



Town of Waynesville, NC

Board of Aldermen Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: **November 27, 2018**

Time: **6:30 p.m.**

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

Motion: To approve the minutes of the November 13, 2018 regular meeting as presented (or as corrected).

B. PRESENTATION

3. Presentation – Senior Resource Center
 - John Chicoine – Manager/Volunteer Center/SHIIP

C. NEW BUSINESS

4. Request approval of over-hire for Police Patrol Officer position
 - Police Chief Bill Hollingsed

Motion: To approve the addition of a position for Patrol Officer in an effort to ensure proper coverage for shifts.

5. Budget Amendment for ongoing project – Light Installation in Hazelwood
 - David Foster, Public Services Director

Motion: To approve Amendment # 4 to the Fiscal Year 2018-2019 Budget Ordinance (O-29-18)

Motion: To approve Amendment #2 to the 2018-2019 Financial Operating Plan For Internal Service Funds

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D. PUBLIC HEARINGS

6. Public Hearings for Voluntary Annexation

- Amie Owens, Assistant Town Manager

- a. Voluntary Annexation for properties located off Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412) to receive town services

Motion: To approve 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 to be effective January 1, 2019.

- b. Voluntary Annexation for property located at 187 Secret Hollow Lane (PIN 8616-09-5980)

Motion: To approve a voluntary annexation into the Town of Waynesville for property located at 187 Secret Hollow Lane (PIN 8616-09-5980) to receive sewer services to be effective January 1, 2019.

7. Public Hearings – Text Amendments

- Elizabeth Teague, Development Services Director

- a. 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.

Motion: 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 will: (Board members will include reasons).

Motion: To approve the proposed text amendment as it is reasonable and in the public interest because it will: (Board members will include reasons).

Motion: To approve Ordinance O-25-18 to amend the text to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks in Sections 3.2.6 and 5.9

- b. Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers within the Commercial-industrial District.

Motion: 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 will: (Board members will include reasons).

Motion: To approve the proposed text amendment as it is reasonable and in the public interest because it will: (Board members will include reasons).

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Motion: To approve Ordinance O-26-18 to amend the text of Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers within the Commercial-industrial District.

c. Section 3.2.6 (a) to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM).

Motion: 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 will: (Board members will include reasons).

Motion: To approve the proposed text amendment as it is reasonable and in the public interest because it will: (Board members will include reasons).

Motion: To approve Ordinance O-27-18 to amend the text of Section 3.2.6 (a) to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM).

d. 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.

Motion: 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 will: (Board members will include reasons).

Motion: To approve the proposed text amendment as it is reasonable and in the public interest because it will: (Board members will include reasons).

Motion: To approve Ordinance O-28-18 to amend the text of Sections 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.

E. COMMUNICATIONS FROM STAFF

8. Manager’s Report

- Town Manager Rob Hites

9. Attorney’s Report

- Town Attorney Bill Cannon

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

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G. CALL ON THE AUDIENCE

H. CLOSED SESSION

10. Enter into closed session for two items:

a. Enter into closed session under NC General Statute §143.318.11(a)(2) to prevent disclosure of an award

b. Enter into closed session under NC General Statute §143.318.11(a)(5) for discussion regarding potential property acquisition

I. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR November 27, 2018

2018	
Tuesday November 27 6:30 Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday November 30 5:00 PM Oak Park Inn	Community Christmas Tree Lighting Sponsored by Downtown Waynesville Association
Monday December 3 6:00 PM Main Street	Waynesville Christmas Parade
Friday December 7 11:30 AM Recreation Center	Employee Holiday Luncheon
Saturday December 8 6:00 PM – 9:00 PM Main Street	A Night Before Christmas
Sunday December 9 4:00 PM – 7:00 PM Shelton House – Front Porch	Old Fashioned Appalachian Christmas and Grand Illumination
Tuesday December 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Monday, Tuesday & Wednesday December 24, 25, & 26	Christmas Town Offices Closed

Board and Commission Meetings – December 2018

ABC Board	ABC Office – 52 Dayco Drive	December 18th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	December 4th 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	December 27th 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	December 5th 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	December 17th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	December 13th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	December 19th 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	December 19th 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

December 28, 29 and 31	Town Clerk	Vacation
January 28 – February 1	Assistant Town Manager	Vacation

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 from 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

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT: Request Approval of Over hire for Police Patrol Officer

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C6
Department: Police/Human Resources
Contact: Police Chief Bill Hollingsed; Assistant Manager Amie Owens
Presenter: Police Chief Bill Hollingsed

BRIEF SUMMARY: There have been 5 recent retirements from the Police Department and an added School Resource Officer position at Shining Rock Academy. This has required the Police Department Patrol Squads to run short while newly hired Officers are trained for 19 weeks in the FTO Program. In addition, the Criminal Investigations Division and the TAC Unit are also working one Officer short until the new hires can complete the FTO process. This process will be completed by mid-December.

An officer has recently resigned to take another position and we have a Lieutenant scheduled to retire in April. The Officers are working “short staffed” at a time when calls for service make it impossible to even “stay even” with reports. The Chief has spoken with Eddie Caldwell, Finance Director, to discuss his salary line items. Due to open positions and paying for some of these trainees as Part-Time Employees instead of Full-Time Officers, the budget is currently 2% (approximately \$43,000) under budget in the Full Time Salary Line Item.

I am requesting that we be allowed to “over hire” one Officer position before this calendar year runs out so that he or she can be in the Field Training Program before our Lieutenant retires. We plan to hold a Promotional Process for the Lieutenant position, which will in turn create an open Sergeant’s position. Because of the lengthy training process required for a Police Officer, this “over hire” would enable us to be prepared for the retirement departure and, once again, not leave Squads shorthanded.

The funding is available; however, as the board approves the number of positions for each department, approval by the Board of Aldermen is required for the addition of this position.

MOTION FOR CONSIDERATION: *To approve the addition of a position for Patrol Officer in an effort to ensure proper coverage for shifts.*

FUNDING SOURCE/IMPACT: Current funding in the full-time officers line item is available

ATTACHMENTS:

MANAGER’S COMMENTS AND RECOMMENDATIONS: Recommend Approval – this position would carry over into future budget years.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: November 27, 2018

SUBJECT: Amendment # 4 to the 2018-2019 Budget Ordinance and amendment # 2 to 2018-2019 Financial Operating Plan for Internal Service Funds

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C7
Department: Public Facilities-Outside Department
Contact: Eddie Caldwell, Finance Director / Rob Hites, Town Manager /
David Foster, Public Services Director /Preston Gregg Town Engineer
Presenter: Eddie Caldwell, Finance Director / Rob Hites, Town Manager

BRIEF SUMMARY:

The proposed amendment is needed to extend or continue the lighting and landscaping improvements, etc. from the rail road crossing at Hazelwood Avenue to Elysina Street in the Hazelwood Area. This project budgeted at \$45,210 was approved last year by the Board on April 10, 2018 (Budget Amendment # 8 to the 2017-2018 Budget Ordinance and Amendment # 4 to the 2017-2018 Financial Operating Plan for Internal Service Funds). The Town spent \$12,470 on materials last year, but our boring contractor hit a snag and could not finish the project. This will delay the completion of the project into the current year. The amendments referenced above and below are needed to move the unspent funds of \$32,740 (\$45,210 less \$12,470) from the prior year's budget to the current year's budget.

Revenues:

Fund Balance Appropriation – General Fund	\$22,020
Water Fund	\$ 4,270
Sewer Fund	\$ 4,030
Electric Fund	\$ 2,420
Total Revenues	\$32,740

Expenditures:

Public Facilities - Outside

Capital Improvements	\$32,740
Total Expenditures	\$32,740

MOTIONS FOR CONSIDERATION: To approve Amendment # 4 to the 2018-2019 Budget Ordinance and amendment # 2 to 2018-2019 Financial Operating Plan for Internal Service Funds

.FUNDING SOURCE/IMPACT:

These amendments are calling for the funding to come from the above individual funds' fund balance. These funds were left over and rolled into fund balance at the end of last year due to higher revenues and lower expenditures experienced in the 2017 2018 budget.

ATTACHMENTS:

- Amendment #. 4 to the 2018-2019 Budget Ordinance
- Amendment # 2 to 2018-2019 Financial Operating Plan for Internal Service Funds.
- Original Cost Estimate of the work to be performed.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Ordinance No. O-29-18

Amendment No. 4 to The 2018-2019 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2017-2018 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2018-2019 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Other Financing Sources	
Fund Balance Appropriation 103900-493992	\$22,020
	<hr/>
Total General Fund revenue increase	\$22,020

(Revenue needed to fund Amendment # 2 to the 2018-2019 Financial Operating Plan for Internal Service Funds.)

Increase the following appropriations:

Governing Board		
Internal Service Costs	104110-548100	\$ 220
Administration		
Internal Service Costs	104120-548100	1,040
Finance Department		
Internal Service Costs	104130-548100	1,350
Police Department		
Internal Service Costs	104310-548100	7,200
Fire Department		
Internal Service Costs	104340-548100	2,670
Streets and Sanitation Department		
Internal Service Costs	104510-548100	4,690
Cemetery Department		
Internal Service Costs	104740-548100	300
Planning and Inspections		
Internal Service Costs	104910-548100	1,190
Recreation Department		
Internal Service Costs	106120-548100	3,360

(In the prior year's 2017-2018 budget, the Town approved to extend lighting and landscaping improvements, etc. from the rail road crossing at Hazelwood Avenue to Elysinia Street in the Hazelwood area. This amendment moves the unspent funds from the prior year's project budget to the current year's budget to finish the project. This amendment allocates the costs to the various departments and funds.)

Total General Fund appropriation increase	<hr/> \$ 22,020
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Water Fund:
Increase the following revenues:

Other Financing Sources		
Fund Balance Appropriation	613900-493992	\$ 4,270
		<hr/>
Total Water Fund revenue increase		\$ 4,270

(Revenue needed to fund Amendment # 2 to the 2018-2019
Financial Operating Plan for Internal Service Funds.)

Increase the following appropriations:

Water Maintenance		
Internal Service Costs	617121-548100	\$ 2,270
Water Treatment		
Internal Service Costs	617122-548100	2,000

(As previous stated in the General Fund's increased appropriations,
this amendment allocates the costs to complete the additional
improvements from the rail road crossing at Hazelwood Avenue
to Elysinia Street to the various departments and funds.)

Total Water Fund appropriation increase	<hr/>	\$ 4,270
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Sewer Fund:
Increase the following revenues:

Other Financing Sources		
Fund Balance Appropriation	623900-493992	\$ 4,030
		<hr/>
Total Sewer Fund revenue increase		\$ 4,030

(Revenue needed to fund Amendment # 2 to the 2018-2019
Financial Operating Plan for Internal Service Funds.)

Increase the following appropriations:

Sewer Maintenance		
Internal Service Costs	627121-548100	\$ 1,620
Sewer Treatment		
Internal Service Costs	627122-548100	2,410

(As previous stated in the General Fund's increased appropriations,
this amendment allocates the costs to complete the additional
improvements from the rail road crossing at Hazelwood Avenue
to Elysinia Street to the various departments and funds.)

Total Sewer Fund appropriation increase	<hr/>	\$ 4,030
---	-------	----------

Electric Fund:
Increase the following revenues:

Other Financing Sources	
Fund Balance Appropriation 633900-493992	\$ 2,420
	<hr/>
Total Electric Fund revenue increase	\$ 2,420

(Revenue needed to fund Amendment # 2 to the 2018-2019
Financial Operating Plan for Internal Service Funds.)

Increase the following appropriations:

Electric Maintenance	
Internal Service Costs 637121-548100	\$ 2,420

(As previous stated in the General Fund's increased appropriations,
this amendment allocates the costs to complete the additional
improvements from the rail road crossing at Hazelwood Avenue
to Elysinia Street to the various departments and funds.)

