



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date October 22, 2019 Time: 6:30 p.m.

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

Motion: To approve the minutes of the October 8, 2019 regular meeting as presented (or as corrected).

B. PUBLIC HEARING

3. Public Hearing to consider application for a Conditional District Rezoning and Map Amendment at 356 Russ Avenue, PIN # 8616-40-3231
 - Elizabeth Teague, Development Services Director

Motion: To adopt a Consistency Statement showing how the project is reasonable and consistent with the 2020 Land Development Plan

Motion: To approve/deny/or approve with conditions the conditional district rezoning application at 366 Russ Avenue, PIN # 8616-40-3231.

C. NEW BUSINESS

4. Request to the Board of Aldermen to allow the Waynesville Public Art Commission to sign a contract with the Mountaineer to develop a new logo.
 - Jesse Fowler, Planner

Motion: Motion to allow the Waynesville Public Art Commission to change its logo.

Motion: To approve the contract proposal by the Mountaineer.

5. Request approval of Fee for Service Contract with Haywood Waterways to update the Town's Stormwater Management Plan

- Elizabeth Teague, Development Services Director

Motion: To proceed with a fee for service contract with Haywood Waterways to update the Town's Stormwater Management Plan at a cost not to exceed \$12,000

D. CONTINUED BUSINESS

6. Request for Approval of Resolution and Ordinance to re-establish a truck route in Waynesville

- Rob Hites, Town Manager

Motion: To approve the ordinance permitting a truck route on Haywood and Branner.

Motion: To adopt a resolution requesting that through trucks be prohibited from traveling on Main from Walnut to Pigeon Street

E. COMMUNICATIONS FROM STAFF

Manager's Report

- Rob Hites, Town Manager

7. Request to Approve a change order to Forrest Westall of McGill and Associates Contract for negotiating an SOC (Special Order of Consent)

Motion: To approve the change order of the contract with an upper limit of \$5,000 to complete the negotiation of the SOC with the regulatory staff of NC Division of Environmental Resources.

Attorney's Report

- Town Attorney Bill Cannon

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

G. CALL ON THE AUDIENCE

H. ADJOURN



TOWN OF WAYNESVILLE

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 16 South Main Street
 Waynesville, NC 28786
 Phone (828) 452-2491 • Fax (828) 456-2000
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CALENDAR October 22, 2019

| 2019 | |
|---|--|
| Saturday, October 26 10:00 AM Waynesville Middle School | Hazelwood 5 th Grade Fundraiser Haunted Hustle |
| Thursday October 31 5:00 – 7:00 PM Main Street | Treats on the Street Downtown Waynesville Association |
| Thursday October 31 5:00 – 8:00 PM | Trunk or Treat First United Methodist Church |
| Thursday, October 31 5:00 – 8:00 PM Hazelwood FBC | Fall Festival Hazelwood First Baptist Church |
| Tuesday November 5 | Election Day |
| Saturday November 9 11:00 am – 1:00 PM Tuscola High School Cafeteria | Veterans Day Luncheon AFJROTC |
| Tuesday November 12 6:30 PM Board Room | Board of Aldermen Meeting – Regular Session |
| Saturday, November 16 9:00 – 10:00 AM Frog Level | Tuscola Cross Country Mountaineer 5K Tuscola High School |
| Tuesday November 26 6:30 PM Board Room | Board of Aldermen Meeting – Regular Session |
| Thursday & Friday Nov 28 & 29 | Thanksgiving Holidays |
| Monday December 9 6:00 PM Main Street | Waynesville Christmas Parade “Candy Cane Christmas” Downtown Waynesville Association |
| Tuesday December 10 6:30 PM Board Room | Board of Aldermen Meeting – Regular Session |
| Saturday December 14 10:00 AM Greenhill Cemetery | Wreaths Across America |
| Tues, Wed & Thurs Dec 24 – 26 | Town Offices Closed – Christmas |

Board and Commission Meetings – October 2019

| | | |
|--|---------------------------------------|--|
| ABC Board | ABC Office – 52 Dayco Drive | October 15th 3 rd Tuesdays 10:00 AM |
| Board of Adjustment | Town Hall – 9 S. Main Street | October 1st 1 st Tuesdays 5:30 PM |
| Downtown Waynesville Association | UCB Board Room – 165 North Main | October 24th 4 th Thursdays 12 Noon |
| Firefighters Relief Fund Board | Fire Station 1 – 1022 N. Main Street | Meets as needed; <i>No meeting currently scheduled</i> |
| Historic Preservation Commission | Town Hall – 9 S. Main Street | October 2nd 1 st Wednesdays 2:00 PM |
| Planning Board | Town Hall – 9 S. Main Street | October 21st 3 rd Mondays 5:30 PM |
| Public Art Commission | Town Hall – 9 S. Main Street | October 10th 2 nd Thursdays 4:00 PM |
| Recreation & Parks Advisory Commission | Rec Center Office – 550 Vance Street | October 16th 3 rd Wednesdays 5:30 PM |
| Waynesville Housing Authority | Waynesville Towers – 65 Church Street | October 16th 3 rd Wednesdays 3:30 PM |

BOARD/STAFF SCHEDULE

| | | |
|-------------------------------|------------------------|----------|
| November 25 – 29, 2019 | Assistant Town Manager | Vacation |
|-------------------------------|------------------------|----------|

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
October 8, 2019**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, October 8, 2019, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Jon Feichter
Alderman LeRoy Roberson
Alderman Julia Freeman
Mayor Pro Tem Gary Caldwell

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Ben Turnmire, Finance Director
Brian Beck, Interim Police Chief
Elizabeth Teague, Development Services Director
Jesse Fowler, Planner
David Foster, Public Services Director
Julie Grasty Asset Services Manager
Jonathan Yates, Outside Facilities
Kyle Cook, Water Plant Superintendent

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Saturday October 12 – Church Street Art & Craft Show 10:00 – 5:00 PM
Saturday October 12 – 5th Annual Greenhill Cemetery Tour – 4:00 PM
Saturday October 19 – Apple Harvest Festival – 10:00 – 5:00 PM

2. Adoption of Minutes

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve the minutes of the September 24, 2019 regular meeting, as presented. The motion passed unanimously.

B. PRESENTATION

3. 28785/28786 1% Zip Code Funding Year End Report
 - Lynn Collins Executive Director, Tourism Development Authority

Lynn Collins, Executive Director of the Haywood County Tourism Development Authority (TDA) provided a report on the 28785/28786 1% Zip Code funding for fiscal year 18/19. She provided a listing of the various projects and funding amounts that were granted and noted that the cooperative marketing received the most funding. Later in her presentation, Ms. Collins noted the work of the cooperative marketing to include print and electronic ads, e-newsletters, billboards and Facebook and other social media posts and provided samples of each. The Experience Waynesville Facebook page has grown from 18,925 in 2016/17 to over 102,000 in 2018/19. Ms. Collins continued by illustrating the economic impact of travel on Haywood County in 2018, noting the following: Tourism generated expenditures of \$189.94 million which is a 4.21% increase from 2017. The tax savings per Haywood County resident is \$276.84. She concluded by noting that Haywood County ranked 28th in the state for tourism expenditures and 5th in the Western Prosperity Zone of NC.

Alderman Jon Feichter asked if there was any way to extrapolate the data to be Waynesville-specific for the savings and the tourism generated expenditures. Ms. Collins answered that there was not, but that the numbers may be lower in Waynesville due to the lack of hotels. She was encouraged by the overall increase and hopeful that the trend would continue.

Mayor Brown thanked Ms. Collins for her report and for her continued efforts to make Waynesville and Haywood County a travel destination.

C. CALL FOR PUBLIC HEARING

4. Call for Public Hearing to consider application for a Conditional District Rezoning and Map Amendment at 366 Russ Avenue, PIN # 8616-40-3231
 - Elizabeth Teague, Development Services Director

Ms. Elizabeth Teague, Development Services Director, told the Board that the owners of the Mountain Creek Plaza, RFLP Mountain Creek LLC, with Tribridge Residential and engineering assistance from Civil Design Concepts, is making application to apply a conditional district zoning overlay to the property known as the "Bi-Lo Shopping Center" site. She said that in accordance with the Town's Land Development Standards Section 15.15, the Planning Board held a public hearing at a Special Called Meeting on October 1, 2019 and reviewed the application. The application was approved by the Planning Board and now she is asking the Board of Aldermen to call for and hold a public hearing as with any other zoning map or text amendment and find that this action would be reasonable and in the public interest and consistent with the town's 2020 Comprehensive Land Use Plan.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to call for a public hearing to be held on October 22, 2019 at 6:30 pm, or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville, to consider a conditional district rezoning application at 366 Russ Avenue, PIN # 8616-40-3231. The motion passed unanimously.

D. PUBLIC HEARING

5. Public Hearing to consider the amendment of Chapter 54 Traffic and Vehicles – Section 54-113 Speed Limits Established

- Alderman Gary Caldwell
- Brian Beck, Interim Chief, Police Department

Mayor Brown said The Board of Aldermen has the authority to regulate traffic speeds within the Town limits under Section 54-111, and a schedule of all authorized variations shall be maintained in the office of the town clerk and recorded in section 54-113.

The Town of Waynesville Police Department conducts traffic studies on various streets and intersections related to complaints received related to speeding. The current speed limit on Hendrix Street is 35 mph. He said a request had been made by Alderman Caldwell to modify the speed limit on Hendrix Street to 25 mph. During the days of August 7 and August 13, a stealth traffic study was completed with a total of 4,907 vehicles on the first day, and 4,223 vehicles on the second day which indicated an average speed of 29.82 and 29.53.

The Board was reminded that they have the authority to regulate traffic speeds within the Town limits under Section 54-111. A schedule of all authorized variations shall be maintained in the office of the town clerk and recorded in section 54-113.

Attorney Cannon opened the Public Hearing at 7:23 pm and asked if anyone wished to speak.

**Phyllis Austin
100 Hendrix Street**

Ms. Austin presented the Board with petition which included 56 signatures of people who believe that something needs to be done about the speed limit on Hendrix Street. She said that the traffic and their speed increase every year. She stated she had seen several people run over the curb in the front of her house and expressed her concerns for her grandchild who lives with her and likes to play in the yard. She said she did not think lowering the speed limit would help, but she would like to see speed bumps installed.

Mayor Brown asked that the Petition be entered the minutes of the meeting. The document will be incorporated into these minutes as attachment A.

**Jim Plemmons
235 Hendrix Street**

Mr. Plemmons said that with the increased population of Air B and B's on Allens Creek, there are people who come off the by-pass at 60 miles per hour, and then continue up Hendrix at the same rate of speed. He said it is the children and the elderly that could be affected by the speeders. At certain places, Mr. Plemmons said the street was not wide enough, and when people are speeding, they hit the curb, and this could be the cause of a deadly accident.

Chris Barker
132 Hendrix Street

Mr. Barker stated that he had been in public safety his entire life and is currently a RN at Memorial Mission Hospital. He said he had seen the consequences of traffic accidents and did not want to see that on the street where he lives. He reiterated the fact that there are many children on this street, and it is a very unsafe situation with the speeders. He said he had not seen one ticket written on that street.

Attorney Cannon closed the Public Hearing at 7:31 pm.

When discussing the Hendrix Street speed limit, it was noted by several in attendance, and by Board members, that utilizing traffic calming devices such as speed bumps may help to reduce the speeding and risk to pedestrians and property. David Foster, Public Works Director, added that he and Town Engineer Preston Gregg had developed a policy related to when traffic calming implements may be installed. He reminded the Board that there are considerations such as grade of the street, height of implements and ability for public safety responders to safely traverse the devices used when determining the type of implement. Alderman LeRoy Roberson asked about temporary speed bumps. Mr. Foster indicated that it is possible to use them; however, in inclement weather, they become a hindrance to street clearing. He noted also that adding these implements came with different price tags based on what would be required. Mr. Foster will forward a copy of the policy for the Board to review. Interim Police Chief Brian Beck added that police are also aware of reports for streets where there are concerns and have shared information with Public Services in an effort for all to work together to find a suitable solution.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve the amendment to Chapter 54 Traffic and Vehicles – Section 54-113 Speed Limits Established to reduce the speed limit on Hendrix Street from 35 mph to 25 mph. The motion carried unanimously.

Mayor Brown asked Staff to gather information concerning traffic slowing devices and present a report at a future meeting.

E. NEW BUSINESS

6. Drought Status Report and Plan Update Request

- David Foster, Public Services Director
- Kyle Cook, Water Treatment Superintendent

Mr. David Foster, Public Services Director, explained to the Board that Public Services would like to revise our Water Shortage Response Plan, specifically to adjust the trigger levels to be more consistent and closer to our peer agencies in Haywood County.

Pending discussion, but recommended trigger levels would be as follows:

- Level 1- 3 feet (previously 6 feet) (Voluntary Reductions)
- Level 2- 6 feet (previously 11 feet) (Mandatory Reductions I)
- Level 3- 11 feet (previously 16 feet) (Mandatory Reductions II)
- Level 4- 16 feet (previously 26 feet) (Emergency Reductions)
- Level 5- 20 feet (previously 40 feet) (Water Rationing)

Mr. Foster would also update the Water Shortage Response Plan, so it is current.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to authorize Public Services staff to adjust the Water Shortage Response Plan triggers to be more consistent with peer Haywood County agencies. The motion passed unanimously.

7. Maintenance Area of Outside Facilities

- Julie Grasty, Asset Services Manager
- Jonathan Yates, Outside Facilities Supervisor

Ms. Julie Grasty, Asset Services Manager, explained to the Board that Outside Facilities staff maintains different properties around Town that are not owned by the Town. The list of these properties has had many additions over the years and has never been brought before the Board for approval. Some of these properties are NC DOT property, Haywood County Schools property and other private property. Ms. Grasty said that Staff has been instructed to compile a formal list of these properties for the Board to approve the maintenance of these areas, which was included in the Board packet.

Town Manager Rob Hites said that Public Services is maintaining the grounds of some non-profits and NCDOT areas. He said that in order to give more attention to maintaining municipal properties, he recommends going through the list item by item in order to deem it necessary to maintain or not maintain.

Assistant Town Manager Owens reminded the Board that half of Mr. Yates' crew was moved to the Recreation Department in order to concentrate on keeping the Recreation grounds looking nice and accessible. This leaves Mr. Yates with less man power to maintain the rest of the Town.

Alderman Caldwell suggested that Ms. Grasty and Mr. Yates confer with Manager Hites to compile a list of properties to be maintained by their staff.

Mayor Brown said he felt it was time to review the complete list and allow the public to see the areas that are being maintained by the Town. He asked the Board to defer discussion on this matter until the next meeting in order to give Manager Hites and staff time to study the list. The Board was in consensus.

8. New – First Time Special Event – November 2019

- Amie Owens, Assistant Town Manager

Assistant Town Manager Owens told the Board that she had received a request for a new event in the Town of Waynesville, Tuscola Cross Country Mountaineer 5K. The event will utilize the same race route as the Power of Pink 5K from Frog Level to Hazelwood and back via Sulphur Springs Road and Hazelwood Avenue. This is a fundraiser for the cross-country program and will be held on Saturday November 16th.

She explained that the Special Events Committee has reviewed the application, there were no concerns about the event.

A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to approve the special events permit applications and direct Town Manager to execute special events permits, as presented. The motion carried unanimously.

9. Request to call the Planning Board for a workshop to consider stricter regulations regarding fences in Waynesville.
- Jesse Fowler, Planner

Mr. Jesse Fowler, Planner stated that in response to the Board of Aldermen's request to research fence ordinance best practices, Planning staff is requesting that the Board of Aldermen refer to the Planning Board to discuss staff research on fence ordinances. He suggested that that the Planning Board would also draft an Ordinance that would essentially create a text amendment to the Town's Land Development Standards. He said that a workshop for the Planning Board to discuss fencing in Waynesville would be most beneficial especially since they will be starting from scratch.

Mayor Brown reminded everyone in the audience that this issue was not about one person, but it is about a community-wide effort.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to permit Planning staff to meet with the Planning Board in order to hold a workshop to discuss if and how we may want to draft a text amendment to the Land Development Standards which would regulate fencing in the Town of Waynesville. The motion carried unanimously.

Mayor Brown asked that a copy of the Statement to the Town of Waynesville Board of Alderman from the public be included into the minutes. The document will be incorporated into these minutes as attachment B.

10. Budget Amendment and Amendment to the Financial Operating Plan for Janitorial Services
- Ben Turnmire, Finance Director

Mr. Ben Turnmire, Finance Director stated that the proposed amendment is needed to approve a Janitorial Services contract with "A Better Clean" cleaning service effective November 1, 2019 – June 30th, 2020. He said that the Town's current Janitorial Service provider did not renew their contract, which expires on October 31, 2019.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve Ordinance No. 17-19 Amendment 6 to the 2019-2020 Budget Ordinance in the amount of \$30,800.00 for the Janitorial Contract with "A Better Clean" Janitorial Service. The motion passed unanimously.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve Resolution R-19-19 Amendment 2 to the 2019-2020 Financial Operating Plan for Internal Services. The motion passed unanimously.

