduled for advertisement in the Mountaineer on September 18 and September 25, 2019 letters were sent to property owners within 500 feet of the project site on September 10, 2019, and the property was posted September 12, 2019.

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

The Mountain Creek Project is proposed to re-use the 8.8 acre Shopping Center site as a multi-family development, creating 210 apartments within the Russ Avenue Regional Center District. Multi-family is a permitted use and multi-family over 8 units is considered a major site plan. The applicant has provided an environmental survey, a master plan and elevations in accordance with the major site plan application requirements.

Additionally, the applicant has provided a map amendment application, proof of unified control over the property, a summary of requests associated with the site plan, a project narrative and a completed Statement of Consistency Worksheet indicating their belief in the project's reasonableness and consistency with the Land Use Plan.

### **Zoning Compliance:**

The subject property lies within the Russ Avenue Regional Center District (RA-RC), which has the following purpose and intent statement (Section 2.3.7 C.)

**The Russ Avenue Regional Center District (RA-RC)** is a gateway for the community and often defines the first image a visitor has of the town. This district shall be a setting for high intensity land uses addressing the needs of the Waynesville community and surrounding areas. The Russ Avenue Town Center is envisioned as supporting dense development options due to the ample infrastructure in place and the proximity to downtown and the other municipalities in the county. The past emphasis in the Russ Avenue area on automobile traffic only shall be reduced by changing the nature of the district to make the area comfortable for other modes of transit including pedestrian, bicycle and mass transportation options. Central to this transformation is the redesign of Russ Avenue -- turning the existing middle lane into a tree-lined landscaped median. The standards for future development along this corridor will also be important to this transformation, incorporating principles designed to manage access along Russ Avenue. The development of an accessway connecting the rear portions of lots fronting on Russ Avenue will further reduce traffic congestion along the Russ Avenue corridor. Building development in the area is designed to create a comfortable streetscape and public realm by bringing buildings closer to the street, providing sidewalks and street trees and providing access between development and public areas. The mixture of residential and commercial uses is encouraged. Development sensitive to the appearance of the corridor is essential within this district. The highway bridge forms a gateway into the area (and the town) and any future designs should be sensitive to this fact.

The Regional Center District has no maximum density, building footprint, or lot standard, but does require a 10' setback from adjacent lots, a 6' rear setback, and a 6' setback between buildings. Building height is limited to 4-5 stories, and there is a 2% open space requirement for residential. Project proposes a density of 24 units per acre within the required setbacks. (2.4.2)

Multi-family residential is permitted outright and there are no supplemental standard requirements. (2.5.3)

Buildings will address an interior driveway of 25' in width that provides access to development parking and maintains a through access to West Marshall Street and can accommodate emergency vehicles. (4.3)

Building will be 4 stories in height on all sides with a pitched roof and is compliant within the RA-RC District. Building 1,000 will be just under 62' max on one "L" wing and 59' for the other "L" wing of the structure; and building 2000 will be 60' at its highest point. (4.4.2)

Apartments are an allowable building type within the RA-RC District and structures may have a common lawn, porches, terraces, stoops, and shopfronts. (5.3 and 5.5.3)

Development meets the Apartment Residential Building Design Guidelines, in that it has a sloped roof between 6:12 and 12:12. All rooftop equipment except for items such as fans and vents shall be screened from the public right of way. Entrances include covered stoops and porches on the end of buildings. (5.8.2-3)

Developer is asking that garages be located as shown, which face the interior parking areas and are recessed from the alley but still face the alley thoroughfare. (5.8.4)

Structures are compliant for permeability with openings every 6-12', exceeding 15% of any side and with detail design that includes gables, window trim, covered stoop entries, eaves, and offsets in building roof. (5.8.5) The corner of the building that includes the clubhouse will have a "shopfront" appearance.

Buildings proposed for compliant material as cementitious lap and board and batten siding. (5.8.6)

### **Connectivity and Infrastructure**

The project proposes to re-locate and retain the existing thru access using the existing connections to/from Russ Avenue and West Marshall. The developer is asking to redesign this as a 24' wide "alley" that is longer than the maximum block length of 500' at over 1070' in length, in order to maintain two points of connectivity on either side of the property with existing town streets. (6.4.1)

Applicant has shown that they will provide a greenway easement and will work with the Town on alignment in accordance with the NCDOT Russ Avenue widening project and the Town's Greenway feasibility study. Greenway access is provided at two points which are 340' apart, meeting the requirement to provide accessways every 600'. (6.4.2)

A transit stop was discussed with the applicant at technical review. Staff recommends consideration for the location of a transit stop that is situated in consultation with Haywood County Transit be required as a condition of approval. (6.4.3)

24' pavement and a 5' wide sidewalk is provided from Russ Avenue along the entrance into the development parking area. Pedestrian facilities continue on one side the length of the alleyway for internal circulation and providing pedestrian connectivity to the greenway and between West Marshall and Russ Avenue. Alleys are "intended to provide limited access to the rear of properties but not to accommodate thru-traffic." In this case they are allowing thru-traffic and exceeding the alley dimensional requirements at the request of Town staff for the purpose of safety and connectivity. (6.6.2)

As part of the NCDOT Russ Avenue improvement project, existing sidewalk along Russ Avenue will be replaced. Applicant is asking that any sidewalk design requirement the Town would impose along Russ

Avenue be removed in consideration for the roadway project. Town could require an estimated fee in lieu for sidewalk construction as we did with Publix and Starbucks. (6.8)

Applicant has provided Peak hour trip generation data for proposed and previous uses per the ITE Trip Generation guidelines, showing a decrease in traffic demand. However, given the commercial activity of the past few years on this site, there will no doubt be an increase in traffic. However the proposed daily trips for residential multi-family is still below the Town threshold of 3000 cars per day which would trigger a requirement for a full blown Traffic Impact Analysis. (6.10)

This property will re-use an existing commercial site that held a grocery store, restaurant and retail. Town water and sewer service, Duke Power, telephone and cable service is already present on the site. Town water and sewer division has confirmed that the Town has capacity to serve 210 new units at this location. All major development must place utilities underground and meet the Town and Duke Energy's standards (6.11).

Applicant has provided 4 new hydrants on the site which are located in coordination with the Town's TRC staff.

### **Civic Space**

Residential development within the RA-RC District requires 2% Civic Space. Applicant is providing 5,191 SF of passive open green space, 8,464 SF of recreational open space that includes an outdoor pool, providing 3.5% civic and open space outside of the floodplain.

The applicant is also committing to a 20 foot wide by approximately 700' long greenway easement (or 14,000 SF depending on alignment) within an expanded buffer area which is 55' wide at its narrowest point (between stream bank and structure) and 120' at its widest (near Russ Avenue). Applicant is offering to dedicate 3 parking spaces for public access to greenway and stream buffer. This greenway and stream buffer area is within the special flood hazard zone.

The property is within 40' of the Town's recreation Park and playground which is across West Marshall Street. Staff therefore believes they have exceeded the 2% requirement, but would recommend that an agreement with the Town on future greenway and fishing area easement, design and maintenance along Richland Creek be required as a condition of approval.

With these items taken together, staff believes therefore that the project exceeds the 2% civic space designation and access requirements. (7.2-7.3)

### **Landscaping and Parking**

Applicant is preserving existing tree line between its property and WNC Paving, but is removing trees along the connection to West Marshall Street where they are proposing a retaining wall along the property boundary. Additionally they are proposing to maintain the existing vegetation within the railroad right of way. (8.3)

Property is bordered by Richland Creek to the North, the railroad to the south, Russ Avenue to the west, and WNC Paving and West Marshall Street to the East. On the other side of the railroad track is the Walnut Street NR MXO District which includes other buildings associated with WNC storage, and the shopping center at 311 Walnut. On the other side of Marshall Street is the East Waynesville UR District

which contains Waynesville Recreation Park's playground and tennis courts. Type A Buffer yards would be required between RC and NR/UR districts, but the applicant is asking that this LDS Section 8.4.1 requirement be waived in consideration for the project's location and existing context. (8.4)

Applicant requests street tree requirement along Russ be waived in consideration for NCDOT project design as their property area along Russ is within the NCDOT Construction easement. (8.5)

In re-using the existing site, locations of proposed tree plantings within the parking lot have been impacted by the presence of existing utilities so that in some cases there are parking spaces are more than 40 away from a shade tree. They have asked to be allowed plant the same number of trees that would be required but to be given flexibility in their location as alternate compliance. (8.5)

Additional Parking lot screening should be required between the first parking space and West Marshall Street. (8.6.1)

### **Parking and Driveways**

The required parking standard is 1.5 parking spaces per multi-family unit. For 210 units, 315 parking spaces would be required. Drawing shows that 318 spaces are provided, 8 of which are ADA compliant. Additionally the applicant is providing 3 public spaces adjacent to the greenway stream buffer area for a total of 318 spaces. 318 spaces would also require 16 bike spaces and they have indicated that they are providing 16 spaces. (The drawing notes data states that 316 spaces are required and that 320 spaces are provided, so there may be an error in the summary data). However, the drawing as shown meets the parking requirement. (9.2)

Parking is located at the interior of the project so that it is in the rear of the building adjacent to Russ Avenue, and to the rear of the building adjacent to the proposed greenway. On the West Marshall Street side, the first parking space is over 55' away from the right of way but includes 2 parking bays. As an Apartment in the RC District parking adjacent to a right of way should only be 1 bay. However because of the site and the way West Marshall Street ends at the entrance to the WNC Storage and the access to this property, the applicant is requesting this requirement be waived. (9.3)

Parking spaces and layout meets the requirements for layout and circulation. (9.4.2)

Parking areas include sidewalks and crosswalks that meet Town requirements for internal pedestrian circulation. (9.4.4)

Development uses existing driveways to Russ Avenue and West Marshall Street and which were designed for the past shopping center use. (9.8)

Lighting and signage for the parking lots, buildings, and driveway entrances shall be submitted to Town staff for approval and must comply with Chapters 10 and 11 of the Land Development Standards.

