

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
November 13, 2018

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, November 13, 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 Jon Feichter
Alderman LeRoy Roberson
Alderman Julia Freeman

The following staff members were present:

Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Bill Cannon, Town Attorney
Elizabeth Teague, Development Services Director

The following media representatives were present:

Becky Johnson, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone to the meeting. From the events calendar, the following were mentioned:

Thursday and Friday - November 22 & 23 – Thanksgiving – Town Offices Closed
Friday November 30 – Community Christmas Tree Lighting - 5:00 pm at Oak Park Inn
Monday December 3 – Waynesville Christmas Parade – 6:00 pm

2. Adoption of Minutes

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve the minutes of the regular October 23, 2018 meeting as presented. The motion passed unanimously.

A. CALL FOR PUBLIC HEARINGS

Ms. Elizabeth Teague, Development Services Director, explained to the Board that at their direction, the Planning Department is making application to address any procedural issues associated with earlier text amendments. These text amendments were heard at the Planning Board Special Called Meeting on November 5, 2018, found consistent with the Town's Land Use Plan and recommended for adoption.

The text Amendments are as follows:

1. Sections 3.2.6 and 5.9 to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks.
2. Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers within the Commercial-industrial District.

3. Section 2.5.3 Table of Permitted Uses to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM).
4. Text Amendment to LDS 2.5.3 Table of Permitted Uses and LDS 3.2 Supplemental Standards to allow video-gaming as a permitted use with supplemental standards within the Regional Center District.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to call for four separate public hearings on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider various text amendments related to Sections 3.2.6 and 5.9 design standards for manufactured homes; Sections 2.4.2 and 3.10.4 related to monopole towers in the CI district; Section 2.5.3 clarification allowing manufactured housing on individual lots in D-RM; and Section 2.5.3 and 3.2 supplemental standards to allow video-gaming in the Regional Center District. The motion carried unanimously.

Call for Public Hearings for Voluntary Annexation

Assistant Town Manager Amie Owens presented the information for two voluntary annexations. The first petition is being requested by Masi Homes LLC for the purpose of annexing to receive town services such as water and sewer in accordance with Town Policy. This property is contiguous to the Town's current limits and is currently in the ETJ (map attached). Services are already provided in this area.

She told the Board that this property was recently purchased by Masi Homes LLC. The properties are not part of any subdivision, and Town services are already available in the area. She said the petition meets the requirements of the general statutes NCGS §160A-31 annexation of contiguous area and a public hearing is required prior to the Board voting on such annexation.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to call for public hearing on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider a voluntary annexation into the Town of Waynesville for property off of Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412) to receive town services. The motion passed unanimously.

Assistant Manager Owens said the second request for voluntary annexation was for property located at 187 Secret Hollow Lane. She explained that this petition is being requested by Julia Boyd Freeman for the purpose of annexing to receive town sewer services in accordance with Town Policy. This property is non-contiguous to the Town's current limits. Water service is already provided to this property utilizing an outside water rate.

The property is closer than 3 miles to the Waynesville Town limit; the property is not closer to another municipality's primary corporate limits than to Waynesville; the property is not part of any subdivision and Town services are already available in the area. The petition meets the requirements of the general statutes NCGS §160A-58.1 annexation of non-contiguous area and a public hearing is required prior to the Board voting on such annexation.

Alderman Julia Freeman recused herself from this voting action.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to call for public hearing on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street Waynesville, to consider a voluntary annexation into the Town of Waynesville for property located at 187 Secret Hollow Lane (PIN 8616-09-5980). The motion carried unanimously.

B **NEW BUSINESS**

3. Personnel Policy Manual/Employee Handbook Revision

- Brittany Buchanan, HR Specialist

Ms. Buchanan stated that it had been several years since the Personnel Policy Manual in its entirety has been updated. She said that changes to specific policies have been made, but a complete review has never been done.

As members of the Society for Human Resource Management (SHRM), she and Ms. Owens had access to a handbook builder that had the appropriately crafted language provided by the SHRM legal team. Using this template ensured that all the federal and state provisions and language requirements were included and legally compliant.

There are two new policies that have been added including the social media policy and the social function policy. These were precipitated by the fact that social media litigation has been in the forefront of employment law issues in recent years and due to recent events in neighboring counties.

One deletion that occurred in 2016 when the Town began services with USABLE Life was the elimination of the Retiree Life Insurance as a purchased option through the Town. Retirees still have an option for life insurance through the NC Retirement System for a \$10,000 policy. This is one of the first forms that a retiree will complete at the time of retirement paperwork submission. All retirees who had coverage prior to 2016 are grandfathered in and will continue to receive their benefit until age 70. This is now billed through Flores rather than the Town.

Assistant Manager Owens added that any items that the Board has approved and were specifically done separately have been included in the new version. For example: on page 11 and 12, items that were passed by the Board of Aldermen in 2016, and will remain in effect. There are some of these amendments that are as far back as 1998.

Alderman Gary Caldwell asked if all retirees will receive a copy of the new updated manual. Assistant Manager Owens stated that all employees and retirees will receive a copy and the information would be posted on the website.

Alderman Jon Feichter made a motion, seconded by Alderman LeRoy Roberson, to approve the revisions to the Personnel Policy Manual/Employee Handbook to be effective January 1, 2019. The motion passed unanimously.