F. COMMUNICATIONS FROM STAFF

Manager's Report

- Rob Hites, Town Manager

11.. Request of County Tax Office to collaborate in removing dilapidated mobile home from 31 Paralee Lane

Manager Hites explained to the Board that the County has foreclosed the property located at 31 Paralee Lane. The lot is located behind and above the upholstery shop on Dellwood City Road and is 46 feet by 160 feet in size. The estate owes \$2,075.02 in Town of Waynesville taxes and \$1480.43 in County Taxes. Manager Hites said he has visited the site several times and found that the mobile home on the property is a safety hazard. He said that the Town Building Inspectors have inspected the mobile home and said it is dilapidated to exceed 50% of its value. The Police Department have visited the site and discovered the use of illegal drugs. The County has posted the property for a foreclosure sale on October 18th. Haywood County has received a quote of \$5,000.00 to remove the mobile home, and \$2,000.00 to clear the trees around the home to make it accessible to the mover. They have asked the Town to join them in clearing the lot. Manager Hites said this would not be a money-making effort for the Town but would be done for the safety and crime prevention concerns.

Manager Hites said the plan would be for the contractor hired by Haywood County would remove the mobile homes, and Town staff to clear the area of brush and trees.

A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to approve the Town entering into an agreement with the County to clear the vegetation around the mobile home and engage a mover to remove the mobile home on the property located at 31 Paralee Street. The motion passed unanimously.

12.. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Jon Feichter asked Manager Hites about re-establishing the truck route that had been brought up in previous Board meetings. Manager Hites stated he had spoken to Mr. Bryan Burch, Division NCDOT Director concerning the truck route in the Town of Waynesville. Mr. Burch said he could not find that there had ever been a designated truck route in the Town. Manager Hites stated that Staff could draft a Resolution requesting that NCDOT designate a truck route to be approved by the Board. The Resolution will then need to be approved by the NCDOT.

Alderman Feichter said that he had driven up South Main Street towards Walmart, and he expressed concerns about the weeds, grass and trash that is along the street. He said the even though the South Main area is set for a reconstruction project in 2023 or later, and the owners of the buildings along this route do not wish to do improvements to their buildings because of the upcoming project, he asked is the weeds and grass at least be cut and the trash be cleaned up.

H. CALL ON THE AUDIENCE

**Vic Dossey
61 Glendale Drive**

Mr. Dossey explained to the Board that during the last week, the Electric Department had been on his property to cut some trees from the electric lines. He said that Mr. Willie Smith had come to his house and told him that the Town would be trimming the trees. Mr. Smith had explained the entire procedure to him, and later in the week the Town staff came to do the trimming. When the project was finished, Mr. Smith had gone back to Mr. Dossey's home to make sure that the tree trimming process had gone as described. Mr. Dossey praised the staff and Mr. Smith for the work and consideration he had been given during the process.

I. ADJOURN

With no further business, a motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to adjourn at 8:21 p.m. The motion carried unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

Statement to the Town of Waynesville Board of Aldermen

Introduction

We would like to address a recent Board of Aldermen meeting as well as a front-page article in the Mountaineer newspaper concerning a situation with a parcel of property, which is located at 233 Eagles Nest Road in Waynesville and is owned by Mr. David Acosta.

History

Let's be perfectly clear why this has become an issue...Mr. Acosta is using his property as he sees fit, and within the law. People are angry at him for something they assume he got away with, abusing his dog, even though Mr. Acosta was never charged with, nor convicted of any violation. Animal Control, who was contacted multiple times to report the supposed abuse or neglect, came to the house each time, was welcomed in, and never substantiated any of the allegations. The Code Enforcement office was contacted multiple times for supposed violations. Mr. Acosta always welcomed in whomever showed up, explained his actions, and was never obstinate or unreasonable when discussing the complaint. He always tried to comply with all ordinances, as well as state laws.

The special interest group 4 Love of Animals/Chain Free has made it their mission to make Mr. Acosta's life miserable. He has been called a 'scumbag' among other things. They make derogatory and untrue statements about him and his property. In addition to the Facebook page of this group hurling insults at him, Mr. Acosta also received a handwritten note saying he is disgraceful, has no respect for his property, and doesn't appreciate having a home. After literally years of enduring scrutiny for false reports, caring for his mother before her death, raising two kids of his own as well as his little sister, seeing vehicle after vehicle slow down and stare at his house multiple times a day, Mr. Acosta had had enough. He was angry. He was protective of his kids. He was out of work with a severe work-related injury. He let the grass grow. When Code Enforcement showed up with a complaint, he mowed the grass and put up a mesh fence...a privacy mesh screen and t-posts that were given to him by a family member who was as worried as he was about his children's safety. It was a last resort to keep people from staring at his kids as they played outside, to prevent calls about imagined violations, and to stop the online shaming, insults, and harassment. Of course, the insults then turned to how Mr. Acosta could have spent his money on putting up a "proper" fence.

With all of these crimes being committed against Mr. Acosta, after all of the harassment and the continual insults and phone calls about false violations, all of which caused him and his family to fear for his children and his property, his only retaliation was to not mow his grass and put up a mesh fence.

Then the Board of Aldermen got involved after town hall was "pummeled" with complaints about the fence, according to an article in the Mountaineer. Now the Board is considering adopting ordinances to restrict the use of everyone's property concerning fences, doghouses, and inoperable vehicles...strangely enough, these are the exact issues that instigators have long been hounding Mr. Acosta about.

Fence Ordinance

The town of Waynesville has survived for 209 years, since it's incorporation in 1810, without a fence ordinance. Now, after all these years, Alderwoman Julia Freeman states, "We have to have some sort of regulations on these." Alderman Gary Caldwell said, "I would definitely agree." Why would these aldermen think that they know better than all the previous town administrators? Maybe there's a reason we don't have an existing fence ordinance...because it would infringe on our rights as Americans and as citizens of North Carolina. Maybe it's because a majority of residents don't want a fence ordinance. Section 1 of the North Carolina Constitution states that citizens have the right to "life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness." Telling a resident that he or she can only erect a certain type of fence based solely on aesthetic value, when no deed restrictions were stated in the deed when purchased, and no harm to the public is prevented, is denying that resident their liberty, the enjoyment of the fruits of their labor, and their pursuit of happiness. We do not purchase property with the intent to use it the way the Town of Waynesville dictates on the whim of a special interest group.

Alderman Gary Caldwell said, "What if that fence blew over on a bunch of a kids or blew out in the street and caused an accident? It is a safety issue." If the Board of Alderman want to disguise this obvious violation of our rights by saying that there is a safety issue, then we suggest they regulate ANYTHING that can 'blow over on a bunch of kids' or 'blow out in the street and cause an accident.' Trash cans, lawn chairs, patio tables, toys, decorative planters, clotheslines, trees, bushes, and much more comes to mind. Actually, let's begin with political signs that are simply pushed down a few inches in the ground

with small gauge wire. It is much more likely that they would be caught in a wind, blow into the road, and cause an accident by obstructing someone's view than it is for Mr. Acosta's well-secured privacy screen to do so. If we are going to protect the entire town from possible imagined dangers, we have a lot to legislate before we start infringing on the people's rights of security and privacy on their own property. Mr. Caldwell also expressed concern that "fences that totally obscure the front of a house could also make it difficult for police to keep tabs on well-being." Is Mr. Caldwell seriously insinuating that our Fourth Amendment Rights stated in the United States Constitution should be violated?

Police do NOT have the right to "keep tabs" on us inside our home or on our property without being invited in. Anything they can see from the road is fair game, but we still have the right to restrict their view on private property by closing our curtains, closing our doors, erecting a privacy fence, or building a brick wall if we choose. What would Mr. Caldwell suggest next? That we not be allowed to have solid front doors? That we be required to install see-through glass doors so that the government can make sure we're not doing anything it doesn't approve of? Maybe outlaw curtains? Government, whether it be federal, state, or local, cannot legislate that everyone has the right to view what goes on inside the boundaries of private property. That's simply ludicrous.

Alderman Leroy Roberson expressed concern that if Mr. Acosta was using his fence in an effort to hide junk, that would be "inappropriate in a residential area." Mr. Roberson needs to be reminded that there is already an ordinance about that. He should call Code Enforcement. Mr. Acosta will welcome the appropriate official in behind the fence to see if he is in violation of any junk ordinance.

Before the Board of Aldermen discuss whether or not an ordinance should be enacted that fences be "see-through" or restricted to 4-feet tall, we would like to say this: We put up fences for one reason...to keep unwanted people and pests out therefore keeping our family and property safe. We put up privacy fences for one reason...to protect our privacy, which we have a right to do. A 4-feet tall, see-through fence is no protection at all from someone who wishes to do harm to our families, and would violate our right to privacy, possibly sparking a civil rights lawsuit for the people to defend their rights against a government that wishes to violate those rights in order to bow to an elite minority.

And just as a side note...Anthony Sutton and Chuck Dickson will definitely have our votes. Thank you, gentlemen, for standing up for our rights and freedoms!

Doghouse Ordinance

If the Board of Aldermen intend to enact an ordinance that no doghouses be allowed in front yards, we only have two questions. First, if a resident decides to stake a dog on a lead in the front yard to protect their home, a perfectly legal and acceptable activity (hence the title 'guard dog',) then is that dog exempt from having to have a shelter? Secondly, are there going to be new ordinances concerning flowerpots, porch swings, treehouses, etc.? After all, isn't the person that doesn't like the look of a treehouse disrupting the natural beauty of a tree as important as the person who doesn't like the look of a doghouse?

Vehicle Ordinance

The town board will also be discussing the possibility of regulating how many cars residents can park in their front yard, whether they can park in the grass, and whether they can have a so-called junk car. We would like to remind the Aldermen that each citizen in North Carolina has the right to "the enjoyment of the fruits of their own labor." If a citizen can afford to purchase 10 cars because he or she has earned the financial means to do so, and he or she owns real estate that was purchased without restrictions concerning the number of vehicles, why do the Aldermen think they have the right to tell that citizen where they can park those vehicles? Or if they can park them on grass the citizen paid for?

The People Behind the Harassment

Denise Brooker founded the Facebook page 4 Love of Animals/Chain Free and has actively pursued legislation in Haywood County making it illegal to chain a dog. There are a lot of animals in Haywood County that are abused and neglected, and Ms. Brooker could have used her influence to help all those animals. Her platform would have been much more effective had she understood due process and taken the advice of Mr. Teague and the local animal adoption groups. Mr. Acosta's dog, Thor, was the "poster child" for her cause. Ms. Brooker's goal may have come to fruition if she had focused on an animal that was actually being abused. Hateful rhetoric, including threats of illegal behavior such as stealing Mr. Acosta's dog, is commonplace on the Facebook page.

For example, Carolyn Mickey posts, "Get a drone to get pics." NCGS 15A-300.1(b) states that no person, entity, or state agency shall use an unmanned aircraft system to conduct surveillance of private real property without the consent of the owner. Therefore, Ms. Mickey's post is a request to the public at large to break the law and invade Mr. Acosta's privacy in order to satisfy their curiosity concerning what is behind his fence. Kim Gillespie responded, "They shouldn't need a drone. There has been animal abuse there before, so AC (animal control) should be able to just stop by and do a check. And if dogs are chained up and abused, they should be taken immediately. This is crazy." Ms. Gillespie is recommending that Haywood County ignore Mr. Acosta's 4th Amendment right against illegal search simply because SHE has decided that he is guilty of the crime of animal abuse, without him ever being charged, tried, or convicted. She is also suggesting that animals should be taken away from him without due process, based on the whim of an animal control employee. The actual law does not seem to have any bearing on what lengths these people are willing to go to.

4 Love of Animals/Chain Free has harassed Mr. Acosta for years. They post pictures of his house online. They incite anger and violence against him by saying he abuses his pets. They attempt to intimidate and bully him online. He fears that their inflammatory rhetoric will spark retaliation from fanatics, putting his family in danger. NCGS 14-196.3 (b) states that it is unlawful for a person to electronically communicate to another repeatedly...for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person. They have threatened to enter Mr. Acosta's property without his permission, steal his pets, made false statements about him abusing his pets, and continually attempted to annoy, harass, and embarrass him.

It is important to note that Carolyn Mickey (a resident and homeowner of Maggie Valley), Kim Gillespie (a resident of Maggie Valley), and Denise Brooker (a resident and homeowner of Lake Junaluska), are not residents or taxpayers of Waynesville; therefore they would not be subject to any ordinances that the Board of Aldermen might enact.

In addition to the 4 Love of Animals/Chain Free group, Mr. Acosta has been subjected to vehicle after vehicle slowing down in front of his home, driving slowly and staring at his kids, pets, and property. We feel that their actions easily fit into the category of Stalking as defined in NCGS 14-277.3A. Mr. Acosta has installed motion activated cameras that video record any activity. If the stalking and harassment continue, he will contact an attorney and seek advice concerning legal action.

Summary

Now, after so many failed attempts of depriving Mr. Acosta of his rights and after so many years of harassment, 4 Love of Animals/Chain Free, along with others, have rallied their troops and are out for blood. They are determined to use the Board of Aldermen as a weapon to legislate Mr. Acosta out of his property rights. All for the simple purpose of winning a war that they waged against a single dad who was simply living his life, within the law, without bothering anyone by chaining a dog in his yard like hundreds, if not thousands, of other residents do daily. The dog they are upset about is dead, but their rage lives on, and they demand vengeance.... any way they can get it. We would advise the Board of Aldermen to not join the lynch mob that 4 Love of Animals/Chain Free and the select few people who stand with them have assembled, and whose aim it is to intimidate Mr. Acosta and deprive him of his rights.

When the elected officials of Waynesville decide they have the authority to legislate ordinances designed to limit or infringe on our constitutional rights, especially at the request of a special interest group or a select few, the citizens will not stand for it. The Mayor and the Aldermen must remember that they are ELECTED OFFICIALS, and that the residents of Waynesville elected them. And the residents of Waynesville can remove them. If Waynesville's Mayor and Aldermen decide to cave to the demands of an elite few and create unneeded ordinances to tell us how we can use our private property, we will contact a civil rights attorney to discuss legal action to challenge the ordinances they enact. In the meantime, front yard dog houses and mesh fences may multiply exponentially.

We sincerely hope that the Mayor and the Board of Aldermen will remember that their oaths of office require them to uphold the laws of the United States of America and the laws of the State of North Carolina, and to support, maintain, and defend the United States Constitution and the North Carolina Constitution. It would be wise for them to remember Section 2 of the North Carolina Constitution..."All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole." In making decisions concerning our rights and freedoms, please remember that WE ARE "We the People."

1. Wayne McCall
2. Jessica Belt
3. Josh Phillips
4. Kimberly Phillips
5. Misty Pooler
6. Nate Pooler
7. Ann McCall
8. Tasha Smith
9. Ron Ledford
10. Rebecca Osborn
11. Megan Trull
12. Nathan Osborn
13. Jeremy Davis
14. Scarlett Harris
15. Randy Phillips
16. Nathalie Smith
17. Ashley Inman
18. William Swanger
19. Loulou Woods
20. Kayla Smith
21. Krista Joyce
22. Dewayne Pressley
23. Jacklyne Metcalf
24. Zachery Davis
25. Amanda L. Owenby
26. Stephanie Willett
27. Katie Willis
28. Andrea Rathbone
29. Josh Wright
30. Mikeala Parton
31. Diné Elizabeth
32. Brandon Batson
33. Jared Gilliland
34. Dalton Messer
35. Kim McCall
36. Kim Dillard
37. David Acosta
38. Paula Prillaman
39. Matt Walker
40. Sherry Barton
41. Charlie Alexander
42. Brittany Johnson
43. Ann Whitner
44. Robin Rupe
45. Ashley Wood
46. Samuel Rupe
47. Anna Hightower
48. Sherrie Griffith
49. Travis Wood
50. Matthew Gentr
51. Austin Rogers
52. Lori Anne Surret
53. Aleisha Evans
54. Brandon Aldredge
55. Yvonne McMahon
56. Lucas Alexander
57. Clarissa DuJat
58. Kathy Caldwell
59. Misty Barton
60. Teresa Kirkpatrick
61. Robert McClure
62. Lisa Allison
63. Barri Dawn Willis
64. Amanda Parker
65. Lisa Caldwell
66. Linda Trantham
67. Eric Lemerise
68. Karen Thomas

(These are the signatures on the letter at the time it was submitted to the Town of Waynesville.)

Community Petition for Town of Waynesville Assistance

Concerning increased traffic & speeding on Hendrix St. Waynesville

We, the undersigned, would greatly appreciate the Town of Waynesville assistance and consideration for our concerns regarding increased traffic & speeding on Hendrix St. in Waynesville. Hendrix St is a main access road, near Wal-Mart and a bypass road from Old Balsam Rd to Allens Creek. It is frequently the custom of drivers to well exceed the speed limit of 35 mph, with little regard for being stopped by the law. Dailey, we observe and hear cars speeding and scraping their tires against the curbs due to this. Every month for the past few years someone has hit the curb and busted a tire from speeding or not paying attention. Many drivers, especially motorcycles, and many other fast vehicles race through the straight-away like they are on an open highway. This excessive speeding is causing dangerous circumstances for our families on our residential street. As residents of this community we are concerned for our families and the people in our community's safety. There are many people; the elderly, disabled veterans, young families walking, and other disabled people in wheel chairs who travel the sidewalks on our street in order to get to the stores and other community places. There are children who play in the yards close to the street and it is our worry that one day a major accident will occur. To avoid such a tragedy, we ask for your help. We would very much like to see speed bumps installed on our street. We feel this will provide a physical reminder for people to slow down, where as a lower speed limit would just be ignored. We feel speed bumps will prevent those drivers from increasing their speed in the strait of ways, as they do this on a daily basis. We hope you take our petition seriously and will consider helping us with the speeding concerns for our street & community. Thank You for listening to us.