### **Environmental:**

Portions of the lot fall within the 100 year floodplain and will require a floodplain permit and compliance. The development proposes to remove impervious surface out of the floodway and to bring in fill to elevate structures and parking lots one foot above Base Flood elevation. (12.3)



The “pre-development” impervious surface on this site was 6.02 acres. The post development impervious surface as drawn is 4.19 acres, which is reduction in overall built upon area. This area is gained by increasing the buffer area along Richland Creek and pulling all impervious surface out of the floodway. It is also gained along the railroad corridor and by the 5,191 SF greenspace being added at the center of the development. This net loss of impervious surface would exempt them from the stormwater management ordinance. They have submitted a stormwater management and drainage plan to manage roof and parking lot runoff that includes a swale along the railroad and Russ Avenue sides of the property as well as underground stormwater control measures at the low side of the property where it abuts the greenway and buffer area along Richland Creek. This provides stormwater control measures where currently there are none, and reduces the overall impervious surface improving the existing conditions. (12.5)

### **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 the proposed development:

- “Concentrates commercial with residential development along transportation corridors allowing for a mix of uses...” (p. 4-3)
- “infill development in the Town of Waynesville as an alternative to continued outward expansion.” (4-4)
- “provides an attractive range of housing opportunities and neighborhoods...” (4-6)
- “provides pedestrian access in conjunction with new development.” (4-9) and “implements the Richland Creek Greenway Plan.” (4-10)
- Creates a “diverse mix of community facilities and public spaces to serve the residents of and visitors to Waynesville.” (4-13)

Staff believes this project is reasonable and in the public interest because the project re-uses and improves an existing commercial site promoting the “orderly growth, development and enhanced land values of the Town” and introduces high residential density along a major transportation corridor within a Town Regional Center District. It also reduces impervious surface within the floodplain, increases the stream buffer and greenspace along Richland Creek and helps the town with build out of our greenway system.

### **Requested Action:**

1. Motion to adopt a Consistency Statement showing how the project is reasonable and consistent with the 2020 Land Development Plan. (worksheet attached)
2. Motion to recommend approval/denial/approval with conditions to the Board of Aldermen.



# Report For

RFLP MOUNTAIN CREEK LLC  
503 W PLATT ST  
TAMPA, FL 33606

## Account Information

**PIN:** 8616-40-3231  
**Legal Ref:** 816/1751

**Add Ref:** 816/1756  
A01/1012

## Site Information

STORE SUPERMARKET  
Commercial Use  
366 RUSS AVE

**Heated Area:** 49080  
**Year Built:** 1984  
**Total Acreage:** 8.79  
**Township:** Town of Waynesville

## Site Value Information

**Land Value:** \$1,278,500  
**Building Value:** \$2,315,200  
**Market Value:** \$3,593,700  
**Deferred Value:** \$0  
**Assessed Value:** \$3,593,700  
**Sale Price:** \$3,375,000  
**Sale Date:** 1/17/2012



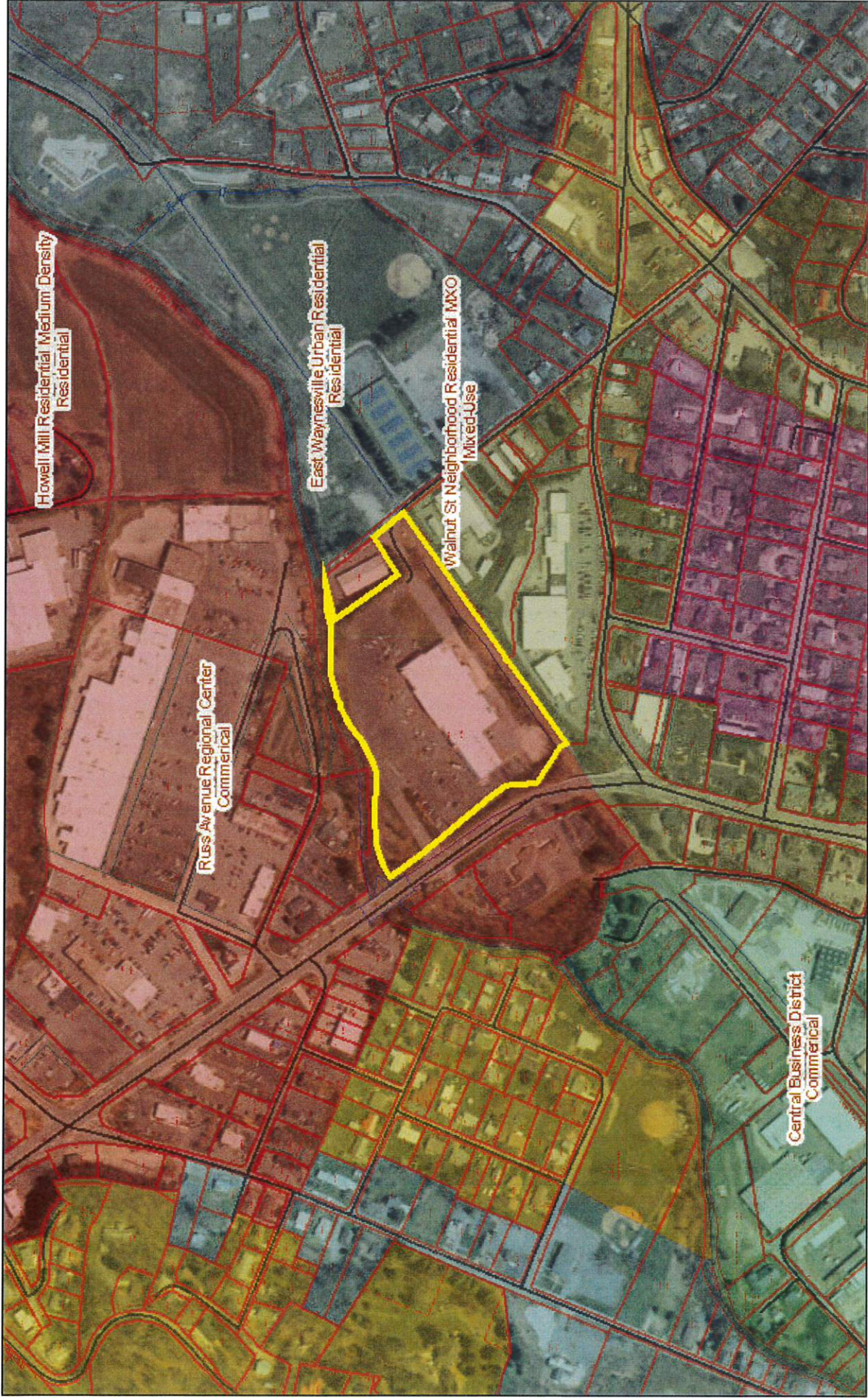
1 inch = 400 feet

September 16, 2019

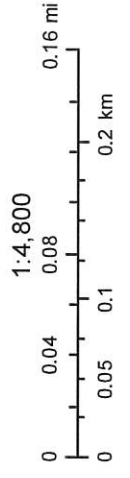
Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information 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.



# Mountain Creek Plaza



September 16, 2019







# 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)

September 10, 2019

## Notice of Public Hearing Town of Waynesville Planning Board

The Town of **Waynesville Planning Board** is **rescheduling the public hearing** from September 16, 2019 at 5:30 pm, **to October 1, 2019 at 5:30pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC. The purpose of the hearing is to consider an application for a Conditional District Rezoning and Map Amendment at 366 Russ Avenue, PIN # 8616-40-3231. For more information contact the Development Services Office at (828) 456-8647, or 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

### Conditional District Rezoning and Map Amendment



September 3, 2019

1:2,400  
0 0.02 0.04 0.08 mi  
0 0.0325 0.065 0.13 km





PLANNING BOARD  
PUBLIC HEARING  
ON OCTOBER 1, 2019  
AT 11:00 AM  
9 SOUTH MAIN STREET  
COMPTON, MA 01862  
COMPTON PLANNING BOARD



THE TOWN OF WAYNESVILLE  
**PLANNING BOARD**  
WILL HOLD A  
**PUBLIC HEARING**  
**ON OCTOBER 1, 2019**  
AT 5:30 PM  
IN THE TOWN HALL BOARD ROOM  
**9 SOUTH MAIN STREET**  
TO CONSIDER AN APPLICATION FOR A  
CONDITIONAL DISTRICT REZONING &  
MAP AMENDMENT  
CONTACT THE DEVELOPMENT SERVICES  
DEPARTMENT • 828-456-8647







THE PLANNING BOARD  
 WILL MEET  
 PUBLIC HEARING  
 ON OCTOBER 1, 2019  
 AT 5:30 PM  
 IN THE ROOM WITH SIGN OUTSIDE  
 9 SOUTH AVENUE  
 COLORADO SPRINGS, COLORADO 80902  
 FOR MORE INFORMATION CONTACT  
 THE PLANNING BOARD AT 719-534-3333

Los Amigos Restaurant  
 SILVER TREASURES  
 WE ENGRAVE

COMPOSITE





THE TOWN OF WAYNESVILLE  
**PLANNING BOARD**  
WILL HOLD A  
**PUBLIC HEARING**  
**ON OCTOBER 1, 2019**  
AT **5:30 PM**  
IN THE TOWN HALL BOARD ROOM  
**9 SOUTH MAIN STREET**  
TO CONSIDER AN APPLICATION FOR A  
CONDITIONAL DISTRICT REZONING &  
MAP AMENDMENT SERVICES  
CONTACT THE DEVELOPMENT SERVICES  
DEPARTMENT - 828-456-8647





To: Town of Waynesville Planning Board  
 From: Elizabeth Teague, Planning Director  
 Date:  
 Subject: Text/Map Amendment Statement of Consistency  
 Description:  
 Address: Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The zoning amendment and **is reasonable and in the public interest** because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Planning Board Member \_\_\_\_\_, made a motion, seconded by \_\_\_\_\_

The motion passed \_\_\_\_\_. (*unanimously or vote results here*)

\_\_\_\_\_  
 Patrick McDowell, Planning Board Chair, Date

\_\_\_\_\_  
 Michelle Baker, Deputy Clerk, Date

Rec 8/26/19

Application Fee  
\$1,200.00 from  
Civil Design Care.  
Paid



### Transmittal

Date: August 26, 2019

Project Name: Mountain Creek

CDC Project: 21936

Permit #:

To: Elizabeth Teague  
Town of Waynesville Development Services  
9 South Main Street  
Waynesville, NC 28786

Via:  Mail  Overnight  Hand Delivered  Pick up @ CDC Office  Digital

Copies	Date	Description
3	08/26/2019	Land Development Map Amendment Application
1	08/26/2019	Land Development Map Amendment Check ✓
3	08/26/2019	Map Amendment Statement of Consistency
3	08/26/2019	Conditional District Request Letter & Project Narrative
3	08/26/2019	Environmental Survey
3	08/26/2019	Peak Hour Trip Summary
3	08/26/2019	24x36 Drawing Set

#### Remarks:

Ms. Teague,

Attached is the Master Plan Submittal for the multi-family residential project located at 366 Russ Avenue. Please let us know if you have any questions or comments.

