



TOWN OF WAYNESVILLE Planning Board

9 South Main Street Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492

Susan Teas Smith (Chairman)
Ginger Hain (Vice)
Stuart Bass
John Baus
Michael Blackburn
Jan Grossman
Peggy Hannah
Tommy Thomas
Barbara Thomas

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Scheduled Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
Monday February 20th, 2023, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Regular Scheduled Meeting February 20th, 2023, 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

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chairman)
John Baus
Stuart Bass
Michael Blackburn
Jan Grossman
Barbara Thomas
Tommy Thomas

The following board member was at the meeting but sat in the audience: Peggy Hannah

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Land Use Administrator
Esther Coulter, Administrative Assistant

Planning Board Attorney, Ron Sneed was present

The following applicant representatives were present:

Kris Boyd, Assistant Haywood County Manager
Frank Queen, Haywood County Attorney

Thomas Manino, P.E., McGill and Associates
Jason Mosely, Architect

Chairman Susan Smith called the meeting to order at 5:32pm and welcomed everyone and asked staff if there were any announcements. Ms. Teague introduced Olga Grooman, Land Use Administrator, to present an update on the Railroad Corridor Sub-committee.

Ms. Grooman stated that the group took a tour along the railroad corridor of Waynesville, including the industrial park, Frog Level and Hazelwood areas. The Committee discussed potential opportunities for new development or redevelopment, and the need to make sure uses are compatible. Ms. Grooman stated that maps, reports, and future meeting information could be found on the Town website under the Development Services page, with a link in the left-hand column entitled, "Special Projects."

Chairman Susan Smith asked for review and approval of the January 9 and January 30, 2023, minutes. There was discussion regarding minor corrections and an amendment was added.

A motion was made by Vice Chairman Ginger Hain, seconded by Board Member Barbara Thomas, to approve the presented minutes with corrections and added amendment. The motion passes unanimously.

Chairman Susan Smith read through the procedures for the Public Hearing. Attorney Ron Sneed advised Chairman Smith, Planning Board Members, and the public that the proceeding is an Administrative Hearing.

Chairman Susan Smith opened the Public Hearing at 5:46pm.

B. BUSINESS

1. Public Hearing on to consider a major site plan review for the expansion of the Haywood County Multi-Use Facility and Detention Center at 1620 Brown Avenue, Waynesville, NC 28786 (PIN 8605-70-8724).

Land Use Administrator, Olga Grooman exhibited the site plan and explained the plan to demolish existing buildings and rebuild a new facility that will connect to the existing sheriff's department. She explained the location and improvements to the stormwater area, parking lots, the addition of ADA parking and sidewalks. Ms. Grooman stated that the property's current uses include: the Magistrate, 911 call center, sheriff's detention facility, administrative offices, the building in front of Sheriff's department is the EMS facility, recycling convenience center, County maintenance facilities, storage, impound lot, personnel, and public parking. She stated that this multi-use complex meets the definition of "Government services" under the Waynesville Land Development Standards and read the definition from the ordinance.

Ms. Grooman informed the Planning Board that per LDS 15.8.2, Site Plan/Design Review (Major) is an administrative procedure since the adoption of 160D-related text amendments. The Planning Board must find that the plan is consistent with the adopted plans and policies of the Town; the

plan complies with applicable ordinance requirements; and that the plan has infrastructure as required by the ordinance to support the plan as proposed. Ms. Grooman demonstrated in the exhibits that the applicant provided the environmental survey with natural resources inventory, existing conditions, demolition plans, landscape plan, utility plan, stormwater plan, and building elevations. She explained that the applicants met with Town staff first on September 7, 2022, for review of plans with public safety, zoning, building inspections, and public services staff, and then submitted an updated set of plans on January 20, 2023. Staff gave a notice of the zoning decision that the property was “government services ” by posting the property at four locations and on the Town Hall’s bulletin board on January 6, 2023. Afterwards, public notices of this hearing were posted on the property (1/30/23), mailed out to adjacent property owners (1/30/23), and published in the newspaper (1/29/23 and 2/5/23). Susan Smith noted that the matter of the zoning declaration is done and is not before the Board tonight.

