

REGULAR MEETING
TOWN OF WAYNESVILLE PLANNING BOARD
DECEMBER 18, 2006
MONDAY - 5:30 P.M.
TOWN HALL

The Planning Board held a regular meeting on Monday, December 18, 2006. Members present were Don Stephenson, Dan Wright, Rex Feichter, Lee Bouknight, Marty Prevost and Patrick McDowell. Also present were Planning Director Paul Benson, Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Chairman Rex Feichter called the meeting to order at 5:30 p.m.

Approval of Minutes of November 20, 2006

Lee Bouknight moved, seconded by Dan Wright, to approve the minutes of November 20, 2006 as presented. The motion carried unanimously.

Text Amendment - Section 154.600 (G)(2) - Eliminate the 6 month time limit for replacement of manufactured homes within a nonconforming manufactured home park - Bruce McGovern

Staff Report:

Background:

At the November meeting, the Planning Board tabled action on the request submitted by Bruce McGovern on behalf of Maude and Daniel Fisher to amend the Land Development Standards to eliminate the 6 month deadline to replace a manufactured home in a nonconforming manufactured home park. At the request of the Board the staff has studied other options regarding the regulation of nonconforming manufactured home parks. These include:

1. Take no action, leaving the ordinance as is – this would maintain the 6 month deadline for the replacement of units, after which the space must remain vacant.
2. Eliminate the time limitation on replacement of the units as requested. Existing spaces as of April 22, 2003 could be reused regardless of how long they have remained vacant, unless the entire park was vacated for over 6 months.
3. Extend the period for replacement of the units. This would provide park owners longer to find new tenants. Note: unless extended for a very long time this would not help the applicant for this amendment as their spaces have been vacant for at least 3 years. A disadvantage of this approach is that this longer period will be more difficult to administer.
4. Eliminate or amend the standards for new manufactured home parks, so that fewer existing parks would be nonconforming.
5. Amend the ordinance as in #2 above, so that units in all nonconforming manufactured home parks could be replaced, and the parks could be filled. Then, after a period of time, perhaps a year or two, change the ordinance back to read as it does now. In effect this would provide a one-time temporary amnesty period for filling unoccupied spaces.

Staff Recommendation:

The staff believes that the original intent of the LDS was to place a pretty strong limitation on the continued use of nonconforming manufactured home parks, and therefore recommends alternative #1 above, as we did last month. That said, the staff recognizes that alternative #2 offers the advantages of being less harsh on both manufactured home park owners and prospective tenants, it promotes affordable housing, and is easier to administer. The other 3 options all offer some advantages, but have too many disadvantages to be recommended.

Bruce McGovern asked that the owners of the mobile home park he is representing be allowed to use the spaces that have been vacated for some time.

Jack Kersten spoke on behalf of Ken and Marian Hobbie, owners of Orchard Retirement Park. The Hobbies have only three empty spots. Most of their vacancies occur as a result of a resident's death. Mr. Kersten questioned the need for a set period of time for replacing mobile homes within a park.

Rex Fecihter asked if the Orchard is a non-conforming park and why it is non-conforming. Mr. Benson replied the reason for this is mobile home parks are only an allowed use in the Allens Creek Neighborhood District. Manufactured home parks are not permitted uses in any other district. Within a manufactured home park there are only two standards for replacement:

1. The units have to be replaced within six months.
2. A site built home cannot be replaced with a manufactured home.

Mr. Kersten and the Hobbies feel that the six-month period is unfair and that manufactured home parks should be a conforming use in other districts besides Allens Creek Neighborhood District.

Patrick McDowell pointed out that part of the problem might be that the business owner may be limiting who will fill the spots. Therefore, the 6-month rule may not be the hardship but the owner's standards.

Mr. Kersten said that if a time limit is imposed, it might encourage park owners to accept sub-standards manufactured housing in order to keep the space occupied.

Mr. Hobbie stated that they try to maintain a nice park in order to comply with the Town's appearance standards.

Mr. McDowell's fear is that if the 6-month time frame is eliminated for replacing manufactured homes on sites, non-conforming business owners might want to re-open a business at a later time.

Mr. Benson said that the City of Asheville has a 6-month time limit on re-opening a non-conforming business but they allow replacing manufactured housing within parks without time limits. Only when the mobile home park is down to one unit does it become a single family residence and the use as a manufactured home park must be discontinued after 6 months.

Mack Noland spoke on behalf of the manufactured home park owners since he owns a park and subdivision on Pigeon Street. His park was opened in 1994. It features 18' paved streets and is

landscaped. Mr. Noland tends to have affordable housing particularly for younger people. He has very strict rules. Mobile homes must be less than 4 years old to be brought into the park. Mr. Noland has some lots which cannot be rented as soon as they are vacated due to size restrictions, deaths or other unforeseen circumstances. He has both single and double wide homes. Mr. Noland is opposed to the elimination of the park if a mobile home is not replaced within 6 months and feels that it would discriminate against the working people in the community.

Mr. Kersten pointed out that mobile home parks are similar to apartment rentals. If an apartment unit is not rented within 6 months, the whole apartment building is not closed down. When the use of the mobile park is discontinued it should be closed within 6 months, but not if only a few sites are unoccupied.

Dan Wright stated that the use is not being discontinued, only a portion of it. He agrees that is ridiculous to impose a time frame on filling a particular lot. This is a situation where people are coming in and out and it is incorrect to place a time limit on that.

Mr. Wright moved, seconded by Don Stephenson, to eliminate the time frame of 6 months for filling the spaces within existing parks. The motion carried unanimously.

Adjournment

With no further business, Lee Bouknight moved, seconded by Dan Wright that the meeting be adjourned at 6:20 p.m.

Rex Feichter
Chairman

Freida F. Rhinehart
Secretary