Total Electric Fund appropriation increase	\$ 2,420
--	----------

Adopted this 27th day of November 2018.

Town of Waynesville

Gavin A Brown
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

William E Cannon Jr
Town Attorney

Resolution No. R-19-18

Amendment No. 2 to the 2018-2019 Financial Operating Plan For Internal Service Funds

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the financial operating plans of the internal service funds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2018-2019 financial operating plans of the internal service funds is amended as follows:

Increase the following revenues:

Charges to other funds			
Charges to General Fund	813650-453610	\$	22,020
Charges to Water Fund	813650-453661		4,270
Charges to Sewer Fund	813650-453662		4,030
Charges to Electric Fund	813650-453663		2,420
Total charges to other funds			<hr/> \$32,740

Increase the following appropriations:

Public Facilities-Outside		
Capital Improvements	814261-545900	\$32,740

(In the prior year's 2017-2018 budget, the Town approved \$45,210 to extend lighting and landscaping improvements, etc. from the rail road crossing at Hazelwood Avenue to Elysinia Street in the Hazelwood area. This amendment moves the unspent funds from the prior year's budget to the current year's budget to finish the project.)

Adopted this 27th day of November 2018.

Town of Waynesville

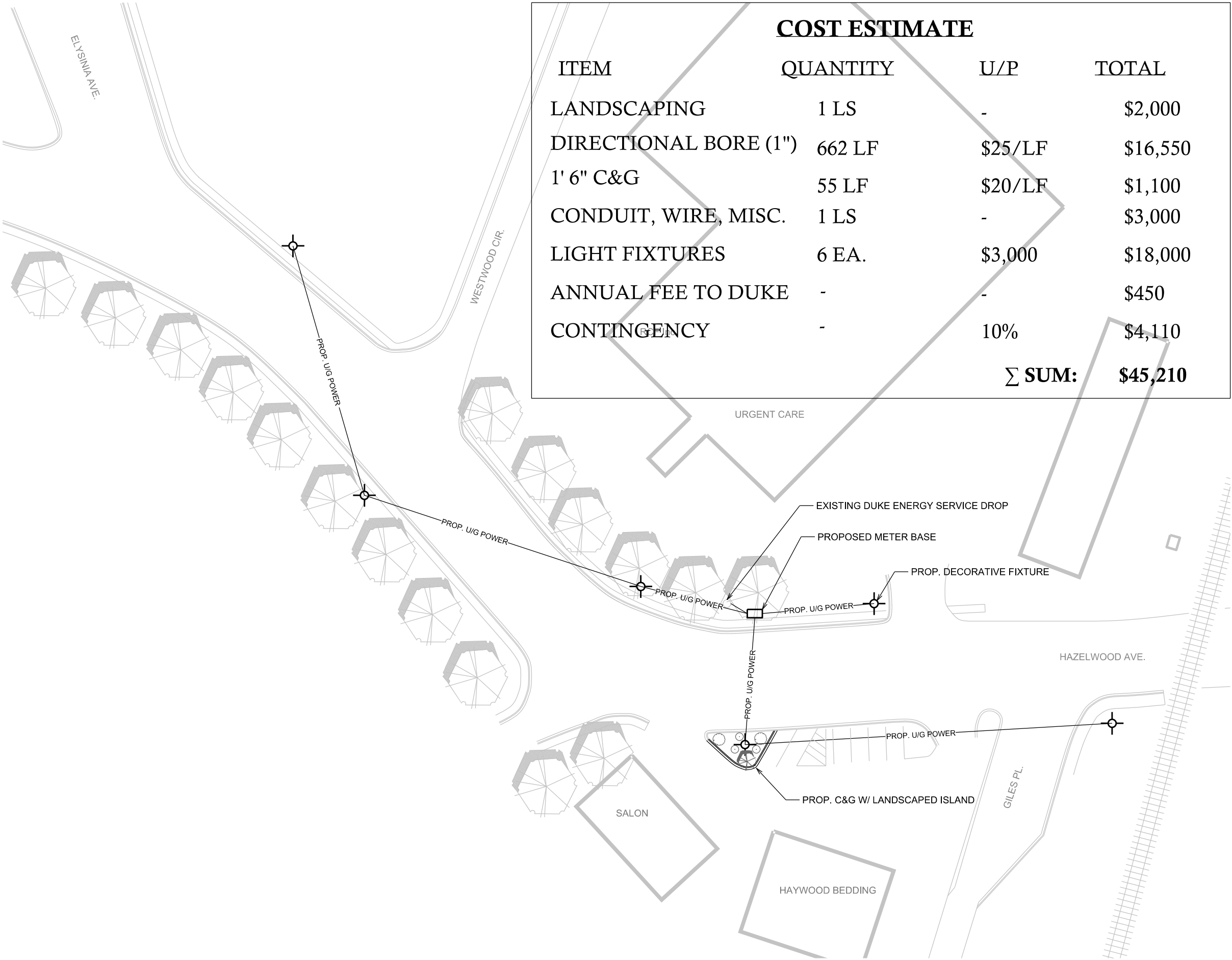
Gavin A Brown
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

William E Cannon Jr
Town Attorney



COST ESTIMATE			
ITEM	QUANTITY	U/P	TOTAL
LANDSCAPING	1 LS	-	\$2,000
DIRECTIONAL BORE (1")	662 LF	\$25/LF	\$16,550
1' 6" C&G	55 LF	\$20/LF	\$1,100
CONDUIT, WIRE, MISC.	1 LS	-	\$3,000
LIGHT FIXTURES	6 EA.	\$3,000	\$18,000
ANNUAL FEE TO DUKE	-	-	\$450
CONTINGENCY	-	10%	\$4,110
Σ SUM:			\$45,210

NOTES



REVISIONS



OFFICE OF ISSUE: Town of Waynesville

CONTRACTOR

PROJECT

HAZELWOOD LIGHTING EXTENSION

TITLE

PROJECT NO.	DATE

SCALE: NTS

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT: Public Hearing to be held on November 27, 2018 to consider a Petition for Annexation of a Contiguous Satellite Area for properties located off Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412)

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: C4a
Department: Administration
Contact: Eddie Ward, Town Clerk
Presenter: Amie Owens, Assistant Town Manager

BRIEF SUMMARY: This 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.

This property was recently purchased by Masi Homes LLC. The properties are not part of any subdivision. Town services are already available in the area. 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. The fee of \$200.00 for such petition was collected on November 6, 2018.

Notice of the public hearing was published in the Mountaineer on Friday, November 16 and Friday, November 26, 2018 in accordance with the general statutes.

If approved, this voluntary annexation would not be effective until January 1, 2019. Information will be forwarded to the NC Secretary of State's Office and Haywood County Board of Elections as required under NCGS 163-288.1.

MOTION FOR CONSIDERATION: 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 town services for property off of Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412).

FUNDING SOURCE/IMPACT: Addition of water and sewer system revenue for property as well as Ad Valorem tax

ATTACHMENTS:

1. Ordinance
2. Petition
3. Aerial Map
4. Property description

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend Approval

**TOWN OF WAYNESVILLE
PLANNING DEPARTMENT
P.O. BOX 100, WAYNESVILLE, NC 28786
828-456-2004**

**ANNEXATION UPON PETITION
OF ALL OWNERS OF REAL PROPERTY**

(G.S. 160A-31, as amended)

Date: 10.31.19

To: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described below be annexed to the Town of Waynesville.
2. Character of area to be annexed:
 - a. Any area which is contiguous to the corporate limits of the Town of Waynesville may be annexed by petition.
 - b. For purposes of these laws, an area is deemed "contiguous"? If, at the time the petition is submitted, the area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street, right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State.
3. The area to be annexed is contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
 - b. Tax map of the proposed territory is attached.

Name MASI HOMES LLC Signature [Signature]

Address 44 DRUID DRIVE ASHEVILLE NC 28806

Name _____ Signature _____

Address _____

Name _____ Signature _____

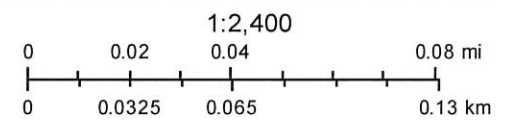
Address _____

(Attach additional sheet if necessary)