4. Request to have Town utility pole moved to edge of property

- Elsie Curry

Mayor Brown explained to the Board that Ms. Curry is making some changes to her property located at 398 Boundary Street, and she would like to expand the driveway. The current utility pole is where the new driveway improvements are. Ms. Curry is requesting that the Town move the utility pole approximately three feet.

Mayor Brown said the issue is the cost associated with moving the pole, and justifying that expense. Moving the pole would probably be in the \$2,000.00 range, and possibly more depending on how far it has to be moved. If an easement is involved with wires over a neighbor's property, that would be more costly.

Ms. Curry stated she would like the pole moved to the edge of her property because of problems with cars being able to see up and down the street, and with the driveway. Ms. Curry said she had spoken with Mr. Byron Hickox in Development Services concerning the project.

Mayor Brown said the safety issue did not justify the expense to the Town for moving the pole; customarily it is the policy of the Town to pay for moving the pole for the benefit of the property owner. He said there has to be public benefit, not just private benefit when using public money. He suggested to Ms. Curry that she have the property surveyed, talk to Development Services again, and come back before the Board at a later time. The Board agreed by consensus with Mayor Brown.

C. PUBLIC HEARING

5. 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 Plot Creek- Neighborhood Residential (PC-NR) District

Ms. Teague explained to the Board that at the direction of the Board of Aldermen, the Planning Department made application to allow Multi-family within the PC-NR District in order to address any procedural issues associated with an earlier text amendment application. Proposal went before the Planning Board at their October 15th, 2018, meeting and the Planning Board voted 6-2 in favor that the amendment was consistent with the land use plan, reasonable and in the public interest and to recommend adoption of the text amendment.

Ms. Teague presented background as follows:

In April 2018, a development firm applied for a text amendment to include multi-family within the PC-NR District in order to build an apartment complex on a 41 acre tract. The Planning Board and Board of Aldermen held hearings in May, after which the Aldermen took action to amend the Land Development Standards to include multi-family within the Plott Creek Neighborhood Residential (PC-NR) District. In August of 2018, as a result of a filed complaint to the Board's action and changes to the General Statutes, the Town Board of Aldermen determined:

1. *To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan.*
2. *To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board.*

Other historical background relevant to the proposed text amendment and the Plott district include:

- In 1986, this tract was annexed into the Town as part of the George Plott Estate and was zoned R-2.
- In 1999, Hazelwood Elementary School built on another portion of the original George Plott Estate.
- In 2002, the "Waynesville our Heritage our Future 2020 Land Use Plan" ("Comprehensive Plan") was adopted. The Plott Creek area is identified as "medium to high density residential" on the Future Land Use Map adopted as part of the plan.
- In 2003, the Land Development Standards ("LDS") were adopted pursuant to the Comprehensive Plan. The "Plott Creek-Neighborhood District" (PC-ND) is established and multi-family is permitted with "Special Requirements." (Ordinance No. 13-03 to add Plott Creek Neighborhood District).

- In 2004, Waynesville completed a study and survey to extend Extra Territorial Jurisdiction (ETJ) further west along Plott Creek in accordance with the adopted future land use map and apply a “Plott Creek Rural District” beyond Town limits. Town determines not to extend ETJ.
- In 2006, NCDOT considered a road widening project as part of NC Moving Ahead Project that was not implemented, but NCDOT did extend the school parking lot.
- In 2010, the Town adopted the Comprehensive Pedestrian Plan which identified a sidewalk between Hazelwood Elementary and downtown Hazelwood, and construction funding was allocated in 2017.
- In 2011, the Land Development Standards were revised and a “P” is not included in in Permitted Uses Table column under multi-family within PC-NR, although Townhomes are. Minutes from the 2011 LDS revision do not reflect discussion related to the removal of multi-family from the PC-NR district. Section 5.3 “Permitted Building Types and Frontages,” states that Townhouse and Apartment Buildings are allowed in all of the Town’s Neighborhood Residential Districts, including PC-NR, showing a conflict in the ordinance. Section 5.5 goes on to describe Apartment Buildings as “a multi-unit building with dwelling units vertically arranged (generally)...units may be for rental or for sale in condominium ownership...”

Ms. Teague reiterated to the Board and to the audience that the recommendations she gives on any of the text amendments and other issues, is totally from her professional standing. She said she is giving her land use opinion and does not come from any obligation to anyone else.

The purpose and intent statement of the PC-NR District also did not change between the 2003 and 2011 versions of the LDS and still reads (Section 2.3.3 (F)): While it is semi-rural currently, as the Plott Creek Neighborhood District (PC-NR) develops it should do so 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.

The purpose and intent statement seems to acknowledge the area as rural in character but as an area for growth that should be networked through infrastructure “as the area develops.” The Land Development Standards (LDS) definitions (Section 17.1), distinguish residential uses: residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code (LBCS F1100 and S1100).

Dwelling-Two Family: A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule. (LBCS F 1100 and S1121)

Dwelling-Townhome: 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, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant fire walls, and the land underneath each unit is titled to the unit.