Ms. Grooman continued to present the staff report. She indicated that the applicant would be subdividing the property as shown on exhibit, and the site plan review was based on the proposed subdivision line. Ms. Grooman noted that this is typical at this phase of development. For example, Publix, Preservation Way, and Allison Acres were reviewed for compliance based on the proposed property lines, before the new property lines were established. Barbara Thomas clarified that the County would still own everything even after the subdivision. Ms. Grooman continued to describe adjacent land-use, and the boundary with the railroad. She explained that the neighbors along Hemlock Street expressed concerns about security issues around the current site and that the County staff met with the neighborhood resident Peggy Hannah on January 17, 2023, to discuss any site improvements with sensitivity to the neighborhood.

She stated that the County had owned and operated this site, including the jail, going back to when the property was a part of the town of Hazelwood. The expansion of the detention portion of the facility was necessary to meet the requirements of the State and allow the County to efficiently continue the use this property to carry out its law enforcement and judicial functions.

Ms. Grooman explained that the property was designated as community facilities and mixed-use facilities on the Future Land Use Map of the Town’s 2035 Comprehensive Plan. The property is zoned Hyatt Creek Regional Center District and government uses are permitted outright in this district. The project meets the goal of the Comprehensive Plan for in-fill development by re-using the existing site and upgrading the facilities. The purpose of the Hyatt Creek Regional Center District is to serve the region and its citizen to accommodate those living in this area. Mixed uses are encouraged there. Therefore, the proposed site plan is consistent with the Comprehensive Plan and the underlying zoning.

Ms. Grooman then went through the details of the plan for its compliance with the LDS standards. The setbacks are compliant. She showed the elevation and pointed out that it is 27’ high and is compliant with building height. After the subdivision, the only property frontage will be Vigoro Lane. The proposed plan will re-use existing driveways off Brown Avenue and Hemlock Street as they are now, and it was approved by fire and building code officials. The design of the building is compliant with the requirements of the State which are stricter than the Town’s and thus supersede the Town’s design guidelines. The plan includes interior sidewalk connections. Because

the proposed expansion is at the interior of the lot, it will not have street frontage for sidewalks once subdivided and is adjacent to the railroad track.

Ms. Grooman stated that the project has existing sewer on site and referred to the documentation provided by Public Services showing adequate water and sewer availability. She noted that the subdivided lot will not have a buffer requirement. However, there are interior landscaping requirements for the parking lots, and the plan is compliant. In addition to new 25 parking spots, there are shared parking spots throughout the property. The proposed ADA parking and bike racks are in compliance.

Ms. Grooman showed a picture of the current condition of the stormwater pond and indicated that improvements would clean up the area and mitigate stormwater runoff. She reviewed other environmental features and noted that existing trees on the western side of the property would not be touched.

Ms. Grooman then summarized that staff recommends approval with the following findings of fact:

1. Proposed plan is consistent with Comprehensive Land Use Plan, goals # 1 to support smart growth principles
2. The site plan complies with all applicable requirements of the Town's Land Development Standards as specified above
3. There is adequate water and sewer to serve the project.

Staff recommends approval of the site plan as presented with one contingency. Peggy Hannah has filed an appeal related to the zoning decision that the use of the property is government services which the zoning board of adjustment will hear on March 7, 2023. Approval will be contingent on the Zoning Board's decision.

Susan Smith asked if anyone had questions for staff. Jan Grossman asked if the building was just being built as a jail. Ms. Grooman responded that the new portion will be mostly for detention but will be connected to the larger building which also includes the Sheriff's department, 911 center and Magistrates office.

Mr. Baus stated his concerns that the project is a correctional facility and not government services. Mr. Sneed noted that this question has been heard and will be taken up by the Zoning Board of Adjustment. Mr. Baus stated that he did not like how this was being handled and that under the category of institutional uses, a correctional facility is not allowed in this district. There was further discussion among the Board and Ron Sneed. Chairman Susan Smith stated that the guidance from the legal counsel was important, and the purpose of the hearing was to approve or deny the Major Site Plan and if the underlying issue is that someone has appealed because they believe it is zoned inappropriately, then it is for the Zoning Board of Adjustment to determine.

Thomas Mannino from McGill Associates stated that he prepared the site plan for the County and mentioned the architect was present if anyone had questions about the building. Mr. Mannino stated that the plan was to demolish existing buildings in order to construct a new detention facility.

Mr. Mannino said that the property line and subdivision plan were for the County to be able to finance the improvements.

Mr. Mannino stated that the plan provides improvements and re-arrangement to the parking lots. He also said the pond was oversized to help with the stormwater to not impact the neighborhood. The project will tie into existing water and sewer which comes into the property. The building is designed to match the façade of the existing building. Mr. Mannino stated that they believe this project will be an improvement. Ms. Smith asked if anyone had questions for applicant.