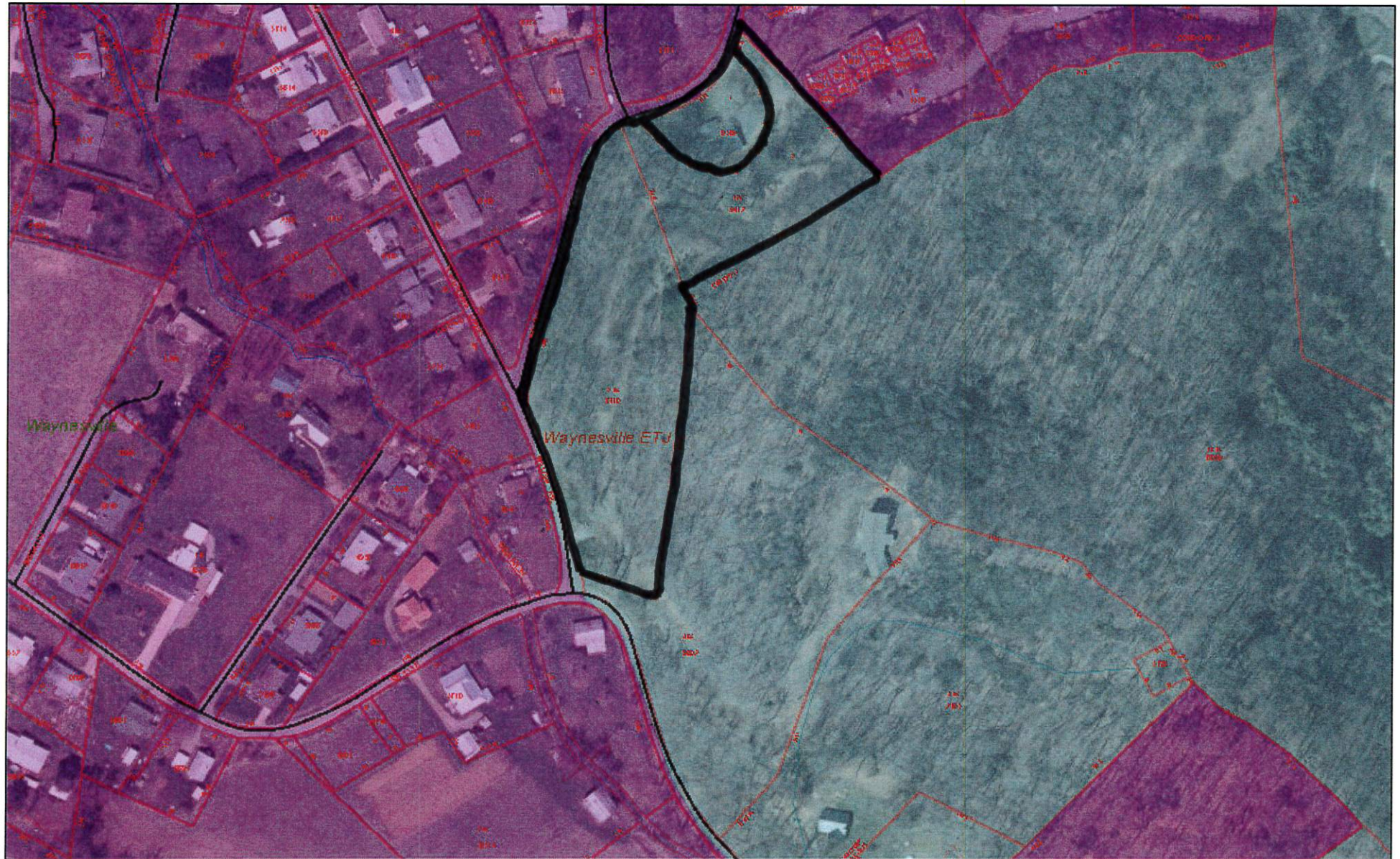
Annexation Area



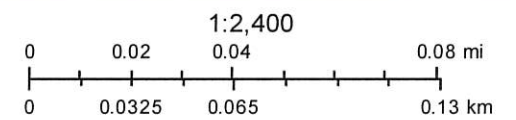
October 31, 2018



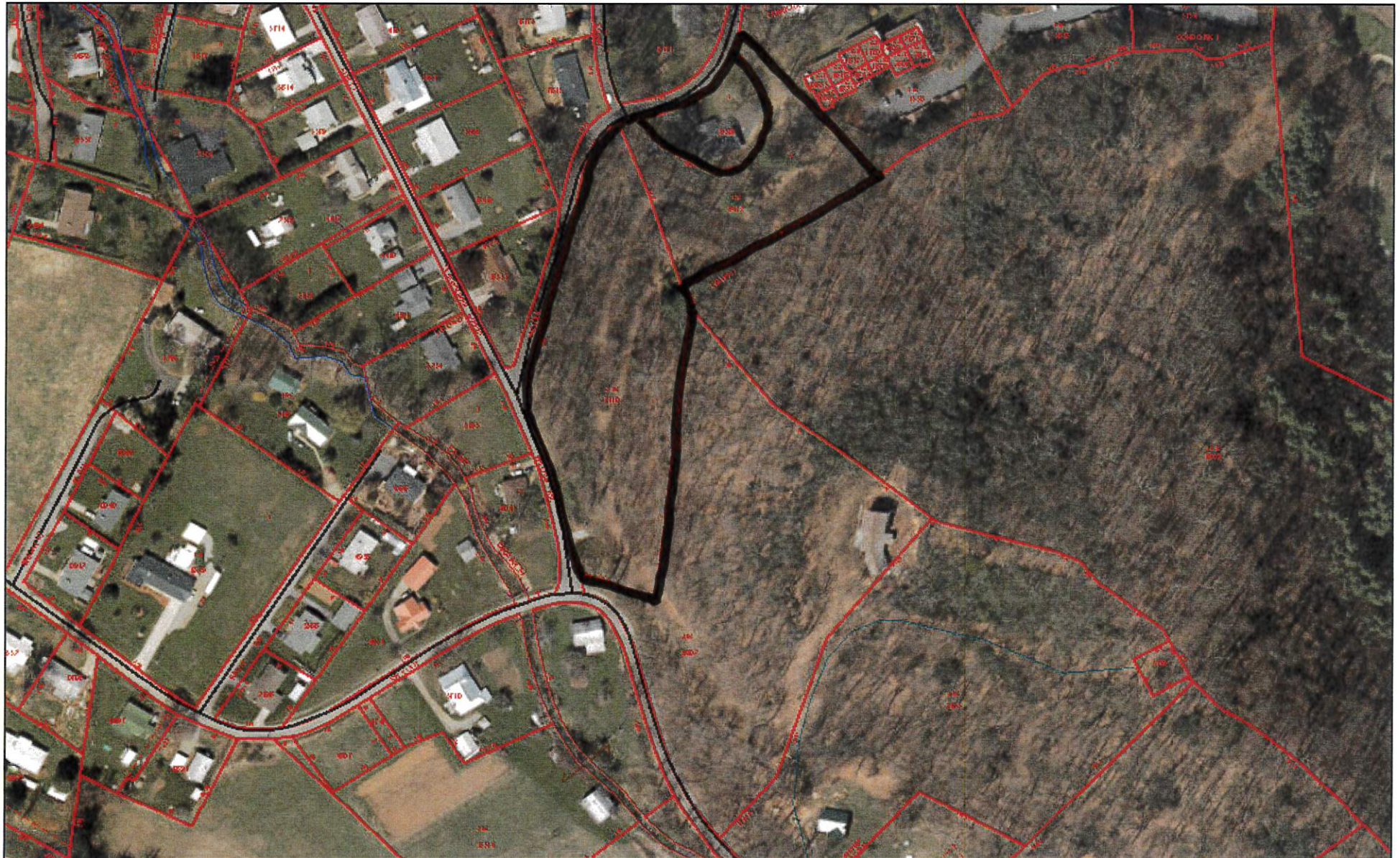
Annexation Request



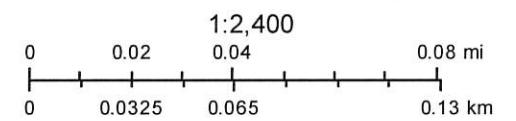
October 31, 2018

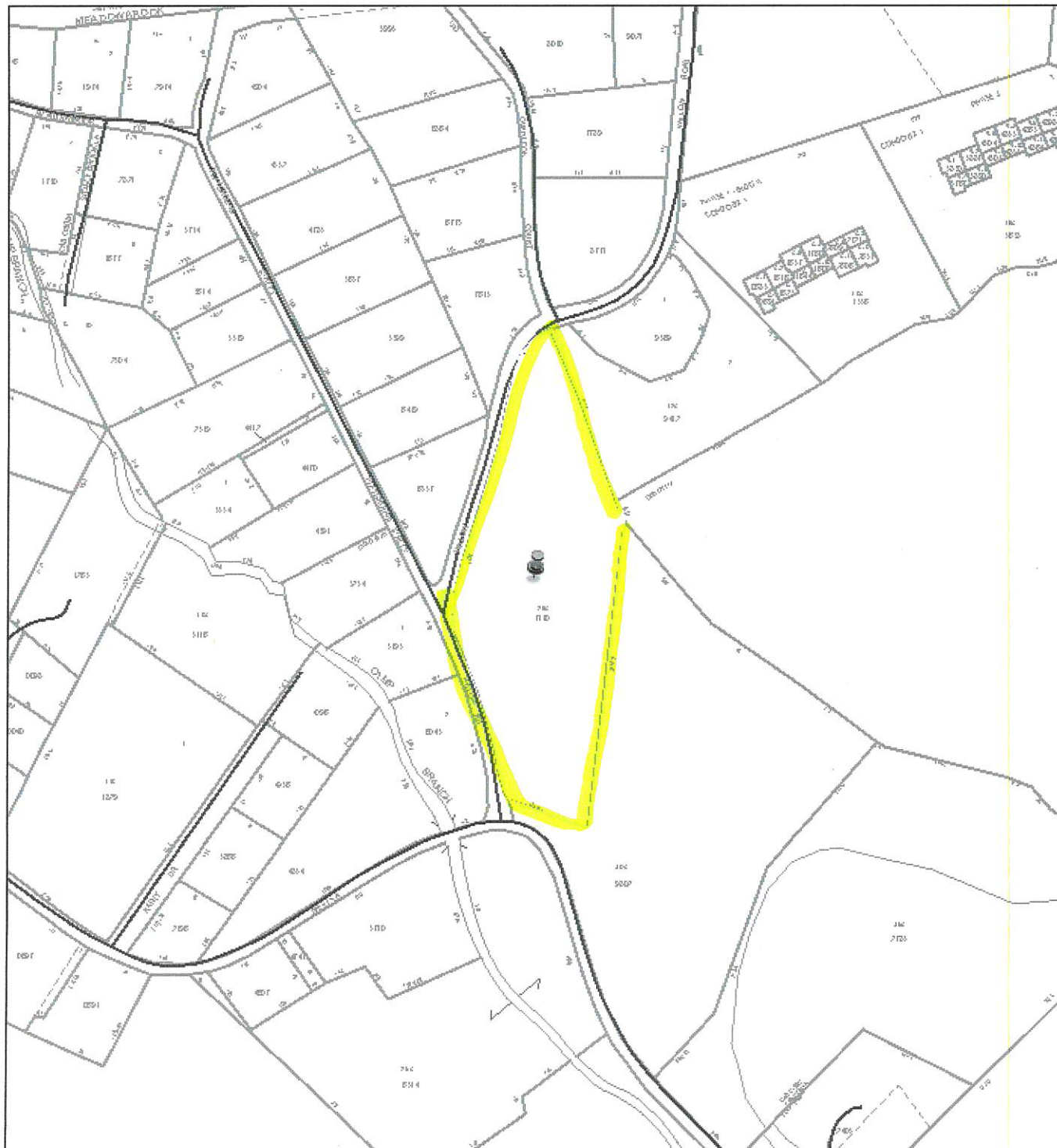


Annexation Request



October 31, 2018





Parcel Report For 8614-07-7110

WEST, WILLIAM C/TR
EAGLE INTER VIVOS TRUST
8155 SIQUITA DR NE
ST PETERSBURG, FL 33702

Account Information

PIN: 8614-07-7110

Legal Ref: 779/1001

Add Ref: 779/994
A05/361

Site Information

WILLOW RD

Heated Area: 0
Year Built: 0
Total Acreage: 2.4
Township: WAYNESVILLE

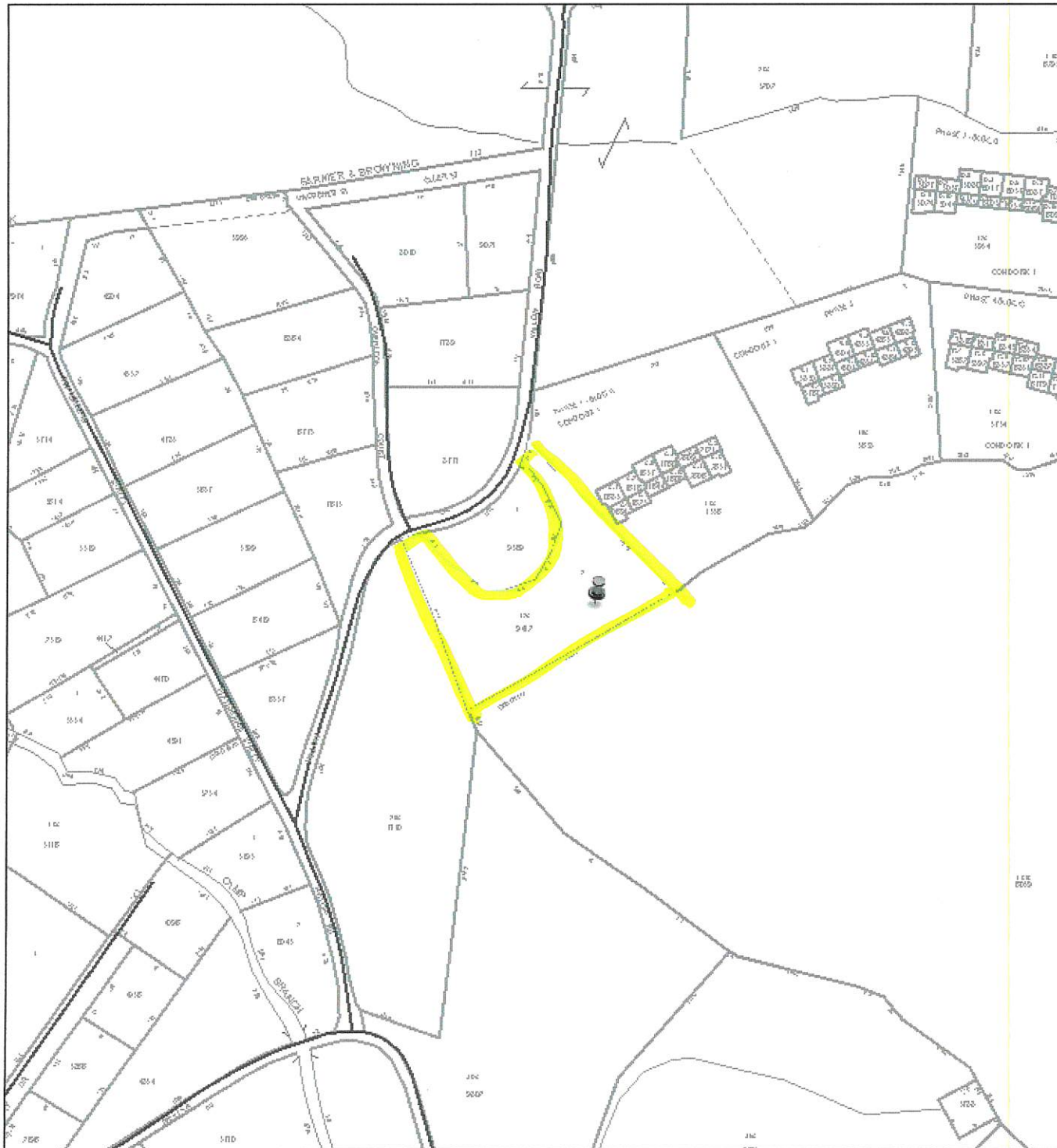
Site Value Information

Land Value: \$45,500
Building Value: \$0
Market Value: \$45,500
Deferred Value: \$0
Assessed Value: \$45,500
Sale Price: \$110,000
Sale Date: 3/19/2010