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 multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

Ms. Teague said these definitions refer to building style and how property is subdivided to accommodate units - not by whether the unit itself is owned or leased. Therefore, someone can rent a townhome, a unit within a multi-family structure, a duplex or a single family dwelling. Condominiums can be within a townhome, multi-family or duplex style structures. The LDS does not distinguish rental property from non-rental property. Parking for multi-family is treated

the same as Townhomes in LDS Chapter 9, requiring 1.5 spaces per unit, while single family and duplex dwellings require one space per unit. Multi-family development must comply with all other LDS standards for design, landscaping, driveways, lighting, signage, floodplain, stormwater and slopes just as townhome or major subdivision development.

What makes multi-family distinctive from other types of development, is that one unit can be located above another unit, sharing a footprint, with shared parking areas, civic space, and other amenities. Depending on design, this can mean higher density within a smaller area. For example, the proposed Master Plan within this district compressed density for the site. On a tract that is 40.96 acres, 200 units were proposed within an area of 20 acres, leaving half of the tract undeveloped, and staying off of the steeper areas of the property and outside of the 25' stream buffer. By contrast, a single-family subdivision meeting the PC-NR minimum lot requirements, would be much more spread out, using at least 32 acres (200 units with a minimum lot size of 1/6 of an acre), not including roads. Each unit would also have an individual driveway and parking area within its lot, adding impervious surface.

This text amendment would place a "P" within the Table of Permitted Uses in the PC-NR Column at the "multi-family" row, without changing any other requirements or density of the district. This would re-instate multi-family within a district that is identified for growth and medium to high density development. It would allow structures that could accommodate apartments or condominiums for new rental or ownership housing, which allows a more compact development approach.

Adding multi-family back in to the Land Development standards as an allowable use in this area provides a development option than can assist in the District's intent and purpose statement by:

- Allowing a development option in which facilities and parking areas may be shared, and the overall development footprint compacted;
- Enhancing the sidewalk and infrastructure network as development occurs; and
- Creating a development opportunity for community growth near the existing Hazelwood Elementary school, and in close proximity to the 23/74 corridor and downtown Hazelwood.

Additionally, this amendment creates opportunity to meet an identified housing need for Waynesville. Western North Carolina and Waynesville are experiencing growth that has resulted in a shortage of available rental housing. According to the 2017 Haywood County Housing Strategy, "There are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level . . . Only 7.4% of the units in the county are multi-family units." (p. 5). The Strategy explains that available land that is relatively flat and that can be served with infrastructure is rare and that rental should be considered a priority. To verify this concern in today's market, Planner Jesse Fowler researched available rental housing and found only 1 rental apartment available (study conducted in mid-October). This text amendment would expand housing opportunities that meet an identified community need, in an area that is buildable, within our urban service boundary, and close-in to urbanized areas.

Ms. Teague noted in regard to the complaint that was filed, staff objects to multiple assertions that it makes, and finds no reasons to change a recommendation in favor of this amendment because of its contents:

1. The applicant, Triangle Real Estate of Gastonia Inc. had a contract to purchase and had submitted an authorization to apply form at the time of their application. They are now the owner of record.
2. Section 15.14 Map and Text Amendments states that, "the Board of Aldermen may from time to time amend any part of the text of this ordinance or amend the Land Development Map of the town" and that the Town Board, the Planning Department, or the Planning Board may initiate a text amendment. Just because an area may have a history of one type of development, that does not take away a local government's authority to conduct land use planning and envision future change.

3. Impacts of adding multi-family to the PC-NR list of permitted uses creates an opportunity for growth in an area that has available land within the Town boundary. This type of development will certainly impact traffic and aesthetics of what is there now. However, traffic and aesthetic impacts would be associated for any new development, including Townhomes or subdivisions for single-family homes which is permitted now. This text amendment does not change or minimize development requirements already in force within the District, the Town or the State and would be subject to the same rules, and have many of the same impacts as other types of development.
4. Information provided by JM Teague Engineering indicates that Plott Creek Road is managing approximately 2,500 cars per day but that roads of this type could handle up to 8,500-10,000 cars per day. For the specific project of 200 units considered, the Traffic Impact report indicated that Plott Creek Road could accept additional traffic from 200 multi-family units and more, without requiring additional road improvements.
5. New multi-family development must meet the Town's design guidelines in Section 5.8 and height requirements (3 stories above of the highest adjacent grade). Structures of similar height are present in the surrounding area, including the House and barn at Stone Haven Farms, and single family and townhome structures in the adjacent neighborhoods of Eagle's Nest and Laurel Ridge.
6. "Multi-Family Development with 8 or more units," must meet additional review and public hearing requirements subject to Section 15.8.2 Site Plan/Design Review (Major) which requires an "Environmental Survey (15.4.1), Master Plan (15.4.3) and Building Elevations for Design Review (15.4.7) - Construction Documents (15.4.4) shall not be submitted after Planning Board approval. All development is vetted through the Town's administrative procedures per Chapter 15. Assertions that a developer must have construction documents, including stormwater engineering, prior to Planning Board approval are incorrect.
7. In fact, once approved by the Town Planning Board, a project must comply with all applicable State and local standards including: land disturbance, stormwater requirements, steep slope protections, US Army Corps of Engineers permits for stream crossing, trout buffers, construction drawings and all other requirements that would apply, prior to the issuance of a building permit. Any development within the floodplain has to comply with all State and local floodplain requirements. Compliant development, therefore, should not negatively impact the water quality of Plott Creek in a way that harms the stream or adjacent properties, especially the "farming and cattle operation" of up-stream Stone Haven Farms.
8. Multi-family residential should not generate any more noise than the existing Hazelwood Elementary school, nor has multi-family development in other areas created objectionable noise complaints for the Town.
9. Concerns regarding compliance with 160A-383 and specific phrasing related to statements of "consistency," "reasonableness", and "in the public interest" was addressed by our Planning Board in their findings during and in the discussion of our Board of Aldermen during the first round of hearings and this is fully reflected in those minutes. For zoning text or map amendments, the Town Planning Board and Board of Aldermen use the Town's Comprehensive Land Development Plan as the source for "determining and guiding principles," and have always done so in practice. In hearing this matter again, the Board has an opportunity to remove all doubt regarding the Town's commitment to proper procedure and to include the verbatim language upon which the complaint insists.

