



TOWN OF WAYNESVILLE Planning Board

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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

Special Called Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
Wednesday, April 26th, 2023

THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting April 26th, 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
Jan Grossman
Michael Blackburn
Tommy Thomas
Peggy Hannah

The following members were absent:

Barbara Thomas

The following staff members were present:

Elizabeth Teague, Development Services Director
Byron Hickox, Land Use Administrator
Olga Grooman, Land Use Administrator
Candace Poolton, Town Clerk
Ron Sneed, Board Attorney

The following members from the media were present:

Cory Vaillancourt, Smoky Mountain News

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Planning Board Chair Susan Teas Smith called the meeting to order at 5:30pm and welcomed everyone. Planning Director Elizabeth Teague announced that there will be a joint workshop with the Board of Aldermen on April 28th at 11:30am, to discuss the Comprehensive Land Use Plan.

The Chair then asked the Board to consider the minutes from December 19th, 2022, and February 20th, 2023.

A motion was made by Board Member John Baus, seconded by Board Member Tommy Thomas to approve the December 19th, 2022 meeting minutes. The motion passed unanimously.

Board Member Jan Grossman suggested amending the February 20th meeting minutes on page five, paragraph three, to include the following: “Mr. Grossman asked if EV charging stations were being considered now or in the future, Mr. Mannino indicated they were not as they were not required by the code and they did not want to increase the financial burden for the county.”

A motion was made by Planning Board Chair Susan Teas Smith, seconded by Board Member John Baus, to approve the February 20th, 2023 minutes as amended. The motion passed unanimously.

B. BUSINESS

1. Public Hearing on a Map Amendment (Rezoning) Application at 237 Ratcliff Cove Road, PIN: 8626-00-9246, Raccoon Creek Neighborhood Residential (RC-NR), to a mixed-use overlay (RC-NR MXO)

Planning Board Chair Susan Teas Smith reported that this zoning map amendment is for the extension of an overlay district and that the applicant is asking for an overlay on the property which does not change the property’s underlying zoning designation, however this zoning map amendment would allow limited additional commercial uses on the property, similar to other overlay districts in town.

Board Member Grossman recommended tabling the first item because if passed, the Board would be giving rights to this property under government services, and right now there is a case before the Court debating what is included in government services. He said that one of those items potentially being included is a detention center. He added that until that case is resolved, he would like to recommend tabling of this item.

Planning Board Attorney Ron Sneed recommended that he understood Mr. Grossman’s concern, however, applicants are entitled to be heard, and that a case regarding detention centers could go on for months, which would not be fair to the applicant. Mr. Baus asked if the decision should be based on what the applicant wants to do with the property, or what is allowed to be done on the property. Mr. Sneed responded that the Board can at least hear the applicant and then make the determination.

Board Member Jan Grossman made a motion, seconded by Board Member John Baus, to table the first item (Public Hearing on a Map Amendment (Rezoning) Application at 237 Ratcliff Cove Road, PIN: 8626-00-9246, Raccoon Creek Neighborhood Residential (RC-NR), to a mixed-use overlay (RC-NR MXO)). Board Member Grossman voted in the affirmative, Board Chair Susan Teas Smith, Vice Chair Ginger Hain, Board Member John Baus, Board Member Stuart Bass, Board Member Michael Blackburn, Board Member Tommy Thomas, and Board Member Peggy Hannah voted in the negative. The motion failed.

Byron Hickox, Land Use Administrator, presented on the Map Amendment Application. He said that the property is a 28.69 acre parcel that is currently located in the Raccoon Creek Residential District (RC-NR) and that Raccoon Creek runs along the west boundary, with associated floodway and floodplain extending eastward into the property. While the lower portion of the property along the creek is flat, the property rises from an elevation of 2,620 feet to 2,900 feet at the northeast corner. The property has approximately 400 feet of frontage along Ratcliff Cove Road, with a broad gravel driveway connection to interior gravel and dirt roadways. He added that with the exception of an old barn located on the northern boundary, the property is vacant.

Mr. Hickox read the purpose statement of the Raccoon Creek Neighborhood Residential District as specified in the Land Development Standards Section 2.3.3G.

The request to be considered is for a map amendment to place the property in the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay (RC-NR MXO). The Land Development Standards Section 2.6.2A defines a Mixed-Use Overlay District as "*a zoning overlay district established to permit certain limited mixed-uses within residential neighborhoods.*" The application was submitted by Haywood County Consolidated Schools in order to place the property in question into a zoning district in which Government Services is a permitted use. The Land Development Standards Section 17.3 defines Government Services as "*federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority.*"

If placed within the RC-NR MXO, several additional uses would be permitted on this property. The newly permitted uses would be: live-work units, ATM, Banks, Credit Unions, & Financial Services, Business Support Services, Dry Cleaning & Laundry Services, Funeral Homes, Government Services, Personal Services, Professional Services, Gas/Fueling Station, General Commercial (Less Than 100,000 square feet) Neighborhood Commercial, Neighborhood Restaurant, Outside Sales, and Restaurant.