1 inch = 200 feet
October 28, 2018

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



Parcel Report For 8614-07-9412

WEST, WILLIAM C/TR
EAGLE INTER VIVOS TRUST
8155 SIQUITA DR NE
ST PETERSBURG, FL 33702

Account Information

PIN: 8614-07-9412

Legal Ref: 779/1001

Add Ref: 779/994
A05/361

Site Information

WILLOW RD

Heated Area: 0
Year Built: 0
Total Acreage: 1.19
Township: WAYNESVILLE

Site Value Information

Land Value: \$28,000
Building Value: \$0
Market Value: \$28,000
Deferred Value: \$0
Assessed Value: \$28,000
Sale Price: \$110,000
Sale Date: 3/19/2010



1 inch = 200 feet
October 28, 2018

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the web site provider assume no legal responsibility for the information contained on these maps.

- NOTES:**
1. ALL DISTANCES ARE GROUND DISTANCES, UNLESS OTHERWISE SHOWN.
 2. THIS SURVEY HAS BEEN PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT, AND NORTON SURVEYING DOES NOT CLAIM THAT ALL MATTERS OF RECORD UNUSUAL OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 3. PROPERTY SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS SHOWN OR NOT SHOWN, VISIBLE OR NOT VISIBLE.
 4. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
 5. THERE IS NO RECOVERABLE N.C.L.S. HORIZONTAL CONTROL WITHIN 500' OF THE SUBJECT PROPERTY.
 6. AREA BY METHOD OF COORDINATES.

LEGEND:

- PROPERTY LINE
ADJACENT LINE (NOT PLANNED)
ADJACENT LINE (PLANNED)
R/W
FENCE
TIE LINE
CALCULATED POINT
EXISTING NEARBY OR PIV
ADJACENT
FOUND NAIL

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, _____, REVIEW OFFICER
OF HAYWOOD COUNTY, CERTIFY THAT THE MAP
OF PLAT TO WHICH THIS CERTIFICATION IS
ATTACHED MEETS ALL STATUTORY REQUIREMENTS
FOR RECORDING.

REVIEW OFFICER

DATE

NORTH CAROLINA, HAYWOOD COUNTY

REGISTERED THIS _____ DAY OF _____

AT _____ O'CLOCK _____ REC'D

PLAT BOOK _____ PAGE _____

HAYWOOD COUNTY REGISTER OF DEEDS

BY DEPUTY ASSISTANT

SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT HAS BEEN DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL OR DIRECT
SUPERVISION, THAT THE SURVEYING WAS CONDUCTED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE STATUTES OF THIS STATE, AND THAT THE PLAT HAS BEEN
PREPARED BY THE ADJUSTER WHO WAS ONE OF THE SURVEYORS, AS CALLED BY
THE ADJUSTER, AND THAT THE PLAT HAS BEEN PREPARED IN
ACCORDANCE WITH G.S. 41-10, AS AMENDED, WITHIN MY ORIGINAL SIGNATURE,
LICENSE NUMBER AND SEAL, THE 15TH DAY OF _____, 2018.

THIS PLAT IS OF AN ENTIRE PARCEL, OR PARTS OF LAND, AND DOES NOT CREATE
A NEW TRACT OR CHANGE AN EXISTING TRACT, OR A NEW INTEREST.

SURVEYOR



FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED
BY THE FEDERAL FLOOD INSURANCE ADMINISTRATION (FFIA)
APRIL 3, 2012
MAP NUMBER: 1708001400 0 2006 X

ROD NORTON LAND SURVEYING

1408 DeHaven Road
Waynesville, North Carolina 28786
www.rodnortonsurvey.com
828-316-1084

C-3587

DATE: 10/18/2018

SCALE: 1"=40'

SURVEY BY: RAN

PLAT BY: RAN

REVISIONS:

OWNERS OF RECORD:

HOLLAM WEST

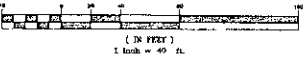
REFERENCE: AS NOTED ON PLAT

Plat Prepared For:

Masi Homes

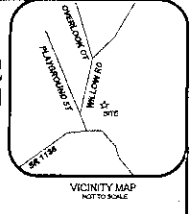
Town of Waynesville, Haywood County, North Carolina
DB 779, PG: 1001
PIN: 8014-07-7110, 8014-07-8412

GRAPHIC SCALE



PRESENTED TO LAND RECORDS
DATE: 10/18/2018

2018008424
HAYWOOD CO, NC FEE \$21.50
10-18-2018 03:11:11 PM
BKC: MAP CABC
PG: 8174-8174



LINE	BEARING	DISTANCE
1-2	S 21° 17' 00" W	27.70'
2-3	S 89° 14' 00" E	10.00'
3-4	S 35° 31' 00" E	10.00'
4-5	S 23° 30' 00" E	14.00'
5-6	S 17° 00' 00" W	24.00'
6-7	S 28° 30' 00" W	22.00'
7-8	S 71° 00' 00" W	48.15'
8-9	N 82° 38' 11" W	22.00'
9-10	N 42° 00' 00" E	25.00'
10-11	S 78° 16' 00" W	27.70'
11-12	S 81° 01' 00" W	30.00'
12-13	S 28° 31' 00" W	22.00'

cabc16194

Exhibit A

Tract One:

Beginning at an iron pipe found in the eastern right of way line of Willow Road, a corner with The Greens Condominium Common Area as shown on a plat recorded in Plat Cabinet B, Slot 287-A, Haywood County Registry; and running thence along the line of said Common Area South 45° 26' 00" East 291.94 feet to an iron pipe found in the line of Jack M. Farmer (See Deed Book 308, Page 186, Haywood County Registry); thence with Farmer's line South 60° 14' 16" West 333.05 feet to a point in a 41" white oak stump at a fence corner, thence North 21° 47' 45" West 253.77 feet to an existing iron pipe in the eastern right of way line of Willow Road; thence North 75° 13' 00" East 27.77 feet to an existing iron pipe; thence leaving said right of way line at a corner with Karl Melter (See Deed Book 441, Page 2367, Haywood County Registry) South 43° 01' 59" East 51.23 feet to an existing iron pipe; thence remaining with Melter's line seven (7) calls as follows: South 62° 30' 58" East 82.44 feet to an existing iron pipe, North 71° 46' 29" East 49.18 feet to an existing iron pipe, North 29° 01' 14" East 51.99 feet to an existing iron pipe, North 17° 51' 02" East 35.10 feet to an existing iron pipe, North 27° 02' 24" West 61.64 feet to an existing iron pipe, North 35° 59' 41" West 29.73 feet to an existing iron pipe and North 60° 51' 30" West 8.03 feet to a point on the eastern right of way line of Willow Road; thence along and with said right of way line North 21° 36' 00" East 27.79 feet to the point and place of Beginning, and containing 1.193 acres, more or less, as shown on a plat entitled "Survey for Donald A. Hairston, Sr.," by L. Kevin Ensley, PLS, dated July 22, 2002, Drawing #A-096-02, and being all of Tract One as conveyed in Deed Book 448, Page 269, Haywood County Registry, to which deed reference is hereby made.

Tract Two:

Beginning at a point in the center of a 41 inch white oak stump, a corner with Jack M. Farmer (see Deed Book 308, page 186, Haywood County Registry), said Beginning point being the terminus of the second call of Tract One as herein described; and running thence from said Beginning point along Farmer's line South 21° 38' 29" East 30.63 feet to an iron pin found in the northernmost corner of David Ray Moody (See Deed Book 263, Page 14, Haywood County Registry); thence with Moody's line South 06° 47' 57" West 429.29 feet to an iron pin found at a fence corner; thence North 70° 22' 27" West 121.19 feet to a point on the eastern right of way line of Willow Road at the intersection with Camp Branch Road (NCSR 1138), said point being located North 72° 34' 57" East 29.81 feet from a nail and flag found at the southeast corner of Delores Wyatt Dudley (See Deed Book 439, Page 741, and plat recorded in Plat Cabinet C, Slot 881, Haywood County Registry); thence with the eastern right of way line of Willow Road the following seven (7) calls as follows: North 08° 54' 11" West 74.71 feet to a point, North 15° 13' 29" West 95.17 feet to a point, North 23° 33' 49" West 109.81 feet to a point, North 17° 00' 13" East 199.27 feet to a point, North 13° 49' 43" East 146.07 feet to a point, North 25° 20' 13" East 37.97 feet to a point, North 61° 19' 45" East 34.72 feet to an existing iron pipe; thence South 21° 47' 45" East 253.77 feet to the point and place of Beginning, and containing 2.395 acres, more or less, as shown on a plat entitled "Survey for Donald A. Hairston, Sr." by L. Kevin Ensley, PLS, dated July 22, 2002, Drawing #A-096-02, and being all of Tract Two as conveyed in Deed Book 448, Page 269, Haywood County Registry, to which deed reference is hereby made.

The above-described Tract One and Tract Two being a portion of that property conveyed in that deed recorded in Record Book 779, at Page 1001 of the Haywood County, NC Register's Office.

ORDINANCE NO. O-24-18

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Board of Aldermen has been petitioned under G.S. 160A-31, to annex the area as described in attached Exhibit A, and

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 p.m., on the 27th day of November 2018, and

WHEREAS, the Board of Aldermen further finds that the area described therein meets the standards of G.S. 160A-31(a), to wit:

- a. The area to be annexed is contiguous to the corporate limits of the Town of Waynesville.
- b. The area described is so situated that the Town of Waynesville will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits,
- c. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,
- d. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Waynesville; and

WHEREAS, the Board of Aldermen does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-31, as amended;

WHEREAS, the Board of Aldermen further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described as follows: Property 1 located off Willow Road – 2.400 acres - PIN 8614-07-7110 and Property 2 located off Willow Road – 1.190 acres PIN 8614-07-9412.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described contiguous territory is hereby annexed and made part of the Town of Waynesville, as of the 1st day of January, 2019. Meets and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the 1st day of January, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Waynesville and shall be entitled to the same privileges and benefits as other parts of the Town of Waynesville. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Waynesville shall cause to be recorded in the office of the Register of Deeds of Haywood County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Waynesville.

Adopted this 27th day of November, 2018.