There is much concern that this text amendment creates sprawl and endangers the environment of the Plott Creek Valley. Ms. Teague commented that she believed this text amendment actually is the opposite. All development impacts the environment, but multi-family development, close-in to the Town's major transportation corridor and urban center, can provide more housing on less real-estate than single-family subdivisions or large estate lot development does. The fact that the Plott Creek NR District contains the elementary school, flat land, and infrastructure, makes it a

reasonable area for Town growth, and were undoubtedly considered when the Land Use Plan was adopted in 2002 in which the area was identified for medium to high density development.

Consistency Statement Information

In accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Board could find that this text amendment is consistent with the Town of Waynesville's Comprehensive Plan, Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, adopted in 2002 and that this text amendment is reasonable and in the public interest with the following considerations:

1. This text amendment is consistent with the following Land Use Plan goals and actions:
 - A. "Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville," with actions to:
 - "Work with the development community to explore ways to make affordable housing construction more attractive to developers (cost lowering mechanisms, incentives, etc.)
 - Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives." (LDP, p. 4-6)
 - B. "Rezone areas as indicated on the Land Use Map which allow for higher density residential development." (LDP, p. 4-7)
 - C. "Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi- family dwelling options." (LDP, p. 4-7)
2. This revision is consistent with the Comprehensive Plan's Future Land Use Map (LDP Map 12).
 - A. Plott Creek NR District is identified within the "medium to high density" along with other areas (represented in orange on the map) as areas for future growth. All of these areas, including the Plott Creek area near the school, represent the medium to high density zoning districts as "Neighborhood Residential" or "Urban Residential" or mixed use zoning districts.
 - B. All NR districts, including PC-NR have the same dimensional standards (Section 2.4.1) and density of 10 units/acre, or 16 units/acre with a Special Use Permit. This text amendment does not change the density, dimensional regulations or residential focus as identified in the Land Use Plan, nor does it treat the district differently than other similarly zoned areas.
 - C. This PC-NR district is within the urban services boundary, in keeping with the objective to "limit "urban sprawl" through the establishment of a planned growth area for the Town of Waynesville." (2020 LDP, p 4-3). The PC-NR District is also within a mile's range of the Hazelwood Central Business District and less than .5 of a mile to the 23/74 Expressway.
3. The Comprehensive Plan is based on Smart Growth Principles which encourage mixed land uses, compact building design, creating a range of housing opportunities and choices, creating walkable neighborhoods, preserving open space, and directing development toward existing communities. The location of the PC-NR District within one mile of downtown Hazelwood and close to the Expressway creates an opportunity for growth close to a major transportation corridor, an urban area and an existing school. (2020 LDP pp 1-2-1-5)

The Planning Board crafted a Statement of Consistency that included their own findings as well as findings related to the text amendment's "reasonableness" and it's being "in the public interest."

Ms. Teague gave her recommendations from staff as follows:

1. The Board of Aldermen hereby adopt the Statement of Consistency to develop findings which demonstrate consistency with the Land Use Plan, reasonableness, and the public good.
2. The Board should adopt (or not) the text amendment Ordinance as presented (or as amended).

Ms. Teague asked Mr. Patrick McDowell, Chairman of the Planning Board to speak.

Chairman McDowell stated that the Planning Board had met on October 15, 2008, and it was a great meeting, with a large turnout. People wanted to speak, and they were kind and considerate in doing so. There were good discussions, and the Planning Board tried to focus on the zoning, not any potential development that might happen in the area. Mr. McDowell said there were discussions concerning urban sprawl, and ways to control urban sprawl. He said the Planning Board felt that the way to control urban sprawl is to have activities happen within the Town that will have an affect on how those activities are developed.

At the October meeting, there was a motion and seconded, from the Planning Board to deny the application. After discussion and another vote, the motion was voted down, he said then a motion was introduced to approve the rezoning, and the vote was six to two in favor of the text amendment. Mr. McDowell said the Board felt the zoning was appropriate, and they focused on density and the fact that other similar activities are allowed in the area.

Mr. McDowell said one of the toughest things the Board deals with is when people do not want something in their area. He said he did not know of any area in the Town that would embrace every single activity that is allowed in their district. But it is necessary for a healthy Town and environment. He said the job of the Planning Board was to look at all areas and help steer those activities into areas so that it is effective for the Town, and that is what the Planning Board decided with this text amendment. He said it would be consistent with the Land Development Standards and be beneficial to the Town.

Town Attorney Bill Cannon reviewed the protocols for the Public Hearing and opened the meeting at 7:44 pm.