Thank you,

*Warren Sugg*  
Warren Sugg, P.E

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801  
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street – Suite 9, Waynesville, NC 28786  
Phone: 828-452-4410 Fax: 828-456-5455



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)

**Application for Land Development Standards Map Amendment**

Application is hereby made on August 26, 2019 to the Town of Waynesville for the following map amendment:

Property owner of record: RFLP Mountain Creek LLC  
Address/location of property: 366 Russ Avenue  
Parcel identification number(s): 8616-40-3231  
Deed/Plat Book/Page, (attach legal description): Book 816 Page 1751  
The property contains 8.80 acres.  
Current district: Russ Avenue - Regional Center (RA-RC)  
Requested district: Russ Avenue - Regional Center (RA-RC) Conditional District


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

Please see included Mountain Creek Conditional District request letter.

**Applicant Contact Information**

Applicant Name (Printed): Katherine Mosley  
Mailing Address: 100 Peachtree Street NW, Suite 1400, Atlanta, GA 30303  
Phone(s): (404) 352-2800  
Email: katherinem@Tribridgeres.com

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

 as Manager (SR)

**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.**

38

PENDING REVIEW FOR TAX LISTING

DATE 1-17-12 BY SD



**2012000403**  
HAYWOOD CO, NC FEE \$26.00  
STATE OF NC REAL ESTATE EXT X  
**\$6750.00**

PRESENTED & RECORDED:  
01-17-2012 03:39:13 PM  
SHERRI C. ROGERS  
REGISTER OF DEEDS  
BY: DEB SCHAEFER  
DEPUTY

**BK: RB 816**  
**PG: 1751-1755**

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien against parcel number(s) 8266-40-3231

David B. Francis, Haywood County Tax Collector

Date: 1/17/12 By: [Signature]

Excise Tax: \$6,750.00

Tax Lot No. \_\_\_\_\_; Parcel Identifier No.: 8616403231

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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

Mail after recording to: Grantee

This instrument was prepared by: Shumaker, Loop & Kendrick, LLP, 128 South Tryon Street, Suite 1800  
Charlotte, NC 28202, Real Estate Dept. (ML) on behalf of Grantee

Brief Description for the index 8.8 acres +/- Russ Avenue, Mountain Creek Plaza

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED made this 13<sup>th</sup> day of January, 2012, by and between

GRANTOR	GRANTEE
<b>IMMORENDITA VASTGOED MAATSCHAP II, L.P.</b> <i>a Georgia limited partnership</i> 4506 Chattahoochee Way Marietta, GA 30067	<b>RFLP MOUNTAIN CREEK, LLC</b> <i>a North Carolina limited liability company</i> 503 West Platt Street Tampa, FL 33606

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the County of Haywood, State of North Carolina and more particularly described as follows:

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.



The Property hereinabove described was acquired by Grantor by instrument recorded in Book 477, Page 27.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

**See Exhibit "B" Attached Hereto and Incorporated Herein by Reference.**

*Grantor and its DBA name, IMMORENDITA VASTGOED MAATSCHAP II, Limited Partnership, assigned by the North Carolina Secretary of State, refer to one and the same entity.*

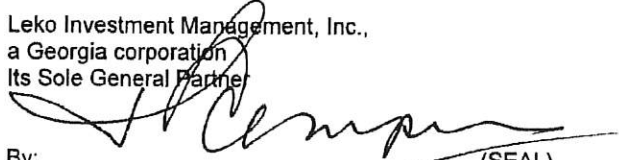
**SIGNATURE/NOTARY PAGE FOLLOWS**

SIGNATURE/NOTARY PAGE TO  
North Carolina Special Warranty Deed  
Immoredita Vastgoed Maatschap II, L.P. (Grantor)  
RFLP Mountain Creek, LLC (Grantee)

IN WITNESS WHEREOF, the Grantor by its duly authorized Member/Manager and/or officer has hereunto set his hand and seal the day and year first above written.

Immoredita Vastgoed Maatschap II, L.P.,  
a Georgia limited partnership

Leko Investment Management, Inc.,  
a Georgia corporation  
Its Sole General Partner

  
By: \_\_\_\_\_ (SEAL)  
Hans Kempers, Vice President

SEAL-STAMP

USE  
BLACK  
INK  
ONLY

STATE OF Georgia  
COUNTY OF Fulton



I, a Notary Public of the County of Forsyth and State of Georgia, certify that Hans. Kempers personally appeared before me this day and acknowledged the voluntary and due execution of the foregoing document for the purpose stated therein and in the capacity indicated.

This is the 13 day of January, 2012.

Audra I Parker  
Notary Public

Audra I Parker  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

The foregoing Certificate(s) of \_\_\_\_\_  
is 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**

Said Property also being described as:

BEGINNING on a point in the center of Southern Railway railroad track and in west margin of the 20- foot asphalt of Marshall Street (said beginning being east most corner of property conveyed to Ready Mix Concrete Company of Waynesville, Inc. by W.I. Dooley et ux. by deed dated August 31, 1956, recorded in Deed Book 170 at Page 236), and running thence with center of said track, South 52 deg. West, 820 feet to a spike in center of said track and in northeast right of way line for Russ Avenue; thence with highway right of way line for Russ Avenue, four (4) calls as follows: North 51 deg. West, 141.18 feet to an iron pin; North 10 deg. 56 min. 59 sec. West, 87.36 feet to an iron pin; North 41 deg. 51 min. 39 sec. West, 306.56 feet to an iron pin; and North 37 deg. 07 min. 39 sec. West, 148.99 feet to a point in center of Richland Creek; thence down and with center of Richland Creek, eight (8) calls as follows: North 53 deg. 16 min. 54 sec. East, 32.47 feet; North 80 deg. 17 min. 56 sec. East, 102.64 feet; North 84 deg. 00 min. 29 sec. East 129.99 feet; North 73 deg. 45 min. 06 sec. East, 121.68 feet; North 57 deg. 22 min. 46 sec. East, 111.21 feet; North 64 deg. 19 min. 32 sec. East, 82.51 feet; North 84 deg. 21 min. 19 sec. East, 204.87 feet; and North 75 deg. 07 min. 38 sec. East 102.26 feet to a point in center of said creek; thence South 42 deg. 30 min East, 26.62 feet to an iron pin on bank of Richland Creek; thence with bank of creek and Gertrude Smathers line (Deed Book 440 at Page 2436), South 72 deg. 02 min. 36 sec. West, 123.75 feet to an iron pin; thence continuing with Smathers line, two (2) calls as follows: South 38 deg. East, 230 feet to an iron; and North 51 deg. 55 min. 40 sec. East, 131.01 feet to a spike in west margin of Marshall Street; thence with said margin of said street, South 42 deg. 30 min. East, 115.38 feet to the BEGINNING, as per plat and survey of J. Randy Herron, RLS, dated March 13, 1996, Drawing No. 1688-300-A, entitled "Ahold Real Estate Company". Reference is also made to survey by J. Randy Herron, RLS, prepared February 21, 2005, for Chicago Title Insurance Company, Drawing Number 1688-300-A. Said survey indicates the Property contains 8.786 acres total or 386,718.2 square feet total.

TOGETHER WITH AND INCLUDING all right, title, and interest of the Grantor in and to all property lying between the west line of the property herein conveyed (east right of way line for Russ Avenue) and the centerline of said Russ Avenue.

All references to recorded documents are to documents recorded in the Haywood County Public Registry. All references to adjoining property owners are to such owners now or formerly.

Tax Reference: 8616403231

**Exhibit "B"**

**Permitted Exceptions**

1. *Ad Valorem* taxes for tax year 2012, not yet due and payable.
2. Restrictive Covenants contained in Deed filed in Book 156, Page 467, Haywood County, North Carolina Registry;
3. Easements to Carolina Power and Light Company recorded in Book 144, Page 238, aforesaid Registry;
4. Easements to Southern Bell Telephone & Telegraph Company recorded in Book 139, Page 564, aforesaid Registry; and
5. Easements to State Highway Commission recorded in Book 215, Page 417, aforesaid Registry; Book 216, Page 624, aforesaid Registry; Book 220, Page 198, aforesaid Registry; and Book 220, Page 296, aforesaid Registry.
6. Rights of way of Southern Railway as referenced in the insured legal description.
7. Claims to land created or lost by accretion, reliction or avulsion resulting from movement of the creek forming part of the boundary of the insured land.
8. Survey by Richard M. Owens, Jr., Owens Surveying, dated December 8, 2011 (PRELIMINARY) reveals the following matters: a) power transformer, power poles and aerial power lines; b) aerial phone lines; c) water line and water valves; d) eight (8) inch wide sewer line and sanitary sewer manholes; e) RCP's of various widths; f) catch basins; g) concrete loading dock and trash compactor extend onto railroad right of way; and h) rip-rap swale.
9. Riparian rights of others in and to Richland Creek crossing the property.



To: Town of Waynesville Planning Board  
 From: Elizabeth Teague, Planning Director  
 Date:  
 Subject: Text/Map Amendment Statement of Consistency  
 Description:  
 Address: Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

The zoning amendment is approved and is consistent with the Town's comprehensive land use plan because: The project proposed a Conditional District on the existing Russ Avenue Regional Center District (RA-RC). The RA-RC District requests high intensity land uses that address the needs of the Waynesville community and surrounding area. New residential is a much needed use within Waynesville and this project is appropriately located to existing services, downtown, retail, restaurant, and other development to support the application. The zoning amendment and is reasonable and in the public interest because:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The zoning amendment is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest because \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In addition to approving this zoning amendment, this approval is also deemed an amendment to the Town's comprehensive land use plan. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: Waynesville has a shortage of new residential development, especially within previously developed areas. The proposed project is a reuse of an existing site and infill project that is within a section of town that is in need of revitalization.

