

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
May 22, 2018**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, May 22, 2018, 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
Mayor Pro Tem Gary Caldwell
Alderman Julia Freeman
Alderman Jon Feichter
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Chelle Baker, Administrative Assistant
Elizabeth Teague, Development Services Director
Chief Bill Hollingsed, Police Department
Captain Brian Beck, Police Department
Shawn Messer, Police Department
Ricky Mehaffey, Fire Department

The following media representatives were present:

Cory Valliancort, Smoky Mountain News
Becky Johnson, The Mountaineer

Mayor Brown asked Mr. Alex McKay to explain about the Historic Preservation Commission's long awaited coloring book. Mr. McKay said the coloring book contained pictures that can be colored of the Town's Historic Buildings. The Commission will be giving the books to 4th graders and they will be for sale in businesses downtown and in the Development Services Department. The cost of the coloring books will be \$5.00.

1. Calendar/Announcements

Mayor Brown welcomed everyone and reminded the Board of the following events on the calendar:

Saturday May 26: 7:00pm - DWA Block Party – Main Street
Friday June 1: 5:00 – 9:00pm - Art after Dark – DWA – Main Street
Sunday June 3: 5:00 – 7:00pm – Waynesville Public Art Commission Dog Show and Fundraiser - Hart Theater Greenspace

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to approve the minutes of the May 8, 2018 regular meeting as presented. The motion carried unanimously.

Mayor Brown briefly reviewed basic rules for the Public Hearing.

B. PUBLIC HEARING

3. Public Hearing on a Text Amendment to the Land Development Standards LDS 2.5.3 Table of Permitted Uses, in regards to allowing multi-family within the Plott Creek Neighborhood Residential (PC-NR) District.

Mayor Brown asked Development Services Director Elizabeth Teague to give a background report for the request for Text Amendment.

Ms. Teague stated that this request is for consideration of a Text Amendment to the Town of Waynesville Land Development Standards (LDS) to add “Dwelling-Multi-Family” as a Permitted Use (“P”) within the Plott Creek Neighborhood Residential District (PC-NR District). The applicant is Triangle Real Estate of Gastonia/Southwood Realty, who represents a development firm that would like to purchase a property within the Plott Creek Neighborhood Residential District in order to build a multi-family development of apartments. Ms. Teague told the Board that a Public Hearing was held by the Planning Board on May 21, 2018, and the Board voted in favor of the Text Amendment with five in favor of the Amendment, two against, and one abstention.

Ms. Teague referred the Board to maps to show the geographical area of the requested Text Amendment. She explained that there is not extra territorial jurisdiction outside of the municipal boundaries on Plott Creek.

Ms. Teague provided the Board with a time line of events for the Town of Waynesville Municipal Boundary as follows:

- 1993 – Waynesville extended ETJ to provide zoning protections outside of its jurisdiction
- 1995 – Waynesville and Hazelwood Merge – Hazelwood did not have ETJ, and so there is no zoning past the municipal boundary
- 1999 – Hazelwood Elementary School is built
- 2002 – Waynesville Land Use Plan is adopted
- 2003 – Land Development Standards are adopted, Plott Creek Neighborhood District (PC-ND) is established – Dwelling, multi family is permitted with special requirements – PC-ND includes multi-family as permitted through 08-24-2010 revisions of LDS
- 2004 – Town conducts study and survey to extend ETJ further up Plott Creek; - Develop “Plott Creek Rural District” draft but determined not to extend ETJ
- 2006 – NCDOT widening project of Plott Creek Road introduced (NC Moving Ahead); - School parking lot extended.
- 2011 – Current Land Development Standards are revised and adopted by the Board; - Multi-family not permitted (“P”) in PC-NR District in Permitted Uses Table.
- 2017 - NCDOT Sidewalk project from Hazelwood to Will Hyatt Road approved as it was requested in 2010 Pedestrian Plan

This zoning category represents the medium to high density residential district within the Town, with all of the NR districts having the same and density standards provided in Section 2.4.1. This includes Allen's Creek, Love Lane, Main Street, Ninevah, Pigeon Street, Plott Creek, Raccoon Creek, Sulphur Springs, and Walnut Street Neighborhoods. On the Table of Permitted Uses, Section 2.5.3, the NR District allow single- family, two-family, and townhome dwellings, but only seven of the nine NR Districts allow "multi-family," with the "P" being absent in the columns for Plott Creek-NR and Sulphur Springs-NR. The Low-Density Residential Districts and the Howell Mill Road Medium Density District also exclude "multi-family" while allowing townhomes. In an apparent contradiction, Section 5.3 Permitted Building Types and Frontages, the LDS allow both townhouse and apartment buildings in all of the Town's Residential Districts. The 2020 Land Development Plan Future Land Use Map, adopted in 2002 designates the Plott Creek-NR area as medium to high density residential. She referred the Board to the Table of Permitted Uses in their agenda packets.

Ms. Teague said that questions concerning this text amendment request are: "Why are townhomes and multi-family structures treated differently under the ordinance within zoning categories while density and dimensional requirements are the same?" And, "Why is multi-family not included in the PC-NR and SS-NR Districts when these are part of the Town's medium to high density development areas?"

