



## TOWN OF WAYNESVILLE Planning Board

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

Susan Teas Smith (**Chairman**)  
Ginger Hain (**Vice**)  
Stuart Bass  
Michael Blackburn  
Gregory Wheeler  
Don McGowan  
Marty Prevost  
Tommy Thomas  
Barbara Christian Thomas

**Development Services**  
**Director**  
Elizabeth Teague

### **MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD** **Regular Called Meeting** **Town Hall – 9 South Main St., Waynesville, NC 28786** **October 18<sup>th</sup>, 2021**

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THE WAYNESVILLE PLANNING BOARD held a Regular Called Meeting October 18<sup>th</sup>, 2021, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786

#### **A. CALL TO ORDER**

##### **1. Welcome/Calendar/Announcements**

The following members were present:

Ginger Hain (Vice Chairman)  
Gregory Wheeler  
Stuart Bass  
Tommy Thomas  
Don McGowan  
Michael Blackburn  
Barbara Christian Thomas  
Marty Prevost

The following Board members were absent:

Susan Teas Smith (Chairman)

The following staff members were present:

Elizabeth Teague, Development Services Director  
Esther Coulter, Administrative Assistant

The following applicants were present:

Patrick Bradshaw, PE Civil Design Concepts

The following others were present:

Ron Sneed, Town Attorney

Vice Chairman Ginger Hain explained that Chairman Susan Teas Smith was absent, and Ms. Hain will be sitting in as Chairman. The meeting was called to order at 5:30 pm. Ms. Hain said they were holding a continuation of a Public hearing on the major subdivision.

2. Adoption of Minutes

*A Motion was made by Board Member Barbara Thomas and seconded by Board Member Gregory Wheeler to approve the minutes of the September 20, 2021. Planning Board meeting as presented (or amended). The motion carried unanimously.*

*A Motion was made by Board Member Tommy Thomas and seconded by Board Member Don McGowen to approve the minutes of the October 6<sup>th</sup>, 2021. Planning Board meeting as amended. The motion carried unanimously.*

**B. BUSINESS**

1. Continuation of a public hearing on a major subdivision for 115 homes on PIN: 8615-98-2217, off of Sunnyside Road, within the Town's extra-territorial jurisdiction (administrative procedure).

Development Service Director, Elizabeth Teague gave the Planning Board additional information that she had received since the hearing on September 20<sup>th</sup>, 2021:

1. NCDOT driveway permit issued and provided today.
2. AFFIDAVIT for securing the secondary access for emergency service access.
3. Email between staff and Chris Lee from NCDOT regarding driveway permit.
4. Additional traffic information on trips per day, and a turning radius analysis in response to NCDOT and Town concern for street width and subdivision entrance to accommodate large vehicles.
5. Letter from Jason Rogers (attached as part of minutes at Mr. Rogers request)
6. Response to Mr. Rogers letter from Civil Design Concepts (also attached).

Ms. Teague explained that this meeting is a continuation from September 20<sup>th</sup> when the Board held a Public hearing for administrative subdivision review. She reminded the Board that LDS Section 15.9.3 Preliminary Plats for Major Subdivisions, states that: "No major subdivision shall be approved unless the Board finds that:

1. The plan is consistent with the adopted plans and policies of the Town.
2. The plan complies with all applicable requirements of this ordinance; and
3. The plan has infrastructure to support the plan as proposed.

This project proposes to create of 115 lots for single-family homes from 32.67 acres of undeveloped land adjacent to Sunnyside Road, and along a "blue-line" tributary of Raccoon Creek. The property is within the Town's Extra Territorial Jurisdiction and must comply with the Town's zoning, development, and building regulations.

Ms. Teague reported that staff finds that the revised plan is consistent with the 2035 Land Use Plan and the zoning district in which it is located; is compliant with LDS requirements; and can be supported by Town infrastructure.

Patrick Bradshaw, PE Civil Design Concepts gave his report of the revised changes that the Board had requested. He also explained of some statistic of different housing developments in and around the Town of Waynesville.