Planning Board Member \_\_\_\_\_, made a motion, seconded by \_\_\_\_\_

The motion passed \_\_\_\_\_. (*unanimously or vote results here*)

\_\_\_\_\_  
 Patrick McDowell, Planning Board Chair, Date

\_\_\_\_\_  
 Michelle Baker, Deputy Clerk, Date





**To:** Elizabeth Teague – Development Services Director  
**CC:** Katherine Mosley – Tribridge Residential  
**From:** Patrick Bradshaw, PE  
**Date:** August 26, 2019  
**Re:** Mountain Creek Conditional District Request

---

Per Section 2.7 and Section 15.15 of the Town of Waynesville Land Development Standards and in accordance with the enclosed Master Plan drawing, Tribridge Residential as the Developer respectfully requests the following items be incorporated as part of the Conditional District for Haywood County PIN # 8616-40-3231, located within the Town of Waynesville, Russ Avenue – Regional Center (RA-RC)

Chapter 2, 3.7 (C)

The Russ Avenue Regional Center District (RA-RC) is a gateway for the community and often defines the first image a visitor has of the town. This district shall be a setting for high intensity land uses addressing the needs of the Waynesville community and surrounding areas. The Russ Avenue Town Center is envisioned as supporting dense development options due to the ample infrastructure in place and the proximity to downtown and the other municipalities in the county. The past emphasis in the Russ Avenue area on automobile traffic only shall be reduced by changing the nature of the district to make the area comfortable for other modes of transit including pedestrian, bicycle and mass transportation options. Central to this transformation is the redesign of Russ Avenue — turning the existing middle lane into a tree-lined landscaped median. The standards for future development along this corridor will also be important to this transformation, incorporating principles designed to manage access along Russ Avenue. The development of an accessway connecting the rear portions of lots fronting on Russ Avenue will further reduce traffic congestion along the Russ Avenue corridor. Building development in the area is designed to create a comfortable streetscape and public realm by bringing buildings closer to the street, providing sidewalks and street trees and providing access between development and public areas. The mixture of residential and commercial uses is encouraged. Development sensitive to the appearance of the corridor is essential within this district. The highway bridge forms a gateway into the area (and the town) and any future designs should be sensitive to this fact.



- Chapter 5, 5.8 – House/Townhouse/Apartment Residential Building Design Guidelines - The proposed elevation are based on a 'Mountain Craftsman' style. Features include pitch roofs (6/12 to 12/12) with a minimum overhang of 12 inches, expressed building entries at the ground level with covered porches, and appropriate building details (gables, columns/posts, building plane differentiation, substantial window/door trim, balconies). The choice of material for the elevations is cementitious siding in both lap and board and batten design to break up the texture of the elevations and asphalt shingles for roof areas that will be seen. Those area not seen from the street will be TPO flat room for HVAC equipment that will be screened through the use of walls. Apart part of the building programming we have tucked parking at the first floor on the defined 'rear' of the building.
- Chapter 6, 6.6 – Town Street Classification and Design – Allow the developer to provide an alley with a 24-foot right of way through the site that exceeds the maximum length of 400 ft and provides access between Russ Avenue and West Marshall Street. Also parking access off said alley is requested as shown on Master Plan.
- Chapter 6, 6.8 – Pedestrian Facilities – Due to the anticipated NCDOT roadway improvements, request removal of the requirement to provide public sidewalk along property's Russ Avenue frontage.
- Chapter 7 – Civic Space – Developer requests that proposed civic/open space not to be dedicated to a 3<sup>rd</sup> Party. The developer proposes to offer a 20' easement to accommodate the proposed greenway trail along Richland Creek to be permitted and constructed by the Town of Waynesville. In addition, the developer proposes to provide 3 public parking spaces in the northeast section of the site.
- Chapter 8, 8.4.1 – Buffer Yards – Developer requests the required Type A Buffer Yard adjacent to this adjacent WS-NR zoning district be eliminated based on the separation of the districts by the existing railroad as well as the differences in topography.
- Chapter 8, 8.5 – Street Tree Plantings – Due to the anticipated NCDOT roadway improvements, request removal of the requirement to provide a planter strip with street trees along property's Russ Avenue frontage.
- Chap 8, 8.6 – Parking Lot Landscaping – Allow the developer flexibility to provide the same number of plantings, but remove the specificity of location with relationship to parking spaces due to spatial conflict with existing and proposed utilities
- Chapter 8, 8.6.1 – Parking Lot Screening – Remove the requirement to provide a semi-opaque screen from the parking lot to the adjacent parcel (PIN # 8616-40-7478) due to the need of a retaining wall because of the grade variance between the properties. The requirement is to be replaced by preservation of the exiting trees on the adjacent parcel (PIN # 8616-40-7478).
- Chapter 9, 9.3 – Permitted Parking Locations – The developer requests the removal of the requirement.

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801  
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street Ste. 9, Waynesville, NC 28786  
Phone: 828-452-4410 Fax: 828-456-5455

- Chapter 12, 12.5 – Stormwater Management – Based on section 12.5.2 (C) the proposed project would not be subject to the stormwater management guidelines based on a reduction of built upon area, but will be providing several best management practices including the removal of all existing impervious surfaces currently located within the regulatory floodway along with the combination of stormwater detention/treatment and grass swales to promote discontinuous imperviousness.

We appreciate your consideration of this matter and look forward to discussing the same at the Planning Board meeting on September 16, 2019. If you have any questions in the meantime, please do not hesitate to contact me.



**Project Name: Mountain Creek**  
**Project Location: Waynesville, NC**  
**CDC Project No. 21936**  
**Date: August 26, 2019**

### Project Narrative

The proposed Mountain Creek project is located at 366 Russ Avenue, Waynesville, North Carolina on property zoned Russ Avenue-Regional Center (RA-RC). The project provides site and community improvement by replacing the existing vacant commercial building and parking lot with a multi-family residential development. The subject parcel is 8.80 acres sitting between Russ Avenue and West Marshall Street. As a gateway for the community the RA-RC District encourages dense development of residential and commercial uses. By providing infill through the reuse of an existing site the proposed multi-family residential project provides a high intensity use that addresses the needs of Waynesville and the surrounding area.

Outlined below are specific items in which the proposed Mountain Creek multi-family residential development fulfills the intentions of the RA-RC District and provides a benefit to the community.

- Waynesville currently has a shortage of residential development, specifically within previously developed areas. Proposing improvement of the existing site by removing the vacant commercial building and parking and replacing with a residential development would provide a high intensity use that addresses the needs of the community.
- The proposed project is located within walking distance to existing services, retail, restaurant, and recreational amenities. Within 0.5 miles and less from the site is the Russ Avenue commercial strip, Downtown, the Frog Level Neighborhood, and Waynesville Recreation Park.
- Located on the site's north border is Richland Creek, an amenity that can serve the site's residents as well as the community. The developer has proposed to offer a 20' easement to accommodate Waynesville's proposed greenway trail, and will be demolished existing infrastructure to clear the way for future construction.
- Currently there is no formal storm management or conveyance onsite. The proposed project will reduce the existing built upon area by over 1.5 acres, including the removal of all areas within the floodway. In addition, several best management practices for stormwater management are proposed, including the combination of stormwater detention/treatment, conveyance, and grass swales.
- A connection for pedestrians and vehicles is proposed through the site to connect Russ Avenue and West Marshall street, to provide connectivity for the neighborhood. Along this route, an existing Town of Waynesville water main will be relocated and upgraded.
- Additional landscape plantings and open space areas will be provided onsite, improving upon the existing conditions of acres of uninterrupted asphalt parking.

**Mailing Address: P.O. Box 5432, Asheville, NC 28813**

**168 Patton Avenue Asheville, NC 28801**  
**Phone 828-252-5388 Fax 828-252-5365**

**52 Walnut Street Ste. 9, Waynesville, NC 28786**  
**Phone: 828-452-4410 Fax: 828-456-5455**

**ENVIRONMENTAL SURVEY**  
**FOR**  
**MOUNTAIN CREEK**

**OWNER / DEVELOPER:**

**TRIBRIDGE RESIDENTIAL**  
**100 PEACHTREE STREET NW, SUITE 1400**  
**ATLANTA, GA 30303**

**PREPARED BY:**



**168 Patton Ave.**  
**Asheville, NC 28801**  
**Phone: 828-252-5388**  
**Fax: 828-252-5365**

**52 Walnut Street – Suite 9**  
**Waynesville, NC 28786**  
**Phone: 828-452-4410**  
**Fax: 828-456-5455**

**[www.civildesignconcepts.com](http://www.civildesignconcepts.com)**

**NCBELS LICENSE #: C-2184**





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**Project Name: Mountain Creek**  
**Project Location: Waynesville, NC**  
**CDC Project No. 21936**  
**Date: August 26, 2019**

The proposed Mountain Creek Apartments is located at 366 Russ Avenue, Waynesville, Haywood County, North Carolina. The parcel PIN is 8616-40-3231 and is approximately 8.80 acres, as shown by Haywood County GIS.

The project site is zoned Russ Avenue-Regional Center (RA-RC) and currently consists of a vacant commercial building and parking lot. The site has mature canopy cover along the property's north, east, and south borders. The proposed site improvements would include 210 multi-family residential units with associated site improvements. The main entrance will connect to Russ Avenue, an existing NCDOT roadway and a secondary entrance with connect to Marshall Road.

The north border of the site follows Richland Creek. The majority of the site lies in Floodway Zone AE per the FEMA 100-year flood hazard maps. The project area can be found from the FEMA FIRM 3700861600J dated April 3, 2012.

On site storm water currently flows north to Richland Creek with no formal management or treatment measures in place. In addition to reducing the built upon area by almost two acres, the proposed project also includes the addition of several best management practices including the removal of all existing impervious surfaces currently located within the regulatory floodway along with the combination of stormwater detention/treatment and grass swales to promote discontinuous imperviousness. The site contains no previously identified endangered species habitat.

The existing soils on site, per the NRCS Soil Survey data, shows 8.1% of the site consisting of Dellwood, 75.5% of the site consisting of Udorthent, and 16.4% of the site consisting of Urban land.

**Mailing Address: P.O. Box 5432, Asheville, NC 28813**  
**168 Patton Avenue Asheville, NC 28801      52 Walnut Street Ste. 9, Waynesville, NC 28786**  
**Phone 828-252-5388 Fax 828-252-5365      Phone: 828-452-4410 Fax: 828-456-5455**



# Report For

RFLP MOUNTAIN CREEK LLC  
503 W PLATT ST  
TAMPA, FL 33606

## Account Information

PIN: 8616-40-3231  
Legal Ref: 816/1751

Add Ref: 816/1756  
A01/1012

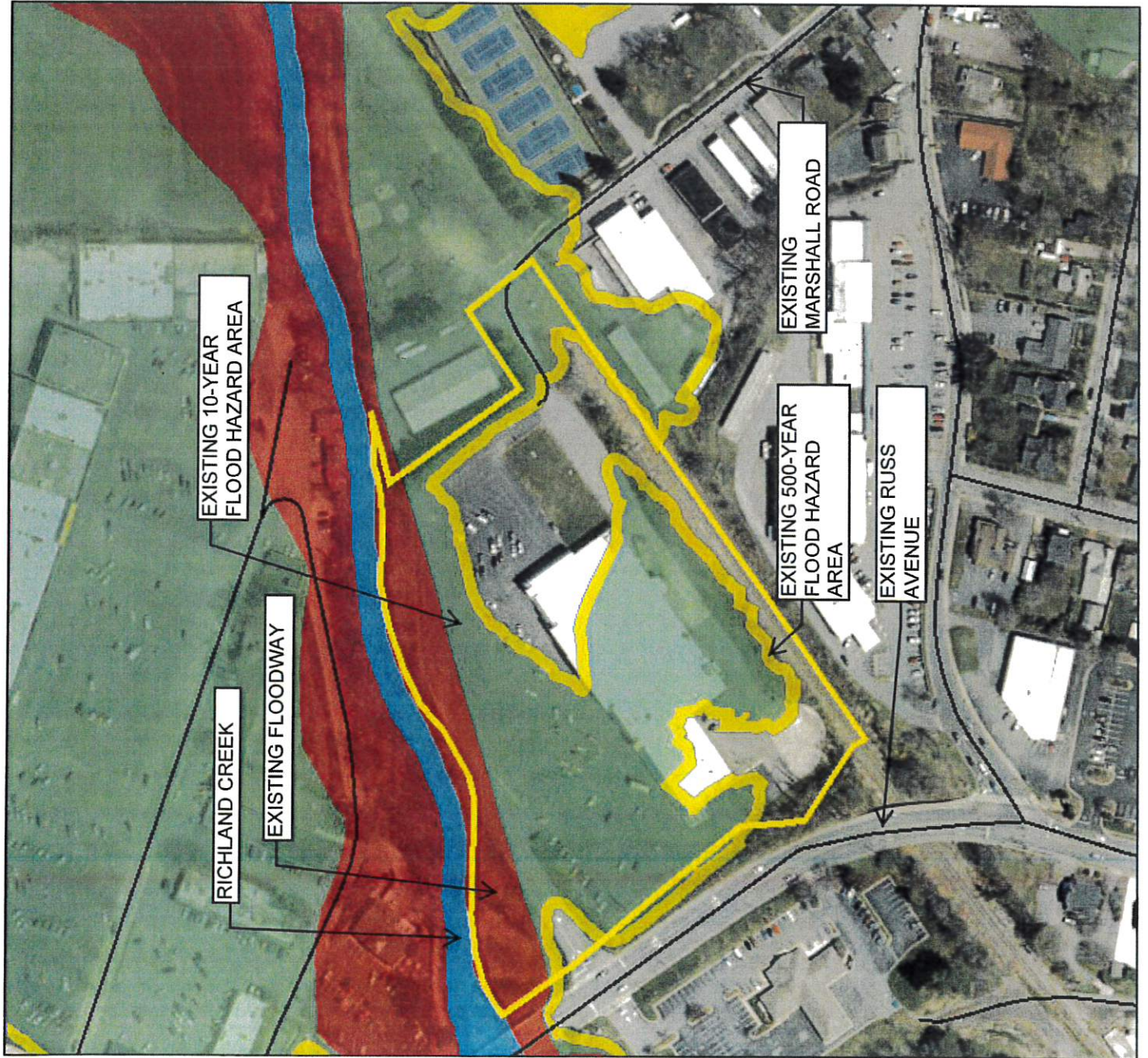
## Site Information

STORE SUPERMARKET  
Commercial Use  
366 RUSS AVE

Heated Area: 49080  
Year Built: 1984  
Total Acreage: 8.785  
Township: Town of Waynesville

## Site Value Information

Land Value:  
Building Value:  
Market Value:  
Deferred Value:  
Assessed Value:  
Sale Price:  
Sale Date: 01/16/2012



1 inch = 200 feet  
August 16, 2019

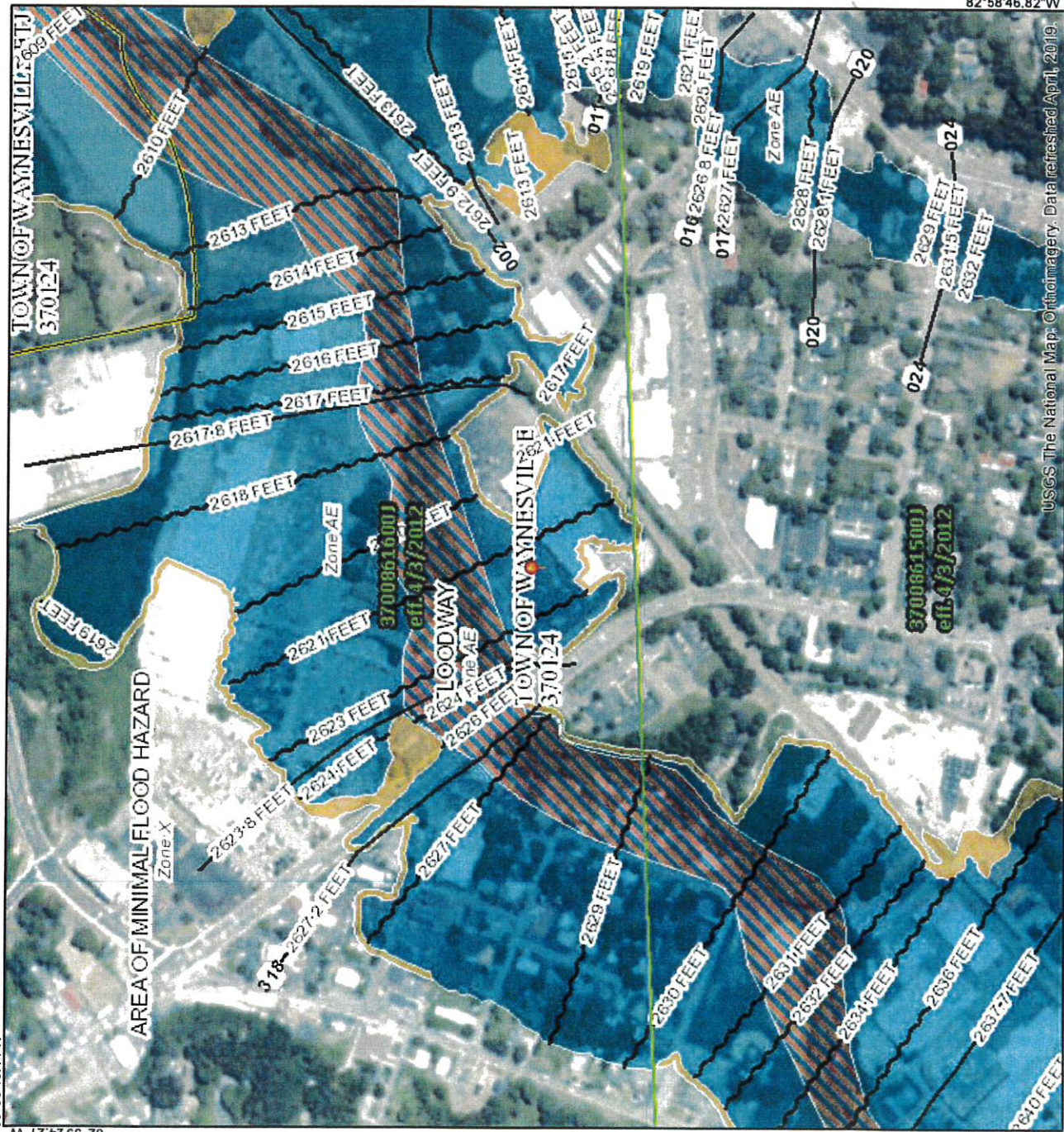
Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information 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.



# National Flood Hazard Layer FIRMette



35°30'10.44"N



82°58'46.82"W

USGS The National Map: Orthoimagery. Data refreshed April, 2019.

35°29'41.15"N

1:6,000

Feet

2,000

1,500

1,000

500

250

0

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- Area of Minimal Flood Hazard Zone X
- Effective LOMFRs
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/16/2019 at 9:49:15 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and firm information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.







Project Name: Mountain Creek  
Project Location: Waynesville, NC  
CDC Project No. 21936  
Date: August 26, 2019

Peak Hour Trip Generation

Proposed Programming					
Use/Type	ITE description	ITE line #	Qty(units)	PM Peak Trips	Daily Trips
Residential	apartment 221(du)	38	210	130	1397
total:				130	1397

Previous Use Programming					
Use/Type	ITE description	ITE line #	Qty(sf)	PM Peak Trips	Daily Trips
Retail	Shop. Ctr. 820 (eq)	174	8783	125	1397
Grocery Store	Supermarket 850	200	40775	427	4161
total:				552	5558

Source: Institute of Transportation Engineers, Trip Generation, Eighth Edition

# MOUNTAIN CREEK

## TOWN OF WAYNESVILLE, NORTH CAROLINA

PREPARED FOR:  
**TRIBRIDGE RESIDENTIAL**  
 100 PEACHTREE STREET NW, SUITE 1400  
 ATLANTA, GA 30303  
**KATHERINE MOSLEY**  
 (404) 352-2800

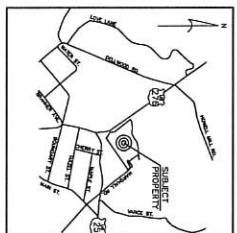
Sheet No.	Title
000	COVER SHEET
001	CONTRACT CONDITIONS & SPECIFICATIONS
002	SITE PLAN
003	PROPOSED GRADING & EROSION CONTROL PLAN
004	STORM DRAINAGE PLAN
005	LANDSCAPE PLAN

**DEVELOPMENT DATA**  
 TRIBRIDGE RESIDENTIAL  
 100 PEACHTREE STREET NW, SUITE 1400  
 ATLANTA, GA 30303  
 (404) 352-2800

**OWNER/DEVELOPER**  
 TRIBRIDGE RESIDENTIAL  
 100 PEACHTREE STREET NW, SUITE 1400  
 ATLANTA, GA 30303  
 (404) 352-2800

**OWNER/ARCHITECT**  
 KATHERINE MOSLEY  
 100 PEACHTREE STREET NW, SUITE 1400  
 ATLANTA, GA 30303  
 (404) 352-2800

**OWNER/ENGINEER**  
 CIVIL DESIGN CONCEPTS, PA  
 811 WALNUT STREET - SUITE 9  
 WAYNESVILLE, NC 28786  
 PHONE (252) 442-4410  
 FAX (252) 446-5445



**811**  
 Know what's below.  
 Call before you dig.

COVER FOR: <b>MOUNTAIN CREEK</b> TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA		1. 06/28/2019	MASTER PLAN SUBMITTAL	SEB
		NO.	DATE	DESCRIPTION

C001

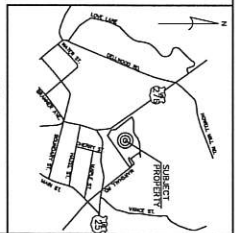
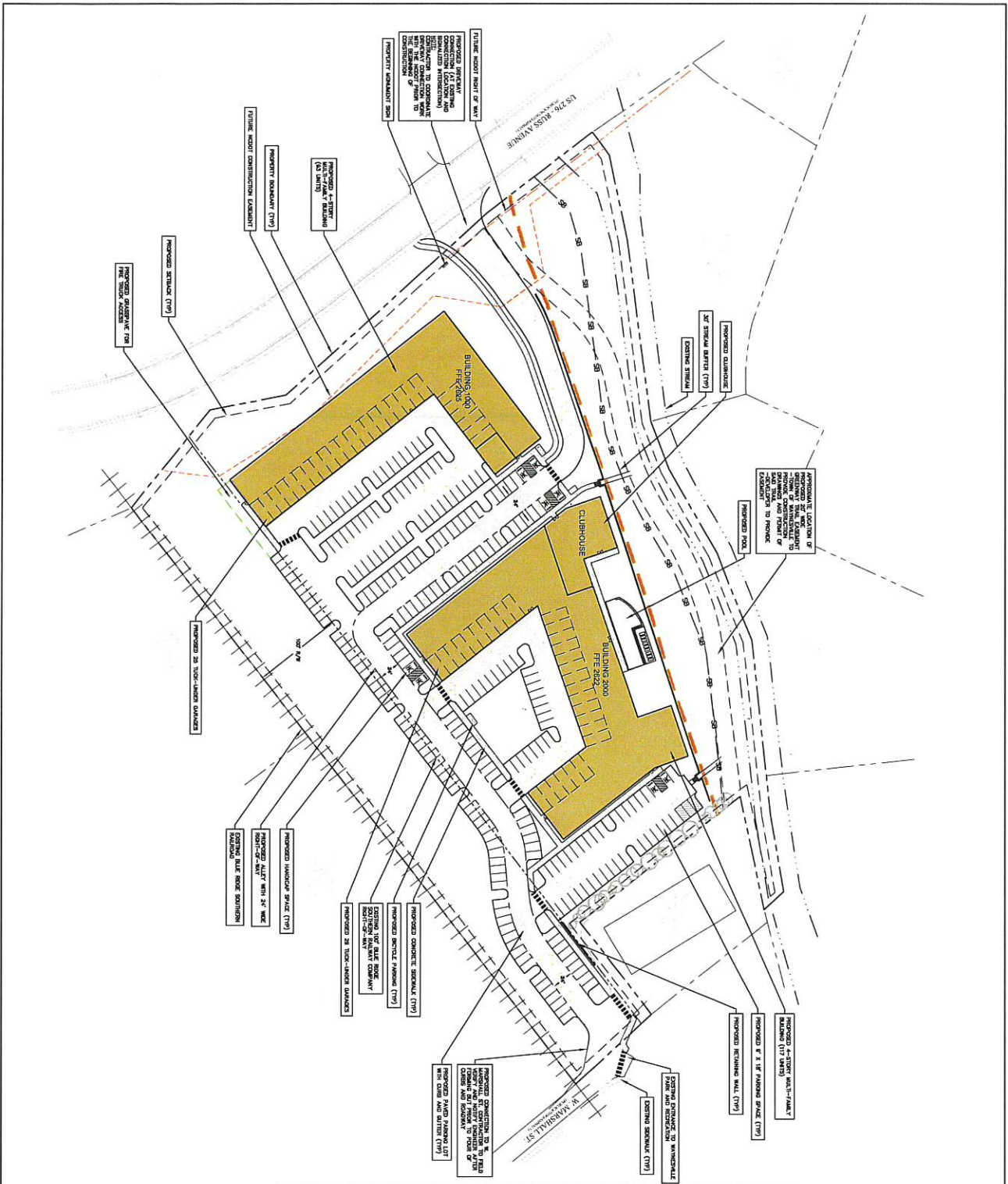
SHEET

CDC Civil Design Concepts, PA  
 NCEELS LICENSE # C-2194  
 www.civildesignconcepts.com

166 PATTON AVENUE  
 ASHEVILLE, NC 28801  
 PHONE (252) 252-5338  
 FAX (252) 252-5366  
  
 811 WALNUT STREET - SUITE 9  
 WAYNESVILLE, NC 28786  
 PHONE (252) 442-4410  
 FAX (252) 446-5445







VICINITY MAP

**DEVELOPMENT DATA**

OWNER/DEVELOPER: TRIMBLE DEVELOPMENT, 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758  
 CONTACT: (919) 282-2800

ONE DRAWING: 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758  
 CONTACT: (919) 282-2800

INSPECTOR: TRIMBLE DEVELOPMENT, 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758  
 CONTACT: (919) 282-2800

ADVERTISER: TRIMBLE DEVELOPMENT, 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758  
 CONTACT: (919) 282-2800

**PROJECT DATA**

PROJECT NAME: MOUNTAIN CREEK RESIDENTIAL DEVELOPMENT  
 SITE NO: 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758  
 PLANNING AREA: MOUNTAIN CREEK  
 ZONING: R-10  
 PROJECT AREA: 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758  
 PROJECT AREA: 100 PATTON STREET, P.O. BOX 1400, MOUNTAIN CREEK, NC 28758

**PROPOSED UNITS**

200 MULTI-FAMILY UNITS

**PROPOSED UTILITIES**

24 UNITS/ZONE

**PROPOSED FEATURES**

WALKWAY/BIKEWAY  
 WALKWAY/BIKEWAY  
 713 AC

**PERMITS**

RECORDED: 18 PROJECTS: 18

**RECORDING DATA**

RECORDED: 18 PROJECTS: 18

**RECORDING DATA**

RECORDED: 18 PROJECTS: 18

811 Know what's below. Call before you dig.

**SITE PLAN**

GRAPHIC SCALE

1" = 50' (1" = 20')

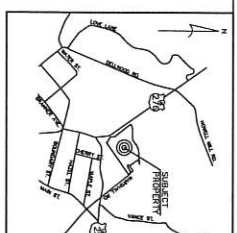
NORTH











**DEVELOPMENT DATA**

**OWNER/DEVELOPER:** MOUNTAIN CREEK RESIDENTIAL, LLC  
 100 PINEHURST DRIVE, SUITE 1400  
 KAYAKVILLE, NORTH CAROLINA 27513  
 (919) 282-2800

**DATE:** 08/24/2010

**PROJECT DATA:**  
 PROJECT NAME: 200 MULTI-FAMILY UNITS  
 PROJECT ADDRESS: 24 LARKS AVENUE  
 PROJECT TYPE: RESIDENTIAL  
 DISTRICT: 15  
 ZONING: R-15  
 DISTRICT MAP: 713.42

**PROPOSED SERVICE LINE (HYDRAULIC ASSEMBLY):**  
 15" WATER MAIN  
 15" SANITARY MAIN  
 15" STORM MAIN

**PROPOSED SERVICE LINE (HYDRAULIC ASSEMBLY):**  
 15" WATER MAIN  
 15" SANITARY MAIN  
 15" STORM MAIN

**PROPOSED SERVICE LINE (HYDRAULIC ASSEMBLY):**  
 15" WATER MAIN  
 15" SANITARY MAIN  
 15" STORM MAIN

**PROPOSED SERVICE LINE (HYDRAULIC ASSEMBLY):**  
 15" WATER MAIN  
 15" SANITARY MAIN  
 15" STORM MAIN

**UTILITY PLAN**

GRAPHIC SCALE  
 1" = 40' (OR EQUIV.)

Know what's below,  
 Call before you dig.

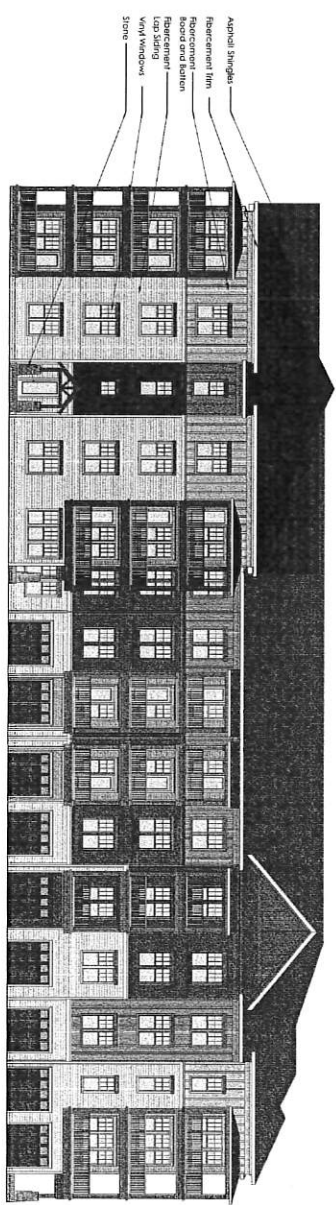
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**NORTH**



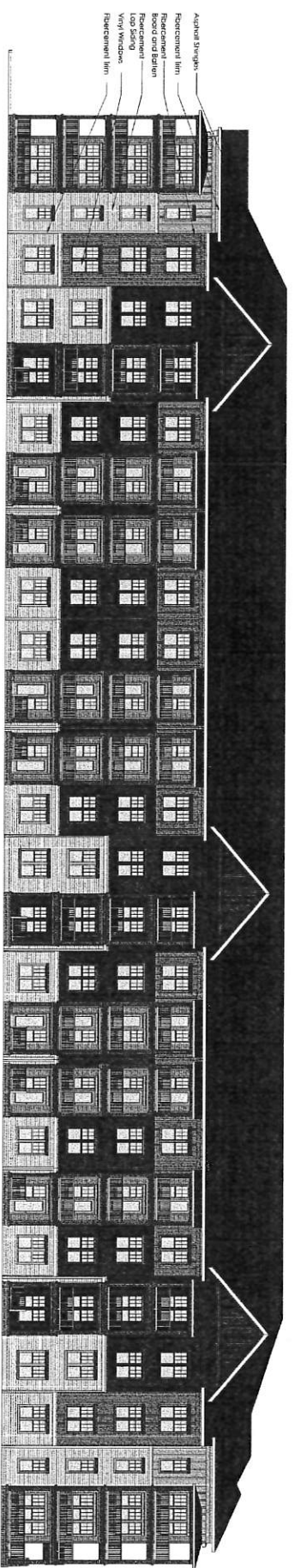
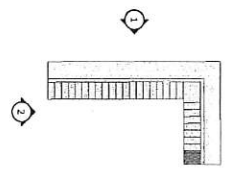