Community Petition for Towns assistance

For increased traffic & speeding concerns on Hendrix St. Waynesville.

1. K. Boyer #132 Hendrix St.
2. ~~Hank~~ Jo Bottger " " "
3. Phyllis M. Austen 100 Hendrix St.
4. William B. Hunter 100 Hendrix St.
5. ~~Edna~~ ~~Blaylock~~
6. ~~Ronia~~ ~~Holt~~
7. John Clark Disabled I use the street
8. Ricky Pollard Disabled I use the street
9. Leah Fowler 127 Hendrix St.
10. David Fowler " "
11. Brooke Silver 1102 Hendrix St.
12. ~~Trey~~ Silver " "
13. ~~M~~ Kennedy 152 Hendrix St.
14. Thomas Cooper 125 Franklin St.
15. Carolyn Cooper 1131 Franklin St.
16. Jason Phillips 106 Franklin St.
17. Billy Phillips 106 Franklin St.
18. James D. Brown 95 Franklin St.
19. Jamie GARDNER 92 Franklin St.
20. Kim GARDNER 92 Franklin St.
21. Makayla Pulliam 67 Franklin St.
22. Ruby E. Rogers 52 Franklin St. Waynesville
23. Robin Rupe 28 Franklin Street Waynesville NC 28786
24. Travis ~~for~~ Wood 28 Franklin Street Waynesville
25. Samuel Rupe 28 Franklin Street Waynesville
26. Charlie Alexander 28 Franklin Street Waynesville
27. John Rhea 28 Franklin Street Waynesville
28. Betty Jo Conard I Walk this Rd
29. Kimberly Jorney 159 Hendrix St Waynesville.
30. ~~John~~ ~~Mushy~~ 35 Franklin Waynesville, NC
31. ~~Kara~~ ~~W~~ 85 Franklin St Waynesville NC
32. Ryan Great " " " "

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 22, 2019**

SUBJECT: Public Hearing to consider application for a Conditional District Rezoning and Map Amendment at 366 Russ Avenue, PIN # 8616-40-3231.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B-3
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: The owners of the Mountain Creek Plaza, RFLP Mountain Creek LLC, with Tribridge Residential and Civil Design Concepts has applied for a conditional district zoning overlay to the property known as the “Bi-Lo Shopping Center” site. In accordance with the Town’s Land Development Standards Section 15.15, the Planning Board held a public hearing and reviewed the application on October 1, 2019. The Board of Aldermen must also hold a public hearing as with any other zoning map or text amendment and find that this action would be reasonable and in the public interest and consistent with the town’s 2020 Comprehensive Land Use Plan.

The notice of public hearing was published in the Mountaineer on Friday, October 11 and Friday, October 18th.

MOTION FOR CONSIDERATION:

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 approve/deny/or approve with conditions the conditional district rezoning application at 366 Russ Avenue, PIN # 8616-40-3231.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff Report
2. Site and Zoning Maps;
3. Report from the Planning Board
4. Application Materials.

MANAGER’S COMMENTS AND RECOMMENDATIONS: This is a public hearing as part of a legislative proceeding.

**Board of Aldermen Staff Report
Mountain Creek Plaza Conditional District Map amendment (Rezoning) Application
October 22, 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 text and map amendments. The Planning Board held a hearing on this application at a special called meeting on October 1, 2019 and voted unanimously to recommend approval by the Board of Aldermen and found that the project was reasonable, in the public interest and consistent with the 2020 Comprehensive Land Use Plan. A written report from the Planning Board is included in your agenda packet.

If approved by the Board, the site plan and CD designation will replace any conflicting development regulations which would otherwise apply to the development site. The Board of Aldermen may attach reasonable and appropriate conditions and site-specific standards to the development as part of the approval. These should be limited to those that address conformance with the ordinance and officially adopted plans, and those conditions that address the impacts reasonably expected to be generated by the development and use of the site. Should additional conditions be imposed by the Board, “the applicant will have a reasonable opportunity to consider and respond prior to final action.”

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, letters were sent to property owners within 500 feet of the project site, and the property was posted on October 7, 2019.

Conditional District Application and Ordinance Request:

The Mountain Creek Project is proposed to re-use the 8.8 acre Shopping Center site as 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 1000 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 alleyway. (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 the 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 which is allowed. (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, and the applicant indicated at the Planning Board that they would work with Haywood Transit to identify the most appropriate location. (6.4.3)

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" but in this case they are allowing thru-traffic and exceeding the alley dimensional requirements and providing sidewalk 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 future roadway project which will replace existing sidewalk at this location. (6.8)

Applicant has provided Peak hour trip generation data for proposed and previous uses per the Institute of Transportation Engineers (ITE) Trip Generation guidelines, showing a decrease in traffic demand from the previous use of the site. Given the reduced commercial activity of the past few years on this site, there

will no doubt be an increase in traffic from what the community is accustomed to from this site's traffic impact. 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 located in coordination with the Town's TRC staff. Building and Fire Code enforcement has asked for additional grading to ensure emergency access around building 1000 without blocking the building side access and the developer indicated that they would work with building code staff to ensure compliance.

Civic Space

Residential development within the RA-RC District requires 2% Civic Space. The property is within 40' of the Town's Recreation Park and playground across West Marshall Street qualifying applicant for a 50% in required civic space. Therefore in this location on this 8.8 acre parcel, only 3,833 square feet of civic space would be required. Applicant is providing 5,191 SF of passive open green space in the center of the development, and 8,464 SF of recreational open space that includes and outdoor pool, providing 3.5% civic and open space outside of the floodplain. (7.2-7.3)

In addition, the applicant commits to providing the Town with a greenway easement in accordance with the Town's adopted Pedestrian Master Plan and Greenway Feasibility Study. The easement is shown as 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). The applicant has suggested that they could consider offering the entire area encompassing the greenway and adjacent greenspace within the floodway to the Town in its entirety, if the Town would be interested in pursuing that approach. Site plan also dedicates 3 parking spaces adjacent to the greenway area for public parking and access.

Staff believes the site plan exceeds the civic space and access requirements, but would recommend that an agreement with the Town on future greenway and fishing area easement, or a formal offer of property, be developed as a condition of approval.

Landscaping and Parking

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

At the Planning Board hearing Barbara Norris asked in consideration of pedestrians walking through to access the park or the greenway, and customers accessing her property in vehicles, that landscaping on the West Marshall side of the alley and parking lot be limited and placed for maximum line-of-site and safety.

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 320 spaces are provided, 8 of which are ADA compliant, and 3 of which are dedicated for public use adjacent to the greenway. 318 spaces would also require 16 bike spaces and they have indicated that this will be provided. The drawing as shown therefore 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. 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 of 1.83 acres. 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. The net loss of impervious surface would exempt them from the stormwater management ordinance, but they are still providing a stormwater management and drainage plan to manage roof and parking lot runoff. This includes a swale along the railroad and Russ Avenue sides of the property and 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 impervious surface, improving the existing condition. (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 it re-uses 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 approve/deny/or approve with conditions.

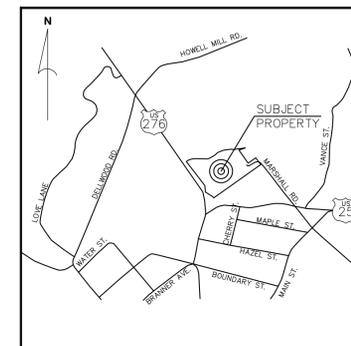
MOUNTAIN CREEK

TOWN OF WAYNESVILLE, NORTH CAROLINA

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

INDEX OF SHEETS

| Sheet No. | Title |
|-----------|---------------------------------------|
| C000 | COVER |
| C001 | SURVEY |
| C101 | EXISTING CONDITIONS & DEMOLITION PLAN |
| C201 | SITE PLAN |
| C301 | ROUGH GRADING & EROSION CONTROL PLAN |
| C501 | STORM DRAINAGE PLAN |
| C601 | UTILITY PLAN |
| L101 | LANDSCAPE PLAN |



VICINITY MAP
(NOT TO SCALE)



Know what's below.
Call before you dig.

| DEVELOPMENT DATA | |
|------------------|---|
| OWNER/DEVELOPER: | TRIBRIDGE RESIDENTIAL 100 PEACHTREE STREET NW, SUITE 1400 ATLANTA, GA 30303 |
| CONTACT: | KATHERINE MOSLEY (404) 352-2800 |
| CIVIL ENGINEER: | CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 |
| CONTACT: | WARREN SUGG, P.E. (828) 252-5388 |
| ARCHITECT: | POOLE & POOLE ARCHITECTURE, LLC 3736 WINTERFIELD ROAD, SUITE 102 MIDLOTHIAN, VA 23113 |
| CONTACT: | DAVE KELLEY, A.I.A. (804) 225-0215 |

CDC Civil Design Concepts, PA
 www.civildesignconcepts.com
 NCELS LICENSE # C-2184

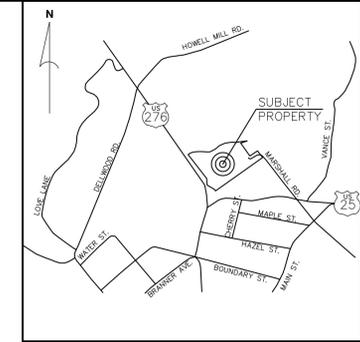
| NO. | DATE | DESCRIPTION | BY |
|-----|------------|-----------------------|-----|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL | SBS |



COVER FOR:
MOUNTAIN CREEK
 TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

DRAWN BY: AMP
 CDC PROJECT NO.: 21936

SHEET
C001



VICINITY MAP
(NOT TO SCALE)

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5588
FAX (828) 252-5585

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 252-5400
FAX (828) 456-5455



| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL |

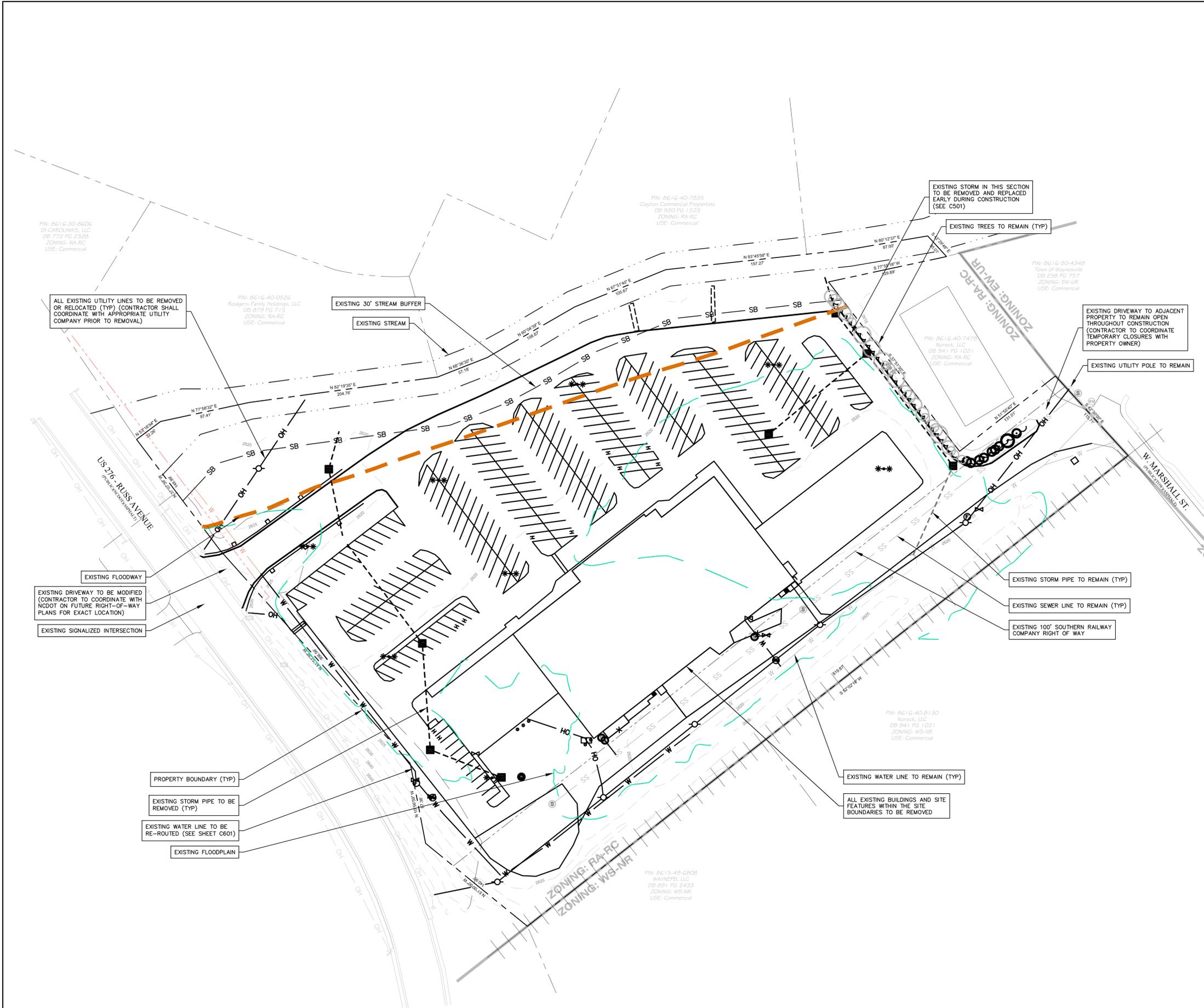


EXISTING CONDITIONS & DEMOLITION PLAN FOR:
MOUNTAIN CREEK
TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 21936

SHEET

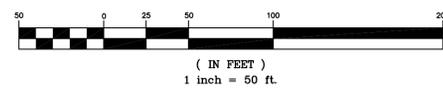
C101



| DEVELOPMENT DATA | | | |
|--------------------------|--|-------------------------------|------------|
| OWNER/DEVELOPER: | TRIBRIDGE RESIDENTIAL 100 PEACHTREE STREET NW, SUITE 1400 ATLANTA, GA 30303 KATHERINE MOSLEY (404) 352-2800 | | |
| CONTACT: | | | |
| CIVIL ENGINEER: | CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388 | | |
| CONTACT: | | | |
| SURVEYOR: | OWENS SURVEYING 19 FORGA PLAZA LOOP WAYNESVILLE, NC 28786 RICHARD M. OWENS JR., P.L.S. (828) 456-9500 | | |
| CONTACT: | | | |
| ARCHITECT: | POOLE & POOLE ARCHITECTURE, LLC 3736 WINTERFIELD ROAD, SUITE 102 MIDLOTHIAN, VA 23113 DAVE KELLEY, A.I.A. (804) 225-0215 | | |
| CONTACT: | | | |
| PROJECT DATA | | | |
| PIN: | 8616-40-3231 | | |
| ADDRESS: | 366 RUSS AVENUE | | |
| DEED BOOK/PAGE: | 816/1751 | | |
| SITE ACREAGE: | 8.80 ACRES | | |
| ZONING: | RA-RC - REGIONAL CENTER | | |
| SETBACKS: | | | |
| FRONT: | 10' | | |
| SIDES: | 10' | | |
| REAR: | 6' | | |
| PROPOSED UNITS: | 210 MULTI-FAMILY UNITS | | |
| DENSITY SUMMARY: | | | |
| PROPOSED: | 24 UNITS/ACRE | | |
| EXISTING USE: | VACANT COMMERCIAL | | |
| PROPOSED USE: | MULTI-FAMILY RESIDENTIAL | | |
| DISTURBED AREA: | 7.13 AC | | |
| PARKING CALCULATIONS: | | | |
| VEHICULAR: | | | |
| BUILDING 1000: | 93 UNITS | | |
| BUILDING 2000: | 117 UNITS | | |
| SPACES REQUIRED: | 316 | | |
| SPACES PROVIDED: | 320 (8 HC SPACES) (3 PUBLIC SPACES) 1.53 PER UNIT | | |
| BICYCLE PARKING: | REQUIRED: 16 PROVIDED: 16 | | |
| BUILDING DATA: | | | |
| BUILDING | DESCRIPTION | HEIGHT | GEA |
| BUILDING 1000 | 4 STORY APARTMENT | 60'-6" | 111,056 SF |
| BUILDING 2000 | 4 STORY APARTMENT | 60'-6" | 158,572 SF |
| IMPERVIOUS CALCULATIONS: | | | |
| PRE-DEVELOPMENT | IMPERVIOUS | PERVIOUS | |
| | 6.02 ACRES (68%) | 2.78 ACRES (32%) | |
| POST-DEVELOPMENT | 4.19 ACRES (48%) | 4.61 ACRES (52%) | |
| OPEN SPACE: | | | |
| REQUIRED: | 7,667 SF (2% OF SITE) | PROVIDED: 13,655 SF | |
| 50% REDUCTION = | 3,834 SF | (DUE TO ADJACENT CIVIL SPACE) | |