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

**Jason Rogers  
Waynesville**

Mr. Rogers stated he wanted his letter to be put in the record. He said he served on the planning board for the Town and worked on the Waynesville Fire Department for seven years. Mr. Rogers stated that his wife was directed to Municipal Code Corporation to read chapter 15 for the administrative change, and they were unable to find the information. Mr. Rogers also stated that information that was received at the day of the meeting was not given to surrounding property owners until the meeting. He stated that the proposed sewer line is on Morrow family land and Mr. Morrow has not been approached for an easement to connect into the sewer line. Mr. Rogers also stated that Mr. Turner and Mr. Jacobsen own a strip of land connected to this property.

Letter from Jason Rogers (attached as part of minutes at Mr. Rogers request)

**Jason and Charlotte Rogers  
Waynesville**

**Town of Waynesville Planning Board**

We are writing this in response to the recent major site plan review in the Raccoon Creek Neighborhood Residential District .

We are in opposition to this site plan with 115 lots/homes proposed. The reasons for this are as follows :

Procedures:

Current LDS 15.8.2 and 15.9.2 requires a major subdivision under quasi-judicial, this is further reiterated in GS 160D-102 #29.

We have yet to receive correct procedures after due diligence and requests made to the Town. All information we are able to obtain is research done on our own. This has left us an inability to place any decision or influence on finding in fact decision questions.

Since the previous board meeting on 9/30/21, we have attempted to get any additional submittals that might have been turned in as well as notes and minutes from the Technical Review Committee. As of today's date, 10/14/2021, we have received

nothing to assist in our inquiries. (\*I received some information from Esther Coulter at 1:51 pm to my email account; I will be able to look over these documents after work). This has left us, as concerned citizens, less than a week to review documentation (if it is received and posted online this week) that might have been submitted from the developer. We will be posed with no way to challenge any proposed changes.

Here are the things we know:

Standards currently in place:

#### Chapter 6: Infrastructure --- streets and connectivity

- This plan does not show 15' curb radius
- This plan does not show 65' center line radius of roads
- We anticipate 3000 or greater travels per day on Raccoon Road based on what was discussed by the developer at the last meeting. This requires a Transportation Impact Analysis (Chapter 6.10)
- DOT connectivity permit? We do not have record of this
- Informal parking one side of street
- Lots 50/51--- is this in compliance with sight triangle 6.7.2
- Maximum grade for lanes and streets is 15% (not shown on plan)
- Street length issues as discussed
- Water is available at the property's edge, where is sewer located?

#### Chapter 7: Civic Space

- 7.2.4 --- Usability for civic space
- **B.** Ponds, lakes, wetlands do not receive credit toward calculation (stormwater retention/stormwater ponds)
- **C.** Topography --- 7.5% maximum slope (not illustrated)

#### Chapter 8: Landscaping and Screening

- 8.4.1 --- Buffer yard required based on A, footnote 2, for the Church, not shown on the plan
- 8.5 --- Street tree plantings required by ordinance NOT to be administratively accepted, not shown on plan

#### Chapter 9: Parking and Driveways

- 9.8.2 A 2 --- DOT permit **required**
- Required 1 parking per unit, not shown
- Driveway spacing is 50'; 75' between driveways and streets. Lots 18, 13, 3, **1**, 2, 5, 39, 41, 50, 51, 74, 90, 91, 86, 87, and 88 do not meet rule driveway to street. The reduction of 40% was intended to be used occasionally for corner lots or hardships. It was never meant to be a blanket for an entire development.
- Driveway design #7 --- sidewalks along driveway 25' back; does that maintain space for the house, then setbacks?

