

REGULAR MEETING  
TOWN OF WAYNESVILLE  
PLANNING BOARD  
APRIL 17, 2006  
MONDAY - 5:30 P.M.  
TOWN HALL

The Planning Board held a regular meeting on Monday, April 17, 2006. Members present were Brooks Hale, Don Stephenson, Rex Feichter, Lee Bouknight, and Marty Prevost. Also present were Planning Director Paul Benson, Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Chairman Rex Feichter called the meeting to order at 5:30 p.m.

Approval of Minutes of March 20, 2006

Lee Bouknight moved, seconded by Don Stephenson, to approve the minutes of March 20, 2006 as presented. The motion carried unanimously.

Text Amendment - Section 154.031 Inns and 154.233 - Bruce and Leslie Merrell, Ann and Don Rothermel

Planning Director Paul Benson presented the following staff report:

Bruce and Leslie Merrell and Ann and Don Rothermel are requesting a text amendment to Section 154.031 Inns and 154.233.

The requested amendment is as follows:

1. Change definition of “inn” by deleting the following sentence: “Breakfast is the only meal served and is served only to overnight guests.”

2. Add the following to the supplemental use regulations: “Use of facility to host meals other than breakfast for inn guests and non-inn guests is permitted up to three times a month.”

The applicant owns the Adger House Bed and Breakfast located at 127 Balsam Drive, which is within the Main Street Neighborhood District. The Adger House is being operated as an “inn” as defined by the Land Development Standards. Within neighborhood districts inns are permitted as a permitted use subject to supplemental restrictions. These restrictions basically are:

1. The inn must be buffered from residentially zoned property.
2. An owner or manager of the inn must reside on the property.
3. Inns within residential districts must be on parcels with a minimum size of 5 acres (except for historic buildings).
4. Inns may provide no more than 30 rooms unless the site size is increased by 1 acre per 6 rooms.
5. Inns must have 50% open space on site.

6. All buildings must be at least 50' from the rear and side property lines.

The applicant would like to be able to serve meals other than breakfast to guests and non-guests of the inn.

Recommendation:

The staff recommends that some changes be made to the ordinance to make inn regulations more logical and to specially permit special events at the inns, such as meals for non-guests. In general staff recommends that:

1. Inns outside of neighborhood districts should be permitted to serve meals to guests and non-guests.
2. Inns within neighborhood districts should be generally regulated in a way to insure that they fit with neighborhoods and don't create adverse impacts on neighboring residences.

Specifically, staff recommends:

1. The definition of inns should be amended as requested to delete the sentence referring to meals. This restriction is better handled in the supplemental use regulations.
2. The following changes should be made to the supplemental use section:
  - a. Change language of paragraph (D) to limit the number of rooms to 20 so that the supplemental use regulations agree with definition of inns. Delete the provision for increasing the number of rooms.
  - b. Add a paragraph "(G) Activities" with the following:
    - i. "Activities and functions at the inn shall be provided for overnight guests only except as provided for in the special events standards."
    - ii. "Special events. In addition to the functions for overnight guests, the inn may have up to 6 private parties, receptions, or other similar contracted activity per year. A temporary use permit (see Section 154.090) must be obtained for each such event. The inn may also have up to 1 meal per month open to non-overnight guests. In no way is this provision meant to restrict the owner/manager's use of their home for personal entertaining."

Mr. Benson agreed with the applicants that the sentence regarding meals should be deleted from the definition of "inn". He also recommended that the supplemental use regulations be changed from 30 rooms to 20 to agree with the definition of "inn". Mr. Benson pointed out that the supplemental use regulations primarily apply to inns located in residential districts.

Inns located in commercial districts are allowed to serve all meals since restaurants are permitted in these districts. Allowing six special events per year and one meal per month to persons other than guests is being proposed to protect neighborhoods from excessive noise or traffic. This restricts the inns from impacting surrounding properties.

Patrick Bradshaw inquired about Section (2)(b)(ii) as to whether other meals could be served as a part of special events to non-guests. Mr. Benson said meals could be included as a part of special events.