TOWN OF WAYNESVILLE

ATTEST:

Gavin A. Brown, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

Re: Property off Willow Road – 2.400 acres - PIN 8614-07-7110 and
Property off Willow Road – 1.190 acres – PIN 8614-07-9412

EXHIBIT A

Tract One:

Beginning at an iron pipe found in the eastern right of way line of Willow Road, a corner with The Greens Condominium Common Area as shown on a plat recorded in Plat Cabinet B, Slot 287-A, Haywood County Registry; and running thence along the line of said Common Area South 45° 26' 00" East 291.94 feet to an iron pipe found in the line of Jack M. Farmer (See Deed Book 308, Page 186, Haywood County Registry); thence with Farmer's line South 60° 14' 16" West 333.05 feet to a point in a 41" white oak stump at a fence corner, thence North 21° 47' 45" West 253.77 feet to an existing iron pipe in the eastern right of way line of Willow Road; thence North 75° 13' 00" East 27.77 feet to an existing iron pipe; thence leaving said right of way line at a corner with Karl Melter (See Deed Book 441, Page 2367, Haywood County Registry) South 43° 01' 59" East 51.23 feet to an existing iron pipe; thence remaining with Melter's line seven (7) calls as follows: South 62° 30' 58" East 82.44 feet to an existing iron pipe, North 71° 46' 29" East 49.18 feet to an existing iron pipe, North 29° 01' 14" East 51.99 feet to an existing iron pipe, North 17° 51' 02" East 35.10 feet to an existing iron pipe, North 27° 02' 24" West 61.64 feet to an existing iron pipe, North 35° 59' 41" West 29.73 feet to an existing iron pipe and North 60° 51' 30" West 8.03 feet to a point on the eastern right of way line of Willow Road; thence along and with said right of way line North 21° 36' 00" East 27.79 feet to the point and place of Beginning, and containing 1.193 acres, more or less, as shown on a plat entitled "Survey for Donald A. Hairston, Sr.," by L. Kevin Ensley, PLS, dated July 22, 2002, Drawing #A-096-02, and being all of Tract One as conveyed in Deed Book 448, Page 269, Haywood County Registry, to which deed reference is hereby made.

Tract Two:

Beginning at a point in the center of a 41 inch white oak stump, a corner with Jack M. Farmer (see Deed Book 308, page 186, Haywood County Registry), said Beginning point being the terminus of the second call of Tract One as herein described; and running thence from said Beginning point along Farmer's line South 21° 38' 29" East 30.63 feet to an iron pin found in the northernmost corner of David Ray Moody (See Deed Book 263, Page 14, Haywood County Registry); thence with Moody's line South 06° 47' 57" West 429.29 feet to an iron pin found at a fence corner; thence North 70° 22' 27" West 121.19 feet to a point on the eastern right of way line of Willow Road at the intersection with Camp Branch Road (NCSR 1138), said point being located North 72° 34' 57" East 29.81 feet from a nail and flag found at the southeast corner of Delores Wyatt Dudley (See Deed Book 439, Page 741, and plat recorded in Plat Cabinet C, Slot 881, Haywood County Registry); thence with the eastern right of way line of Willow Road the following seven (7) calls as follows: North 08° 54' 11" West 74.71 feet to a point, North 15° 13' 29" West 95.17 feet to a point, North 23° 33' 49" West 109.81 feet to a point, North 17° 00' 13" East 199.27 feet to a point, North 13° 49' 43" East 146.07 feet to a point, North 25° 20' 13" East 37.97 feet to a point, North 61° 19' 45" East 34.72 feet to an existing iron pipe; thence South 21° 47' 45" East 253.77 feet to the point and place of Beginning, and containing 2.395 acres, more or less, as shown on a plat entitled "Survey for Donald A. Hairston, Sr." by L. Kevin Ensley, PLS, dated July 22, 2002, Drawing #A-096-02, and being all of Tract Two as conveyed in Deed Book 448, Page 269, Haywood County Registry, to which deed reference is hereby made.

The above-described Tract One and Tract Two being a portion of that property conveyed in that deed recorded in Record Book 779, at Page 1001 of the Haywood County, NC Register's Office.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT: Public Hearing to be held on November 27, 2018 to consider a Petition for Annexation of a Contiguous Satellite Area for properties located off Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412)

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: C4a
Department: Administration
Contact: Eddie Ward, Town Clerk
Presenter: Amie Owens, Assistant Town Manager

BRIEF SUMMARY: This 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.

This property was recently purchased by Masi Homes LLC. The properties are not part of any subdivision. Town services are already available in the area. 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. The fee of \$200.00 for such petition was collected on November 6, 2018.

Notice of the public hearing was published in the Mountaineer on Friday, November 16 and Friday, November 26, 2018 in accordance with the general statutes.

If approved, this voluntary annexation would not be effective until January 1, 2019. Information will be forwarded to the NC Secretary of State's Office and Haywood County Board of Elections as required under NCGS 163-288.1.

MOTION FOR CONSIDERATION: 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 town services for property off of Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412).

FUNDING SOURCE/IMPACT: Addition of water and sewer system revenue for property as well as Ad Valorem tax

ATTACHMENTS:

1. Ordinance
2. Petition
3. Aerial Map
4. Property description

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend Approval

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

11.7.18

Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME JULIA FREEMAN SIGNATURE Julia Freeman
ADDRESS 187 SECRET HOLLOW LN., WAYNESVILLE, NC 28786

BEGINNING on an iron pin set at the southwest corner of the 4.00 acre tract shown on plat recorded in Plat Cabinet C, Slot 2046 Haywood County Registry and runs thence N. 05 deg. 45 min. W. 275.00 feet; thence N. 88 deg. 15 min. E. 633.60 feet; thence S. 05 deg. 45 min. 00 sec. E. 275.00 feet; thence S. 88 deg. 15 min. 00 sec. W. 633.60 feet to the Beginning and containing 4.00 acres as per survey and plat of J. Randy Herron, R.L.S. recorded in Plat Cabinet C, Slot 2046 Haywood County Registry reference to which is made for a more particular description thereof.

Together with and including the joint use of the right of way set forth on aforesaid survey and plat.

For title of Grantor see Last Will and Testament of Thomas G. Boyd set forth in the office of the Clerk of Superior Court of Haywood County, North Carolina.

Report For

FREEMAN, JULIA BOYD
PO BOX 261
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-09-5980

Legal Ref: 2006E/517
219/407

Add Ref: A98/128
CAB C/2046

Site Information

DWELLING
SINGLE FAMILY
187 SECRET HOLLOW LN

Heated Area: 3086
Year Built: 1967
Total Acreage: 4
Township: IVY HILL

Site Value Information

Land Value: \$45,100
Building Value: \$247,900
Market Value: \$293,000
Deferred Value: \$
Assessed Value: \$293,000
Sale Price: \$
Sale Date: 12/29/2006



1 inch = 200 feet
November 7, 2018

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



Haywood County North Carolina

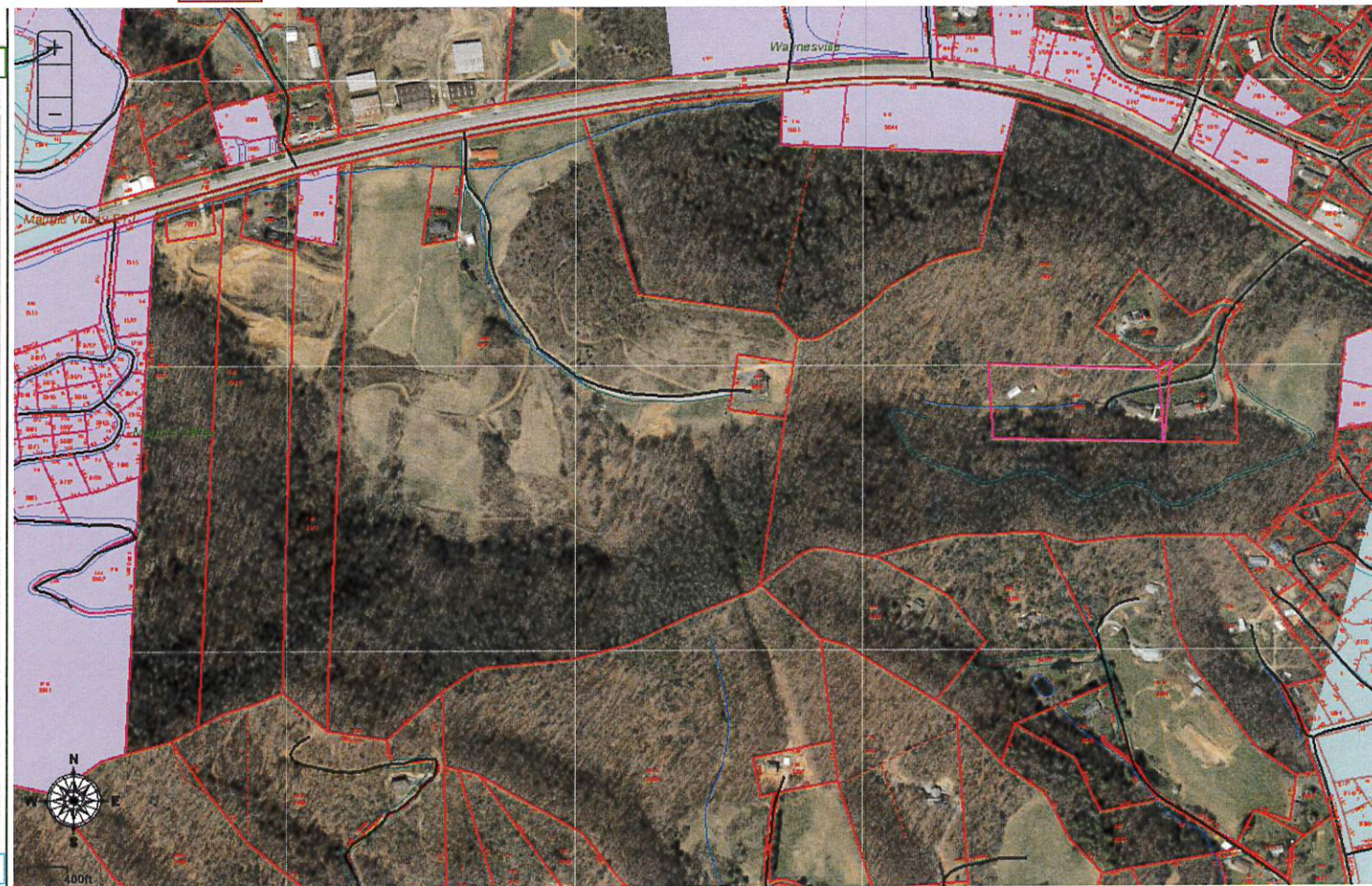


Search Results Layers

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- ☐ Survey Monuments
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- ☐ 20 Foot Topo
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- ☐ Sanitary Districts
- ☐ Farmland_preservation
- ☐ Conservation_easements
- ☐ Soil Map
- ☐ Census Tract
- ☐ EMS Districts
- ☐ Fire Districts
- ☐ Zoning
- ☐ Voting Precincts
- ☐ Federal Land Labels
- ☒ Structures
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- ☒ Parcel Annotation
- ☐ Road Maintenance
- ☒ Transportation
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- ☒ streetsAnno

Legend



Haywood County

North Carolina



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- ☒ streetsAnno

Legend



ORDINANCE NO. O-23-18

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Board of Aldermen has been petitioned under G.S. 160A-58.1, to annex the area as described in attached Exhibit A, and

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 p.m., on the 27th day of November 2018, and

WHEREAS, the Board of Aldermen further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town of Waynesville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the Town of Waynesville.
- c. The area described is so situated that the Town of Waynesville will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits,
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Waynesville; and

WHEREAS, the Board of Aldermen does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended;

WHEREAS, the Board of Aldermen further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described as follows: 187 Secret Hollow Lane -4.00 acres -PIN 8616-09-5980

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the Town of Waynesville, as of the 1st day of January, 2019. Meets and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the 1st day of January 1, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Waynesville and shall be entitled to the same privileges and benefits as other parts of the Town of Waynesville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.1.