Notification of this hearing was mailed to adjacent property owners on April 10, 2023, posted with a sign on the property on April 10, and published in The Mountaineer on April 12 & 19, 2023.

Mr. Hickox continued by describing the surrounding land use and zoning pattern of the property in question. He said the subject property is surrounded: (1) to the north by vacant, wooded land, (2) to the south by a large agricultural operation and vacant, wooded land, (3) to the east by

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single- family dwellings, and (4) to the west by vacant land. The north, south, and east properties are also located within the Raccoon Creek Neighborhood Residential District, while the property to the west is located within the Raccoon Creek Neighborhood Center District.

Mr. Hickox said that Goals 1 and 5 of the 2035 Comprehensive Land Use Plan apply to this application:

Goal 1: Continue to promote smart growth principles in land use planning and zoning by encouraging infill, mixed-use, and context-sensitive development,

Goal 5: Create opportunities for a sustainable economy by encouraging creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Mr. Hickox said that as found in the Appendix to the Comprehensive Plan (page 174), the Future Land Use Map indicates that the property being considered for map amendment should be a part of the Low to Medium Density Residential areas for the purposes of future land use planning. However, he said the property shares its western boundary with an area that is designated Mixed Use - Community, which is defined as follows:

“This designation is intended for nodes of activity areas on major streets and thoroughfares incorporating commercial retail and office, light industrial, employment centers and institutional uses to serve the community. Residential single and multifamily development of medium densities may be vertically or horizontally integrated with the commercial. These areas will likely have access to municipal utilities and development should be connected to transit and pedestrian ways. Scale of these areas should vary based on context.”

The Development Staff agreed that while the requested map amendment would not be explicitly consistent with the Future Land Use Map, the property in question is contiguous to an area designated for more intensive future development. Additionally, the property is located along a well-maintained road with an existing entrance located approximately 1,000 feet from U.S. Highway 23, a major commercial entrance into Waynesville.

Board Member John Baus asked that besides meeting Goals 1 and 5 under the Comprehensive Land Use Plan, are there any other specific provisions that would support changing this property from medium-density residential to light commercial? Mr. Hickox said those are the goals that apply to this rezoning request. Board Member Baus said that according to the Land Development Standards, the Raccoon Creek Neighborhood District should be a lower density cluster development and suggests that the County should explore recreational use in this district. He added that there is no recommendation to add commercial uses. Board Member Baus also said that the Future Land Use Map doesn't include that area as being commercial. He said that part of the property extends into areas that are zoned neighborhood residential and that he is worried about precedence being set that if it the property in questions is contiguous with a higher use area, that it should be allowed to be rezoned.

Board Member Baus asked that according to the definition of Government Services, as defined in Development Standards Section 17.3, if rezoning were to be granted to the applicant, a jail or detention center would be allowed on that property? Mr. Hickox did not answer that question at

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this time but suggested a secondary back up option for the applicant to propose an outright rezoning to Neighborhood Center which is what the property is contiguous to.

Planning Board Vice Chair Ginger Hain asked if the County had established ball field on the old landfill. Graham Haynes, Assistant Superintendent for the Haywood County School System said that is something they would like to do one day.

Board Member Jan Grossman asked the Development Staff's opinion on whether they find the applicant's request consistent or not consistent with the Land Use Plan. Mr. Hickox said staff want to leave that decision up to the Planning Board.

Planning Board Chair Susan Teas Smith reminded the Board that the Land Use Plan was developed as a tool for guidance, that it does not need to be strictly adhered to.

Applicant Patrick Bradshaw with Civil Design Concept Engineering Firm, presented on behalf of Haywood County Schools. Mr. Bradshaw stated that the property is currently owned by Michael Crawford and is under contract with Haywood County Schools. He described the property as being 28 acres in size, has a sudden and steep elevation change over 300 feet on part of the property, and is oddly shaped. He added that in less than 300 feet west of the property, there are three different zoning districts, Raccoon Creek Neighborhood Center, Raccoon Creek Neighborhood Residential, and Raccoon Creek Neighborhood Mixed-Use Overlay, all west of Asheville Highway. Mr. Bradshaw said that the Raccoon Creek Neighborhood Center has no limits on allowable density and would allow buildings up to three stories in height, the Raccoon Creek Neighborhood Residential district has allowable density of up to 16 units per acre and allows buildings up to three stories in height. He added that even without rezoning the subject property, it could accommodate approximately 450 apartments or residential dwelling units. Both districts allow elementary and secondary schools, along with religious institutions.