Lee Bouknight inquired about the procedure to be used for temporary permits. Mr. Benson responded that the temporary permit only applies to special events and would be handled by Town Staff at no charge as a means of keeping count of the events. Violations would be complaint driven. Marty Prevost asked if inns could serve three meals per day to guests. Mr. Benson said that they could with the proposed amendment.

Bruce and Leslie Merrell own Adger House. Ms. Merrell stated that she understands Mr. Benson's changes in language to the amendment. The inns are still bound by county food service regulations. It is not as easy as opening the doors for meals. Inns cannot be open to the public as a restaurant without a commercial kitchen. However, she feels that six special events per year might be too restrictive. Their inn has many requests for small weddings, mostly spring through fall. Ms. Merrell would like the special events number to be higher in order to attract additional guests and have them stay more than just one night.

Marty Prevost asked if the number of meals allowed and special events is interchangeable. Mr. Benson answered that special events could include meals, but meals could not be used to increase the number of special events allowed.

Donna and Stephen Shea own The Yellow House on Plott Creek outside the Town's jurisdiction. Mrs. Shea stated that they have several small events May through October. There is really a need for this service. They support a text amendment to allow more special events.

Don and Ann Rothermel owners of the Andon House were also present. Mr. Rothermel stated that they would like to have meals available to the public for holidays such as Valentine's Day, Thanksgiving and Christmas. He stated that B&B's bring a lot of business to this community and promote tourism in the area. These inns make the visitors' stay enjoyable so that people want to return.

Tom and Jenny Halsey of the Herren House presented the following statement:

We at the Herren House fully support a change to allow B&B's within the Town of Waynesville city limits, the ability to serve food and drink for special events and special occasions – notwithstanding the fact that said food and drink is required to be prepared by a licensed caterer, and inspected by the county health department.

However, the amendment change request before you, while at first glance would seem to innocently allow a B&B to serve food and drink while hosting special events – actually is a change that as written, will harbor all sorts of unintended consequences.

Such as, that as written, it allows B&B to offer dining to the general public. It allows unlimited seatings for public dining day and night. It places no constraints on parking, neighborhood traffic issues, and noise levels. It makes no differentiation between guests who are staying at the B&B and non-guests of the B&B.

The applicant would have you believe their request is a simple wording change to allow food and drink to be sold to guests staying at the B&B and the occasional wedding. But remember, we are

gathered here today because the applicant was illegally serving dinners to the public and using an uninspected caterer. The applicant may say one thing but will, I firmly believe, instead utilize the amendment change as a license to operate a restaurant inside of a quiet residential neighborhood. The attempt has been already made. Byron Hickox and Paul Benson have seen the Adger House advertisements in the newspaper and on their website for public dining.

The B&B industry has a special pact with its residential neighbors, and part of it is to operate a non-intrusive and quiet facility. Amending a zoning regulation unintentionally provides for the operation of a public dining restaurant, violates that covenant and tarnishes the good neighborly reputations of B&B's.

Subsequently, I urge the planning board to table this matter for further study and input from the communities affected. It is the opinion of several B&B operators in the Town of Waynesville that this is a serious request, fraught with potential unintended consequences that could have a negative quality of life impact on our residential neighbors and thusly on our business reputations. No other B&B than the applicant'(s) is urging quick action on this request at this time.

If you are compelled to proceed with granting the applicant's requested change, I urge you to place the following restrictions as conditions.

- 1) Special events only
- 2) B&B guests only, unless a wedding event
- 3) The use of licensed and inspected caterers only, if the B&B does not have a licensed and inspected commercial kitchen
- 4) No public dining or private dining to non-guests

Mr. Halsey stated that they fully support a change to the current ordinance.

Mr. Benson explained that this amendment should be for inns only. B&B Homes are considered separately. Inns are required to have a minimum lot size of 5 acres or be a historic home. The inns are on larger sites. B&B Homes are a much smaller, more restricted operation.

Patrick Bradshaw asked if inns located in Town currently meet the 5 acre requirement. Mr. Benson responded that they do not but meet the historic designation requirement of being over 60 years old.