EXISTING CONDITIONS & DEMOLITION PLAN
GRAPHIC SCALE



PIN: 8616-30-8606
DI-CAROLINAS, LLC
DB 772 PG 2328
ZONING: RA-RC
USE: Commercial

PIN: 8616-40-0526
Rogers Family Holdings, LLC
DB 879 PG 715
ZONING: RA-RC
USE: Commercial

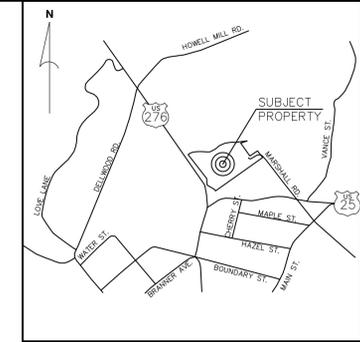
PIN: 8616-40-7835
Clayton Commercial Properties
DB 920 PG 1529
ZONING: RA-RC
USE: Commercial

PIN: 8616-50-4348
Town of Waynesville
DB 258 PG 757
ZONING: EW-UR
USE: Commercial

PIN: 8616-40-7478
Noreck, LLC
DB 941 PG 1021
ZONING: RA-RC
USE: Commercial

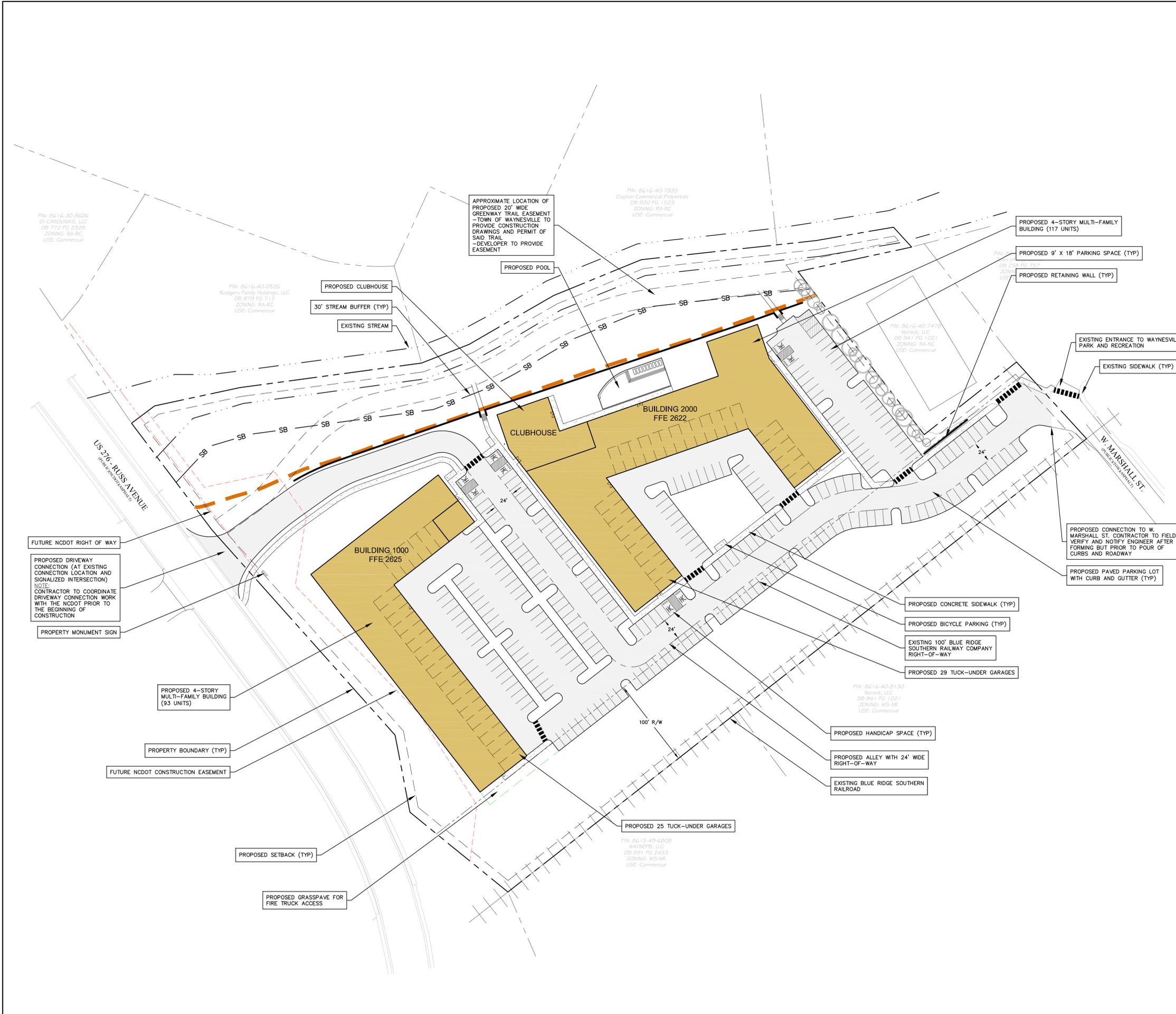
PIN: 8616-40-8130
Noreck, LLC
DB 941 PG 1021
ZONING: WS-NR
USE: Commercial

PIN: 8615-49-6508
WAYNES, LLC
DB 891 PG 2433
ZONING: WS-NR
USE: Commercial



VICINITY MAP
(NOT TO SCALE)

| DEVELOPMENT DATA | | | |
|--------------------------|--|-------------------------------|------------|
| OWNER/DEVELOPER: | TRIBRIDGE RESIDENTIAL 100 PEACHTREE STREET NW, SUITE 1400 ATLANTA, GA 30303 KATHERINE MOSLEY (404) 352-2800 | | |
| CONTACT: | | | |
| CIVIL ENGINEER: | CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388 | | |
| CONTACT: | | | |
| SURVEYOR: | OWENS SURVEYING 19 FORGA PLAZA LOOP WAYNESVILLE, NC 28788 RICHARD M. OWENS JR., P.L.S. (828) 456-9500 | | |
| CONTACT: | | | |
| ARCHITECT: | POOLE & POOLE ARCHITECTURE, LLC 3736 WINTERFIELD ROAD, SUITE 102 MIDLOTHIAN, VA 23113 DAVE KELLEY, A.I.A. (804) 225-0215 | | |
| CONTACT: | | | |
| PROJECT DATA | | | |
| PIN: | 8616-40-3231 | | |
| ADDRESS: | 366 RUSS AVENUE | | |
| DEED BOOK/PAGE: | 816/1751 | | |
| SITE ACREAGE: | 9.80 ACRES | | |
| ZONING: | RA-RC - REGIONAL CENTER | | |
| SETBACKS: | | | |
| FRONT: | 10' | | |
| SIDES: | 10' | | |
| REAR: | 6' | | |
| PROPOSED UNITS: | 210 MULTI-FAMILY UNITS | | |
| DENSITY SUMMARY: | | | |
| PROPOSED: | 24 UNITS/ACRE | | |
| EXISTING USE: | VACANT COMMERCIAL | | |
| PROPOSED USE: | MULTI-FAMILY RESIDENTIAL | | |
| DISTURBED AREA: | 7.13 AC | | |
| PARKING CALCULATIONS: | | | |
| VEHICULAR: | | | |
| BUILDING 1000: | 93 UNITS | MINIMUM 140 | |
| BUILDING 2000: | 117 UNITS | 176 | |
| SPACES PROVIDED: | 320 | 320 (8 HC SPACES) | |
| | | (3 PUBLIC SPACES) | |
| | | 1.53 PER UNIT | |
| BICYCLE PARKING: | REQUIRED: 16 | PROVIDED: 16 | |
| BUILDING DATA: | | | |
| BUILDING | DESCRIPTION | HEIGHT | GEA |
| BUILDING 1000 | 4 STORY APARTMENT | 60'-6" | 111,056 SF |
| BUILDING 2000 | 4 STORY APARTMENT | 60'-6" | 158,572 SF |
| IMPERVIOUS CALCULATIONS: | | | |
| PRE-DEVELOPMENT | IMPERVIOUS | PERVIOUS | |
| | 6.02 ACRES (68%) | 2.78 ACRES (32%) | |
| POST-DEVELOPMENT | 4.19 ACRES (48%) | 4.61 ACRES (52%) | |
| OPEN SPACE: | | | |
| REQUIRED: | 7,667 SF (2% OF SITE) | PROVIDED: 13,655 SF | |
| 50% REDUCTION = | 3,834 SF | (DUE TO ADJACENT CIVIL SPACE) | |



SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28788
PHONE (828) 252-5400
FAX (828) 456-5455

Civil Design Concepts, PA
www.civildesignconcepts.com

| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL |

SITE PLAN FOR:

MOUNTAIN CREEK

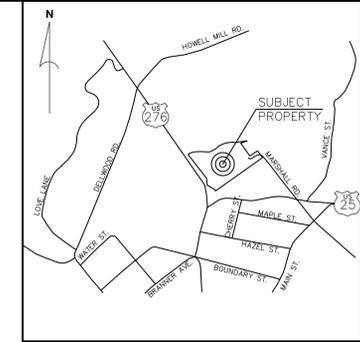
TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

DRAWN BY:
CDC PROJECT NO:

AMP
21936

SHEET

C201



VICINITY MAP
(NOT TO SCALE)

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5989
FAX (828) 252-5985

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 252-5989
FAX (828) 456-5455



| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL |



ROUGH GRADING & EROSION CONTROL PLAN FOR:
MOUNTAIN CREEK

TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 21936

SHEET
C301

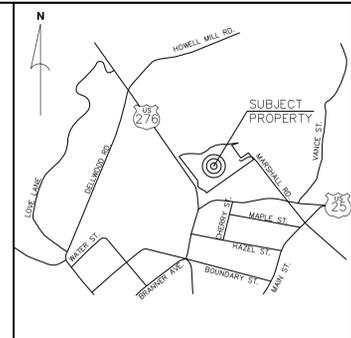
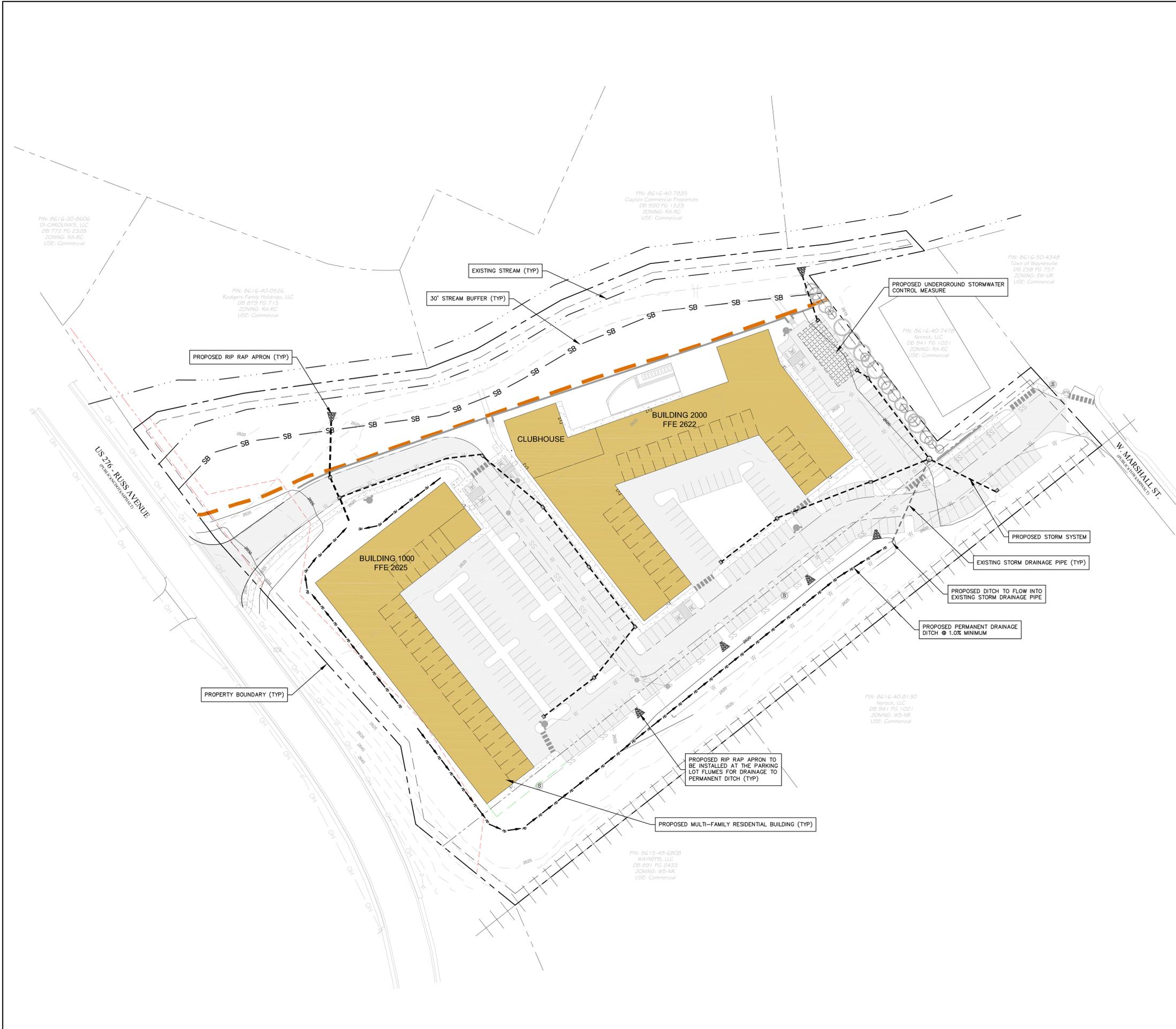


| DEVELOPMENT DATA | | | |
|---------------------------------|--|------------------|------------|
| OWNER/DEVELOPER: | TRIBRIDGE RESIDENTIAL 100 PEACHTREE STREET NW, SUITE 1400 ATLANTA, GA 30303 KATHERINE MOSLEY (404) 352-2800 | | |
| CONTACT: | | | |
| CIVIL ENGINEER: | CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388 | | |
| CONTACT: | | | |
| SURVEYOR: | OWENS SURVEYING 19 FORGA PLAZA LOOP WAYNESVILLE, NC 28786 RICHARD M. OWENS JR., P.L.S. (828) 456-9500 | | |
| CONTACT: | | | |
| ARCHITECT: | POOLE & POOLE ARCHITECTURE, LLC 3736 WINTERFIELD ROAD, SUITE 102 MIDLOTHIAN, VA 23113 DAVE KELLEY, A.I.A. (804) 225-0215 | | |
| CONTACT: | | | |
| PROJECT DATA | | | |
| PIN: | 8616-40-3231 | | |
| ADDRESS: | 366 RUSS AVENUE | | |
| DEED BOOK/PAGE: | 816/1751 | | |
| SITE ACREAGE: | 8.80 ACRES | | |
| ZONING: | RA-RC - REGIONAL CENTER | | |
| SETBACKS: | | | |
| FRONT: | 10' | | |
| SIDES: | 10' | | |
| REAR: | 6' | | |
| PROPOSED UNITS: | 210 MULTI-FAMILY UNITS | | |
| DENSITY SUMMARY: | | | |
| PROPOSED: | 24 UNITS/ACRE | | |
| EXISTING USE: | VACANT COMMERCIAL | | |
| PROPOSED USE: | MULTI-FAMILY RESIDENTIAL | | |
| DISTURBED AREA: | 7.13 AC | | |
| PARKING CALCULATIONS: | | | |
| VEHICULAR: | | | |
| BUILDING 1000: | 93 UNITS | | |
| BUILDING 2000: | 117 UNITS | | |
| SPACES PROVIDED: | 320 (8 HC SPACES) (3 PUBLIC SPACES) 1.53 PER UNIT | | |
| BICYCLE PARKING: | REQUIRED: 16 PROVIDED: 16 | | |
| BUILDING DATA: | | | |
| BUILDING | DESCRIPTION | HEIGHT | GEA |
| BUILDING 1000 | 4 STORY APARTMENT | 60'-6" | 111,056 SF |
| BUILDING 2000 | 4 STORY APARTMENT | 60'-6" | 158,572 SF |
| IMPERVIOUS CALCULATIONS: | | | |
| PRE-DEVELOPMENT | IMPERVIOUS | PERVIOUS | |
| | 6.02 ACRES (68%) | 2.78 ACRES (32%) | |
| POST-DEVELOPMENT | 4.19 ACRES (48%) | 4.61 ACRES (52%) | |
| OPEN SPACE: | | | |
| REQUIRED: 7,667 SF (2% OF SITE) | PROVIDED: 13,655 SF | | |
| 50% REDUCTION = 3,834 SF | (DUE TO ADJACENT CIVIL SPACE) | | |

Know what's below.
Call before you dig.