## Chapter 10: Lighting

- Requirement of ordinance is 300' apart, no taller than 18' (FULL) cut off fixtures

### Land Use Plan Goals:

#### Goal 1:

- Encourage infill and context sensitive development
  1. 115 lots is not in context with the surrounding area
  2. Most of the surrounding lots are 2.25 acres or larger
- Smart growth encourages mix building use and prioritizes infill over urban sprawl (spreading of urban development on undeveloped land near a city)
  1. This is the largest development since 2007 as previously stated
- Reinforce unique character of Waynesville
  1. These units do not fit Waynesville
  2. These units do not fit our neighborhood

#### Goal 2:

- Conserve open space and farmland
  1. This parcel of land was in farm use preservation until recently
  2. The taxation and deferred showing is over \$170,000 in value
  3. The status changed when this development was proposed
- Protect rural lands, iconic views, and mountain vistas
  1. This is a well-known farm area
  2. This is a view we should be trying to preserve, not disregard

The Waynesville 2035 Planning With Purpose does not have housing opportunities listed in goal 2, only in goal 1. What is mentioned in Goal 1 should not overshadow what is written in the other goals. Waynesville has produced many housing opportunities using Goal 1 over the last 3-4 years, i.e., Plott Creek, Buchanan Drive, the Bi-Lo property, and the Old Hospital property. When will we citizens find more than one, eight-word sentence to protect our town with?

### The Questions:

1. Is the plan consistent with adopted plans and policies of the Town?
2. Does the plan comply with all applicable requirements of this ordinance?
3. Does there exist adequate infrastructure (transportation and utilities) to support the plan as proposed?

These questions have been answered from our side through the body of this document, but we have proven that the answers to all are "no".

4. Does this proposed plan conform to the character and neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping on the site?

- This neighborhood, for as long as I can recall, has been single family homes that are not "cookie cutter". Most of the native people in this area have farmed at one point, so have had larger tracts of land. As progress has occurred, those tracts of land have been divided as people have left property to their children in which to build their own homes and futures. Hopefully these children have stayed, ready for the next generation of Waynesville to grow up and try to preserve family roots on the land. We have enough space for privacy, and there is space to garden and even farma little. We have a relatively quiet community, minus the sounds of farm equipment, livestock sounds, and mowers. We enjoy our scenery --- it isgreen and mountainous and beautiful with big open spaces!

If a development of this magnitude comes to fruition, I cannot see how our character and neighborhood can possibly be preserved. This development will in no way conform to what we have but leave us forced to conform to what it is.

I am quite certain the answer to this question is a resounding "NO".

5. Will this application substantially injure the value of adjoining or abutting property, and will it be detrimental to the use or development of adjacent properties or other neighborhood uses?

- This development is proposed to be 6' off our neighbor's, Tim and Kristi, property line. They have bought their property with big dreams and ideas, hopes of building a home in the bottom portion where the first home site was for my grandparents. This location is now within a short distance to the proposed first row of houses. If they chose to put livestock back into their lower field instead, they would have to constantly worry about people from the development getting into their animals and/or their fences. No matterwhat is posted, people do not always adhere to boundaries.

The roads around this neighborhood suit our smaller numbers well. With extra traffic and larger volumes of vehicles on these roads I am anxious there will be more problems than we can possibly anticipate at this point. Instead of looking at the green pastures that I and my neighbors enjoy so much, we will be looking at the back of a development. The back is where everyone keeps their projects that they are "working on" --- will it be an attractive project or something "out of THEIR sight, out of THEIR mind" butin our sight daily?

Jason and Charlotte Rogers  
28 Counsel Place  
Waynesville, NC 28786

**Patrick Bradshaw, PE Civil Design Concepts sent letter responding to Jason and Charlotte Rogers.**

As a follow up to the letter that you emailed to our office and other recipients on Friday, October 15 from Jason and Charlotte Rogers, we would offer the following responses and clarifications to the same:

The letter states, under a heading called Procedures, that major subdivision approvals are quasi-judicial under the Town's Land Development Standards Sections 15.8.2 and 15.9.2 and also under NC General Statute Section 160D-102 (29).