Becky and George Fain who own the Inn at Iris Meadows were present at the meeting. Ms. Fain said that they are in favor of allowing special events because this will draw people to inns here in Waynesville. She would like to be able to have more special events and finds that her neighbors are very supportive of their business.

Leslie Merrell said that currently the best means of exposure to their property is through the B&B Association. The Merrells' goal is to fill their rooms as much as possible. They attempt to promote their business by community events such as the Holiday Tour of Inns. Mr. Merrell

also pointed out that they would have to limit the number of people for special events in case an outdoor event might be driven inside by bad weather.

Mr. Rothermel stated that they urge their guests to drive safely and be quiet.

Mr. Halsey asked about steps to restrict an innkeeper from serving too many evening meals. He does not want to see inns operating as restaurants.

Marty Prevost suggested tabling this item until we can get some sort of clarification of the definition of special events.

Don Stephenson asked if traffic, parking and noise could be adequately policed.

Leslie Merrell stated that although they would like to be able to host weddings and other special events, they are not interested in operating a restaurant. Their special events would be limited to no more than 20 people. They are very concerned about their neighbors and are not going to abuse their relationship with them.

Mr. Stephenson asked how many special events could be held by innkeepers now. Mr. Benson replied that it is not specified. The ordinance is silent and weak in that area. Restrictions for B&B Homes are quite clear. They are limited to four per year. Mr. Benson would like to clarify inn restrictions as well.

Brooks Hale felt that we should go the route of raising the number of special events to 10-12.

Lee Bouknight agreed that he would like to see the number of events increased as well but asked if this would place a burden on the innkeeper to seek permits. He indicated he would prefer a more liberal permitting process.

Patrick Bradshaw stated that while he does want to be able to accommodate more people through special events, he does not want to see the values of homes in the neighborhoods diminished by additional traffic, closing of car doors and noise.

Don Stephenson indicated that he felt 12 is a good number for special events but would like to see a way of policing and being informed about what is going on. Town Staff needs to be able to keep count of the events and be sure people are acting responsibly.

Patrick Bradshaw said that this would be complaint driven. Byron Hickox also stated that written notification could be given to innkeepers of violations. A number could be set at 12 events per year with no more than 4 per month.

Lee Bouknight said he would like to see some language changes to Section 154.090 Temporary Use Permits. Some changes might be applicable to other permits as well.

Marty Prevost moved, seconded by Lee Bouknight, that 10 special events per year be allowed, 1 meal be allowed to be served to the public per month and revision of the temporary use permit

requirement to notification of special events. Two votes in favor – Prevost and Bouknight. Three votes opposed – Stephenson, Hale and Bradshaw. The motion failed.

Brooks Hale moved, seconded by Don Stephenson, to allow 12 special events per year, 1 meal be allowed to be served to the public per month and substituting notification of special events in lieu of a temporary permit requirement. Three votes in favor – Hale, Stephenson and Bradshaw. Two votes opposed – Prevost and Bouknight. The motion carried.

Mr. Rothermel asked if all meals could be served to guests. Mr. Benson replied in the affirmative.

### Other Business

The Planning Board asked Mr. Benson at the last meeting to check on the measurement of light output from internally lit signs. Mr. Benson said he checked on two locations. First, Davidson does not allow internally illuminated signs. Secondly, Asheville does not allow direct lighting to overlap into streets or onto adjacent properties.

Mr. Benson also investigated the standards for the Country Club District. There is a minimum lot size of ½ acre. Condos or apartments are not allowed, but single family attached dwellings such as garage apartments are permitted. The permitted density in the district is 12 units per acre. There are 890 lots in the district, 429 of which are less than ½ acre. There are existing non-conforming condo properties such as Waynesville West, The Greens and Ten Country Club. Mr. Benson stated that the Planning Board might want to look at reducing the number of units per acre.

Marty Prevost reiterated that her primary concern is that developers might come in and demolish older homes and replace with 12 unit-condos. This could occur right in the heart of the neighborhood district since multi-family units are allowed.

### Adjournment

With no further business, the meeting adjourned at 6:50 p.m.

Patrick Bradshaw, Vice Chairman  
Freida F. Rhinehart, Secretary