Section 3. The Mayor of the Town of Waynesville shall cause to be recorded in the office of the Register of Deeds of Haywood County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Waynesville.

Adopted this 27th day of November, 2018.

TOWN OF WAYNESVILLE

ATTEST:

Gavin A. Brown, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

Re: 187 Secret Hollow Lane - 4.00 acres - PIN 8616-09-5980

EXHIBIT A

BEGINNING on an iron pin set at the southwest corner of the 4.00 acre tract shown on plat recorded in Plat Cabinet C, Slot 2046 Haywood County Registry and runs thence N. 05 deg. 45 min. W. 275.00 feet; thence N. 88 deg. 15 min. E. 633.60 feet; thence S. 05 deg. 45 min. 00 sec. E. 275.00 feet; thence S. 88 deg. 15 min. 00 sec. W. 633.60 feet to the Beginning and containing 4.00 acres as per survey and plat of J. Randy Herron, R.L.S. recorded in Plat Cabinet C, Slot 2046 Haywood County Registry reference to which is made for a more particular description thereof. Together with and including the joint use of the right of way set forth on aforesaid survey and plat.

For title of Grantor see Last Will and Testament of Thomas G. Boyd set forth in the office of the Clerk of Superior Court of Haywood County, North Carolina.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT:

1. Public Hearing on text amendments to 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.

AGENDA INFORMATION:

Agenda Location: Public Hearings
Item Number: D7A
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: At the direction of the Board of Aldermen, the Planning Department made application to amend the standards for Manufactured Housing in order to address any procedural issues associated with an earlier text amendment application. Proposal went before the Planning Board at their November 5th, 2018, Meeting and the Planning Board voted unanimously 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.

MOTION FOR CONSIDERATION:

1. Motion to adopt the Statement of Consistency (as recommended from the Planning Board or as amended)
2. Adoption of the attached text amendment ordinance to Land Development Standards Sections 3.2.6 and 5.9.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff and Planning Board reports, draft ordinance.

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Board determined to re-hear this proposed legislation at your August 21, 2018 as a result of changes to NCGS 160A-383.

Board of Aldermen Staff Report

Subject: Staff Initiated Text Amendment on Manufactured Housing
Ordinance Section: LDS 3.2.6 Manufactured Home Parks
LDS 5.9 Design Guidelines
Applicant: Planning Department on behalf of the Board of Aldermen
Meeting Date: November 27, 2018 (Initially presented November 21, 2017)

Background:

In 2017, staff brought to the Planning Board a concern regarding Town Development Standards as they relate to Manufactured Homes within Manufactured Home Parks and brought forward recommended text after meeting with a group of Manufactured Home Park owners and a manufactured home vendor.

The need for a text amendment initially came from how manufactured housing was listed under the table of permitted uses and how design standards should apply to Manufactured Housing on individual lots vs. Manufactured housing within Parks. In research and discussion with stakeholders, it became clear that it was time to update some standards to keep up with the manufactured home industry.

At their November 5, 2018 Special Called Meeting, The Planning Board unanimously voted that the proposed text amendments are consistent with the Comprehensive Plan and to recommend adoption of the proposed text amendments to the Board of Aldermen.

Staff Comment:

That amendments to Sections 3.2 and 5.9 of the Town of Waynesville's Land Development Standards should be made as indicated on the attached recommended Ordinance with underlined italics and strike outs. This updates the guidelines to be current standards of manufactured housing and will encourage the replacement of newer homes into older home parks by eliminating some of the concerns with "pre-existing nonconformity that currently exist. The proposed amendments to setbacks apply to interior setbacks only and will not impact the overall exterior setback or density of existing homes.

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the stated Land Use Goal is:

"Promote 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." (2020 LDP, p 4-2)

One objective under this goal includes:

“Address important community appearance issues in the land development regulations for Waynesville,” and specify the development of “standards for manufactured homes and manufactured home parks.” (2020 LDP, p. 4-5)

Based on the input of manufactured home park owners, the text changes will facilitate the replacement of mobile homes with newer models and alleviate internal non-conformities to the ordinance. This will improve park appearance, safety and the availability of affordable rental units. Updates to the design guidelines for manufactured homes within manufactured home parks and clarification of how these guidelines are enforced, is therefore consistent therefore with the 2020 Plan.

Recommended Motions

1. To find that updates to the Manufactured Home Guidelines are Consistent with the Comprehensive Plan and are reasonable and in the public interest based on the findings identified,
2. To recommend to the Board of Aldermen changes to the Land Development Standards text as provided (or as amended)in the attached ordinance.



To: Town of Waynesville Board of Aldermen
From: Patrick McDowell, Chair, Town of Waynesville Planning Board
Date: November 27, 2018
Subject: Report to the Aldermen and Text Amendment Statement of Consistency
Description: Clarification to Manufactured Housing guidelines

At their November 5, 2018 special called meeting, the Planning Board followed a worksheet that reflects the exact wording of NCGS 160A-383, and broke up their findings into two parts made by separate motions. The Board then took a vote on their recommendation.

In regards to text amendments to 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 (pursuant to the worksheet):



The Planning Board hereby adopts and recommends to the Governing Board the following statement(s) :

1. The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because:

The Land Development Standards currently allows both manufactured homes and parks in our comprehensive land use plan. This update will improve appearances, safety of the parks, increase the amounts of affordable housing and allow parks to update homes and improve quality of homes. The motion passed unanimously. It provides an attractive range of housing opportunities and encourages a variety of housing

This motion was made by Chairman Patrick McDowell, seconded by Board Member Bucky Dykes. The motion passed unanimously.

2. The zoning amendment **and is reasonable and in the public interest because:**

The text changes will facilitate the replacement of mobile homes with newer models and alleviate internal nonconformities to the ordinance. It will improve park appearance, safety and the availability of affordable rental units. This will clarify manufactured homes within manufactured home parks and clarify for the public how these are enforced. This is all consistent in the public's best interest and with the 2020 plan. The motion passed unanimously.

This motion was made by Board Member Susan Smith seconded by Board Member Marty Prevost. The motion passed unanimously.



The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____



In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan.** The change in conditions taken into account in

amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

A motion was made by Board Member Bob Herrmann, and seconded by Board member Bucky Dykes to recommend the text amendment to the Board of Aldermen. The motion passed unanimously.

Patrick McDowell, Planning Board Chair, Date

Chelle Baker, Administrative Assistant, Date

ORDINANCE NO. O-25-18

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Planning Board has held a public hearing, reviewed the proposed ordinance and found it is consistent with The Town of Waynesville 2020 Land Development Plan, reasonable and in the public interest, and has voted to recommend adoption by the Board of Aldermen;

WHEREAS, the Town of Waynesville Board of Aldermen reviewed the proposed amendment and adopted a Statement of Consistency with findings that the text amendment is consistent with the 2020 Comprehensive Land Development Plan and is both reasonable and in the public interest, prior to this ordinance in accordance with NCGS 160A-383; and

WHEREAS, after notice duly given, a public hearing was held on this date of November 27, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON NOVEMBER 27, 2018, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Section One:

That amendments to Sections 3.2 and 5.9 of the Town of Waynesville's Land Development Standards shall be made as indicated with underlined italics and strike outs:

3.2.6 *Manufactured Homes and* Manufactured Home Parks

A. See 5.9 for Design Guidelines for Manufactured Homes on Individual lots.

B. General *Manufactured Home* Park Requirements

1. No manufactured home park shall be approved for a site less than three (3) contiguous acres under single ownership or control.
2. The maximum allowable density in the manufactured home park shall be eight (8) dwelling units per buildable acre (land area excluding floodways, wetlands, and slope in excess of twenty (20%) percent).
3. The manufactured home park shall be buffered from all adjacent property with a Type C Buffer Yard (8.5.2.C).

4. At least two (2) trees shall be planted (or retained) in the park per dwelling unit. These trees shall be in addition to those required to meet the landscape requirements contained in Chapter 8 Landscaping and consistent with Section 3.2.6.
5. The operator/manager of a manufactured home park shall designate and enforce a uniform type of underpinning of all manufactured homes in the community.
6. All streets within a manufactured home park shall comply with the standards set forth in Chapter 6.
7. An acceptable plan for the collection and disposal of garbage shall be included in the site plan for the manufactured home park.
8. Civic space shall be provided in accordance with Chapter 7.
9. Individual units shall be located and set so that water does not collect under units.

C. Manufactured Home Space Requirements

1. Each manufactured home shall be located at least thirty (30) twenty (20) feet from any other manufactured home or structure within the park, excluding storage buildings for use with the individual home. Each home shall be at least thirty-five (35) feet from any property line. If the property abuts a public street, the setback shall be forty (40) feet. Each home shall be setback at least twenty (20) ten (10) feet from the edge of any traveled way within the park.
2. There shall be front and rear steps and/or decks for each manufactured home and a deck/entry transition area at the front door of a minimum of 6' by 6'.
3. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street running in front of the home.
4. A minimum of two (2) parking spaces shall be provided for each manufactured home.
5. A visitor parking area, consisting of one (1) space for each five (5) manufactured home units located within the park, shall be provided. This parking area does not have to be paved.

5.9 Manufactured Housing Design Guidelines (from 154.228)

5.9.1 Applicability

All manufactured homes permitted shall comply with the requirement of 5.6 above (General Building standards, unless the standards below conflict and shall therefore take precedence) and must comply with the standards established by the United States Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. § 5401, et seq and that satisfies each of the following additional criteria:

5.9.2 Standards

- A. The tongue, axles, running lights and removable towing apparatus must be removed prior to the issuance of a certificate of occupancy.
- B. Except for units within permitted Manufactured Home Parks, the manufactured home shall be attached to a permanent foundation of brick, stone, concrete, framing or block that is unpierced except for required ventilation and access as required by the North Carolina State Building Code or for flood hazard construction. Units within permitted manufactured home parks may use a vinyl skirting or other material to enclose the structural supports.
- C. The pitch of the roof of the manufactured home shall have ~~has~~ a minimum vertical rise of three (3) inches for every twelve (12) inches of horizontal run.
- D. Except for units within permitted Manufactured Home Parks, the roof must be covered with a material that is customarily used on site-built dwellings. Aluminum or metal roofing is not permitted unless standing seam metal roofing or metal shingles are utilized.
- E. The roof shall have a minimum eave projection and roof overhang of ten (10) inches, not including the gutter except when the unit is located in a Manufactured Home Park where this requirement shall apply only to double wide units.
- F. Exterior siding shall be of a material customarily used on site-built dwellings which does not have a high gloss finish, such as wood, conventional vinyl or metal siding, brick, stucco or similar materials. Smooth, ribbed or corrugated metal or plastic panels are not permitted.
- G. Except for units within permitted Manufactured Home Parks, the length of the home shall not exceed four (4) times the width, excluding additions.
- H. Architectural and aesthetic standards specified in this section shall be applicable to all additions.
- I. At the main entrance door there shall be an entryway transition that is a minimum six (6) feet by six (6) feet.

Section Two:

That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Three:

All ordinances or portions of ordinances therein the Town Code are hereby repealed to the extent of such conflict.

Section Four:

The Town Clerk shall update the Town of Waynesville Code of Ordinances to incorporate the adopted amendments.

Section Five:

This ordinance shall be in full force and effect from and after the date of adoption.

ADOPTED this twenty seventh Day of November, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT:

1. Public Hearing of text amendment to Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental Standards related to setbacks and Monopole Towers within the Commercial-industrial District.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: D7B
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: At the direction of the Board of Aldermen, the Planning Department made application to amend the standards for setbacks and cellular communication towers within the Commercial-Industrial district in order to address any procedural issues associated with an earlier text amendment application. Proposal went before the Planning Board at their November 5th, 2018, Meeting and the Planning Board voted unanimously 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.