Per Town Ordinance 0-11-21, as adopted by the Town of Waynesville Board of Aldermen on June 22, 2021, section 15.9.2 and 15.9.3, which are the two sections of the Town's LDS that describe the Permit Process and Type with regard to Major subdivisions and Preliminary Plat's, were both revised to indicate that the Process Type is administrative.

NCGS 160D-102 (29) actually speaks to site plans only, which is not applicable in this case, but we assume it was the Rogers' intent to highlight definition (28) which does state that "the approval of subdivision plats and site plans are quasi-judicial in nature **IF** the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards....". It is our belief that the Town's approval process for Major Subdivisions is clear on this point and the process is administrative.

**Chapter 6**

The reference to 15' curb radii and 65' centerline radii under the street Engineering Standards are both correct, but it should be noted, the preliminary plat, as submitted, is not a roadway design plan and the preliminary plat is not the appropriate place to show design details of the proposed roadway as these notations shall be included on the street design plans.

The statement in the Rogers' letter that the proposed development will generate 3,000 or more trips a day is quite simply erroneous, and should be regarded as such. The generally accepted trip generation range for a single family home is between 9 and 10 trips per day. For the proposed development, the correct computation yields approximately 1,100 trips per day, on average. In order for the proposed development to generate 3,000 trips per day, each home would have to produce just over 26 trips per day. This estimation is simply not practical as stated in

the Roger's letter.

The mention of "informal parking" on one side of the street is noted in the residential street description 6.6.2.D in the Town's Land Development Standards. By virtue of its name alone, "informal parking", there should be no formal designation for the location of the same. The intention of this description in the Land Development Standards, we believe, is to create a street cross section, known as a residential street, that is wide enough to accommodate informal parking from time to time on one side, while still allowing other vehicles to pass.

All lots located at intersecting streets will easily meet the sight triangle requirement, by virtue of having a five foot planting strip, a five foot sidewalk and a five foot building setback from the right of way.

Maximum road grades will be provided on the specific street and roadway design plans and are not intended to be shown on the preliminary plat. That said, the road grades will certainly be less than 15%.

The street and block length have been addressed on the revised plat. Per Chapter 17, Section 17.3 of the Town's LDS, a block is defined as follows:

**Block.** A unit of land inclusive of private land, alleys/rear lanes, accessways, circumscribed by a combination of streets and public land (such as a park), waterways, or any other barrier to the continuity of development.

Sewer is located along Racoon Creek and the developer has negotiated an easement with the selling property owner to gain access to the same.

## **Chapter 7**

Civic space has been segregated from any of the proposed stormwater areas and is clearly shown on the revised plat, as submitted.

## **Chapter 8**

Both the property proposed for development and the "Church" are located in the same zoning district (Racoon Creek - Neighborhood Residential) and with correct application

of the table included in Section 8.4.1 - Required Buffer Yards one concludes that there is no buffer required.

It is agreed that street trees will be required as part of the development but are not required as a part of the preliminary plat approval.



## **Chapter 9**

A driveway permit has been submitted to the NCDOT - District Office and an approval of the same is anticipated soon. A copy of the same shall be provided to the Town of Waynesville upon receipt of the same.

The driveways and parking for each house and individual lot are not a requirement of the preliminary plat and will be shown on individual zoning permits on a per lot basis that is specific to the selected home.

## **Chapter 10**

Lighting - Proposed lighting for the development, if provided, will meet the Town of Waynesville's Land Development Standards.

I hope this information is helpful to you and the remainder of the planning board.

**Kimberly Turner Mathis**  
**Waynesville**

Ms. Mathis said she owns the property that Mr. Rogers was talking about. Ms. Mathis stated that her property was farmland, hogs, cows, chickens, tobacco, and garden. Ms. Mathis said she has no desire or intent to change any part of her property. Ms. Mathis said at the last meeting the developer was asking for a lot of exceptions. When Ms. Mathis built her home on family property, she wanted to put a house on a basement and the Town told her no, that only modulars or stick built homes were allowed. Ms. Mathis said as a local property owner she had not gotten any extension, special treatment, or exceptions. Ms. Mathis said they have an issue with traffic and the state owns the road and does not maintain or hasn't maintained it in 57 years unless someone complains. Ms. Mathis stated that they aren't urban sprawl they are farmland.