Ms. Teague read the definitions of each as they are listed in the Land Development Standards:

Dwelling-Multifamily: A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multi-family structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

Dwelling-Townhouse: Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separate from any other unit by one or more vertical common fire-resistant fire walls, and the land underneath each unit is titled to the unit.

Ms. Teague said it was important to note that there is no distinction between rental and a non-rental type of property. A townhome could be rented, and though not specifically stated, but implied, a condominium could be considered a townhome development or a multi-family development.

In terms of density, regardless of building type, ten units per acre or sixteen units per acre (with a Special Use Permit) are allowed. The minimum lot area is 1/6 of an acre and the minimum lot width is fifty feet. Accessory structures are allowed with standard setbacks on the property. Ms. Teague referred the Board to maps of the Plott Creek District giving descriptions of the lots. There are three large parcels of open land, totaling ninety three acres. The largest is forty one acres and has been for sale for many years, and is the property in question.

Ms. Teague told the Board that every zoning or text amendment had to be consistent with the Land Development Plan. In the Waynesville: Out Heritage, Our Future, 2020 Land Development Plan, a stated Land Use Goal is:

"Promote the orderly growth, development and enhanced land values of the Town or Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more

attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community.” (2020 LDP, p 4-2)

Another goal of the Land Use Plan is to:

“Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville.”

Ms. Teague said the objective and actions are:

- To work with the development community to explore ways to make affordable housing construction more attractive to developers
- Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives
- Rezone areas as indicated on the Land Use Map which allow for higher density residential development
- Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives
- Rezone areas as indicated on the Land Use Map which allow for higher density residential development.
- Encourage a variety of housing types for various incomes, age ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single-and multi-family dwelling options (LDP, p. 4-7)

Referring back to the Land Use Plan map, Ms. Teague pointed out that there is an area that the Land Use Plan says should be protected. An Urban Services District Boundary was established so water and sewer would not be extended beyond that boundary. The Smart Growth theory states that development should be close in to major transportation corridors, railroads, roadways and Central Business Districts.

Each planning District has a purpose and intent statement. In the 2011 Land Development Code is basically the same as in the 2003 PC-NR District (LDS Section 2.3.3 (F) :

As the Plott Creek Neighborhood district (PC-NR) develops it should do it in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.

Mr. Teague said clearly that the Plott Creek District is meant to be a high density area.

Staff Recommendation

Ms. Teague explained to the Board that this text amendment would place a “P” within the Table of Permitted Uses in the PC-NR column at the multi-family row, and would not change any other

requirements or density of the district. This would create a new housing opportunity by allowing multi-family structures that could accommodate apartments or condominiums for new rental or ownership. The Haywood County Housing Strategy, which was completed in 2017 indicated a high demand for rental housing and recommended that the County prioritize the creation of rental units.

The PC-NR is within a mile of the Hazelwood Central Business District and less than a half mile to the expressway. Beyond the district boundary are un-zoned boundaries of Haywood County. Ms. Teague stated that staff recommends that the proposed text amendment is consistent with the Land Use Plan and is a good way to create new and more flexible housing opportunities within the medium to high density zoning category and within the urban service boundary.

She expressed that there is a housing crisis in Waynesville, and it is difficult for people having good jobs and making good wages to find affordable housing. The average home price has gone up considerably, and this is an opportunity to keep up with the housing demand. As long as this Text Amendment is consistent with the Land Use Plan, and it can be done reasonably, and in public interest protecting the beauty of the area, Ms. Teague recommends this Text Amendment request be approved.

Some additional points by Ms. Teague were in reference to the flood plain area in this district. She referenced the 2012 FIRM Regulatory Floodplain map and explained the flood way, and the one hundred and five hundred year floodplain. She said a large part of Waynesville is in the floodplain, and wherever construction happens in the regulatory floodplain, the Federal Floodplain Regulations and building codes are enforced.

She added that the Town has a Steep Slope Ordinance that reduces density based on slope above 2,900 feet elevation. She gave a detailed explanation concerning the Plott Creek District slopes and pointed out that there are regulatory frameworks to look at floodplain and slope in this area. Also storm water regulations and sedimentation and erosion control regulations must be followed in any development.

Mayor Brown pointed out to the Board that in 2003 when this district was created, simultaneously the Town Planning Department spent time and effort looking at creating a Plott Creek Rural District. The consensus of the people who were going to be affected in Plott Creek was they did not want the Town to “regulate” the Plott Creek area and create an ETJ because of the fear of being annexed.

Town Attorney Bill Cannon reviewed the ground rules for the Public Hearing, and opened the Public Hearing at 7:08 pm.

**William Ratchford, VP Southwood Realty
3005 Laurie Court
Gastonia NC 28056**

Mr. Ratchford stated he was Vice President, builder and developer for Triangle Real Estate/Southwood Realty of Gastonia which is a family owned business that was started in 1960. This company is the largest owner of apartments in Western North Carolina, and has been located in Henderson County since 2001. Mr. Ratchford stated that his company has built every complex that the company owns. They are small town developers that build in towns that cater to work force housing with pricing that is often needed to get a town to survive. Approved applicants earn approximately \$40,000.00 yearly. In

2015 in Haywood County the median price of a home was \$144,450.00. In the first quarter of 2018 the median price of a home is over \$203,700.00.

Mr. Ratchford addressed the four main arguments that he expected to hear in this meeting: increased traffic, destruction of the natural environment, overcrowding of the Hazelwood School, and more density in the Plott Creek area. The project his company would be proposing would be less than five units an acre. The North Carolina Fire Code allows two hundred maximum units per one entrance to the property. Traffic on Plott Creek has been studied in the event the project is approved in the future. Apartment communities have less traffic issues than townhomes or similar sized housing developments. Mr. Ratchford said this carried over to the school as well. A two hundred one bedroom unit apartment complex has considerably less children that a townhome or housing development. As far as the environment, apartments take up a less geographical footprint than townhomes or houses. This would leave more areas for stream buffers, areas away from neighbors, and conserve mountain views that the Plott Creek is known for.

Mr. Ratchford said the request is only to have the word apartments in the Table of Permitted Uses. Duplexes and townhomes are already permitted in this area. He told the Board that what his company is looking to build a contemporary project that will support the Town's population's needs. For an active adult, they can walk upstairs and they are home, and not have to go up and down for meals or monitoring children. A first floor unit will be for handicapped, or someone who has a problem with stairs.

**Attorney Craig Justus
Speaking on behalf of Thom Morgan and Chuck Dickson**

Mr. Justus gave each Board Member a packet containing a letter that he urged everyone to review. He asked the question "Why does the Town have a regulation that differentiates between single and multi-family homes?" He said there is actually no difference. He said the residents were asking the Board to honor that difference. The historical context presented stated that in 1986 the area was zoned single family and taken into the Town. It remained zoned that way until 2003. At that time multi-family homes were permitted until 2011 when the zoning was again changed to single family homes. Mr. Justus stated that for 24 years out of the 32 years it has been zoned it has been zoned single-family. There is a question about townhomes and apartments. He said the definition of town home is that it is one dwelling unit in a building. An apartment consists of at three or more dwelling units in a building. He told the Board that is a big difference. There has been no change in circumstances that justify this request other than the developer's request. Mr. Justus said the Town rules state that only five people can request a text amendment, and the developer is not one of those five people. He said the Planning Board, Board of Aldermen, Planning Department, Board of Adjustment and the owner of real property. He stated that the "tail is wagging the dog" in this case. The Steering Committee is looking at strategies and visions for each neighborhood, and they should be allowed to work it out, and hopefully their vision for single-family will continue to matter.

**Attorney Kevin Hornick
133 Red Admiral Court
Dillsboro NC**

Mr. Hornick rebutted Mr. Justus' statement that the developer did not have the authority to apply for a zoning text amendment. He quoted the North Carolina Supreme Court's decision in a court case in

Chapel Hill which stands for the proposition that a developer or a person who has a purchase option, much less a purchase contract on a piece of property, has an equitable interest and is in fact, a real party interest, and therefore has the authority to apply for zoning text amendments and other land use approvals he may deem necessary.

**Alan Schork
1055 Winding Creek Drive
Waynesville, NC 28786**

Mr. Schork stated he was speaking on behalf of several homeowners and lot owners in opposition to the text amendment and proposed apartment project. He said these property owners expand the entire length of Plott Creek Road. He asked for a show of hands from the “stakeholders” that are opposed to the development. The issue is that since 2011 only seven of the nine neighborhood residential districts allow multi-family as a permitted use. The two excluded districts are Plott Creek and Sulphur Springs. He said the staff report given by Ms. Teague asked the questions why are multi-family homes excluded and townhomes treated differently. He said he and the stakeholders believe the staff report is inconclusive. Even though it was recommended, and the Planning Board agreed that this amendment should be adopted, because it adds variety to housing in the district. On the other hand, he said he believed the choice excluded multi-family is a deliberate choice. The stakeholders believe that the text amendment is driven by the developer’s request, and if approved it would apply to every property in the district, and the impact is far greater. Mr. Schork said it seems that it has been a rush to accommodate the developer. Mr. Schork indicated to the Board that there is a Comprehensive Plan update in process now and public feedback is such an important part of what the Steering Committee is doing with this update. The stakeholders in and surrounding the PC-NR neighborhood are overwhelming opposed to this text amendment. Mr. Schork said the project did have a place in the community, but not in their community.

**Jeff Lunsford- Project Coordinator
807 Jamestown Drive
Gastonia, NC**

Mr. Lunsford stated he is the Project Coordinator for Triangle Real Estate/Southwood Realty of Gastonia. He pointed out that apartments have private roads that are maintained by the development. Trash services are paid for by the apartment complex also. He said that a two hundred unit apartment complex would be worth a minimum of twenty two million, and up to thirty million, based on current pricing for tax value. He asked how new teachers can be attracted to Waynesville if there is no housing for them. Vantage Point is full and single-family housing is very expensive to live in. Mr. Lunsford said he knew of residents who work in Cherokee, but live in Fletcher because they could not afford housing in Waynesville. Blue collar, white collar all have to have a place to live.

**Sherrie Schork
1055 Winding Creek Drive
Waynesville, NC 28786**

Ms. Schork stated she was a minister in the United Methodist Church serving as the Church Vitality Strategist for the Smoky Mountain District which includes Haywood County. Ms. Schork asked how many times the Town has scheduled back to back Planning Board and Board of Alderman meetings to accommodate a developer's request. The Town Code says that if a request is denied the applicant can schedule an appeal. She asked why a Board of Alderman meeting had already been scheduled for this developer. She said the Town seemed to be rushing to accommodate this developer on the Plott Creek property. Another question Ms. Schork asked the Board is what the cost to the Plott Creek community is if the Text Amendment is approved and the zoning changed along Plott Creek Road. She said there are other areas in the community that are good choices for apartment complexes that won't impact a major water way, require a change of zoning, have adequate roads and won't be the neighbors of a elementary school. She told the Board that once this change occurred, it will open a door for other development. The character of the Plott Valley will be changed forever, and the cost will be impossible to calculate.

Tom Jones
WGLA Engineering 724 5th Avenue West
Hendersonville, NC

Mr. Jones said he had looked at the Town's Land Use Plan, and he concurred with Ms. Teague's analysis. He said it looked like the Town's intent was for the Plott Creek District to be medium to high density development, and apartments made sense in this area. He pointed out that apartments are already an approved building type in the PC-NR District. It is unclear how it is a permitted use and in the Permitted Use Table there is no "P" and that is where the conflict is. He stated that for apartments there was less land clearing than for townhome or duplexes for the same number of units. More open space would be preserved with apartments.

Brad Brothers
186 Water Rock Circle
Waynesville, NC 28786

Mr. Brothers said he was not in the city limits, but he believes that his neighbors have the same values and shared purposes that are stated in the Town's land Use Plan. He said he had only learned of the proposed Text Amendment and project recently and immediately expressions of opposition started. An online petition was made available and many of the comments made were concerns with traffic, Hazelwood School, the rural settings, and environmental concerns. Mr. Brothers stated there were approximately forty homes in the district, and this Text Amendment allowing multi-family homes will increase the population substantially. Development in the area will be built in the flood plain, and this will affect wildlife, and trout streams. Families in the Plott Creek area moved here to get away from the big populations and the families that have lived here all their lives want to keep the rural settings for future generations.

Thomas Jones
WGLA Engineering

Mr. Jones asked the question "If we aren't here for density, then what are we here for?" The Text Amendment is only for the word apartments. Duplexes and townhomes are already allowed in this area, and they can be stacked up to three stories high. Mr. Jones said that they are looking for a

contemporary project that can support the Town's population needs. For an active adult, they can walk upstairs and they are home, and not have to go up and down for meals or monitoring children. A first floor unit will be for handicapped, or someone who has a problem with stairs. He said this is the main reason for multi-family apartments. He asked the Board to go with the national trends and the most current development standards.

**Mary Thomas
152 Sherman Way
Waynesville, NC 28786**

Ms. Thomas stated that during the last two weeks she has become familiar with the efforts of The Town of Waynesville to review and develop the Comprehensive Plan. The unique characteristic of each neighborhood has been noted. Public input has been an important factor in this effort. Ms. Thomas said that in effort to give all residents of the Plott Creek District an opportunity to voice their concerns, a petition was circulated in the district as well as an online petition. Ms. Thomas gave the Board a copy of the petitions that now have over four hundred signatures. She gave a brief description of the layout of the approximately one hundred sixty seven acres that make up the Plott Creek area. The main body of the property includes land that has been held by the Plott family for over two hundred years. Farmers and cattlemen make up some of the residents who live there. Ms. Thomas said she respectfully asks the Board to consider the needs of the people.

**Mark Teague – J M Teague Associates
525 North Main Street
Waynesville, NC**

Mr. Teague reminded the Board that he wasn't here to talk about a specific site, just some generalities with traffic on Plott Creek Road. He stated that the general capacity on a two lane road such as Plott Creek is roughly ten to twelve thousand cars a day. The current volume, according to NCDOT, is about 2,500 cars per day. Further up Plott Creek the volume drops to about 1,200 cars per day. Mr. Teague explained trip generation to the Board. He said that typically with an apartment complex, condominium, or townhome, seven trips per day is common. For example, it is considered one trip when someone leaves to go somewhere, and then coming back is considered one trip. He said a single family home generates about ten trips a day. With the traffic that will be generated with the proposed project, Mr. Teague said he felt the traffic would not be a problem on Plott Creek.

**Teresa Brothers
186 Water Rock Circle
Waynesville, NC 28786**

Ms. Brothers stated that there are questions why multi-family units are excluded from the Plott Creek District and the Sulphur Springs District. She said the common thread for both of these districts is history. She said attention must be placed on the historical nature of these areas and protect their uniqueness. Future development can destroy the value of the Plott Creek District. History and heritage are not renewable resources, destroying the landscape of the rural area would result in a deep impact on the community. A community's identity, history, heritage, and future are all affected by this decision. The Town's vision is to preserve and promote neighborhood spaces, historic places, and cultural resources, attention must be placed on the historical nature of Plott Creek and protect its significance in order to sustain its uniqueness. Ms. Brothers gave a detailed history of the Plott Creek

area including the Civil War, Cherokee hunting, and Plott Hound. Ms. Brothers asked the Board to preserve history by not allowing multi-family dwellings to be placed in the Plott Creek District.

Due to the time limit allowing 30 minutes for the Public to speak, a motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson to extend the Public speaking time limit another 30 minutes. The motion passed unanimously.

**Jason Fulton – Traffic Engineer
J. M. Teague
Auburn Park
Waynesville, NC 28786**

Mr. Fulton stated he did not feel that traffic needed to be considered yet, because the purpose of the meeting was to request a text amendment to allow multi-family apartments in the Plott Creek District. He urged the Board to keep this in mind. Apartments are already a permitted building type, and this has created confusion because the apartments that are permitted cannot exist without permitted multi-family use. The applicant is simply seeking clarification on this issue to make the Land Development Standards consistent with the future land Use Plan. Mr. Fulton reminded the Board that seven of the nine already permit this use.

**Al Danna
191 Chestnut Flats
Waynesville, NC 28786**

Mr. Danna stated he retired as a special agent with Florida Law Enforcement after forty four years of service. He said for thirty five years he was regional coordinator for the Crimes Against Children program. Mr. Danna said he wanted to protect the children of Waynesville. He said he felt that the Planning Board was more concerned about the developer than the children in this town. Mr. Danna said his concern was placing a two hundred unit apartment complex beside an elementary school. He said that these kinds of apartment complexes draw people who harm children. It would be very dangerous to have this complex close to Hazelwood School. Mr. Danna asked the Board what was more important, a housing crisis or protecting children.

**Peg Ganger
2915 Plott Creek Road
Waynesville, NC 28786**

Ms. Ganger stated she had come to the Planning Board meeting not knowing what to expect. She said she left very disappointed and angry. The residents who have spoken out each night have presented well researched information on the proposed project in Plott Creek. She feels that the Planning Board did not listen, and with hardly any discussion they voted to recommend the change. The Board members who rejected the change made the most logical comments. They noted that there is process occurring to revise the current Land Development Plan. She feels that this Text Amendment has been rushed, and would like for the decision to be delayed until the revision is in place. Ms. Ganger said she felt that the Board had already made up their minds, and will approve this change. If this change is approved, she said the politicians will lose sight of the principals on which this country was founded. The government is by the people, for the people. She said the developer made elegant statements that they are here to stay, and that they understand small towns. She feels they are here to stay for the

money, not because they love the area. She asked the Board to let the process work that would allow input to this decision.

Bruce Ganger
2915 Plott Creek Road
Waynesville, NC 28786

Mr. Ganger stated that he and his wife have lived all over the United States. They decided to build on property they bought on Plott Creek and the Army Corp of Engineers had to be involved because of the placement of the house near the creek. He said he had grandchildren at Hazelwood School and there is not a lot of room in their classrooms. Mr. and Mrs. Ganger have watched the community grow, and he said he feels this is an irresponsible change to the area. He asked the Board to consider what the residents have said against this Text Amendment change.

Eric Morrison
12 Sandtrap Road
Waynesville, NC 28786

Mr. Morrison said he lived about two blocks away from the entrance of the proposed apartment complex. This complex will be the largest in the Town of Waynesville. He said that Vantage Point had one hundred sixty units with two entrances and exits. The proposed project will only have one entrance and exit and will be located two hundred yards away from the Hazelwood School. He said the traffic backed up in the mornings and afternoons from the school traffic, and if you add 1,300 more cars from the apartment complex, it will create a major traffic hazard. Mr. Morrison said the reason that Hazelwood School was build on Plott Creek in 1999 was to give them some more room. He added that if the apartment complex is built, in order for residents to travel to Asheville, they will have to go around Will Hyatt Road because there is no entrance onto the four lane from Plott Creek. This will add a lot more traffic on residential roads if the apartment complex is approved. He said most renters stay in a place six months to a year at the most, and the residents of Plott Creek have been there much longer.

Fred Tollison
316 Skylark Lane
Waynesville, NC 28786

Mr. Tollison said he represented twenty nine homeowners in the Masters Pointe subdivision. He asked the Planning Board to maintain the current zoning in the Plott Creek District. His concerns are property values and traffic. The property in this area is very desirable, and when there was a recent vacancy in the area, there was a contract on the property within two days. Mr. Tollison said that if this change goes forward, he anticipates problems with traffic. He said there are no objections to single-family homes, but oppose rezoning to allow large apartment complexes. He thanked the Board for allowing him to express his views.

Lindsay Boring
171 Fountain Spring Lane
Waynesville, NC 28786

Mr. Boring stated he was a retired Forest Scientist. He said he was very much opposed to the Text Amendment change for the same reasons that have been stated. Mr. Boring said he realized what an incredibly complex issue this is, and he feels that the proposed change needs a much more comprehensive planning process. Because the subject just came up two weeks ago, it is putting everyone in a situation where it is a rush decision. He doesn't understand why something this important can't wait until the new Comprehensive Plan is in place to make this decision. Another concern Mr. Boring expressed is the water and conservation issues. He said that the floodways and floodplains would be forever changed by the impact of putting impervious pavement in the area. Instead of having pastures to absorb the runoff, the area will have a restricted floodplain and there will be faster water runoff. He does not feel that that issue has been looked at yet. Mr. Boring said he agreed that the Town needs more housing, but this is in the wrong place.

Brian Leatherwood
330 Locust Drive
Waynesville, NC 28786

Mr. Leatherwood expressed his concerns with traffic. He said it is very difficult to get on the road during school traffic hours. Adding two hundred units will make it almost impossible to travel on Plott Creek Road. Mr. Leatherwood said he liked to take his son walking to see the cows and he can't do that now, and by adding more cars, that will take from him permanently. He feels that adding more traffic will add more police calls, and it won't be good for the residents of the area.

Monte Plott
1416 Plott Creek Road
Waynesville, NC

Mr. Plott told the Board he was born and raised on Plott Creek. He resides on the parcel of land adjacent to the parcel of land in question. He said the residents of Plott Creek did not want the extension of the ETJ, it was not an omission. He said the decision that is made by the Board will pertain to not only the parcel of land for the proposed project, but for every parcel on Plott Creek. In reference Mr. Mark Teague's statement that Plott Creek can handle ten thousand cars a day, Mr. Plott said that number is over a twenty four hour period. He expressed concerns about the traffic and the statements made that Plott Creek Road would be able to handle the extra traffic from the apartment complex.

Heidi Heil
140 Banjo Hollow Lane
Waynesville, NC

Ms. Heil stated that the intersection at Will Hyatt Road was already dangerous, and with an apartment building, it would be more problematic. Ms. Heil said it didn't make sense to have the apartment building on Plott Creek. It does not fit the infrastructure of the entire community. Why there, why now? There are a lot of other places to place the complex.

David Hegerich
650 Flying Hawk Trail
Waynesville, NC

Mr. Hegerich said the apartments would be a sore thumb and out of character for the area. The discussions about the traffic and safety of the children are valid. He asked where the proponents for the project were. He said he understood that the Board wants what is best for the Town. The area near Walmart and Bojangle's would be the perfect place to build an apartment complex. He asked the Board to slow down so the decision would be in the best interest of Waynesville.

**Elizabeth Garlington
650 Flying Hawk Trail
Waynesville, NC**

Ms. Garlington stated she is absolutely opposed to the development on Plott Creek Road. The area is largely rural and cannot support an apartment complex. She does not want it to be built close to Hazelwood School. Ms. Garlington said she is a Special Education teacher and has been in contact with several child abuse cases. She is opposed to a transient population living in an apartment complex next to a school. She believes an apartment complex will greatly affect her property value. This type of development is more appropriate in a mixed use area in Haywood County. She realizes there is a real need for rental property, but this is not the place for it. The apartment complex will increase a large capacity use that the infrastructure will not support. She hopes the Board will make a decision that will benefit the residents of Plott Creek.

**John Frazier
260 Plott Valley Road
Waynesville, NC**

Mr. Frazier said a two hundred unit apartment complex will add to peak hour traffic. He expressed concerns about the traffic that will impact Will Hyatt Road, and drainage issues if the project is approved. He feels that the creek and environment will be impacted from the surfaces of the complex. He discussed the pollution that will be added to the water. He said the development did not belong in that area. Mr. Frazier said he considered this development to be urban sprawl.

**Chuck Dickson
Old Burgin Place across from Hazelwood School
Waynesville NC**

Mr. Dickson said he believes the two factors driving this zoning amendment is money and mistakes. He said everyone knew that the developer would be making money on the project. He said people will pay lots of money to live in this area. He stated the development would be a gated community and would not be part of the neighborhood. In spite of the restrictions they will have, he said there will be damage to Plott Creek. Mr. Dickson said there were mistakes in the staff report and very one sided. He asked the Board why the project was being pushed and going so fast. He encouraged the Board to let the planning process for 2040 play out. He said there was no discussion at the Planning Board because he felt the decision had already been made. He said the speed and lack of planning has led many of the residents to lose faith and trust in the process. He urged the Board to slow down and listen to the people who this will affect.

**Attorney Kevin Hornick - Summary
133 Red Admiral Court
Dillsboro NC**

Mr. Hornick said the opponents have had many comments about the traffic, environment, floodplain, and storm water. He reminded the Board that those issues were not being considered at this meeting. He said it was the Text Amendment to clarify what is allowed in this district. He said that apartment type buildings were already permitted in the District, but multi-family is not permitted. That is the consideration before them. He urged the Board to approve the amendment, and that will be plenty of opportunity at a future Public Hearing to debate the specifics of a proposed site. He said that at this time, the applicant has not submitted a site plan, and the developer is still considering the issues that the residents have raised. This amendment simply permits the developer the opportunity to move forward and submit plans for a project. He urged the Board to remain focused on what is before them today.

Attorney Craig Justus – Summary

Mr. Justus stated that the Text Amendment will affect the entire Plott Creek District. He stated that approximately fifty notices that went out to property owners in the community. He told the Board that they should listen to the residents that have spoken out against the change in the text amendment. The controversy is about the location and the changes that will happen in Plott Creek if the amendment is approved. Mr. Justus said the reason for back to back meetings to approve the amendment was because the developer's time is running out. He asked the Board to allow the Steering Committee to look at the vision for Plott Creek. He stated that single-family homes should matter. The property has been zoned single-family for twenty four out of thirty two years. He said the developer should have never been allowed to apply for the text amendment request. He asked the Board to follow their own rules.

Town Attorney Bill Cannon closed the Public Hearing at 8:30 pm.

Mayor Brown recessed the meeting at 8:30pm.

Mayor Brown called the meeting back to order at 8:40 pm and asked each Alderman for their comments.

Alderman Roberson: Alderman Roberson thanked everyone for their comments. He said this is not a vote for or against and apartment complex, but a change in the text. He said the driving factor for him is the fact the Waynesville is severely lacking housing. If the apartment should come, this would bring a lot of new families that are starting out. He addressed the comments concerning people who live in apartments. He said he had spoken with the Chief of Police about Vantage Point, and the Chief said they had no problems with the people living there. He said it was not fair to put a label on people who live in apartments.

Alderman Jon Feichter: Alderman Feichter thanked everyone for their input both for and against. He said he had given much thought to the amendment change for several weeks. With his time spent on the Planning Board he said what he always considered was the Land Development Standards, precedence, and the wishes of the residents. He said he fully understood that there was a housing shortage in Waynesville, but he asked if that should that override the wishes of the residents. He explained his concerns if the text amendment was approved, which included traffic, loss of open space, and the significant influx of school age children. He reassured the residents that he had not made his mind up prior to this meeting, and he felt confident the other members of the Board had not made a decision beforehand either. He said it was obvious that the residents of Plott Creek opposed this text

amendment, and he cannot imagine going against the resident's wishes. Alderman Feichter said he stood completely for the drive to find housing for the Town of Waynesville, but he said he is opposed to the Text Amendment change.

Alderman Gary Caldwell: Alderman Caldwell thanked everyone for coming to the meeting and expressing their opinions. He said he had conducted some research on his own and his biggest concern was housing for Waynesville. He said Vantage Point was at capacity and there was a great need for people to have housing if the Town was to grow. He reiterated that this was a text amendment only, and the developer would have a lot more steps to go through before he could build the apartment complex.

Alderman Julia Freeman: Alderman Freeman thanked everyone for attending the meeting. She said this is the most difficult situation that she has faced in her seven years of being on the Board of Aldermen. She said she was very thankful for the passion shown by the residents of Plot Creek. She admired the heart felt statements and the desire shown by everyone. Alderman Freeman reminded the audience that the Board represented Waynesville, and they needed to be mindful of the nearly 10,000 residents in the Town. Housing was an extremely pressing issue for the citizens. She asked the question "If not your community, then where?" She said she could honestly say that no one wants an apartment complex in their community. Sitting on the Affordable Housing Board of Haywood County, she said housing has been agonized over in other areas too. She said the Board had listened to what was said in this meeting, and the Board would make a decision with the Town's best interest in mind, while respecting the residents of Plott Creek.

Mayor Gavin Brown: Mayor Brown addressed the issue of the Hazelwood School being overcrowded if apartment units are built. He said that Central Elementary School was recently closed, and the Board of Education could reopen it if needed. The Planning Board did not make a decision hastily. He explained the process of voting with an abstention. Mayor Brown said this is a thoughtful community and to try to portray the community in a different manner is uncalled for. He said that if the Board decided to approve the text amendment, any site plan can be addressed whether or not the developer goes forward. He added that any individual has the right to put restrictions on their property so that it is never developed.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to find the Text Amendment is consistent with the 2020 Land Use plan. Mayor Brown requested an amendment to the motion on the floor to state that the Text Amendment is consistent in promoting the orderly growth, development, and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community. The amended motion passed with four yays (Alderman Gary Caldwell, Alderman LeRoy Roberson, Alderman Julia Freeman, and Mayor Gavin Brown), and one nay (Alderman Jon Feichter.)

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to approve a Text Amendment to the Town of Waynesville Land Development Standards for the Plott Creek Neighborhood District (PC-NR), Table of Permitted uses Section 2.5.3 to allow multi-family dwellings. The motion passed with four yays (Alderman Gary Caldwell, Alderman LeRoy Roberson, Alderman Julia Freeman, Mayor Gavin Brown), and one nay (Alderman Jon Feichter.)

C. PRESENTATION

4. Capacity Use Study Draft

Due to the late hour, Manager Hites asked for the presentation to be delayed until the June 12, 2018 Meeting.

D. CALL FOR PUBLIC HEARING

5. Call for Public Hearing for Amendment to Chapter 54, Article 1 on the Town Code, Motor Vehicle Taxes

Manager Hites reminded the Board that during the winter retreat several ideas were presented for enhancing the general fund revenue. One of the ideas was a motor vehicle tax. This is commonly used in our neighboring communities. NC General Statute §160A-3 permits municipalities to adopt a motor vehicle tax up to \$30 per vehicle. The first \$5 may be used for any general governmental purpose. The next \$15 must be used to repair, maintain and replace municipal streets. He explained that upon adoption the Town would send a copy of the ordinance to the County assessor's office and they would, in turn, send it to the NC Department of Revenue to be placed on the Motor Vehicle registration and tax bills. The motor vehicle tax would be collected at the DMV tag office along with the motor vehicle personal property taxes. The recommendation is to adopt this new ordinance and associated \$15.00 fee. As a new ordinance, there is a need for two readings of the ordinance. Alderman Caldwell noted that he was not sure about this tax that he was afraid that citizens would not be in favor of this action and Manager Hites responded that without it, we would have to find additional monies to balance the budget. Alderman Caldwell stated that he would wait to see what the citizens thought and get their comments at the public hearing.

Alderman Jon Feichter made a motion, seconded by Alderman Gary Caldwell to call for the public hearing to be held on Tuesday, June 12, 2018 at 6:30 p.m. or as closely thereafter as possible in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider the adoption of a new ordinance amending Chapter 54, Article 1 and for the first reading of the proposed ordinance. The motion carried unanimously.

6. Call for Public Hearing to consider Adoption of FY 2018-2019 Annual Budget

Mayor Brown explained that the next item of business was to call for the public hearing on the Proposed Budget for Fiscal Year 2018-2019. Alderman Caldwell noted that he would not be in attendance for the June 12 meeting as he would be on vacation.

As is required by state statute, the public must be given the opportunity to comment regarding the proposed budget prior to its approval. Due to Alderman Caldwell's absence on June 12, the budget ordinance could not be approved until the June 26 regular meeting; however, the public hearing can be held as scheduled to gain public input and make any necessary revisions prior to presentation for approval on June 26.

Alderman LeRoy Roberson made a motion, seconded by Alderman Gary Caldwell to call for the public hearing to be held on Tuesday, June 12, 2018 at 6:30 p.m. or as closely thereafter as possible in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider the proposed budget for Fiscal Year 2018-2019. The motion carried unanimously.

7. Call for Public Hearing to amend Chapter 14 Article IV Taxicabs

Captain Brian Beck explained to the Board that the Town has had a taxicab ordinance for some time; however, it was found that as currently written, the ordinance was lacking any way penalize for not adhering to ordinance. There have been some instances where less than reputable companies are beginning to come to Waynesville. The ordinance was revised to include a penalty provision in enforcement actions. Captain Beck thanked Manager Hites for his diligence in assisting in the rewrite of the ordinance.

Alderman Jon Feichter made a motion, seconded by Alderman Gary Caldwell to call for Public Hearing to be held on Tuesday June 12, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room at 9 South Main Street, Waynesville to consider the amendment of Chapter 14, Article IV Taxicabs. The motion carried unanimously.

E. COMMUNICATIONS FROM STAFF

8. Manager's Report – Town Manager Rob Hites

9. Attorney's Report – Bill Cannon

Attorney Bill Cannon had no comments.

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

There were no comments

G. CALL ON THE AUDIENCE

10. **William Hatcher Jr.,
1067 Peninsula Crossing,
Georgia**

Mr. Hatcher explained he owned property off of Lickstone Road in Haywood County known as the William G. Hatcher Estate. In the mid-1980s, a subdivision with 25 recorded platted lots called Chestnut Walk was developed. As part of this development, a water tank was installed to serve Chestnut Walk and an agreement was signed between the Town and developers that if the developers put in the lines, that the Town would maintain them. This agreement also contained discounted fees for water and sewer taps. Mr. Hatcher had spoken with former managers, Onieal, Morgan and with Public Services staff related to replacement of the tank due to its beginning to leak.

In May 2017, he began conversations with staff and Manager Hites which he called cordial as well, but that recent conversations mentioned consideration was being given to the Town abandoning the tank. The tank is reaching its useful life end and there are approximately 30 homes being served. Additional onsite meetings in 2018 were held to discuss possible solution to the issue including placement of a larger tank. An engineering study revealed that the tank failure was imminent and another tank was necessary.

Mr. Hatcher came to the Board to request an answer as to what the Town was going to do about the tank. He also requested to know how much money has been made on the tank (i.e. water billing). Mr. Hatcher added that he needed to get some answers and go on record as being very concerned about this issue and the people who would be impacted.

Mayor Brown asked Mr. Hatcher prior to commenting if he was waiving any attorney client privilege. Mr. Hatcher indicated that he was making such waiver. Mayor Brown explained that there had been discussion as to the various options available related to this tank and how to best proceed related to replacement and/or maintenance. Mayor Brown indicated that he would have Mr. Hites and staff continues to work on those items that were the Town's responsibility. He added that Town Attorney Bill Cannon was also researching the legal obligations of the Town as it relates to this issue.

J. ADJOURN

With no further business, a motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter to adjourn the meeting at 9:47 pm. The motion passed unanimously.

ATTEST:

Gavin Brown, Mayor

Eddie Ward, Town Clerk

Robert W. Hites, Jr., Town Manager