MOTION FOR CONSIDERATION:

1. Motion to adopt the Statement of Consistency (as recommended from the Planning Board or as amended)
2. Adoption of the attached text amendment ordinance to Land Development Standards Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental Standards.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff and Planning Board reports, draft ordinance.

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Board determined to re-hear this proposed legislation at your August 21, 2018 as a result of changes to NCGS 160A-383.

Board of Aldermen Staff Report

Subject: Text Amendment Requests
Ordinance Section: LDS 2.4.2 "Table of Dimensional Standards"
LDS 3.10.4
Applicant: The Planning Department on behalf of the Board of Aldermen
Meeting Date: November 27, 2018 (Initially presented February 9, 2018)

Background and Town Development Standards:

Mr. James Sorrells, owner of a lot in the Waynesville Industrial Park, known as 208 and 204 Industrial Park Drive, within the Commercial-Industrial (CI) District and Mr. Eric Bean, owner of a business within the CI District applied for two text amendments impacting the Commercial-Industrial Districts. The first had to do with the setback dimensional standards of the CI District and the second had to do with the minimum lot size of Monopole Cell Towers. To maximize the use of limited industrial space, the text amendment requests a reduction in the required interior setbacks within the district and reducing the lot minimum for Monopole Towers within the CI District.

Staff Comment:

The Town's industrial lands are limited and industrial areas need flexibility to accommodate various manufacturing, warehouse/storage, and other uses, or to maximize building square footage within a lot.

A. Request for a reduction of Setback within the CI District.

In the Table of Dimensional Standards, the CI District Principle Setback is 15' in the front and side yard, and 10' at the rear. Accessory Structure setback is 5'. In other Districts, the setback is 0 to 10 feet and 5' for accessory structures. Setbacks internal to the CI District are therefore more restrictive than in other Commercial Districts. Unlike other commercial districts however, there is not an aesthetic or public interaction reason for these setbacks.

From a Building Code standpoint, distances between buildings must comply with State building and fire safety codes which are based on the type of construction and the use of the building. A 5' side yard setback would provide at least a 10' separation between any new construction and would be built to the specifications of the code as necessary for the use (ie. Fire separation walls, sprinkler systems, or construction materials). Therefore there is not a building or public safety reason for this interior setback that would not already be addressed with building codes.

The Town has limited industrial Space: the Industrial Park off of Asheville Highway, the Giles property in Frog Level, and the two industrial areas in Hazelwood, abutting the railroad track. Industrial development usually involves a mix of office, warehouse, manufacturing and outdoor storage activities, combined with

truck traffic and employee parking needs which requires flexibility and maximum use of the limited space available.

Where a CI property abuts a property in a different zoning district, there are buffer requirements provided in Section 8.4 (below) that require setbacks of 25 to 40 feet with plantings exceeding the current 15' setbacks. This buffer requirement would apply to the perimeter of all CI Districts.

B. Amend the Supplemental Use Standards for Monopoles within the CI District

There exists a Monopole facility on the site with a 100 x 100 foot lease. The applicants have subdivided a 1.29 square foot lot in order to create a new .69 sf lot for their proposed development next to the cell tower lease (also owned by Mr. Sorrells). The Supplemental Standards for Monopole facilities does not distinguish among zoning districts and states that (LDS Section 3.10.4 (B) 2.):

“Monopole wireless communication towers may only be located on a lot of (1) acre in size.”

The applicants requested that “the current lot size requirement be reduced in the CI zoning districts to the typical 100' x 100' land lease size. This would free up the adjacent property to be subdivided thus allowing for more building options in the remaining industrial park space.”

While it would make sense to have a large lot requirements for monopoles in some other districts, staff feels that monopole facilities should be integrated into CI with minimal restrictions. An acre is a large area to take up within an industrial district. Other existing towers are on smaller lots (Mosaic Place is 0.5 Acres owned by the Town), or are incorporated into other development (EMS Building with tower is 3.92 acres). Staff would support a reduction in this provision for the CI, to allow for maximum use of acreage within CI Districts.

There has been much recent discussion of the importance of broadband and wifi service in Haywood County. The Town is participating in a regional study through the Land-of-Sky Regional Council to look at improving communications systems in WNC. There are regulations provided in 3.10 that restrict cell towers and their location and design. This text amendment would only change the minimum lot size for cell towers within the CI District, and would not change any other cell tower requirements. The result that it would create more flexibility for monopole towers to be integrated within Commercial-Industrial Districts without the restriction of lot size.

Buffer requirements would apply for any CI district perimeter or property boundary abutting another type of zoning district that would exceed the 15' side or front yard setback, and any new monopole tower would have to comply with all other tower requirements. These text amendments would create flexibility for maximum use of CI space and remove the one acre requirement.

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the stated Goal for Economic Vitality is:

“Maintain and strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services governmental and construction sectors.” (2020 LDP p. 4-19)

One objective under this goal includes:

“Designate and support the development of appropriate amounts of land to meet the needs of the different sectors of the economy.” (2020 LDP 4-19.”

“Expand and upgrade the community’s infrastructure systems and services with a focus on economic development impacts.” (2020 LDP p. 4-20)

These revisions will create flexibility within the CI District and allow monopole cell towers to integrate within the Town’s Most Commercial and Industrial Districts.

Recommended Motions

1. To find that the requested text amendments to reduce setbacks and eliminate the minimum lot size for monopole cell towers in the CI District is Consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest based on the identified findings.
2. To adopt the recommended text amendment ordinance as provided (or as amended) so that minimum setback in the CI District setback be reduced from 15’ to 5’ (five feet) and the Supplemental Standard for a Monopole Cell Tower being located on a lot of an acre in size or greater exclude the CI District.

ORDINANCE NO. O-26-18

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Planning Board has held a public hearing, reviewed the proposed ordinance and found it is consistent with The Town of Waynesville 2020 Land Development Plan, reasonable and in the public interest, and has voted to recommend adoption by the Board of Aldermen;

WHEREAS, the Town of Waynesville Board of Aldermen reviewed the proposed amendment and adopted a Statement of Consistency with findings that the text amendment is consistent with the 2020 Comprehensive Land Development Plan and is both reasonable and in the public interest, prior to this ordinance in accordance with NCGS 160A-383; and

WHEREAS, after notice duly given, a public hearing was held on this date of November 27, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON NOVEMBER 27, 2018, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Section One:

Amend LDS Section 2.4.2 "Table of Dimensional Standards," regulations governing the front, side and rear setback standards of the Commercial Industrial column, to read 5' instead of 15'.

Section Two:

Amend LDS Section 3.10.4 Monopole Wireless Communication Tower, Subsection A. Location/Site Design, sub-paragraph 2 as follows (in red italics):

"Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, *except within the CI District.*"

ADOPTED this twenty seventh Day of November, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT:

1. Public Hearing of text amendment to Section 3.2.6(A) to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM).

AGENDA INFORMATION:

Agenda Location: Public Hearings
Item Number: D7C
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: At the direction of the Board of Aldermen, the Planning Department made application to amend the standards for Manufactured Housing within the Dellwood Residential Medium Density district in order to address any procedural issues associated with an earlier text amendment application. Proposal went before the Planning Board at their November 5th, 2018, Meeting and the Planning Board voted unanimously 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.

MOTION FOR CONSIDERATION:

1. Motion to adopt the Statement of Consistency (as recommended from the Planning Board or as amended)
1. Adoption of the attached text amendment ordinance to Land Development Standards Sections Section 3.2.6(A)

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff and Planning Board reports, draft ordinance.

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Board determined to re-hear this proposed legislation at your August 21, 2018 as a result of changes to NCGS 160A-383.

Board of Aldermen Staff Report

Subject: Text Amendment to the Land Development Standards (LDS) regarding manufactured homes on individual lots in the Dellwood Residential Medium Density District (D-RM)

Ordinance Section: 3.2.6(A)

Applicant: The Planning Department on behalf of the Board of Aldermen

Meeting Date: November 27, 2018 (Initially presented March 19, 2018)

Background:

A lack of clarity in the Land Development Standards (LDS) regarding manufactured homes on individual lots in the Dellwood Residential Medium Density District (D-RM) was brought to staff attention when a request was made to place a manufactured home on a lot just off Mauney Cove Road.

The LDS indicates that within the D-RM, manufactured housing is permitted only in designated locations. In most instances, the allowance of a particular use at designated locations indicates that that use is permitted within a mixed-use overlay. The mixed-use overlay within the D-RM consists of a corridor, measured 500 feet from the east and west sides of Russ Avenue, running roughly through the center of the district. It seemed strange that manufactured housing on individual lots would be permitted in the portion of the D-RM district that had been created specifically to allow non-residential development, but not permitted within the more residential and rural portion of the district. From a land use planning perspective, the opposite seemed more reasonable.

The previous version of the LDS indicated that within the Dellwood Neighborhood District (forerunner of the D-RM) manufactured housing would be permitted as follows in Section 154.108(B)(8)(b):

“Dwellings, Manufactured Housing on Individual Lots” shall not be located on the east side of Russ Avenue or within five hundred (500) feet of the edge of the traveled way of the west side of Russ Avenue.

This location restriction for manufactured housing within the Dellwood Neighborhood District in the previous version of the LDS is similar to the D-RM mixed-use overlay on the current Land Development Map. There are still significant portions of the current district to the east of Russ Avenue that are not contained within the mixed-use overlay. Therefore, the previous location restrictions do not correlate precisely to the current Land Development Map.

At the February 19, 2018 meeting of the Planning Board, this matter was considered, with much of the discussion focusing on the historic pattern of development along the Russ Avenue corridor, in the neighborhood along Golf Course Road to the east, and in the rural area along Mauney Cove Road to the west. A motion was made, seconded, and confirmed unanimously to create a text amendment that would clarify any ambiguity in the LDS related to the placement of manufactured homes on individual lots in the D-RM.

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, one of the stated objectives under the Land Use Goal is to: “designate appropriate amounts of land to reflect desired development patterns and to accommodate the projected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years.” (2020 LDP 4-2)

Other goals of the Land Use Plan are to:

- “provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville” (LDP, p. 4-6); and
- “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)

This text amendment clarifies that manufactured housing is permitted on individual lots within the Dellwood Residential medium density district, thereby continuing the availability of that type of housing within a district that has traditionally had allowed it in the past.

Staff Recommended Text Change:

Based on the specific wording of the above-mentioned motion, the planning staff recommends adoption of a text amendment to the LDS to replace Section 3.2.6(A) with the following text:

A. Manufactured Homes on Individual Lots

1. See Section 5.9 for Design Guidelines for Manufactured Homes on Individual Lots.
2. In the Dellwood Residential Medium Density District (D-RM), Manufactured Homes on Individual Lots shall only be permitted west of Russ Avenue outside of the Mixed-Use Overlay.

Recommended Motions

1. To find that updates to the Manufactured Home Guidelines are Consistent with the Comprehensive Plan and are reasonable and in the public interest (per identified findings).
2. To recommend to the Board of Aldermen changes to the Land Development Standards text as provided (or as amended).



To: Town of Waynesville Board of Aldermen
From: Patrick McDowell, Chair, Town of Waynesville Planning Board
Date: November 27, 2018
Subject: Report to the Aldermen and Text Amendment Statement of Consistency
Description: Action to recommend a zoning text amendment to clarify that Manufactured Housing is allowed within the Dellwood RM District.

At their November 5, 2018 special called meeting, the Planning Board followed a worksheet that reflects the exact wording of NCGS 160A-383, and broke up their findings into two parts made by separate motions. The Board then took a vote on their recommendation.

In regards to a text amendment to LDS Section 3.2.6 to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM (pursuant to the worksheet):

✓ The Planning Board hereby adopts and recommends to the Governing Board the following statement(s) :

1. The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because:

It provides an attractive range of housing opportunities and encourages a variety of housing

A motion was made by Chairman Patrick McDowell, seconded by Board Member Bob Herrmann. The motion passed unanimously.