**Duane Moody**  
**Waynesville**

Mr. Moody's said he liked the changes made in the revised plan, but felt there are still too many houses. Mr. Moody said you can't see around the curves due to grass, trees, and people speed up on Sunnyside Road. The water pressure is low real early morning and ok other times. Ever since they cut timber up by watershed the water has black particles in the drinking and toilets water.

**Martha Mills**  
**Waynesville**

Ms. Mills said she serves on the Farmland Preservation Board for Haywood County. She is retired from USDA. Ms. Mills serviced the Queen Farm and other farms in the area for years. The Queen Farm was a big part of WNC livestock market. The Morrow Farm presently has a cattle operation. Ms. Mills also talked about the Mountain Research station being in that area for

77 years with programs in horticultural, alternative and forage crops, tobacco, Christmas Trees, and beef cattle. Ms. Mills asked the Board to consider this as farmland.

**Z Kollat**  
**Waynesville**

Mr. Kollat said that this area is bowl shape and most of the neighbors live on high ground looking down on the farmland so buffers are immaterial unless they can be elevated. Medford Road is as dangerous as the entrance from East Street onto Sunnyside. The 2<sup>nd</sup> entrance into the development is obviously at the bottom so that it will not interfere with phase 2. Mr. Kollat said that a block is a square of 4 streets. With roads 500, 900, and 700-foot-long roads, he guarantees there will be parking issues. He asked which part of the roads are NCDOT and which are Waynesville's responsibility? Mr. Kollat said that quality of life will be given up, and the area is more rural than urban. We appreciate all of Jason Rogers hard work.

**Kris Von Kaler**  
**Waynesville**

Mr. Von Kaler thanked the Planning Board for their efforts and time on exploring this request and hearing from citizens. He said he would appreciate hearing from the developer. He looked around the room and asked if the developer was present and looked at Mr. Bradshaw stating, "you're the representative of the developer." Mr. Von Kaler said the developer is not here and that this is the 2<sup>nd</sup> meeting not attended by the developer. He stated that "we have an out of the county, an absentee, dis-interested developer that can't or won't show up" or has other personal commitments or can't make the time to be here to address concerns or hear what's being said. Mr. Von Kaler recalled that Shinning Rock wanted to purchase the land across from traffic circle off Racoon Rd. and the Queen family was opposed to the idea. Mr. Kaler said in his opinion, if the Planning Board approves it, then there will be a land rush and other developers will follow. Mr. Von Kaler said this was the wrong place for this cookie cutter higher density subdivision.

**Lucas Mease**  
**Waynesville**

Mr. Mease stated that he is a farmer and rides his horses up Sunnyside and through Main Street. Waynesville does not have the traffic capacity or the water and sewer to support this housing development. He said he worked previously at the sewer plant and seen the spillage, shooting out of manholes during floods and high storm weather.

Vice Chairman Ginger Hain asked if there was anyone else wanting to speak.

Mr. Kollat asked if the second entrance was put at the bottom for phase 2.

Vice Chairman Ginger Hain told the audience that an Affidavit for the second access is for emergency service only and was signed October 15<sup>th</sup>, 2021.

Mr. Kollat asked Ms. Hain what could be done to change the density. He asked if the development could be postponed until change is made. Attorney Ron Sneed said the Developer has every right to pursue the density under the present regulations even if the law changes.

Vice Chairman Ginger Hain told the audience that the board had to look at the law to make their decision, not what individual board members may personally want. Board Member Don McGowen said that regulations changed recently because of the State statutes on 160D. The changes tied Planning Board hands as to what they can do regarding these kinds of developments. He added that the Alderman will have to approve annexation.