Mr. Bradshaw presented the site plan for the property if it were to be rezoned. The site plan showed four uses: Maintenance and bus garage, Board of Education meeting and training space, a food services facility, and IT and computer services. He said the desire is to consolidate and centralize meeting spaces and avoid flooding that has happened in their Clyde location. He added that the property is close to a high-speed internet line that serves the state school system, making the location ideal for IT and computer services. Mr. Bradshaw cited the Future Land Use Plan, stating that this property should be developed as low to medium density including educational and civic uses. He said that the rezoning request to fit these uses is clearly supported by the Land Use portion of the Comprehensive Plan. He said that the bus garage portion of the site plan would be hidden by landscaping and buildings.

Planning Board Chair Susan Teas Smith asked about the "peninsula" of the property. On the site plan, that steeply elevated portion of the property is vacant, and Chair Smith asked Mr. Bradshaw what they were planning on doing with that part of the property. He said that that portion is not suitable for a school. That part of the property could be used for homes, but he did not predict the school system selling that portion of the property. Chair Smith said something to consider if the rezoning is approved, and the sale does not go through, that could be a potential

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issue. She asked Mr. Haynes about the status of the sale. He replied that they are under a due diligence period that ends May 20th, and will only buy the property if the rezoning request is granted. He added that ultimately, it is up to the School Board to decide to go through with purchasing the property.

Board Member Jan Grossman asked if that property rezoning was approved and the plot was split, does it keep that same zoning? Mr. Hickox said yes.

Board Member John Baus said the applicant convinced him that the rezoning is in the best interest of the Town, but if the property were to be rezoned and then split, it wouldn't be in the best interest of the Town. Mr. Haynes said the intention is not to divide and sell the property. Mr. Bradshaw said that the property is not conducive to another use given the steepness, but that it is not impossible.

Planning Board Chair Smith asked for public comment at 6:36pm.

The current property owner, **Michael Crawford**, said he would prefer to sell it to the school system.

Assistant Superintendent for Haywood County Schools, Graham Haynes, thanked the Board and said this parcel is perfect for what they need. He said all of the schools are 15 minutes to this location, making it central and ideal. He added that the school system already has the money available for this project. Planning Board Vice Chair Ginger Hain asked what the timeline is for the project. Mr. Haynes said they are prepared to break ground as soon as possible.

John Queen-480 Cove Queen Road, Waynesville: Mr. Queen said that he is neighbors with Michael Crawford. He is concerned that the buildings the applicant may build will be unattractive and look very corporate. He also expressed concern that broken down busses could be an eyesore. Mr. Haynes replied that the structure would look like current central office which has received excellent public feedback. He also stated that the buses would be stored so they wouldn't be an eyesore. Mr. Queen suggested a natural buffer so that buses couldn't be visible.

Mr. Hickox said that the appearance of the building and the buffering will have to adhere to Town standards. He said that outside storage is required to have a landscape buffer and that the design standards from the Town has high standards of appearance.

Lisa Shelton-192 Ratcliff Cove Road, Waynesville: Ms. Shelton said that part of her farm, Queen Farm has been recently developed. She said she believes that anyone can do what they want with their land, including selling to whoever they want. Ms. Shelton said CDC designed the development, and now they have stormwater running through their farm that wasn't an issue before they started developing. She said that she asked Mr. Bradshaw to fix the problem, and she said he will not fix it. She advised that the Board looks very closely at the preliminary plan before approving the project because every decision affects the neighbors.

Land Use Administrator, Olga Grooman, addressed the issue of stormwater on Ms. Shelton's property. She said that the permitting process the Town has now involves contracting with
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stormwater engineers to review the plans and make sure they are in compliance with the stormwater ordinance (which has followed the state's stormwater laws). After the review process, a permit is then issued. She added that at tonight's meeting, they will be proposing stormwater improvements based on Ms. Shelton's comments. She said they will also be sending engineers out to the Queen development.

James Arrington-285 Hilltop Drive, Waynesville: Mr. Arrington said he has seen water from Raccoon Creek run across Raccoon Road and flood that property. He asked the applicant why they want to abandon the current maintenance bus garage facility. Mr. Haynes replied that the county has interest in that property, so they need to move the garage elsewhere. Mr. Arrington expressed frustration as a taxpayer that a maintenance garage is being abandoned and money is being spent to build a new one.

Planning Board Chair Smith closed public comment at 6:53pm.

Board Member Stuart Bass asked about consideration of conditional zoning. Mr. Hickox said that mixed-use overlay was the base level, lowest threshold action they needed to take to make the property a permissible use.

Development Director, Elizabeth Teague, told the Board that they always have an option to frame the recommendation to Council around specificity. She said their advisement to Council could be based on the prospective buyer.

Mr. Bradshaw wanted the Board to know that if it took longer to decide to re-zone, the applicant would seek an extension on the due diligence period.