ROUGH GRADING & EROSION CONTROL PLAN
CONTROL PLAN
GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.



VICINITY MAP
(NOT TO SCALE)

| DEVELOPMENT DATA | | | |
|--------------------------|--|-------------------------------|------------|
| OWNER/DEVELOPER: | TRIBRIDGE RESIDENTIAL 100 PEACHTREE STREET NW, SUITE 1400 ATLANTA, GA 30303 KATHERINE MOSLEY (404) 352-2800 | | |
| CONTACT: | | | |
| CIVIL ENGINEER: | CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388 | | |
| CONTACT: | | | |
| SURVEYOR: | OWENS SURVEYING 19 FORGA PLAZA LOOP WAYNESVILLE, NC 28788 RICHARD M. OWENS JR., P.L.S. (828) 456-9500 | | |
| CONTACT: | | | |
| ARCHITECT: | POOLE & POOLE ARCHITECTURE, LLC 3736 WINTERFIELD ROAD, SUITE 102 MIDLOTHIAN, VA 23113 DAVE KELLEY, A.I.A. (804) 225-0215 | | |
| CONTACT: | | | |
| PROJECT DATA | | | |
| PIN: | 8616-40-3231 | | |
| ADDRESS: | 366 RUSS AVENUE | | |
| DEED BOOK/PAGE: | 816/1751 | | |
| SITE ACREAGE: | 9.80 ACRES | | |
| ZONING: | RA-RC - REGIONAL CENTER | | |
| SETBACKS: | | | |
| FRONT: | 10' | | |
| SIDES: | 10' | | |
| REAR: | 6' | | |
| PROPOSED UNITS: | 210 MULTI-FAMILY UNITS | | |
| DENSITY SUMMARY: | | | |
| PROPOSED: | 24 UNITS/ACRE | | |
| EXISTING USE: | VACANT COMMERCIAL | | |
| PROPOSED USE: | MULTI-FAMILY RESIDENTIAL | | |
| DISTURBED AREA: | 7.13 AC | | |
| PARKING CALCULATIONS: | | | |
| VEHICULAR: | | | |
| BUILDING 1000: | 93 UNITS | | |
| BUILDING 2000: | 117 UNITS | | |
| SPACES REQUIRED: | 320 (8 HC SPACES) | | |
| SPACES PROVIDED: | (3 PUBLIC SPACES) 1.53 PER UNIT | | |
| BICYCLE PARKING: | REQUIRED: 16 PROVIDED: 16 | | |
| BUILDING DATA: | | | |
| BUILDING | DESCRIPTION | HEIGHT | GEA |
| BUILDING 1000 | 4 STORY APARTMENT | 60'-6" | 111,056 SF |
| BUILDING 2000 | 4 STORY APARTMENT | 60'-6" | 158,572 SF |
| IMPERVIOUS CALCULATIONS: | | | |
| PRE-DEVELOPMENT | IMPERVIOUS | PERVIOUS | |
| | 6.02 ACRES (68%) | 2.78 ACRES (32%) | |
| POST-DEVELOPMENT | 4.19 ACRES (48%) | 4.61 ACRES (52%) | |
| OPEN SPACE: | | | |
| REQUIRED: | 7,667 SF (2% OF SITE) | PROVIDED: 13,655 SF | |
| 50% REDUCTION = | 3,834 SF | (DUE TO ADJACENT CIVIL SPACE) | |

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5388



| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL |

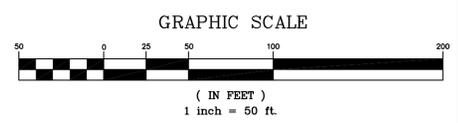


Know what's below.
Call before you dig.



NORTH

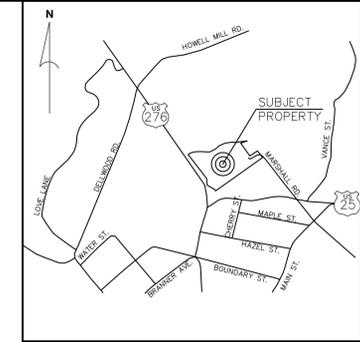
STORM DRAINAGE PLAN



STORM DRAINAGE PLAN FOR:
MOUNTAIN CREEK
TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

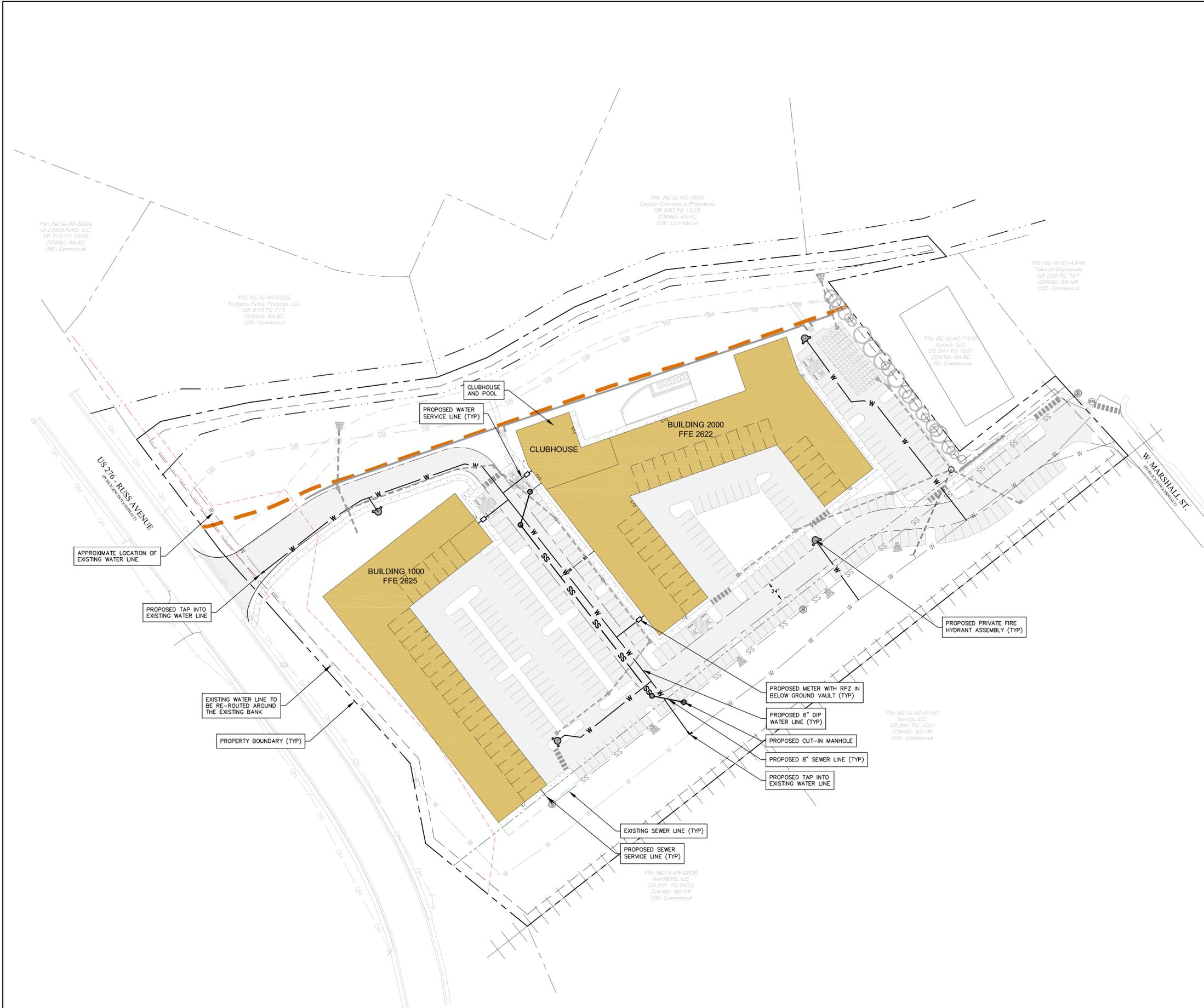
DRAWN BY: AMP
CDC PROJECT NO.: 21936

SHEET
C501



VICINITY MAP
(NOT TO SCALE)

| DEVELOPMENT DATA | | | |
|--------------------------|--|-------------------------------|------------|
| OWNER/DEVELOPER: | TRIBRIDGE RESIDENTIAL 100 PEACHTREE STREET NW, SUITE 1400 ATLANTA, GA 30303 KATHERINE MOSLEY (404) 352-2800 | | |
| CONTACT: | | | |
| CIVIL ENGINEER: | CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388 | | |
| CONTACT: | | | |
| SURVEYOR: | OWENS SURVEYING 19 FORGA PLAZA LOOP WAYNESVILLE, NC 28788 RICHARD M. OWENS JR., P.L.S. (828) 456-9500 | | |
| CONTACT: | | | |
| ARCHITECT: | POOLE & POOLE ARCHITECTURE, LLC 3736 WINTERFIELD ROAD, SUITE 102 MIDLOTHIAN, VA 23113 DAVE KELLEY, A.I.A. (804) 225-0215 | | |
| CONTACT: | | | |
| PROJECT DATA | | | |
| PIN: | 8616-40-3231 | | |
| ADDRESS: | 366 RUSS AVENUE | | |
| DEED BOOK/PAGE: | 816/1751 | | |
| SITE ACREAGE: | 9.80 ACRES | | |
| ZONING: | RA-RC - REGIONAL CENTER | | |
| SETBACKS: | | | |
| FRONT: | 10' | | |
| SIDES: | 10' | | |
| REAR: | 6' | | |
| PROPOSED UNITS: | 210 MULTI-FAMILY UNITS | | |
| DENSITY SUMMARY: | | | |
| PROPOSED: | 24 UNITS/ACRE | | |
| EXISTING USE: | VACANT COMMERCIAL | | |
| PROPOSED USE: | MULTI-FAMILY RESIDENTIAL | | |
| DISTURBED AREA: | 7.13 AC | | |
| PARKING CALCULATIONS: | | | |
| VEHICULAR: | | | |
| BUILDING 1000: | 93 UNITS | | |
| BUILDING 2000: | 117 UNITS | | |
| SPACES REQUIRED: | 316 | | |
| SPACES PROVIDED: | 320 (8 HC SPACES) (3 PUBLIC SPACES) 1.53 PER UNIT | | |
| BICYCLE PARKING: | REQUIRED: 16 PROVIDED: 16 | | |
| BUILDING DATA: | | | |
| BUILDING | DESCRIPTION | HEIGHT | GEA |
| BUILDING 1000 | 4 STORY APARTMENT | 60'-6" | 111,056 SF |
| BUILDING 2000 | 4 STORY APARTMENT | 60'-6" | 158,572 SF |
| IMPERVIOUS CALCULATIONS: | | | |
| PRE-DEVELOPMENT | IMPERVIOUS | PERVIOUS | |
| | 6.02 ACRES (68%) | 2.78 ACRES (32%) | |
| POST-DEVELOPMENT | 4.19 ACRES (48%) | 4.61 ACRES (52%) | |
| OPEN SPACE: | | | |
| REQUIRED: | 7,667 SF (2% OF SITE) | PROVIDED: | 13,655 SF |
| 50% REDUCTION = | 3,834 SF | (DUE TO ADJACENT CIVIL SPACE) | |



168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28788
PHONE (828) 252-4400
FAX (828) 456-5455

CDC Civil Design Concepts, PA
NCBELS LICENSE # C-2184
www.civildesignconcepts.com

| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL |

UTILITY PLAN FOR:

MOUNTAIN CREEK

TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 21936

SHEET

C601

Know what's below.
Call before you dig.

NORTH

UTILITY PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

PROPOSED PLANT SCHEDULE *

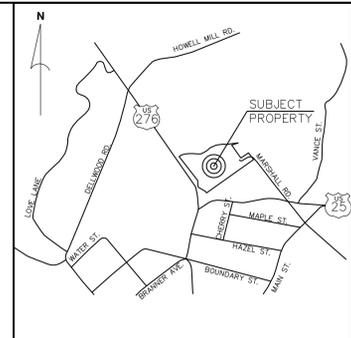
| KEY | QUANTITY | BOTANICAL NAME | COMMON NAME | SIZE | REMARKS | CLASSIFICATION |
|-----|----------|----------------------------------|----------------------------|----------------|---------|----------------|
| AF | 22 | ACER X FREEMANII 'AUTUMN BLAZE' | AUTUMN BLAZE FREEMAN MAPLE | 2" CAL./8' HT. | B&B | CANOPY TREE |
| GB | 27 | GINKGO BILOBA 'PRINCETON SENTRY' | PRINCETON SENTRY GINKGO | 2" CAL./8' HT. | B&B | CANOPY TREE |
| PA | 3 | PICEA ABIES | NORWAY SPRUCE | 2" CAL./8' HT. | B&B | EVERGREEN TREE |

LEGEND

OPEN SPACE

EXISTING TREES TO REMAIN

TREE ID NUMBER: SEE TREE PRESERVATION TABLE, THIS SHEET, FOR SPECIES, DBH, AND TREE CREDITS



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

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

CONTACT: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
WARREN SUGG, P.E.
(828) 252-5388

CIVIL ENGINEER: OWENS SURVEYING
19 FORGA PLAZA LOOP
WAYNESVILLE, NC 28788
RICHARD M. OWENS JR., P.L.S.
(828) 456-9500

SURVEYOR: POOLE & POOLE ARCHITECTURE, LLC
3736 WINTERFIELD ROAD, SUITE 102
MIDLOTHIAN, VA 23113
DAVE KELLEY, A.I.A.
(804) 225-0215

PROJECT DATA

PIN: 8616-40-3231
ADDRESS: 366 RUSS AVENUE
DEED BOOK/PAGE: 816/1751
SITE ACREAGE: 8.80 ACRES
ZONING: RA-RC - REGIONAL CENTER

SETBACKS:
FRONT: 10'
SIDES: 10'
REAR: 6'

PROPOSED UNITS: 210 MULTI-FAMILY UNITS

DENSITY SUMMARY

PROPOSED: 24 UNITS/ACRE

EXISTING USE: VACANT COMMERCIAL
PROPOSED USE: MULTI-FAMILY RESIDENTIAL

DISTURBED AREA: 7.13 AC

PARKING CALCULATIONS:

| | | |
|------------------|-----------|---|
| VEHICULAR: | | MINIMUM |
| BUILDING 1000: | 93 UNITS | 140 |
| BUILDING 2000: | 117 UNITS | 176 |
| SPACES REQUIRED: | | 316 |
| SPACES PROVIDED: | | 320 (8 HC SPACES) (3 PUBLIC SPACES) 1.53 PER UNIT |

BICYCLE PARKING: REQUIRED: 16 PROVIDED: 16

BUILDING DATA:

| BUILDING | DESCRIPTION | HEIGHT | GEA |
|---------------|-------------------|--------|------------|
| BUILDING 1000 | 4 STORY APARTMENT | 60'-6" | 111,056 SF |
| BUILDING 2000 | 4 STORY APARTMENT | 60'-6" | 158,572 SF |

IMPERVIOUS CALCULATIONS:

| | IMPERVIOUS | PERVIOUS |
|------------------|------------------|------------------|
| PRE-DEVELOPMENT | 6.02 ACRES (68%) | 2.78 ACRES (32%) |
| POST-DEVELOPMENT | 4.19 ACRES (48%) | 4.61 ACRES (52%) |

OPEN SPACE:

REQUIRED: 7,667 SF (2% OF SITE) PROVIDED: 13,655 SF
50% REDUCTION = 3,834 SF (DUE TO ADJACENT CIVIL SPACE)

PLANTING SUMMARY:

PARKING LOT LANDSCAPE REQUIREMENT:

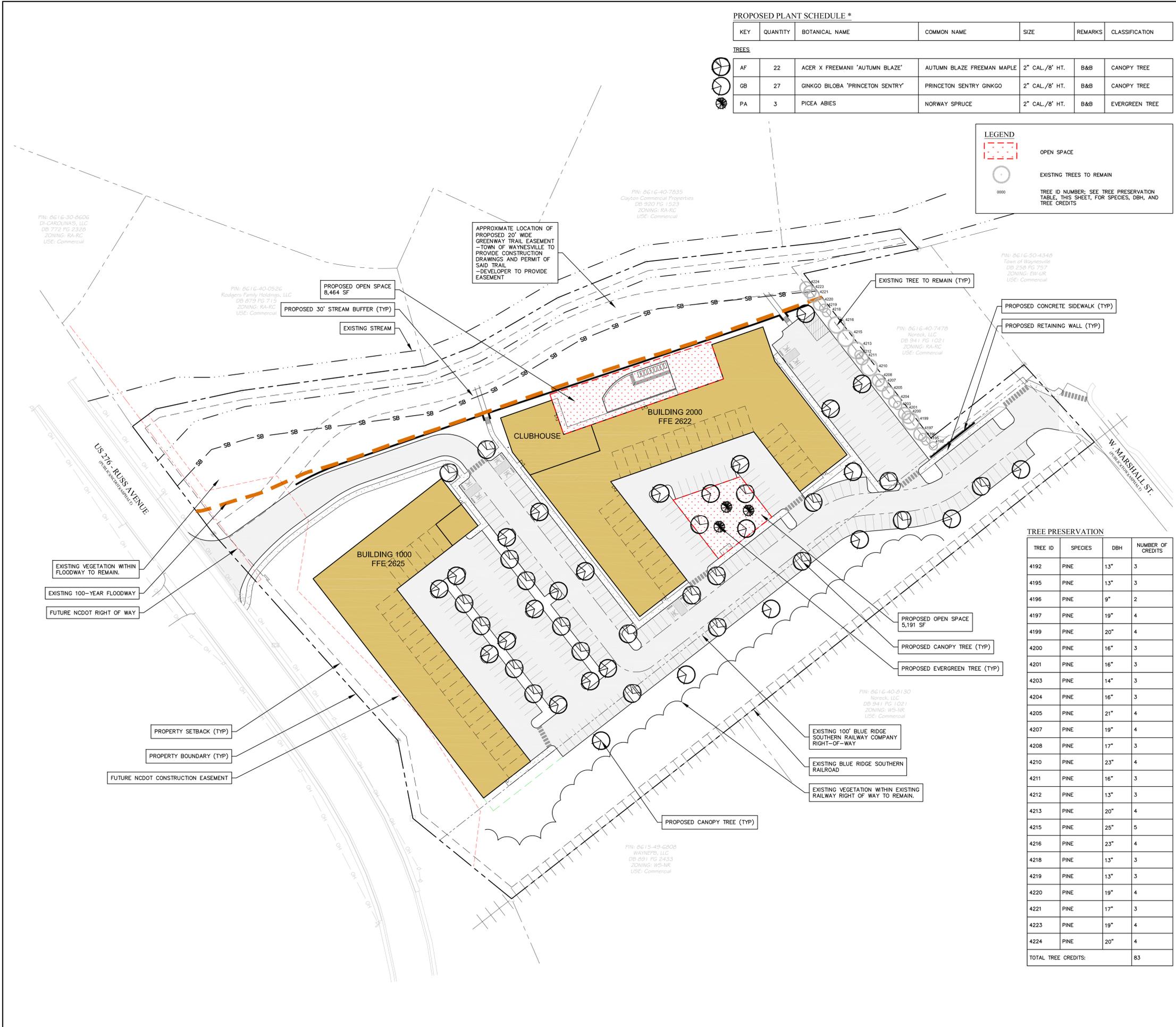
1 CANOPY TREE EVERY 40 LF OF PARKING: 72 TREES
1 CANOPY TREE PER 12 PARKING SPACES: 27 TREES

TOTAL CANOPY TREES REQUIRED: 99 TREES

EXISTING TREES TO REMAIN: 24 (83 CREDITS)
TREES PROVIDED: 3 EVERGREEN TREES
49 CANOPY TREES

TREE PRESERVATION

| TREE ID | SPECIES | DBH | NUMBER OF CREDITS |
|---------------------|---------|-----|-------------------|
| 4192 | PINE | 13" | 3 |
| 4195 | PINE | 13" | 3 |
| 4196 | PINE | 9" | 2 |
| 4197 | PINE | 19" | 4 |
| 4199 | PINE | 20" | 4 |
| 4200 | PINE | 16" | 3 |
| 4201 | PINE | 16" | 3 |
| 4203 | PINE | 14" | 3 |
| 4204 | PINE | 16" | 3 |
| 4205 | PINE | 21" | 4 |
| 4207 | PINE | 19" | 4 |
| 4208 | PINE | 17" | 3 |
| 4210 | PINE | 23" | 4 |
| 4211 | PINE | 16" | 3 |
| 4212 | PINE | 13" | 3 |
| 4213 | PINE | 20" | 4 |
| 4215 | PINE | 25" | 5 |
| 4216 | PINE | 23" | 4 |
| 4218 | PINE | 13" | 3 |
| 4219 | PINE | 13" | 3 |
| 4220 | PINE | 19" | 4 |
| 4221 | PINE | 17" | 3 |
| 4223 | PINE | 19" | 4 |
| 4224 | PINE | 20" | 4 |
| TOTAL TREE CREDITS: | | | 83 |



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

NORTH

LANDSCAPE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28788
PHONE (828) 252-5388
FAX (828) 456-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCBELS LICENSE # C-2184

| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 1. | 08/26/2019 | MASTER PLAN SUBMITTAL |

LANDSCAPE PLAN FOR: MOUNTAIN CREEK

TRIBRIDGE RESIDENTIAL - TOWN OF WAYNESVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 21936

SHEET
L101



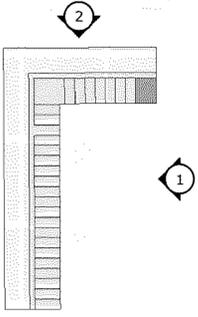
2 Right Elevation - Building 1000
Scale: 3/32" = 1'-0"

Elevation



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

Elevation



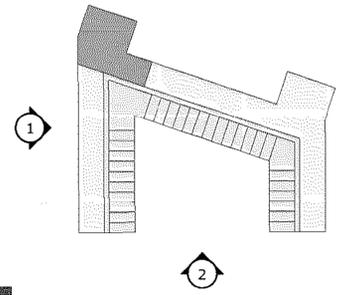
2 Left Elevation - Building 1000
Scale: 3/32" = 1'-0"

Elevation



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

Elevation



- Asphalt Shingles
- Fiber cement Trim
- Fiber cement Board and Batten
- Fiber cement Lap Siding
- Vinyl Windows
- Fiber cement Trim

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

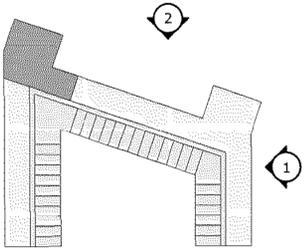
Elevation



- Asphalt Shingles
- Fiber cement Trim
- Fiber cement Board and Batten
- Fiber cement Lap Siding
- Vinyl Windows
- Metal Canopy
- Fiber cement Panel
- Storefront

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

Elevation



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

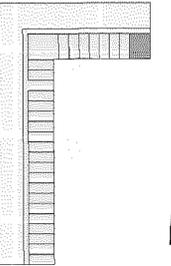
Elevation



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

Elevation

2



1

2 Perspective - Building 1000
Scale: NTS

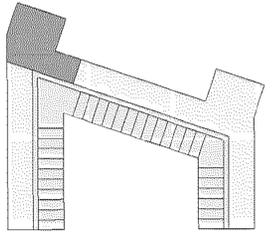
Perspective



1 Parking Lot Perspective - Building 1000
Scale: NTS

Perspective

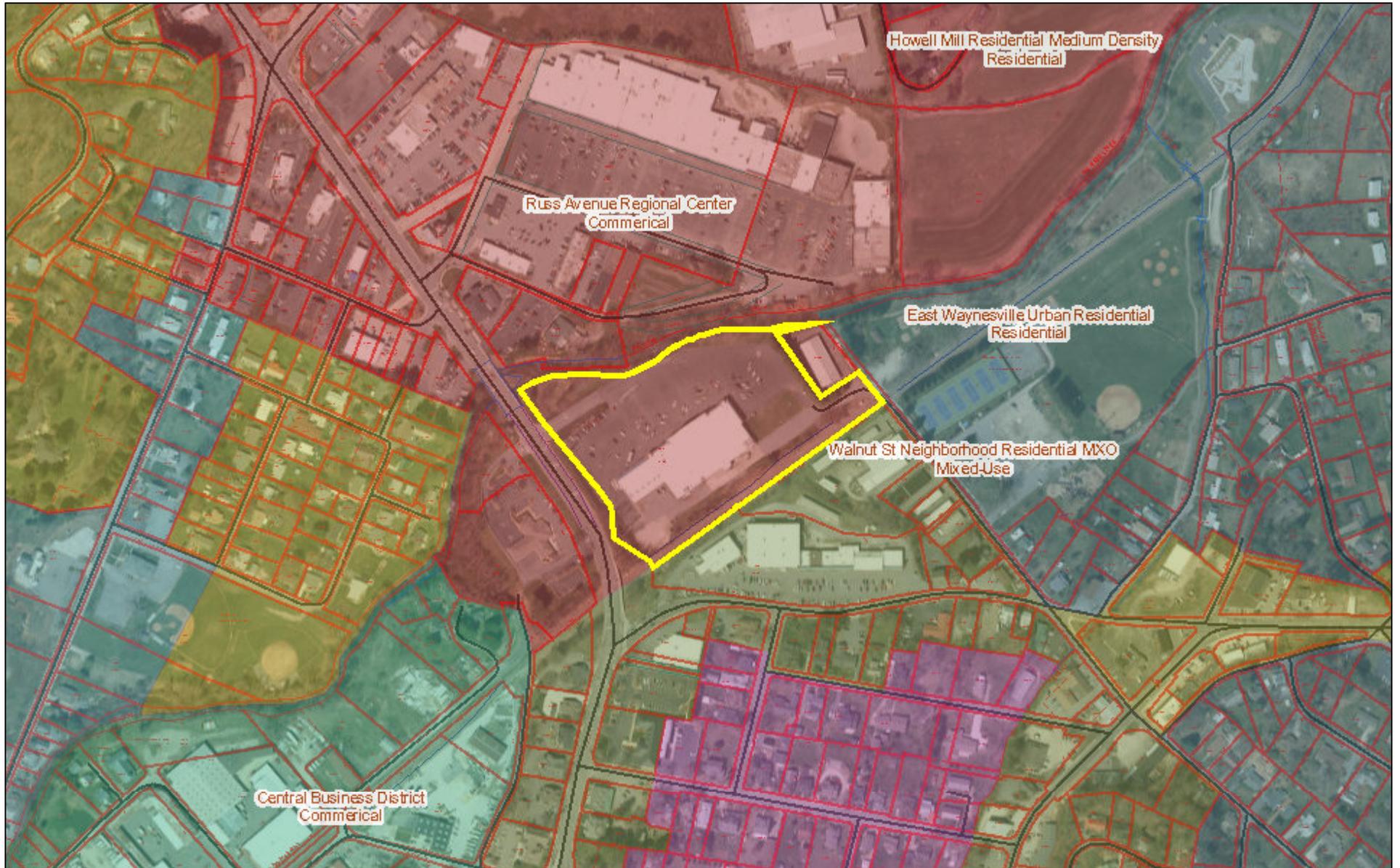
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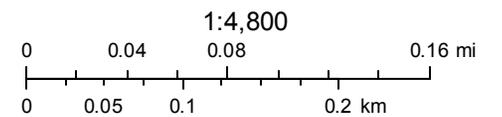
1 Amenity Corner - Building 2000
Scale: NTS

Perspective

Mountain Creek Plaza



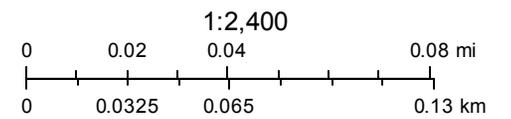
September 16, 2019

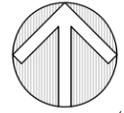


Mountain Creek Plaza Zoom



October 1, 2019





NORTH

0 80

PROPERTY BOUNDARY (TYP)

FIRE TRUCK (TYP)

US 270 - RUSS AVENUE
(PUBLIC TOWN ASPHALT)

W. MARSHALL ST.
(PUBLIC TOWN ASPHALT)

200' RADIUS (TYP)

FIRE HYDRANT (TYP)



NCBELS #: C-2184

MOUNTAIN CREEK FIRE TRUCK ACCESS EXHIBIT SEPTEMBER 2019



To: Town of Waynesville Board of Aldermen
From: Patrick McDowell, Planning Board Chair
Date: October 15, 2019
Subject: Planning Board Report on CD Amendment Request
Description: Conditional District Request for a Multi-Family development within the Russ Avenue-Regional Center District.
Address: 366 Russ Avenue, PIN # 8616-40-3231

The Planning Board held a Special Called Meeting on October 1, 2019, to consider the Conditional District Application as presented by Civil Design Concepts on behalf of RFLP Mountain Creek, LLC. The meeting was duly noticed and Chair Patrick McDowell presided. During the hearing, adjacent property owner Barbara Norris stated her concerns for the preservation of the line of site and for the fact that greenway and park users do not clean up after their pets. A copy of the draft minutes is attached for your information.

The Planning Board voted on the following:

1. A motion was made by Planning Board member Anthony Sutton and seconded by Bucky Dykes that the application is consistent with the Town's Land Use Plan because it concentrates commercial with residential development along transportation corridors allowing for a mix of uses, infill development in the Town of Waynesville as an alternative to continued outward expansion, provides an attractive range of housing opportunities and neighborhoods, provides pedestrian access in conjunction with new development, and implements the Richland Creek Greenway Plan.

The motion passed unanimously, all ayes (8-0).

2. A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann that the zoning amendment 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.

The motion passed unanimously, all ayes (8-0).


Patrick McDowell, Planning Board Chair, 10-15-19


Michelle Baker, Admin Assistant, 10-15-19



TOWN OF WAYNESVILLE Planning Board

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

**Development Services
Director**
Elizabeth Teague

Chairman

Patrick McDowell (Chairman)

Planning Board Members

Anthony Sutton (Vice-Chairman)

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Ginger Hain

Susan Teas Smith

Don McGowan

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Special Called Meeting Town Hall – 9 S Main St., Waynesville, NC 28786 10/1/2019

THE WAYNESVILLE PLANNING BOARD held a special called meeting on October 1, 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.
Don McGowan

The following members were absent:

Jason Rogers

The following staff members were present:

Elizabeth Teague, Development Services Director
Jesse Fowler, Planner
Chelle Baker, Administrative Assistant
Attorney Ron Sneed

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell asked if there were any announcements or changes to the calendar. There were none.

2. Adoption of Minutes

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann, to approve the minutes of the August 19, 2019 board meeting as presented. The motion passed unanimously (8-0).

A motion was made by Board Member Susan Smith, seconded by Board Member Anthony Sutton, to approve the minutes of the September 5, 2019 board meeting as presented. The motion passed unanimously (8-0).

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

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann, to approve the order for the 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, as presented. The motion passed unanimously (8-0).

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)

Chairman McDowell called on Ms. Elizabeth Teague, Director of Development Services to present the staff report. Ms. Teague advised the public that there was a sign-up sheet in the back of the room if anyone wished to comment.

Ms. Teague introduced the project as the Mountain Creek Plaza Apartment Complex located at 366 Russ Avenue, PIN 8616-40-3231. She advised this is the Russ Avenue Regional Center Commercial District and the applicant is Tribridge Residential with Mr. Patrick Bradshaw and Mr. Warren Suggs, P.E.s for Civil Design Concepts representing the applicant.

Ms. Teague continued with the staff report and presented the background on the property stating that the applicant is requesting a conditional district rezoning in order to redevelop the property as an apartment complex. She advised that if this were approved it would amend the zoning map for the area identified in the Master plan to Russ Avenue Regional Center Condition District and would amend the Land Development requirements specifically as they apply to that property and as shown on the Master Plan. Ms. Teague reviewed the Town of Waynesville's LDS, Section 15.15.

Ms. Teague further explained that 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.

Ms. Teague submitted fulfillment of the hearing's notification requirements. She explained that the Mountain Creek Project is proposing to re-use the 8.8-acre shopping center site as a multi-family development to create 210 apartments. She advised that Multi-family is a permitted use within the Russ Avenue Regional Center District and multi-family over 8 units is considered a major site plan. She also advised that the applicant has provided an environmental survey, a master plan and elevations in accordance with the major site plan application requirements.

Ms. Teague reviewed zoning compliance and read the purpose and intent statement, Section 2.3.7 C for the Russ Avenue Regional Center District.

She stated that the project proposes a density of 24 units per acre within the required setbacks (2.4.2). The building will address an interior driveway of 25' in width that provides access to the development parking and maintains a through access to West Marshall Street and can accommodate emergency vehicles (4.3). The building will be four stories in height on all sides with a pitched roof and is compliant within the RA-RC district. Ms. Teague advised the development meets the Apartment Residential Building Design Guidelines and reviewed the compliance of LDS Chapter 5).

Ms. Teague advised that the 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)

Connectivity and Infrastructure

Ms. Teague stated that the project proposes to re-locate and retain the existing through access using the existing connections to and from Russ Avenue and West Marshall. She advised that the developer is asking to redesign this as a 24' "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). Board Members asked to see how they will be routing the alley and Ms. Teague showed this on the map. Chairman McDowell asked to verify that it would be below visible road grade when on Russ Avenue and not visible when on Walnut. Ms. Teague stated this was correct and explained the design look of the buildings with the alley way.

Ms. Teague informed the Board that the 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 (6.4.2). The Board asked questions about the greenway design elements regarding the property and adjacent property.

She advised that a transit stop was discussed with the applicant at technical review and 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).

Ms. Teague advised that 24' pavement and a 5' wide sidewalk provided from Russ Avenue along the entrance in on the development parking area. Pedestrian facilities continue one side the length of the alleyway proving pedestrian connectivity to the greenway and between West Marshall and Russ Avenue. The applicant is 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, Ms. Teague informed that the existing sidewalk along Russ Avenue will be replaced. The applicant is asking that any sidewalk design requirement the Town would impose along Russ Avenue be removed in consideration for the roadway project (6.8).