Tribridge Residential



2 Right Elevation - Building 1000  
Scale: 3/32" = 1'-0"

Elevation



1 Front Elevation - Building 1000  
Scale: 3/32" = 1'-0"

Elevation

Mountain Creek Plaza

3736 Winterfield Road, Suite 102 - Madison, Virginia 23113 - Phone 804.225.0215 - Internet www.zpcanet

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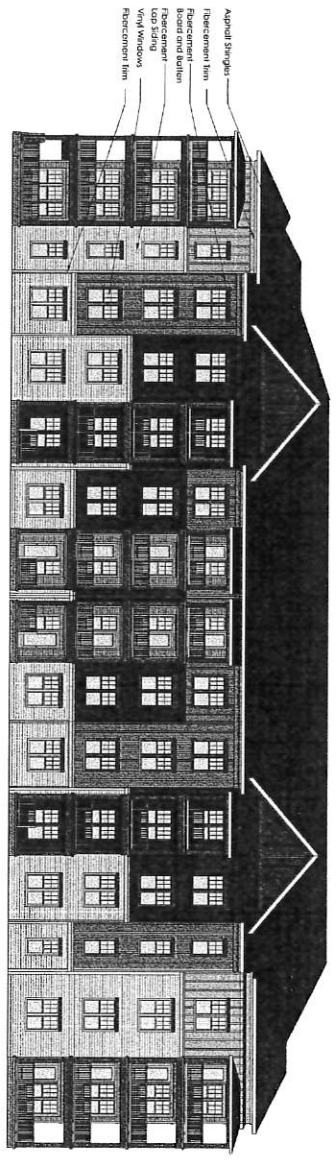
August 23, 2019

1826.00



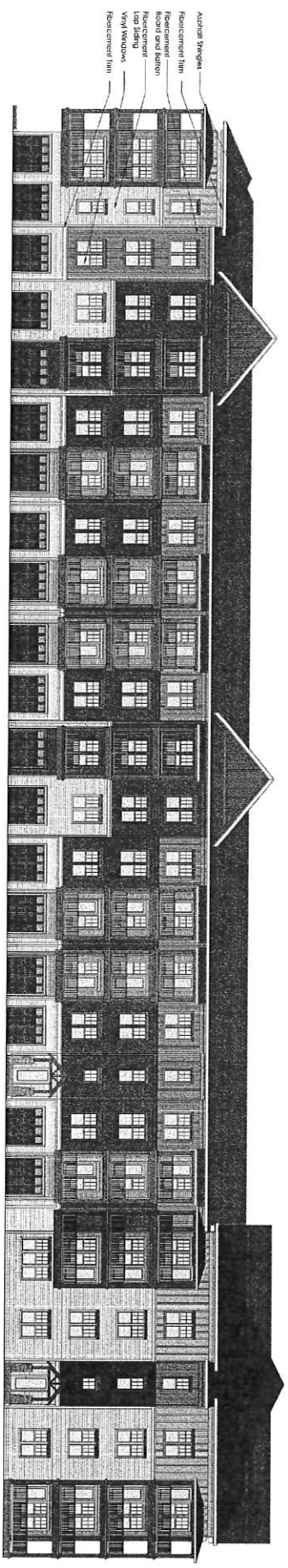
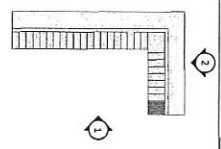
62

Tribridge Residential



2 Left Elevation - Building 1000  
Scale: 3/32" = 1'-0"

Elevation



1 Rear Elevation - Building 1000  
Scale: 3/32" = 1'-0"

Elevation

Mountain Creek Plaza

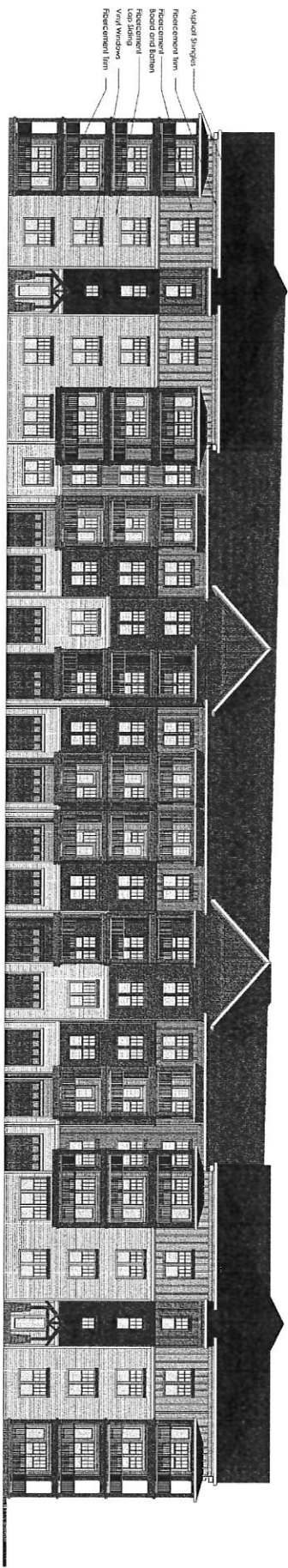
3736 Winterfield Road, Suite 102 - Madison, Virginia 23113 - Phone 804-225-0215 - Internet www.zpcanet

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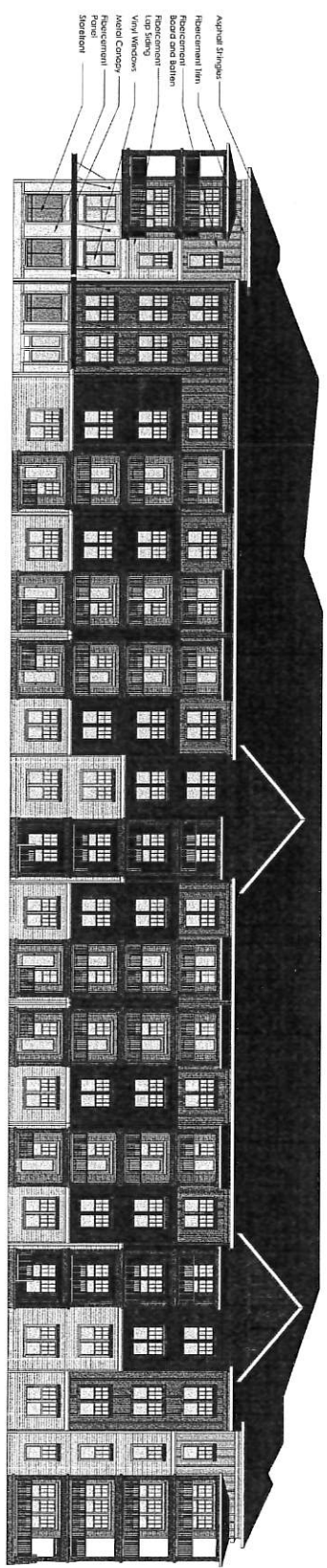
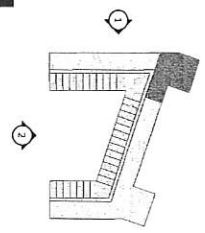
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2 Right Elevation - Building 2000  
Scale: 3/32" = 1'-0"

Elevation



1 Front Elevation - Building 2000  
Scale: 3/32" = 1'-0"

Elevation

Mountain Creek Plaza

3726 Whitfield Road, Suite 102 - Madison, Virginia 23113 - Phone 804-225-0215 - Internet www.zparrnet

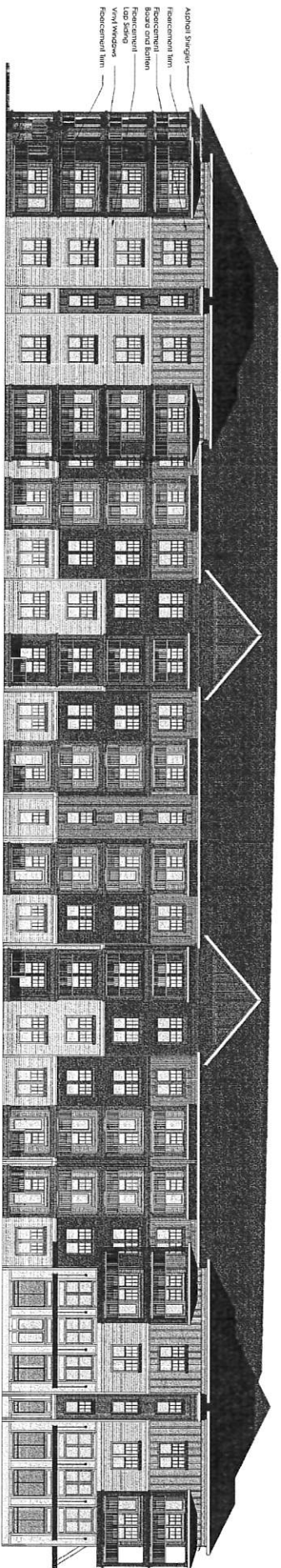
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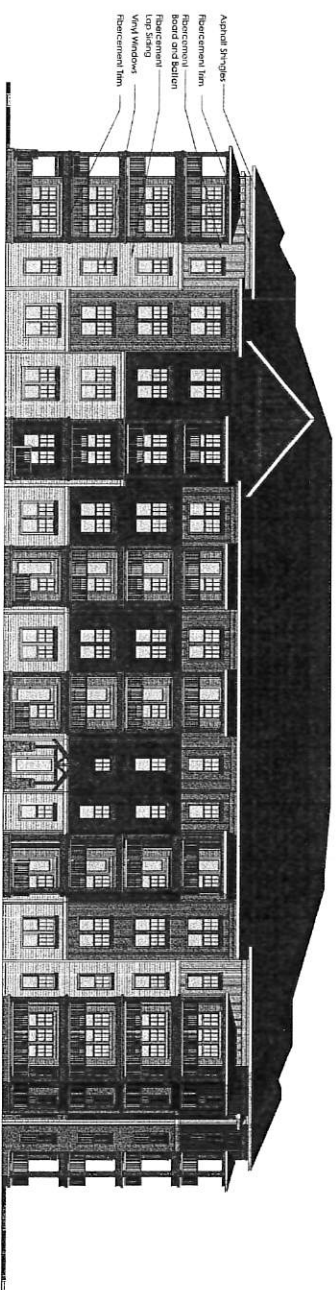
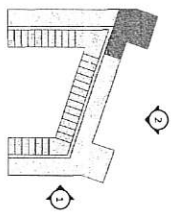
Tribridge Residential



2 Left Elevation - Building 2000

Scale: 3/32" = 1'-0"

Elevation



1 Rear Elevation - Building 2000

Scale: 3/32" = 1'-0"