Planning Board Michael Blackburn said that this rezoning would be good for the County and Town.

Planning Board Member Tommy Thomas pointed out in the staff report that the property in question is 28 acres, but the application says 30.2 acres. He requested that staff provide more information in the future before the Planning Board meeting. He added that he has difficulty approving something with such a strong contingency down the road.

Vice Chair Hain agreed with Board Member Thomas. She asked the applicant if they would be interested in conservation of that land? Mr. Haynes said he did not know, but could speak to the school board. She then asked staff if there is a loss of revenue for taxation when government services buys property. Ms. Teague said the Town would not collect property taxes, but the Town would receive revenue from utility services.

Board Member Baus said he agreed with the property owner that he does not want to see apartments on said property. He reiterated that the proposed use of the property is in the best interest of the Town.

Board Chair Smith agreed that parameters should be placed on the rezoning to ensure that the property will only be rezoned if the school system purchases the property. She also liked the idea of a conservancy.

The Planning Board took a recess at 7:12pm and resumed the meeting at 7:24pm.

A motion was made by Vice Chair Ginger Hain, seconded by Board Member Tommy Thomas, that the application for the overlay is technically not consistent with the Comprehensive Plan, however, this application meets the needs of the Board of Education, community, and the County, and the Planning Board recommends to the Town Council approval of the proposed map amendment for the property described as 237 Ratcliff Cove Road – PIN 8626-00-9246 from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay, with the recommendation that if the Town Council approves the map amendment, that the effective date of the map amendment be 10 days after Haywood County Consolidated Schools takes ownership of the property.

The motion passed 5 to 3. Chair Susan Teas Smith, Vice Chair Ginger Hain, Board Member Michael Blackburn, Board Member Stuart Bass, and Board Member Tommy Thomas voted in the affirmative. Board Members Peggy Hannah, Jan Grossman, and John Bass voted in the negative.

A motion was made by Board Member Michael Blackburn and seconded by Planning Board Chair Susan Teas Smith to refer the Planning Board's recommendation to the Town Council for consideration. The motion passed unanimously.

2. A Public Hearing to consider the Stormwater Ordinance text amendment related to the design of the stormwater structures, Section 12.5 of the Land Development Standards (LDS).

Land Use Administrator, Olga Grooman, reported that the Development Services Department contracts with Withers Ravenel Engineering Firm for stormwater plan review and enforcement of the technical components of the ordinance related to water quality, quantity, design of stormwater control measures (SCMs), and final certification for stormwater permits. After touring several sites, including the Queen Farm Development, Ms. Grooman said that the engineers provided recommendations for the improvements in the Town's local Stormwater Ordinance to address some deficiencies found on development sites that the Town currently cannot enforce. She said these include updated design for rise structures to ensure long-term functionality, safety measures along SCMs with tall embankments and steep slopes, non-encroachment of stormwater devices into buffer yards or immediately adjacent to abutting properties, and ensuring proper design of the SCMs at the end of construction.

These additions will help the Town to comply with its National Pollutant Discharge Elimination System Permit (NPDES) issued by the North Carolina Department of Environmental Quality on August 19, 2021 by maintaining legal authority through up-to-date ordinances.

Ms. Grooman summarized that the staff recommended text changes include:

- Non-encroachment of any part of a stormwater structure into the district setbacks
- Fencing for stormwater structures with tall or steep embankments
- Signage around ponds
- Conversion from a sediment control structure to a permanent stormwater management structure requires final elevations, description, and certification of any modifications referenced on the final plat prior to its approval

Ms. Grooman said this text amendment is also to encourage natural buffers.

A motion was made by Board Member Jan Grossman, seconded by Board Chair Susan Teas Smith, that the zoning text amendment is approved as it is in conformity with the Town's Comprehensive Land Use Plan and is reasonable and in the public interest because it is consistent with:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- *Encourage in-fill, mixed use, and context-sensitive development.*
- *Promote conservation design to preserve important natural resources.*

Goal 3: Protect and enhance Waynesville's natural resources.

- *Protect rural lands, iconic views, and mountain vistas.*
- *Protect and enhance water quality and forests.*

The motion passed unanimously.

Planning Board Member Jan Grossman made a motion, seconded by Board Chair Susan Teas Smith, to recommend the text amendment to the Town Council as presented. The motion passed unanimously.

3. Discussion on development of possible Short Term Rental regulations.

Development Director Elizabeth Teague recommended to the Planning Board to table this discussion due to pending legislation regarding short term rental regulations.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

There was no public comment.

D. ADJOURN

A motion was made by Board Member John Baus, seconded by Board Chair Susan Teas Smith, to adjourn the meeting at 7:38pm. The motion carried unanimously.

Susan Smith, Chairman

Candace Poolton, Town Clerk