Jeff Ledford
2149 Water Oak Lane
Gastonia, NC 28506

Mr. Ledford said he was representing the developer of the proposed apartment complex. He stated that at the last Meeting he attended, Triangle Real Estate was not a taxpayer in the Town of Waynesville. He said that now they were actually a tax payer, and they are in favor of what Ms. Teague has presented. Mr. Ledford reiterated that this would just be the first step of the project. He told the Board that at the Planning Board Meeting in October, two ladies came forward to tell their stories of how difficult it is to find affordable housing in Waynesville. He also spoke of a young man who had just graduated nursing school and worked in Haywood, but lived in Asheville because he could not find housing in Waynesville. He thanked the Board for their time.

Brad Brothers
186 Water Rock Circle
Waynesville, NC

Mr. Brothers stated that he wanted to speak to one particular issue concerning this text amendment. During the Public Hearings of May 21, and May 22, 2018, members of the Planning Board and Board of Aldermen told the "Save Plott Creek" advocates that many of their concerns were insignificant and irrelevant based on residential addresses. He quoted the North Carolina School of Government saying that North Carolina Local Governments are supposed to be responsible to and responsive to the people, and all people are supposed to be responsible and supportive to the government. He asks the question "Who are the people that local government should serve?" He said the Town of Waynesville government should serve its residents living within its Town limits. He stated the Town also has a duty to serve other citizens as well, and must serve people who work, shop, visit or own property here. He said the people who live just outside the Town's limits contribute to the Town's economy as well. Mr. Brothers told the Board that they should take into consideration the people just outside the Town limits work, attend churches and festivals and many other activities, and are part of the Waynesville community and share common bonds and concerns. He said ignoring the people who have gone on record against this text amendment is preposterous. He said the Board's responsibility lies with the residents of the Town of Waynesville and not with the developer. He asked the Board to do what is right and vote against the text amendment.

Tom Jones
724 5th Avenue West
Hendersonville, NC

Mr. Jones stated that he was in favor of the text amendment. He said the text amendment would apply to all the parcels in the PC-NR District. He said any parcel would have the same opportunity to develop as a multi-family complex. Mr. Jones feels the text amendment is consistent with the Land Development Standards. They will complement Hazelwood Town Center and Hazelwood Elementary School. Infrastructure including water, sewer and sidewalks will be completed as part of the project. It will also provide the transition to less dense residential areas to the commercial development of the Hazelwood Town Center. The development will help achieve several objectives in the 2020 Land Development Plan by allowing work force housing, limiting urban sprawl because of being in the urban growth area, and market rate apartments. It will encourage different age, ethnic groups and income profiles in the area. Mr. Jones encouraged the Board to vote for the text amendment.

Teresa Brothers
186 Water Rock Circle
Waynesville, NC

Ms. Brothers said the question had been asked during the October 15, 2018 Planning Board Meeting if there was a chance that the multi-family dwellings were intentionally omitted from the Table of Permitted Uses for the Plott Creek Neighborhood Residential District. Ms. Brothers said the Utilities Information Sheet form the 2035 Comprehensive Plan Update indicates that the Plott Creek Area is difficult to serve due to topographical constraints. Ms. Brothers said these constraints were not intended for the PC-NR District, and was intentionally omitted from the Table of Permitted Uses.

Ms. Brothers stated that after two engineering reports, and several violations, the Town is experiencing a failing sewer infrastructure. She said that since Wastewater treatment is a major component of the Town's infrastructure, she believes it would be prudent before approving a large scale development project that would add additional demand on the system, to first finalize the improvement route, obtain funding sources, and finalize a Special Order of Consent with the NC Department of Environmental Quality. Ms. Brothers also indicated that the NC Department of Environmental Quality has said that the property is not an ideal place for a development of this size, because of downstream flooding, being within one hundred year flood plain, and topographical constraints that make extending the sewer in the area difficult. Ms. Brothers told the Board that

due to these circumstances, it is questionable whether the NC Department of Environmental Quality would approve extending sewer to this development.

Ms. Brothers eluded to the fact that funding for the construction of the sidewalk from Haywood Town Center to Will Hyatt Road was allotted in 2017; however, according to the Comprehensive Plan update, the project is slated not to begin until 2023. Traffic and safety problems will increase if the development is completed before the sidewalk project has been completed. Ms. Brothers said it is easier to stop something in the first place, than it is to repair damage after it has happened. She asked the Board to vote no to the text amendment.

Mark Teague
525 North Main Street
Waynesville, NC

Mr. Teague stated housing was a big issue. He had employees that live in Asheville because housing cannot be found in Waynesville. He said that professionally he was a transportation engineer; he conducts traffic studies over a six state area. As far as the Plott Creek area, Mr. Teague said that with single family homes, about 10 trips a day, per unit, are generated. With multi-family homes, units will generate 7 trips per day. He said there is a possibility that there would be less traffic than single family development. The traffic counter on Plott Creek between the ramp and the school has been there since around 2003. The traffic count has gone from about 2800 vehicles per day in 2003 to 2300 in 2012. Currently the count is 2500 vehicles a day. Mr. Teague said typically on a two lane road you can expect 8 – 10 thousand cars a day. Mr. Teague said he supported the project.

Chuck Dickson
1154 Plott Creek Road
Waynesville, NC

Mr. Dickson stated the project is too tall and too private. He said that the sole purpose for rezoning this area is to accommodate the developer. He told the Board to focus on how this gated community would be inconsistent with the 2020 Land Development Standards. He said he and his family lived within view of the proposed apartments, and inside the Town limits and each time he drives home he is upset. Mr. Dickson stated that a four story apartment complex will permanently destroy the vista of the Plott Valley. The project will allow a short term economic boost to the Town, but the long range effects will permanently affect the Plott Creek area. It is too tall and does not fit into the Town. A gated community does not enhance the area, and will not be part of the community. He asked the Board to represent the citizens of Plott Creek, and to listen to the adamant voices of the community and vote no to the Text Amendment for the future of Waynesville.

Mary Thomas
152 Sherman Way
Waynesville, NC

Ms. Thomas told the Board that the Town took great pride in the 2020 Land Development Plan. It is based on Smart Growth principles to preserve and promote open spaces natural resources and historic places. She said the action for a text amendment to add multi-family to the table of permitted uses within the Plott Creek neighborhood ignores the community and the environment. Ms. Thomas stated she is not a Town resident, but she helped canvass the neighborhood getting signatures for petition of opposition. Ms. Thomas presented a spreadsheet showing the signatures and neighborhood covered, and explained the percentages of opposition to the text amendment in the sections of Plott Creek. She said the results of the canvassing showed strong support for preserving open spaces, especially streams and working agricultural lands. In a survey that was completed for the Land Development Steering Committee, only four percent of the people survey gave a positive response

to multifamily development in the Plott Creek area. She said that the residents of Plott Creek join with the Steering Committee to protect Waynesville's natural resources, and discourage high density development, and be true to Waynesville.

Chuck Zimmerman
311 Locust Drive
Waynesville, NC

Mr. Zimmerman stated he was not against low income or multifamily housing. He said the development would be too much for the size of the property. He stated he had concerns about the environmental impact on the area, and traffic problems that it will cause on the two lane road. He said where this property is located, navigating around the school will be a big problem. Mr. Zimmerman told the Board that he is against the Text Amendment.

Kevin Fitzgerald
688 Falcon Ridge
Waynesville, NC

Mr. Fitzgerald stated that the proposed development will adversely impact the Haywood County School System and Hazelwood Elementary School. This type of growth is what adds the most students to schools. A local school, Central Elementary, closed to declining enrollment. After the closing, the district school lines were redrawn and students were moved to other school areas. Mr. Fitzgerald said that at this time there are no plans for the lines to be redrawn. It would be a large investment to reopen that school and bring it up to current building code. He stated that if a school has to be reopened or another school built in order to accommodate the proposed development, it would affect his county taxes. Mr. Fitzgerald said that according to the School Board, North Carolina will enact legislature mandating that class sizes be reduced, which means that Hazelwood Elementary will exceed its capacity sooner or later, with or without this vote. Some of the problems will include struggling students, behavior problems, lower achievement, and a decline in standardized test scores. The school system is not prepared to add significant numbers to its existing facilities. He urged the Board to not approve something that will be a problem to others, finish the revised Comprehensive Plan first, and listen to what the residents of Plott Creek are saying.

Alan Schork
1055 Winding Creek Drive
Waynesville, NC

Mr. Schork spoke about the consistency of this Text Amendment with the Comprehensive Use Plan. He quoted from the Haywood County Housing Strategy:

- Development of rental housing should be 80%. Area Median Income or below
- In 2016 the AMI was 53,400 adjusted according to household – for a four person household the AMI was 42,700 for a two person household the AMI was \$34,200

Mr. Schork used Vantage Point's rental rates as a proxy stating that a one bedroom apartment is \$765.00 per month plus utilities, and the least expensive two bedroom apartment is \$1,065.00 per month plus utilities. Using the 30 percent of income to calculate for affordability to a two person household making 94% of AMI and 92% of AMI, This development will not be affordable to this area at all. This is inconsistent with the Land Use Plan which mentions affordable housing.

In a public survey conducted as part of the Comprehensive Plan Update, 83% indicated that streams are areas important for preserving and conserving; and 63% stated that sensitive natural areas should be protected from development. A vote for this text amendment would be a loss because there are no do overs and the

apartments are unaffordable and in most ways inconsistent with the values and priorities of those who wish to see the uniqueness of Waynesville. Mr. Stork said that with and hard work it can be developed in a way that is a win-win situation.

Ray Moody
1266 Plott Creek Road
Waynesville, NC

Mr. Moody stated he and his wife moved into Plott Creek in 2013. He said allowing apartments in the Plott Creek District would change the character forever. He said the Board should also consider that the reason that the "P" for multi-family dwellings was removed intentionally. He said that the Smart Growth provision in the Land Development Standards is not being followed. Mr. Moody said he understood that Waynesville and Haywood County need additional housing, but there are other areas in the county where apartments are permitted and would be better suited to meet this housing need. He added that knowing the shape that the Town of Waynesville sewer system is in currently, it would be inconceivable for the Town to approve more areas for apartments. He addressed the topographical restraints for utilities in the Plott Creek. He asked the Board to wait until the Land Development Standards update is complete before making a decision on this text amendment that will result in making drastic change to the unique area of Plott Creek. He urged the Board to consider the input and consensus of the public and vote no to the text amendment.

Bruce Ganger
2915 Plott Creek Road
Waynesville, NC

Mr. Ganger referred to the staff report stating the Town Planning Board and Board of Aldermen must use the Town's Comprehensive Plan in determining and guiding principles. Mr. Ganger stated he had gone to different areas and talked with homeowners about the proposed development, and was speaking on their behalf. He had spoken with many people who stated they lived in homes that have been in Plott Creek for many generations. Those people were against the development project because of traffic, and having the development next to the school where their grandchildren attended. He added that his single parent daughter would not be able to afford one of the apartments on a \$30,000.00 yearly income. He said this is not affordable housing.

Margaret Ledford Jones
1125 Sulphur Springs Road
Waynesville, NC

Ms. Jones explained how she has dealt with floods since 2000 when she had 3,500 gallons of sewer water that flooded home. She said she had to be evacuated to the school. In 2003 her home was flooded again. Ms. Jones said she gave the town part of her property to put drainage in where the water would not flood her out again. She told the Board that the Town did not allow for drainage when school put in in 1999. On August 30th, of this year her home was flooded again because of the continual building and development on Eagles Nest. This time there was \$4,800 worth of damage, and her house will not stand another flood, and something has to be done to stop the sewer water that comes into her home. She told the Board that if these apartments are needed please put them somewhere else.

Steve Winchester
1785 Plott Creek Road
Waynesville, NC

Mr. Winchester stated that he is hearing from numerous people and they are all saying that Plott Creek is not the valley for this development. He said a housing complex would be acceptable, but not a four story monstrosity. Mr. Winchester said the Board has been presented with a lot of statistics and he hopes they would step back and look at before making a decision and take time in doing so.

Martha Ravis
51 Masterview Lane
Waynesville, NC

Ms. Ravis stated she appreciated everyone's comments and she felt they were valid. She said she felt there are significant weaknesses in this project proposal. She told the Board that she does not believe that an impartial review was conducted. Ms. Ravis said she agrees that there is a housing shortage and urged the Board to be mindful of the impact for the future. Triangle building this development on their property on is not what is needed in Plott Creek. There are other specific opportunities within our community. She asked the Board why has there not been other opportunities, and alternatives given. She asked the Board to work collaboratively with community. She stated that if you vote incorrect or in a hurry, that is the wrong reason to vote. Ms. Ravis said she believes it is the Board of Aldermen's duty to the community, and she urged them to vote against this issue. She said she believes that there are other viable housing options available to our community.

Town Attorney Bill Cannon closed the Public Hearing at 8:32 pm.

Mayor Brown called for short recess.

The meeting was reconvened at 8:39 pm.

Mayor Brown asked the Board for their comments.

Alderman LeRoy Roberson: Alderman Roberson reminded everyone that it was a Text Amendment that was being considered – not a development. He said the area already allows multi-family, and the Text Amendment will bring the Table of Permitted Uses back in line with what it was originally meant to be. He said he is in favor of the text amendment.

Alderman Jon Feichter: Alderman Feichter said as the lone board member who voted to oppose this amendment in May there is nothing that would cause me to change my opinion, and opposition has been strengthened. He said there are several things that would cause me to hold that position. Obviously there is a discrepancy between 2002 and 2011. Alderman Feichter stated that it stands to reason that the correction of the 2002 allowance of multifamily was a mistake, and he cannot believe this error has slipped through. The 2011 revision was to the correct to the 2002 mistake. He is very moved by the overwhelming opposition of the residents of this area and is amazed by activism. He said the Town was close to an overhaul of our land use plan and what happens on the basis of that may change what happens here tonight. He is In favor of tapping the brakes a bit and letting the overhaul of the land use plan play out. Alderman Feichter said he stands opposed to the text amendment.

Alderman Gary Caldwell: Alderman Caldwell said he feels for everyone, but it is getting so very hard to find properties for the Town's housing issue. He said this is a Text Amendment, and any future developer will have many hoops to go through. Alderman Caldwell told the Board he feels for the younger people and the problems they have with finding housing in this area. He said he is in favor of the Text Amendment.

Alderman Julia Freeman: Alderman Freeman said she sympathizes with the residents of Plott Creek. She said she had been on the Board for 7 years, and housing is an issue that is repeated over and over – affordable or otherwise. She

reiterated that this is a Text Amendment to allow multi-family housing to go forward, it is not approving a development. Any developer will have to present plans because it is not a done deal. She said she is in favor of the amendment.

Mayor Brown said he would like to address some concerns that have been presented. He said with the issue of the sewer system, North Carolina Department of Environmental Quality has not issued a moratorium for the Town of Waynesville. He said that if NCDEQ says that it won't work, then then the developer won't get permit.

He said stormwater and trout stream buffers are in place to address that situation. He stated that the issues needed to be separated for the text amendment and other issues will have to be addressed by developer. When it was permitted 2002, and taken away in 2011, there is no legislative history stating it was right or wrong. He said the hallmark of intelligence is to admit a mistake and not repeat it. He told the Board to make sure that they understand, and is firmly behind and supportive of smart growth. Smart growth was hard to sell in 2002 and still is today. Mayor Brown said that even though we may disagree about the applicability of smart growth details, more different types of housing is important. We can grow smartly and still grow, but we need to grow while adapting to changing economic and housing needs. All of these issues play into one another and it is the responsibility of the Board to address the needs of the whole community.