The applicant has provided peak hour trip generation data for proposed and previous uses per the ITE trip generation guidelines and it shows a decrease in traffic demand. Ms. Teague advised that the proposed daily trips for residential multi-family is still below the Town threshold of 3,000 cars per day and would not require a full Traffic Impact Analysis (6.10).

Ms. Teague reviewed current on-site utilities already present on site and advised that the Town water and sewer department confirmed that the Town has capacity to serve 210 new units at this location. She also stated that all major development must place utilities underground and met the Town and Duke Energy's standards (6.11).

She advised that the applicant has provided four new hydrants on the site that are in coordination with the Town's TRC staff and fire chief.

Civic Space

Ms. Teague reviewed that residential development within the RA-RC District requires 2% civic space. She advised that the applicant is providing 5,191 sf of passive open green space, 8,464 sf of recreational open green space that includes an outdoor pool, providing 3.5% civic and open space outside of the floodplain. She informed the Board that this does not count the 14,000-sf easement of green space they have provided. She also stated that they are asking for consideration for their proximity to a park. The applicant is offering to dedicate 3 parking spaces for public access to greenway and stream buffer. The property is within 40' of the Town's recreation Park and playground which is across West Marshall Street. Ms. Teague advised the Board that staff 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. (7.2-7.3)

Landscaping and Parking

Ms. Teague stated that the applicant is preserving the existing tree line between its property and WNC Storage but is removing trees along the connection to West Marshall Street where they are proposing a retaining wall along the property boundary. Planning Board Member Ginger Hain asked what it would be retaining. Ms. Teague advised that they would be bringing in fill for the project. The Board discussed street trees placement with the line of sight and safety issues.

Ms. Teague reviewed the bordering properties and districts and advised the Board that Type A Buffer yards would be required between the RC and NR/UR districts and the applicant is asking that the LDS section 8.4.1 requirement be waived in consideration for the project's location and existing context (8.4).

Ms. Teague advised that the applicant requests the 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).

Ms. Teague explained that 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 more than forty feet away from a shade tree. The applicant has asked to be allowed to plant the same number of trees that would be required but to be given flexibility in their location as alternate compliance (8.5).

Ms. Teague stated that additional parking lot screening should be required between the first parking space and West Marshall Street (8.6.1).

Parking and Driveways

Ms. Teague reviewed the required parking standard of 1.5 parking spaces per multi-family unit. She advised that for 210 units, 315 parking spaces are required, and that the applicant is providing 321 according to their drawing which would include: 8 ADA, 3 public spaces and 16 bike spaces (9.2).

Ms. Teague advised that as an apartment in the RC District parking adjacent to a right of way should only be one bay. She explained that due to 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).

Ms. Teague stated that the following LDS Chapter 9 requirements (9.4.2) (9.4.4) (9.8) for parking and driveway meet the Town requirements. She further stated that 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 LDS.

Environmental

Ms. Teague informed the Board that portions of the lot fall within the 100-year floodplain and will require a floodplain permit and compliance. She stated that 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) Ms. Teague advised that the net loss calculations of impervious surface out of the floodway would exempt them from the stormwater management ordinance. She stated that 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. She informed that 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 feels this Conditional District request is consistent with the Town of Waynesville's 2020 Land Development Plan in that the proposed development. Ms. Teague stated that staff believes the project is reasonable and in the public interest following with the Town of Waynesville's Comprehensive Plan. She asked the Board if they had any questions.

Board Member Robert Herrmann asked Ms. Teague about the Town's recommendation for civic space and an agreement on future greenway and fishing area easement, design and maintenance along

Richland Creek being required for a condition of approval, wanting to know if there was an estimated cost on that section of Greenway space. Board Members discussed this section of greenspace including design, maintenance, and cost. Board Member Ginger Hain asked about this condition and Ms. Teague advised they had already met this condition by agreeing to give the town the greenway easement. Discussion continued about whether the design, construction and maintenance of the space should be included or not in the requirement. Ms. Teague informed the Board there was a small grant from Haywood waterways to do a wetlands restoration on the edge of their parking lot that originated from the property owners', ie. the Linsky family, work with Haywood Waterways for stormwater management in the area and their interest in protecting the river buffer area and making it suitable for public use.

Chairman McDowell asked if there were any other questions for Ms. Teague. There were none. He called upon the Applicant to present.

**Patrick Bradshaw
Civil Design Concepts**

Mr. Patrick Bradshaw introduced himself, Mr. Warren Sugg both with Civil Design Concepts and Mr. Jacob Linsky with RFLP Mountain Creek LLC. He thanked the Board for the opportunity to present.

Mr. Bradshaw informed that there were 210 units multi-family units that included 1,2 and 3 bedrooms. There would be two 4-story buildings. He described Building 1000 as an "L" shaped building that would consist of 93 living units and Building 2000 as a "horse-shoe" building consisting of 117 units, a clubhouse and a leasing space. He described a deck and pool, patio area, clubroom, coffee-bar, fitness center, wi-fi, dog-spa, firepit, and grill area. Mr. Bradshaw also stated there would be 320 parking spaces that exceeds the spaces required by ordinance. Three of these parking spaces would be for access to Richland Creek and for the future Greenway. Mr. Bradshaw also stated that he believed this was a great redevelopment for Waynesville. He advised that he grew up in Waynesville and Russ Avenue has primarily served as a commerce corridor, and this project would be a great combination of current commercial with residential use. He spoke about a recent study of retail store closings and the opportunity presented of this proposal/redevelopment of BI-LO's closing. Mr. Bradshaw stated that this project is in line and consistent with the goals of the 2020 Land Development Plan. He also further reviewed the following project goals which he felt were met:

- High intensity Land use situated on almost 2 less acres of built-upon area that the existing BI-LO site occupies
- Storm water best management practices that are currently non-existent on the site
- Supports density- no cap
- Proximity to Downtown/ walkability
- Area comfortable for other modes of transportation (Pedestrians, bikes, mass-transit)
- Sidewalks throughout the development
- Dedication of land along Richland Creek for future Greenway to be constructed by the Town

Mr. Bradshaw stated that the developer is open to a signed transit stop. He advised that the developer is willing to provide the cut-through access from Russ Avenue to West Marshall Street.

- In-town location by the Town's park and recreation facilities.
- Encouragement of mixture between residential and commercial uses

Mr. Bradshaw asked the Board if they had any questions or comments.

Board Member Marty Prevost asked how the public would access the Greenway space. Mr. Bradshaw advised there were trailheads by the parking lot at the Town's picnic area, sidewalks from Russ Avenue or there would also be three public parking spaces allotted for this as well.

Discussion took place on the design aspect of the 6 ft fill, retaining wall, and site design. There was much discussion between the Board and the applicant about the street tree requirements and that the site plan did not provide street trees between the project property and Russ Avenue. Mr. Bradshaw pointed out that the construction easement proposed for the NCDOT project on Russ Avenue encroached onto the subject property and that there is an elevation difference and slope. Floodplain discussion took place between the Board and applicant. The applicant will be raising parts of the lot to meet the floodplain ordinance of raising structures to within 1' above the projected floodplain on the FIRM maps. They will be removing impervious surface and all structures to the outside of the floodway.

There were no further questions for the applicant.

Chairman McDowell opened the Public Hearing.

Barbara Norris
Waynesville, NC 28786

Ms. Norris introduced herself and stated that she felt she would be the most impacted from the business standpoint. She informed that she owned WNC Storage and the five buildings on the side of the RR on West Marshall Street and that she had approximately 200 customers. Ms. Norris advised that her customers travel through West Marshall Street or through the BI-LO parking lot and that she had received verbal assurance from the Applicant that they would allow her customers to still have access on the public strip through their property which she stated was critical for her because without the Applicant granting this access her customers would be stuck on a cul-de-sac and it would be a real problem for her. Ms. Norris told the Board that her concerns were the access to the property for her customers and the safety of her customers. She spoke of the driving in and out of the area and how she felt drivers had to be careful at the intersection. She advised that she understood about the Applicant cutting the trees. She stated that 210 units equaling 500 people being excited about going to the recreation park and if those drivers weren't keeping a good lookout while driving then she would be concerned for their safety along with the working Railroad that comes through 3-4 times per day that has an up and down signal.

Ms. Norris also stated that she had concerns with the 210 units having the possibility of 25% having pets, and one of the pet-friendly amenities being a dog-spa and not an on-site dog-park. She stated that this concern; therefore, was the possibility of an exasperation of her already current problem, of pet waste. She explained that there was only one receptacle and no place to put the waste bags and currently she was experiencing problems with it being left on her vehicle. She stated calculations of dogs that she felt would be accessing the properties and felt the applicant should have to provide receptacles and maintain pet waste pick-ups. Ms. Norris also stated that the property at the top of the Greenway she did not feel was twenty feet of easement and she described where she felt the property line was centered. She then advised the Board that she did not see how she could allow an easement across her property if her concerns were not being met and she was excusing herself from the conversation. She asked the Board if they had any questions and invited them to come down and look

at the property. She stated that the Applicant had it staked and she had it re-surveyed but felt they had it close but would be willing to show the Board what she was talking about.

Chairman McDowell asked if there were any questions for Ms. Norris. The Board thanked Ms. Norris and discussed the NCDOT project timeline. Ms. Norris informed that she did have 4 commercial tenants with tractor-trailers that will leave because they will not be able to make the turn from Walnut Street on West Marshall Street.

The Board asked the Applicant if he would like to address this.

Mr. Bradshaw stated that the Applicant had addressed many concerns and tried to take each concern singularly. The most recent concern of pets and pet waste had been new as of 11 am this date. He had not a chance yet to advise Ms. Norris that the developer being pet-friendly had informed that they were willing to place a bag pull stations and pet waste receptacles as many as possible and even circulate them onto Ms. Norris' property if she wished. Mr. Bradshaw stated that this was not a distance-landlord relationship so what does not get picked up by residents in the development, the development itself would pick up. Mr. Bradshaw informed the Board that he felt the developer was working in good faith with Ms. Norris and her counsel, and they mutually need things from each and has been an ongoing conversation.

Planning Board Member Susan Smith asked if there would be on-site management, so that if an adjacent land owner had an issue developing, in the spirit of the community, it would be addressed. Mr. Bradshaw advised yes, and it would be addressed in real-time.

Chairman McDowell asked for any other public comment.

**Martha Shepler
Not in Waynesville, NC**

Ms. Shepler stated that she does not live in Waynesville but that she was very curious about this development as an opportunity for her to move into town. She advised that she had not heard anyone address the Russ Avenue noise or the Railroad for the apartment dwelling or said anything about what kind of people will be living there or what their preferences would be. She stated that she believed there would not be enough parking and she spoke about her neighbor who had 6 cars. She informed that her main concern was that there was no room from Russ Avenue to the building for noise abatement. She stated that she would not rent that spot.

Chairman McDowell asked if there was any other public comment and there was none.

Planning Board and Ms. Teague had discussion while referring to aerial maps over the West Marshall right-of-way town street and how much of the street was town maintained and its current state.

Chairman McDowell asked if there were any additional questions for the applicant or Ms. Teague and there were none.

The Planning Board moved into their own discussion. Planning Board Member McGowan advised that he felt this was a great project for the town. He stated that it intensifies growth where they wanted it to be and housing was needed. Chairman McDowell advised that the project was going to be at market

value. Board Member Herrmann asked if there was an estimate of rental costs or apartment sizes. Applicant Mr. Bradshaw stated that they had 140- 1 bedrooms, 58- 2 bedrooms and 12- 3 bedrooms. Mr. Bradshaw also advised that the applicant felt the Town's parking ordinance from a design perspective was a good number of parking spaces.

Citizen stood and asked for a question. Chairman McDowell advised that the public comment had been closed, but they would allow.

Unknown Citizen

Unknown Citizen stood and stated that they owned a rental property for years behind the Burger King and they never had problems with renting even with the traffic. They were wondering if this project would have an effect or cause problems now with their rental with so much traffic coming in.

Chairman McDowell advised that he did not think so with the previous commercial properties that were in there before, BI-LOs, Los-Amigos, and Kim's Pharmacy traffic volume would have been much higher than the expected residential traffic. He stated he did not feel like this traffic would be an increase and additionally with the Russ Avenue upgrades to help handle traffic flow better.

Planning Board Member McGowan spoke of the Greenway and asked about the benefit this would have for the Applicant.

The Applicant was asked to address the Greenway. Mr. Bradshaw advised that the applicant felt this was an ample accommodation to provide real space by pulling development out of the floodway by proving to the town what would be a very critical piece to the Greenway connection and felt they were a participating partner in this. He advised that associated with designing this piece of Greenway would be three different regulations:

1. Streambank setback imposed by the Town of 30 foot off the edge of the water
2. Trout buffer enforced by the State of NC that's 25 feet off the top of the creekbank
3. Floodway which is a FEMA enforced policy

Mr. Bradshaw continued that all compiled it was the Town's idea to develop the Greenway at that location and the developer wanted to pay homage to that but didn't feel like it was their responsibility to perfect that. He also stated that a town would have a better chance of navigating those regulations as opposed to a private developer.

Chairman McDowell agreed with Mr. Bradshaw that it has been the Town's project. He stated that they as a Board had not asked previously for an Applicant to pay for it because there's no regulation to say an Applicant must give us the land. Attorney Ron Sneed advised that Chairman McDowell was correct, and this was not something the Town can mandate. Ms. Teague informed the Board that the spirit of Waynesville's greenway planning has been to add value to adjacent properties and not to force a particular route. The greenway plan seeks to provide alternate routes and cooperation.

Planning Board Member Ginger Hain asked Mr. Bradshaw about the railroad noise. Mr. Bradshaw advised that there would be sound insulation design on all sides. Planning Board Member Marty Prevost asked if all the 1 bedrooms would be in a particular location and Mr. Bradshaw advised they would be blended throughout.

Board Member Ginger Hain advised that she felt this was a very important project for the town and met many of the criteria. She told Ms. Teague that this was a very thorough presentation. Chairman McDowell stated that he felt this was the best example of infill they have had in a long time. Board Member Hain agreed.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes, that the zoning amendment is approved and is consistent with the Town's Land Use Plan because it concentrates commercial with residential development along transportation corridors allowing for a mix of uses, infill development in the Town of Waynesville as an alternative to continued outward expansion, provides an attractive range of housing opportunities and neighborhoods, provides pedestrian access in conjunction with new development, and implements the Richland Creek Greenway Plan. The motion passed unanimously, all ayes (8-0).

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann that the zoning amendment 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. The motion passed unanimously, all ayes (8-0).

Ms. Teague confirmed with the Board that the approving of the zoning amendment was the approving of the variances the applicant had asked for and the site plan would regulate that particular site. The Planning Board agreed.

2. Continuation of Board Discussion on the Comprehensive Land Use Plan Update Draft, Chapter 5

The Planning Board agreed to discuss Chapter 5 in two separate sections. They would discuss the first section at the next Planning Board Meeting.

D. ADJOURN

With no further business, a motion was made by Don McGowan, seconded by Ginger Hain to adjourn the meeting at 7:53 p.m. The motion passed unanimously, all ayes (8-0).

Chelle Baker, Administrative Assistant

Patrick McDowell, Chairman



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

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:

[Handwritten Signature] as Manager (JRL)

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.

PENDING REVIEW FOR TAX LISTING



2012000403

HAYWOOD CO, NC FEE \$26.00
STATE OF NC REAL ESTATE EXT
\$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

DATE 1-17-12 BY SD

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien against parcel number(s) 8616-40-3231

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 13th day of January, 2012, by and between

GRANTOR

GRANTEE

IMMORENDITA VASTGOED MAATSCHAP II, L.P.
a Georgia limited partnership
4506 Chattahoochee Way
Marietta, GA 30067

RFLP MOUNTAIN CREEK, LLC
a North Carolina limited liability company
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

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.

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 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 3rd 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.

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- 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 52 Walnut Street Ste. 9, Waynesville, NC 28786
Phone 828-252-5388 Fax 828-252-5365 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
NCBELS LICENSE #: C-2184



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:

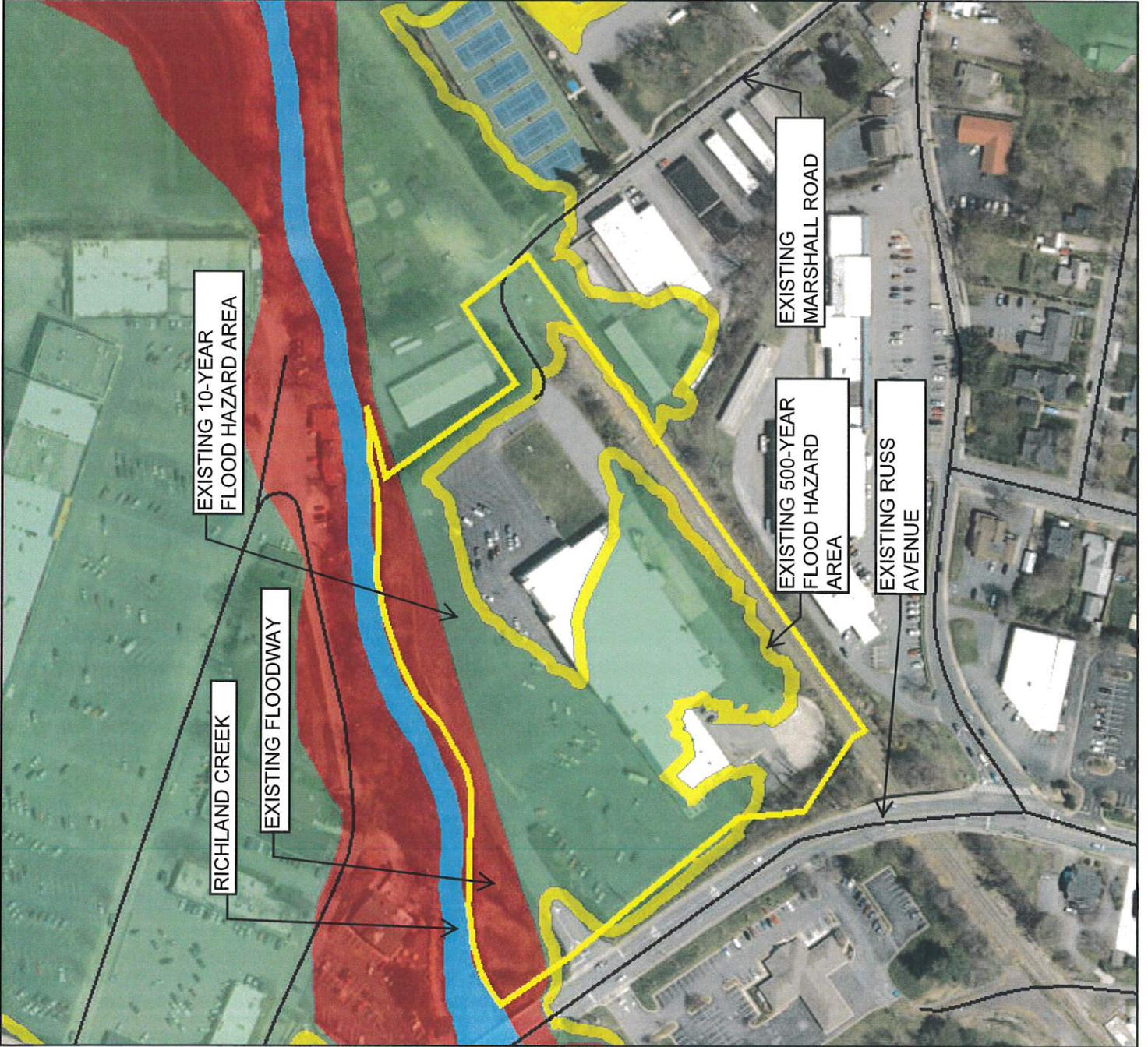
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 01/16/2012



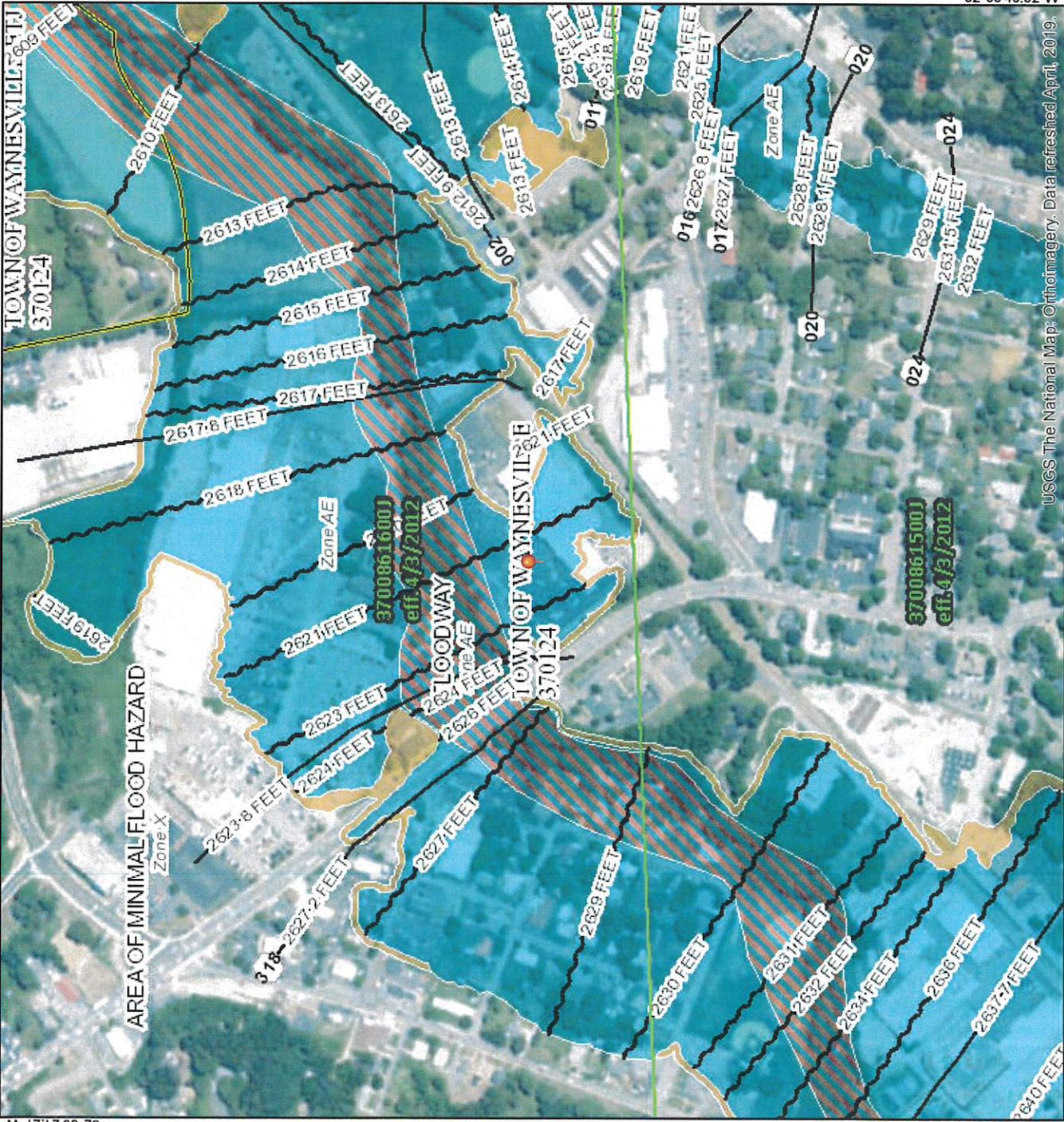
1 inch = 200 feet
August 16, 2019

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



USGS The National Map: Orthoimagery. Data refreshed April, 2019. 35°29'41.15"N

82°58'46.82"W

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 LOMRs
- 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 effective 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

Please Publish on Friday October 11th, 2019 and Friday October 18th 2019

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, October 22, 2019 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the public hearing is to consider application for a Conditional District Rezoning and Map Amendment at 366 Russ Avenue, PIN # 8616-40-3231

Interested persons are encouraged to attend and be heard. For more information please contact Eddie Ward, Town Clerk at 828.452.2491 or via email at eward@waynesvillenc.gov.

s/Eddie Ward

By: Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 22, 2019**

SUBJECT Request to the Board of Aldermen to allow the Waynesville Public Art Commission to sign a contract with the Mountaineer to develop a new logo.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C-4
Department: Development Services
Contact: Jesse Fowler, Planner
Presenter: Jesse Fowler, Planner

BRIEF SUMMARY The Waynesville Public Art Commission is working with the Mountaineer to develop a website and walking art trail booklet. Discussions during this development process have led to the idea that the Waynesville Public Art Commission should update their logo to better match the spirit of Waynesville. If the Board of Aldermen approve, the Waynesville Public Art Commission would contract with the Mountaineer for this development.

MOTION FOR CONSIDERATION:

1. Motion to allow the Waynesville Public Art Commission to change its logo.
2. Motion to approve the contract proposal by the Mountaineer.

FUNDING SOURCE/IMPACT: \$200 - \$400 from Waynesville Public Art Commission Budget

ATTACHMENTS: Contract proposal from the Mountaineer

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of Service Contract

WPAC logo contract proposal

The Mountaineer Publishing Company
220 N Main Street Waynesville
828-452-0661

Goal:

To create a unique and identifiable logo for branding of the Waynesville Public Art Commission. The logo will be used on marketing and fundraising materials, a website and tour booklet under development for the Waynesville Public Art Trail, and other applications.

Scope of work:

All creative and design services to create a WPAC logo. The scope of work includes a thorough review process with the WPAC and all revisions necessary to arrive at a finished logo that meets the expectations and desires of the WPAC. The finished logo will be provided in high-resolution digital format with two versions, both a transparent background and solid background, allowing for flexible use as an overlay in a variety of applications.

Cost:

The hourly rate for design services is \$50 an hour. The contract proposal is for a minimum of four hours, with a not to exceed threshold of eight hours. The Mountaineer guarantees deliverable of a logo that meets the expectations of the WPAC within the “not to exceed” amount.

Timeline:

An initial draft of the logo will be presented to the WPAC by Oct. 25. Following a collaborative review and revision process, the finished logo will be delivered by Nov. 4.

Proposal submitted by:

Matt Perusi, Art Director for Mountaineer Publishing
828-452-0661
mperusi@themountaineer.com

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 22, 2019

SUBJECT: Fee for Service Contract with Haywood Waterways to update the Town's Stormwater Management Plan.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C-5
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: The Town of Waynesville participated in an audit with the State Department of Environmental Quality in which the Town was asked to update our municipal stormwater management plan for compliance with the Town's National Pollutant Discharge Elimination Permit (NPDES). Haywood Waterways has provided a proposal to assist Town staff with this effort at a cost of \$12,000. The Plan will come back before the Aldermen for approval prior to submittal to the State.

MOTION FOR CONSIDERATION:

1. Motion to proceed with a fee for service contract with Haywood Waterways to update the Town's Stormwater Management Plan at a cost not to exceed \$12,000.

FUNDING SOURCE/IMPACT: \$12,000 which will have to be designated through a budget amendment.

ATTACHMENTS:

1. Haywood Waterways proposal.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Town staff did not expect the audit to occur this fiscal year and so did not include this line item in this year's operating budget.

ORDINANCE # O-18-19

**AN ORDINANCE AMENDING CHAPTER 46
OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES
DESIGNATING HAYWOOD STREET AS A TRUCK ROUTE**

WHEREAS, the traffic density on NC 276, South Main Street from Academy to Walnut Street has increased dramatically; and

WHEREAS, it is becoming increasingly difficult for large trucks to travel on US 276 through the Central Business District; and

WHEREAS, trucks are finding it difficult to turn from NC 276 to Church, Miller and Depot Streets due to traffic density; **NOW THEREFORE**,

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT
CHAPTER 46 THE CODE OF ORDINANCES BE AMENDED TO ADD SECTION 46. SECTION 72**

Sec. 46-72 Designation of Haywood Street from its intersection with North Main Street to its terminus at Branner Avenue and Branner Avenue to Walnut Street as a “truck route”.

Haywood Street shall be designated as a “truck route” from its intersection with South Main Street to its terminus with Branner Avenue. Branner Avenue shall be designated a “truck route” to its terminus with Walnut Street.

Trucks shall be governed by the same laws and regulations on Haywood and Branner as those regulating truck traffic on NC 276 from its intersection with Walnut Street to its intersection with Pigeon Street.

The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances on the Town of Waynesville.

Adopted this the 22nd day of October 2019.

Town of Waynesville

Gavin A. Brown, Mayor

Attest:

Eddie Ward, Town Clerk

RESOLUTION # R-20-19

A RESOLUTION REQUESTING NC DEPARTMENT OF TRANSPORTATION TO PROHIBIT “THROUGH TRUCKS” ON NC 276 (Main Street) FROM ITS INTERSECTION WITH WALL STREET TO PIGEON STREET.

WHEREAS, The NC 276 (North Main Street) has experienced considerable pedestrian and traffic density from its intersection with Wall Street; and

WHEREAS, it is becoming increasingly difficult for trucks to traverse the congested areas; and

WHEREAS, Due to the congestion large trucks cannot turn from NC 276 to Church, Miller and Depot Streets; and

WHEREAS, the trucks are getting stranded and blocking traffic with increasing frequency.

NOW THEREFORE BE IT RESOLVED

By the Board of Aldermen of the Town of Waynesville that it requests the NC Department of Transportation to prohibit the passage of through trucks on NC 276 from its intersection with Wall Street to its intersection with Pigeon Street.

Adopted this the 22ND of October 2019

Town of Waynesville

Gavin A. Brown, Mayor

Attest:

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 22, 2019

SUBJECT : Request to Approve a change order to Forrest Westall of McGill and Associates Contract for negotiating an SOC (Special Order of Consent)

AGENDA INFORMATION:

Agenda Location: **Manager's Report**
Item Number: **E-7**
Department: Administration/Public Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: The Town contracted with Forrest Westall of McGill and Associates to draft and negotiate a "Special Order of Consent" at DEQ's request in order to establish a time line for improving the waste treatment plant and agreeing on the chemical composition (limits) of the Town's treated sewerage during the construction phase. When we take certain components of the plant out of service in order to rehabilitate them our ability to treat the waste will be constrained. It is established practice to agree in advance on a realistic set of limits that the plant can meet in recognition that the construction will limit the plant's efficiency. Mr. Westall who managed the Western office of DENR and negotiated dozens of SOC's drafted the Town's application. The response of the Regional Office of DENR was to deny any effort to reduce the treatment limits. Reducing limits has been an accepted part of SOC's for over forty years. This process should have been a standard negotiation.

Since we hit a wall in Asheville, we have had to refer the negotiation to DENR's central office in Raleigh. This unforeseen roadblock will result in Mr. Westall negotiating with the Raleigh staff and most likely redrafting the SOC. He has expended the funds he set aside for negotiation and needs to request an amendment to his contract to cover the additional time to negotiate with the folks in Raleigh. He proposed an hourly contract with an upper limit of \$5,000. If things break loose quickly, he may not need to expend much of the additional funds. If we must go through an appeal process in Raleigh, we may be meeting regularly with the Raleigh regulatory staff.

MOTION FOR CONSIDERATION: Approve the change order of the contract with an upper limit of \$5,000 to complete the negotiation of the SOC with the regulatory staff of NC Division of Environmental Resources.

FUNDING SOURCE/IMPACT: Sewer Professional Services

ATTACHMENTS:

- **Amendment to contract**

MANAGER'S COMMENTS AND RECOMMENDATIONS: **Recommend approval of contract amendment**



October 10, 2019

Mr. Rob Hites, Town Manager
Town of Waynesville
Post Office Box 100
Waynesville, North Carolina 28786

RE: Fee Modification Request
Engineering Services
Assistance: Special Order by Consent (SOC)
Town of Waynesville
Wastewater Treatment Plant (WWTP)

Dear Mr. Hites:

McGill Associates and the Town of Waynesville entered into an agreement for Engineering Services to support the Town in developing an SOC application for the Town's WWTP as described in the letter agreement for these services (attached). This agreement included support to assist with securing an SOC from the Division of Water Resources (DWR). This agreement was approved by the Town on September 11, 2018. In consultation with the Town, an SOC application was completed, coordinated through DWR's Asheville Regional Office and submitted to the Division on August 14, 2019.

As you know, the Town and McGill Associates has made every effort to work with DWR's Regional and Central Offices staff to develop an SOC application that reflects the Town's significant commitment to upgrade its WWTP and to secure an SOC with conditions that are reasonable and that allow the Town to continue to effectively supply service to its customers now and for reasonable growth over the period of the SOC. Despite several meetings and communications with the Division, there has been unanticipated resistance from the agency to follow established procedures for developing an SOC of this type and it has resulted in the need for significantly more support than the current agreement was designed to cover. The original not to exceed budget level for this work of \$20,000 has been exhausted and DWR has yet to provide even a draft of an SOC for the Town to consider.

Considering DWR's refusal to act consistently on this application, it is clear that additional negotiation and engagement with DWR and other State organizations and representatives will be needed to secure a realistic SOC for the Town. Based on discussions with the Division prior to developing the original proposal, it appeared that DWR would respond to this SOC application consistent with established Division actions on similar requests. The original proposal was developed based on this expectation. DWR's resistance and unreasonable positions on key components of the SOC has delayed this process well beyond what was anticipated. This letter requests a revision to the fee for this support work. While it is unknown exactly how much

Mr. Rob Hites
Waynesville SOC Support Effort
Fee Revision Request
October 10, 2019
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additional assistance will be needed, I believe an increase of \$5,000 to the not to exceed total is a realistic estimate of the additional support that may be required. This would bring the project's not to exceed total to \$25,000. All other conditions of the previous agreement would remain in place.

If you concur with this request to revise the fee for this work to a not to exceed total of \$25,000, please sign the acceptance below and submit to us an executed original. We appreciate the opportunity to provide support to the Town of Waynesville. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,
McGILL ASSOCIATES, P.A.



FORREST R. WESTALL, SR., PE
Principal

ACCEPTED BY TOWN OF WAYNESVILLE:

Signature

Date

Name (Type or Print)

Title