***A Motion was made by Board Member Michael Blackburn and seconded by Board Member Don McGowen to close the public hearing at 7:33.***

***A Motion was made by Board Member Michael Blackburn to approve the Preliminary plat of this administrative subdivision review by the administrator. Seconded by Tommy Thomas.***

More discussion was made between board, staff and developer. Mr. Bradshaw said at the end of the last meeting there were 6 issues that needed to be addressed, and that the developer has acted on or improved each item. A NCDOT permit is now in hand. He stated that the project complies with the Town ordinances that are in place.

Mr. Blackburn stated that this type of project in this area was discussed as part of the Comprehensive Planning process and that the existing zoning has been in place for several years. Marty Prevost expressed concern about the project's size. Tommy Thomas added that all the Board was approving was the subdivision and that staff would be involved with permitting and implementation of plans. There was Board discussion regarding the driveway permit and materials that they had not had much time to review.

***Board Member Ginger Hain asked all in favor. The vote 2 yes and 6 no.***

Attorney Ron Sneed stated motion did not pass it is subject for appeal. Director Elizabeth Teague asked if there was misunderstanding in regards to the motion. Several Board members indicated that they were not ready to vote yet, and wanted further discussion.

Attorney Ron Sneed stated that several members of the Board misunderstood the motion. He counseled that the Board could do a motion to withdraw the previous motion and action. Several Board members stated that they wanted more time to review materials, think about the public comment and deliberate. Mr. Sneed advised that they could continue the meeting to a specific date and time.

***A Motion was made by Board Member Marty Prevost and seconded by Board Member Don McGowen to withdrawal the Vote. The motion passed unanimously.***

***A Motion was made by Board Member Gregory Wheeler and Seconded by Board Member Marty Prevost to continue the meeting till October 26, 2021 at 4:30pm. The motion passed unanimously.***

Vice Chairman Ginger Hain gave a 5-minute recess.

2. Public hearing on text amendments to the Sign Ordinance, LDS Chapter 11, to allow digital information to be included in school signs; and

Director Elizabeth Teague reviewed LDS Section 11.7.4 regarding electronic changeable face signs. These rules are designed to limit this type of signage to the Town's most commercial areas. However, these types of signs would be particularly useful for schools to disseminate information to parents, students, and staff regarding quickly changing circumstances, especially involving weather-related closures and delays, public health, and last-minute event cancellations.

The Haywood County School Board would like to activate one at the Waynesville Middle School which is in the Hazelwood Urban Residential District, and other schools may want to follow suit. The Shining Rock campus at 1023 Dellwood Road is located within the Dellwood/Junaluska Regional Center District and could therefore install an electronic changeable face sign under the existing sign standards. Other schools that meet this definition are Hazelwood Elementary in the Plott Creek NR District; Junaluska Elementary in the Raccoon Creek-NR District, Haywood Christian Academy in the Dellwood Residential Medium Density, and the new Shining Rock Classical Academy campus within the Dellwood Residential Medium Density Mixed Overlay District.

Based on the Planning Board's discussion at its August 16, 2021 meeting, staff prepared a draft text amendment to the Land Development Standards allowing Electronic Changeable Face Signs at elementary and secondary schools but limiting the dimensions and permitted times of operation. Staff believes that the proposed amendment is not inconsistent with any of the Land use Plan goals and is designed to support our school institutions while still being protective of existing neighborhoods and limiting light pollution.

***A Motion was made by Board Member Barbara Thomas and seconded by Board Member Gregory Wheeler to approve the Recommendation to the Board of Alderman for a Text Amendment for Standards for Electronic Changeable Face Signs Legislative hearing. The motion passed unanimously.***

## C. ADJOURN

***With no further business A motion was made by Board Member Michael Blackburn and seconded by Tommy Thomas to adjourn the meeting at 8:18pm. The motion passed unanimously.***

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Ginger Hain, Vice Chairman

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Esther Coulter, Administrative Assistant