A motion was made by Mayor Gavin Brown, seconded by Alderman Gary Caldwell, to approve the proposed text amendment and its consistency with the "Waynesville: Our Heritage, Our Future, the Town of Waynesville 2020 Land Development Plan in that the amendment is approved and is consistent with the Town's comprehensive land use plan because:

- 1. The text amendment encourages a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options; and***
- 2. The Plott Creek Neighborhood Residential district is within the medium to high density area for Future growth; and***
- 3. The Plott Creek Neighborhood Residential district is within the urban services boundary in keeping with the objective to limit urban sprawl through the establishment of a planned growth area for the Town of Waynesville; and***
- 4. The Plott Creek Neighborhood Residential district is also within a mile's range of the Hazelwood Central Business District and less than .5 of a mile to the 23/74 Expressway; and***
- 5. Western North Carolina and the Town of Waynesville is experiencing growth that has resulted in a shortage of available housing. "According to the 2017 Haywood County Housing Strategy, there are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level and only 7.4% of the units in the county are multi-family units."***
- 6. The text amendment is consistent with the Smart Growth principles as stated in the Land Use Plan for the Town of Waynesville***

This motion made by Mayor Gavin Brown and seconded by Alderman Gary Caldwell, and voted on and approved with 4 Board members voting in favor and 1, Alderman Jon Feichter, voting against.

A motion was made by Mayor Gavin Brown, seconded by Alderman Julia Freeman, to approve the proposed text amendment as it is reasonable and in the public interest because it will:

- ***Expand housing opportunities that meet an identified community need on a large undeveloped tract of land that can hold a large scale project; and***
- ***This text amendment would place a “P” within the table of permitted uses in the PC-NR column at the “multi-family” row, without changing any other requirements or density of the district.***
- ***This would re-instate multi-family within a district that is identified for growth as medium to high density development. It would allow structures that could accommodate apartments or condominiums for new rental or ownership housing, which the Town of Waynesville needs.***

This motion made by Mayor Gavin Brown and seconded by Alderman Julia Freeman, and voted on and approved with 4 Board members voting in favor and 1, Alderman Jon Feichter, voting against.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to approve Ordinance O- 21-18 to amend the text to add multi-family to the LDS Section 2.5.3 Table of Permitted Uses within the Plott Creek Neighborhood Residential District (PC-NR). The motion was approved with 4 Board members voting in favor and 1, Alderman Jon Feichter, voting against.

E. CONTINUED BUSINESS

9. Public hearing to consider an Ordinance Amending Chapter 42 prohibiting trespassing and camping on Town Property.

Manager Rob Hites said the Town has experienced a rash of night time trespassing and camping in its parks and other Town property. We do not have an ordinance that empowers the Town staff to order trespassers off our property. The proposed ordinance sets a nightly closing hour of nine (9) pm “unless otherwise posted or permitted.” The language would permit the Town to permit special events or activities later than 9 pm or post different hours through signage.

The ordinance was presented during the Board’s October 23rd meeting and is before you for public comment and adoption. A Notice of Public Hearing was published in the Mountaineer Newspaper on November 2 and November 9.

Mayor Brown inquired as to whether this Ordinance would apply to streets and sidewalks. After much discussion among members, with the Town Attorney and with Captain Brian Beck of the Waynesville Police Department, it was decided that the Ordinance would apply to Town owned property.

A motion was made by Alderman LeRoy Roberson seconded by Alderman Jon Feichter, to approve Ordinance No. 0-22-18 amending Chapter 42 of the Town of Waynesville Code of Ordinances prohibiting trespassing and camping on Town Property. The motion passed unanimously.

9. Policy regarding trimming of growth extending into Town rights of way

- Rob Hites Town Manager

Manager Hites told the Board that Town ordinances provide for the trimming of growth that extend into its rights of way and empowers the Town to remove it. The ordinances do not discuss how and under what conditions growth should be removed. This policy establishes the location and conditions where the Town staff would trim growth that is extending into the Town's rights of way.

Manager Hites said his recommendation was that the staff would use electronic and print media to alert the public that it will begin trimming along arterial, collector and State maintained roads thirty (30) days after notice. When the staff notices or is informed of growth impeding traffic or site distance on neighborhood streets, they will notify the owners and give them thirty (30) days to trim the growth before trimming it by Town staff. There will be conditions where growth is impeding disabled individuals and must be trimmed immediately for ADA reasons. The owner will be given a chance to trim it back but the staff will act more quickly.

There was discussion of whether electrical easements and sewer easements are included in this policy. Manager Hites stated this policy would include those two easements. Alderman Jon Feichter asked what kind of written notice would be given. Manager Hites clarified that it would be door hangers and/or written letters.

A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson to approve the policy regarding trimming of growth extending into the Town of Waynesville rights of way, effective immediately. The motion carried unanimously.

10. Manager's Report

- Rob Hites, Town Manager

There was no additional report from the Town Manager.

11. Attorney's Report

- Bill Cannon, Town Attorney

There was no report from the Town Attorney.

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

There was no additional communication from the Board.

G. CALL ON THE AUDIENCE

Ms. Margaret Jones asked about the tax value of her house being lowered because of the multiple flooding that has taken place there. Mayor Brown said that because it was considered a natural event, she should go to the Haywood County tax office and make an application.

H. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to adjourn the meeting at 9:25pm. The motion passed unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr., Town Manager

Eddie Ward, Town Clerk