Mr. Grossman asked if EV charging stations were being considered. Mr. Mannino indicated they were not.

Mr. Thomas asked if the stormwater outfall had been evaluated for its impact on the railroad and any concerns about undermining the tracks. Mr. Mannino indicated that they did not look at that specifically, but stormwater conveyed along the track, and they analyzed the rates of discharge from the site onto the right-of-way.

Board Member Barbara Thomas asked if someone from the County could discuss the State requirements for detention facilities. She asked if there were other uses than a general judicial function. Assistant County Manager Chris Boyd came to the podium and explained that the court system had new requirements and that misdemeanors needed to be held locally and not held at state and federal facilities. With the changes of that requirement and with the growth of our existing population, the facility has reached its maximum capacity. The County must house them at other facilities at extreme cost. It's not only the cost per day, but also medical expenses, travel cost, staff time to take inmates back and forth. Some inmates have gone as far as the coast. Our facility cannot handle the population that we have now. Michael Blackburn suggested that the Board pull back from the financial questions.

Board Member Tommy Thomas asked if the project has been reviewed and approved by the construction section of the North Carolina Division of Health and Human Services. Jason Hopkins with Moseley Architects answered that the primary reviewing authority for this project, in addition to the Town of Waynesville, Haywood County, are North Carolina Department of Health and Human Services which writes all the standards for county jails along with the North Carolina Department of Insurance. While these organizations do not expressly approve them until constructed, the teams have met and walked through the plans with them. Both reviewed the plans twice, they made comments each time and we resolved the comments.

Ms. Smith asked if there was any public comment. There was none.

Vice Chairman Ginger Hain asked about the subdivision compared to the current subdivision and whether it needed to be a part of motion. Ms. Smith consulted the Board attorney. Mr. Sneed answered yes to including it into the motion due to the requirement to subdivide for financial reasons. This Board can look at it and determine that it is a true subdivision and as a site plan. Ms. Smith noted that we have done this type of approval before. Mr. Sneed confirmed that staff can approve the actual subdivision administratively.

Mr. Baus asked about buffering and sidewalks. Board and staff discussed if additional sidewalks or other regulations were required if the entire property was considered a part of the site plan, not just the portion that included improvements. Ms. Teague noted that staff struggled with what we would have to require if we looked at the site in its entirety, and not just the proposed area of subdivision where the new building was going in. Initially, as in the staff report, we believed that sidewalk and additional buffering would be required along Hemlock Street. However, staff also realized closer to the meeting that we would also have to take into consideration the fact that the site has pre-existing nonconformities. In nonconformity regulations, sites have to come up to current standards when there is an expansion of over 50%; if we took into consideration the entire site, the proposed changes would be well below 50%, and therefore we wouldn't be able to require the entire site to come up to full compliance. Ms. Teague added that from a practical matter, there also is the fact that there is not room to construct a sidewalk along Hemlock until those existing buildings move. Ms. Teague continued by saying that the Town looks for any opportunity to install sidewalks with all new development, but this site is tricky because it has been here for so long, and the piece the applicant is adding to is away from the road and by itself does not meet that 50% rule to force the full property into compliance. Mr. Grossman asked if staff was changing their view from the staff report. Ms. Teague stated that she would argue that whether you looked at the site plan within the entire lot or just within the proposed subdivision, that we wouldn't necessarily have to require sidewalks or buffer along Hemlock because of the existing non-conformities.

Chairman Susan Smith Closed the hearing at 6:40 and asked if there was additional discussion. Mr. Grossman noted that it sounds like whether we look at as one whole property or just the subdivision, then we couldn't require sidewalks.

A motion was made by Vice Chairman Ginger Hain, seconded by Board Member Michael Blackburn, to approve the Major Site Plan as presented because 1) it's consistent with 2035 Comprehensive Land Use Plan and meets the goal to promotes smart use principles in land use planning and zoning, 2) it complies with all applicable requirements as detailed in staff report, and 3) it has infrastructure as required by the ordinance to support the plan.

There was additional discussion about contingency of the decision on the outcome of the Board of Adjustment, and Mr. Sneed confirmed that as noted in the record.

The motion passed 7 to 1.

C. ADJOURN

A motion was made by Board Member Michael Blackburn, seconded by Board Member Stuart Bass to adjourn the meeting at 6:53pm. The motion carried unanimously.

Susan Smith, Chairman

Esther Coulter Administrative Assistant