Elevation

Mountain Creek Plaza

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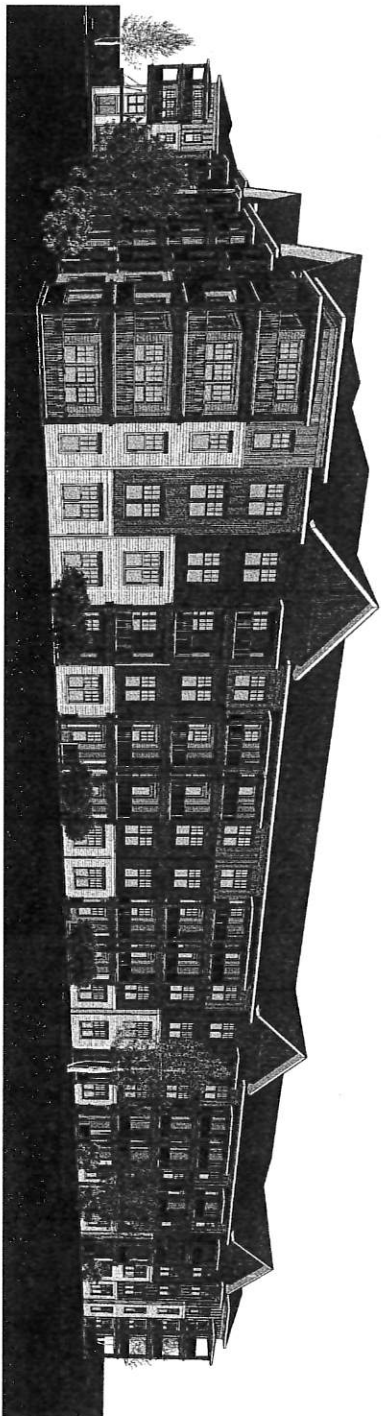
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182/00

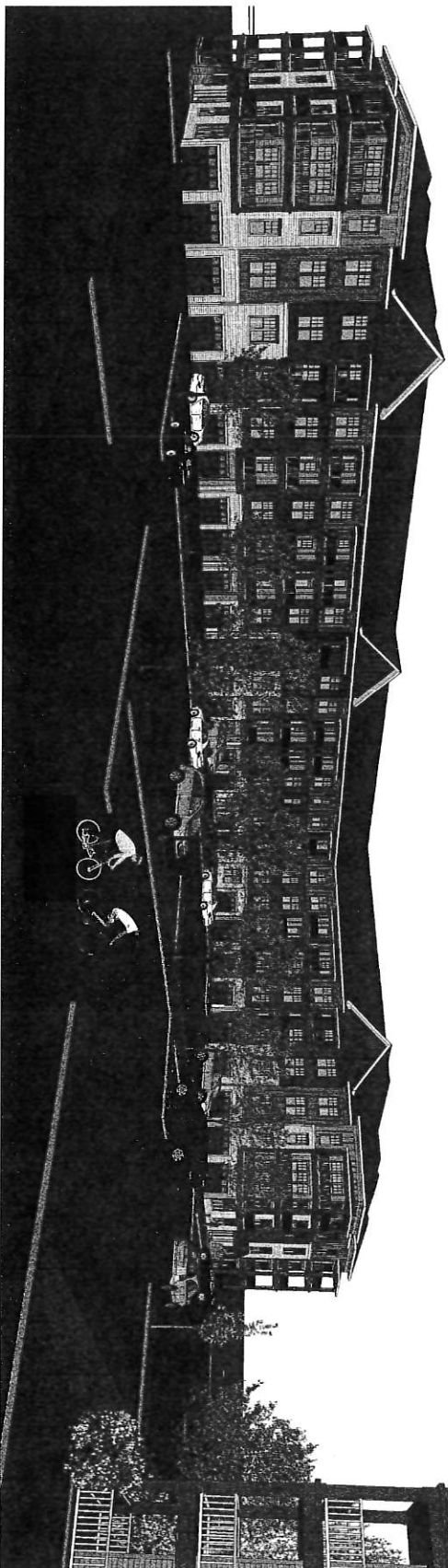






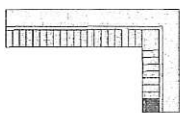
2 Perspective - Building 1000  
Scale: NIS

Perspective



1 Parking Lot Perspective - Building 1000  
Scale: NIS

Perspective



3

4

Mountain Creek Plaza

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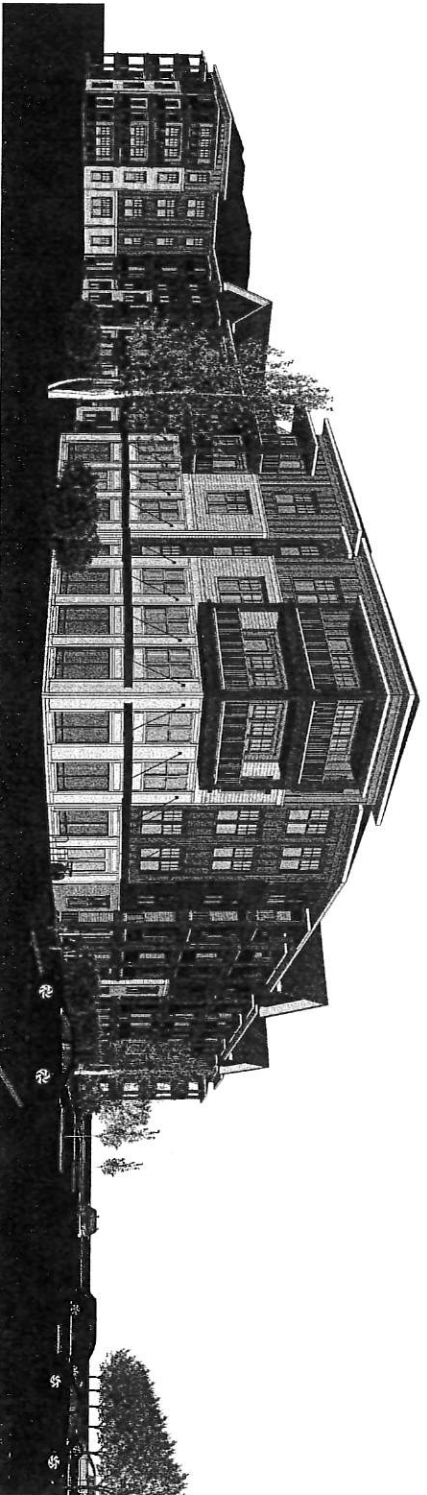
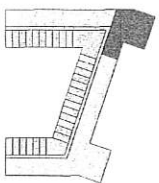
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August 23, 2019

1524.00



1



1 Amenity Corner - Building 2000  
Scale: NIS

Perspective

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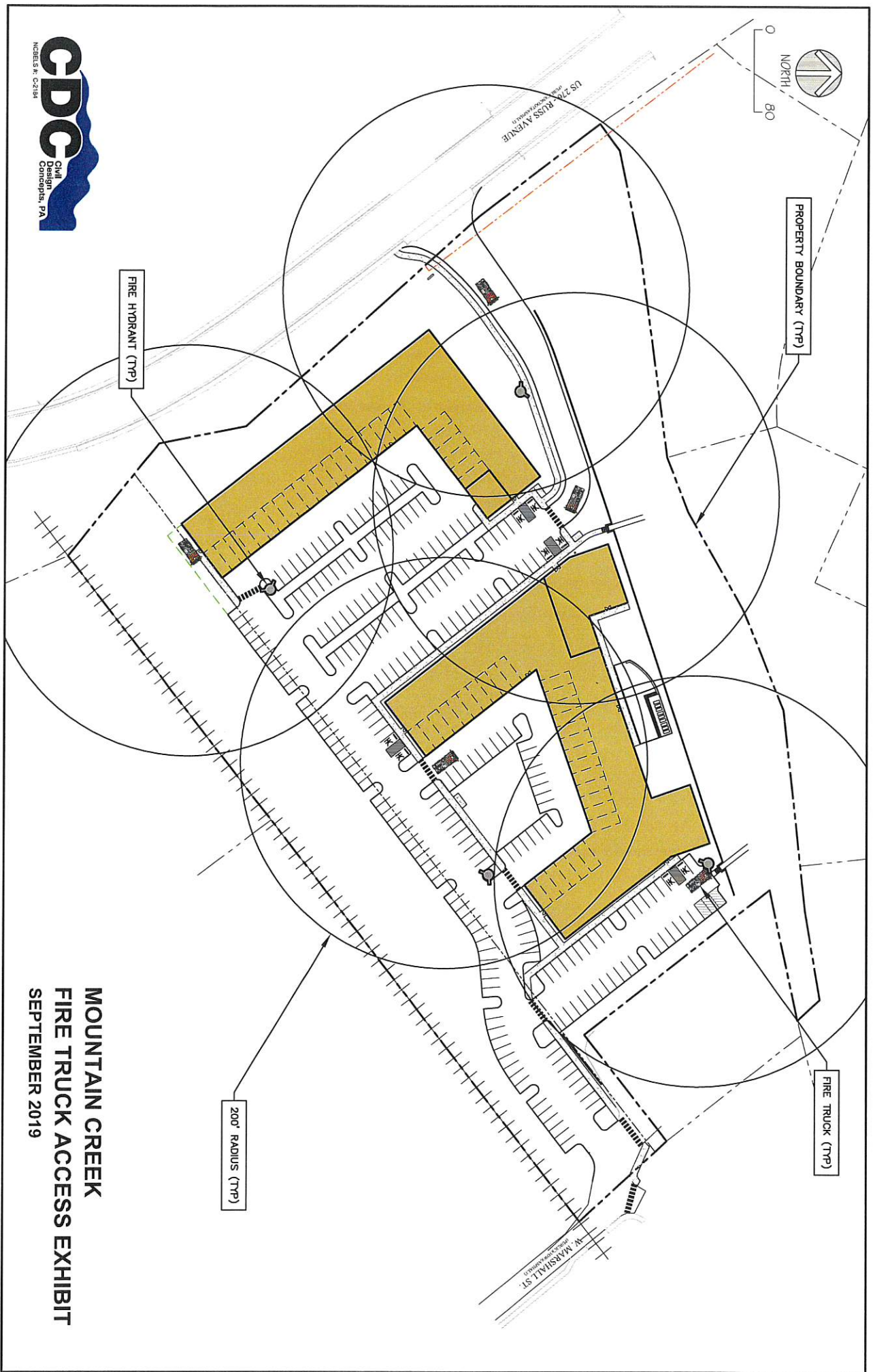
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August 23, 2019

1826.00



67



**MOUNTAIN CREEK**  
**FIRE TRUCK ACCESS EXHIBIT**  
 SEPTEMBER 2019