2. The zoning amendment and **is reasonable and in the public interest because:**

It clarifies that manufactured housing is permitted on individual lots within Dellwood Residential Medium Density District. Thereby, continuing the availability of that type of housing within the district and where it has been traditionally allowed within the past

A motion was made by Susan Smith, and seconded by Board Member Pratik Shah. The motion passed unanimously.

This motion was made by Board Member Susan Smith seconded by Board Member Marty Prevost. The motion passed unanimously.



The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____



In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

A motion was made by Board Member Susan Smith, seconded by Board Member Bob Herrmann, to recommend the text amendment to the Board of Aldermen. The motion passed unanimously.

Patrick McDowell, Planning Board Chair, Date

Chelle Baker, Administrative Assistant, Date

ORDINANCE NO. O-27-18

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Planning Board has held a public hearing, reviewed the proposed ordinance and found it is consistent with The Town of Waynesville 2020 Land Development Plan, reasonable and in the public interest, and has voted to recommend adoption by the Board of Aldermen;

WHEREAS, the Town of Waynesville Board of Aldermen reviewed the proposed amendment and adopted a Statement of Consistency with findings that the text amendment is consistent with the 2020 Comprehensive Land Development Plan and is both reasonable and in the public interest, prior to this ordinance in accordance with NCGS 160A-383; and

WHEREAS, after notice duly given, a public hearing was held on this date of November 27, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON NOVEMBER 27, 2018, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Adoption of a text amendment to the LDS to replace Section 3.2.6(A) with the following text:

A. See Section 5.9 for Design Guidelines for Manufactured Homes on Individual Lots.

- 1. In the Dellwood Residential Medium Density District (D-RM), Manufactured Homes on Individual Lots shall only be permitted west of Russ Avenue outside of the Mixed-Use Overlay.*

ADOPTED this twenty seventh Day of November, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 27, 2018

SUBJECT:

1. Public Hearing of text amendment to LDS Section 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.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: D7D
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: At the direction of the Board of Aldermen, the Planning Department made application for a text amendment to introduce a zoning allowance for video gaming within the Regional Center district in order to address any procedural issues associated with an earlier text amendment application. Proposal went before the Planning Board at their November 5th, 2018, Meeting and the Planning Board voted unanimously 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.

MOTION FOR CONSIDERATION:

1. Motion to adopt the Statement of Consistency (as recommended from the Planning Board or as amended)
2. Adoption of the attached text amendment ordinance to Land Development Standards Sections 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.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff and Planning Board reports, draft ordinance.

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Board determined to re-hear this proposed legislation at your August 21, 2018 as a result of changes to NCGS 160A-383.

Board of Aldermen Staff Report

Subject: Text Amendment to LDS Standards regarding “Video Lottery Entertainment;”
Ordinance Section: LDS 2.5.3 Table of Permitted Uses, LDS 3.2 Supplemental Standards, and
LDS Chapter 17 Definitions
Applicant: Planning Department on behalf of the Board of Aldermen
Meeting Date: November 27, 2018 (Initially presented November 6, 2017)

Background:

Staff sought Planning Board guidance regarding video gaming machines last fall because a business providing video gaming machines had opened within the Mixed-Use Overlay District of the Love Lane Residential District on Dellwood City Road. The type of business in question was described by the business owner as selling “gift cards” which are used to purchase online “skill” or “nudge” games.

North Carolina General Statutes provide specified authority to local government, including the ability to regulate land use and have certain policing powers, in Chapter 160A. Towns cannot exert authority beyond what the General Statutes allow, nor can local government develop regulations which conflict with General Statutes. NCGS Subchapter XI., Article 37 provides police regulations involving “Lotteries, Gaming, Bingo and Raffles, and Chapter 14-306.1 Identifies “types of machines and devices prohibited by law.” The Planning Board was also made aware of House Bill 750 which may authorize State regulation of video lottery terminals and fantasy football leagues.

Local regulations or land use policies do not change or challenge State laws that apply to certain types of gaming activities. However, the Planning Board’s concern is that if legal types of video-gaming businesses are to locate within Town, then they should be addressed within the Town’s zoning regulations as other businesses are. The desire in any land use decision is always to balance fairness to a specific business and/or property owner with the interests of other property owners within any zoning district and the Town’s Land Use Plan goals. The Board examined the question of where this type of business should be located with consideration for surrounding land uses and being consistent with the purpose and intent of zoning districts.

The direction from the Planning Board was that this use was most appropriate in the Regional Center District where the land use intent is to accommodate general commercial uses, but not in mixed-use overlay or central business districts. Additionally, the Board considered supplemental standards of parking and buffer requirements between this type of use and any residential uses. As a result of this discussion, staff proposed the following text amendment to add a definition, standards and location within the Table of Permitted Uses for video or “skill” gaming operations.

Staff Comment

LDS 2.5.3 Table of Permitted Uses identifies enumerated permitted uses by Zoning District. “P” indicates where certain uses are allowed and PS indicates when a use is allowed with supplemental standards. The proposed text amendment would allow video skill games as a new and uniquely defined use within the

Table as a use with supplemental standards in accordance with LDS 3.2 Supplemental Standards and limited to the Regional Center Districts.

Within the Table of Permitted uses and in the Purpose and Intent Statements (LDS 2.3.7) of the Regional Center Districts, the Town's Land Development Standards clearly designate the RC Districts as hubs for retail and mixed-use development that can accommodate shopping centers, drive-thrus, "big-box," and other types of general commercial development. There are three Regional Center Districts: Russ Avenue, Dellwood/Junaluska, and Hyatt Creek.

Staff submits that the following text amendment be recommended to the Board of Aldermen for adoption (changes to the current Land Development Standards are provided in red italics).

1. Addition of a new definition, **Chapter 17.3 Definitions, Use Type.**

Video gaming parlor. Any use or structure intended to provide access to video games in which customers purchase retail gift cards or gain access to electronic games of skill or dexterity not otherwise prohibited by law, or other electronically simulated games approved and regulated by the State of North Carolina.

2. Addition of Use Type within **2.5.3 Table of Permitted Uses**

Use Types	Regional Center (RC)		
	DJ-RC	HC-RC	RA-RC
Commercial			
<i>Video gaming parlor</i>	<i>PS/SUP</i>	<i>PS/SUP</i>	<i>PS/SUP</i>

3. Addition of/insert new paragraph within 3.5 Supplemental Standards - Commercial

3.5.11 Video Gaming or video gaming parlor.

- A. Wherever legal video gaming is provided within a use or is provided as a stand alone use, a Type B Buffer Requirement or a 6' privacy fence or wall between the use and any residential or mixed use district (RL, RM, NR, UR, NC) (See LDS Section 8.4).*
- B. Parking must be provided for "All Other Commercial Uses" in accordance with LDs Section 9.2.1 Parking Use Category.*
- C. Video Gaming within a bar or where alcohol is served shall have to be approved by SUP of the Town Planning Board.*

Note that in a previous hearing before the Board of Aldermen, the Aldermen requested some provision to allow the continuance of any pre-existing machines already in use within gas/fueling stations as well. Staff agreed and this was incorporated into the attached ordinance.

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, one of the stated objectives under the Land Use Goal is to: "designate appropriate amounts of land to reflect desired development

patters and to accommodate the projected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years.” (2020 LDP 4-2)

The stated Economic Vitality Goal is to: “maintain and strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction sectors.” (2020 LDP, p 4-19). The objectives under this goal indicate that the Town desires to support local businesses and to “define and develop the tourism sector” of the economy. It is unclear what, if any, impact this business would have on the local economy or in attracting tourism. The Town desires to make decisions which accommodate new and existing businesses in a way in which various sectors do not conflict with each other. It would seem consistent with the Comprehensive Plan to define this use and to place it within the Regional Center District Zoning designation in which are designed to accommodate many types of commercial uses.

Staff Recommended Text Changes:

Recommended Motions

1. To find that updates to the Table of Permitted Uses for the RC District and Supplemental Guidelines related to Video Gaming are Consistent with the Comprehensive Plan and are reasonable and in the public interest (per identified findings)
2. To recommend to the Board of Aldermen changes to the Land Development Standards text as provided (or as amended).



To: Town of Waynesville Board of Aldermen
From: Patrick McDowell, Chair, Town of Waynesville Planning Board
Date: November 27, 2018
Subject: Report to the Aldermen and Text Amendment Statement of Consistency
Description: Action to recommend a zoning allowance for video-gaming as an allowable use within the Regional Center Districts.

At their November 5, 2018 special called meeting, the Planning Board followed a worksheet that reflects the exact wording of NCGS 160A-383, and broke up their findings into two parts made by separate motions. The Board then took a vote on their recommendation.

In regards to a text amendment to LDS Section 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 (pursuant to the worksheet):

✓ The Planning Board hereby adopts and recommends to the Governing Board the following statement(s) :

1. The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because:

As a legal business, as per state laws, we need to provide areas for business growth in the community and allowance of this type of business.

This motion made by Chairman Patrick McDowell, seconded by Board Member Bob Herrmann. The motion passed unanimously.

2. The zoning amendment and **is reasonable and in the public interest because:**

It is consistent with NC general statutes which allow for this use yet opposes buffer, parking, and other requirements that provide a balance between the use in nearby property owner interests.

This motion was made by Board Member Susan Smith seconded by Board Member Marty Prevost. The motion passed unanimously.

☐

The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

A motion was made by Board Member Marty Prevost seconded by Board Member Pratik Shah, to recommend the text amendment to the Board of Aldermen. The motion passed unanimously.

Patrick McDowell, Planning Board Chair, Date

Chelle Baker, Administrative Assistant, Date

ORDINANCE NO. O-28-18

AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Planning Board has held a public hearing, reviewed the proposed ordinance and found it is consistent with The Town of Waynesville 2020 Land Development Plan, reasonable and in the public interest, and has voted to recommend adoption by the Board of Aldermen;

WHEREAS, the Town of Waynesville Board of Aldermen reviewed the proposed amendment and adopted a Statement of Consistency with findings that the text amendment is consistent with the 2020 Comprehensive Land Development Plan and is both reasonable and in the public interest, prior to this ordinance in accordance with NCGS 160A-383; and

WHEREAS, after notice duly given, a public hearing was held on this date of November 27, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON NOVEMBER 27, 2018, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. Addition of a new definition, **Chapter 17.3 Definitions, Use Type.**

Video gaming parlor. Any use or structure intended to provide access to video games in which customers purchase retail gift cards or gain access to electronic games of skill or dexterity not otherwise prohibited by law, or other electronically simulated games approved and regulated by the State of North Carolina. Gas/Fueling stations which have up to three such games or as allowable by law, and which are subsidiary and incidental to the primary use are not part of this definition.

2. Addition of Use Type within **2.5.3 Table of Permitted Uses**

Use Types	Regional Center (RC)		
Commercial	DJ-RC	HC-RC	RA-RC
<i>Video gaming parlor</i>	<i>PS/SUP</i>	<i>PS/SUP</i>	<i>PS/SUP</i>

3. Addition of/insert new paragraph within 3.5 Supplemental Standards - Commercial

3.5.11 Video Gaming or video gaming parlor.

- A. Wherever legal video gaming is provided within a use or is provided as a stand alone use, a Type B Buffer Requirement or a 6' privacy fence or wall between the use and any residential or mixed use district (RL, RM, NR, UR, NC) (See LDS Section 8.4).*

- B. Parking must be provided for "All Other Commercial Uses" in accordance with LDs Section 9.2.1 Parking Use Category.*
- C. Video Gaming within a bar or where alcohol is served shall have to be approved by SUP of the Town Planning Board.*

ADOPTED this twenty seventh Day of November, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney