

REGULAR MEETING  
TOWN OF WAYNESVILLE PLANNING BOARD  
NOVEMBER 20, 2006  
MONDAY - 5:30 P.M.  
TOWN HALL

The Planning Board held a regular meeting on Monday, November 20, 2006. Members present were Don Stephenson, Dan Wright, Rex Feichter, Lee Bouknight, Gary Sorrells, Patrick McDowell, Brooks Hale 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 October 16, 2006

Dan Wright moved, seconded by Lee Bouknight, to approve the minutes of October 16, 2006 as presented. The motion carried unanimously.

Text Amendment - Section 154.600 (G)(2) - Eliminate the 6 month time limit for replacement of manufactured homes within a nonconforming manufactured home park - Bruce McGovern

Staff Report:

The Land Development Standards permit "Manufactured Home Parks" as a conditional use. The conditional use standards require a 3 acre minimum lot size, a maximum density of 8 units per acre, buffering from adjacent properties, paved streets, standard underpinning for all units, and a garbage collection plan.

Properties with multiple manufactured homes that do not meet these standards are considered to be nonconforming. Legally established nonconforming manufactured home parks may continue to operate, and replacement of housing units is permitted subject to 2 limitations: 1) no site-built home on the property may be replaced with a manufactured housing unit, and 2) manufactured homes must be replaced by another unit within 6 months or that space may not be reused.

The intent of these limitations, like other limitations on nonconforming uses is to eventually lead to the elimination of the nonconforming use.

The subject text amendment requests that the 6 month limitation on the replacement of manufactured housing units in a nonconforming manufactured home park be eliminated, permitting replacement of these units with no time limitation.

Staff Recommendation:

There are pros and cons to the requested amendment. On the pro side, it is unquestionably burdensome not to permit the replacement of units after six months given that the infrastructure is in place to support a replacement unit. Also, since most of the existing manufactured home parks in Waynesville's jurisdiction are nonconforming, this requirement will tend to eliminate affordable housing. Finally, it may also be somewhat unrealistic to expect that the occasional unfilled space will lead to the closure of the manufactured home park, resulting in continuation of the parks, but will result in some empty spaces.

Bruce McGovern stated that the owners of the property were not aware of the 6 month limitation for replacement of manufactured housing on lots where there is a nonconforming use. There are 8 lots in the park, 4 of which are currently occupied. The entire tract is 1.75 acres. The lots have septic service and city water. The owners are intending to sell the property and would like to see the 6 month limitation removed and allow use of the lots as they have always been used. Mr. McGovern checked with Asheville and learned there is no time limit in Buncombe County.

Rex Feichter asked if this property was permitted as a mobile home park and said he had a problem with the individual lots sitting vacant for three years.

Patrick McDowell had a question about whether we wish to discontinue the nonconforming uses or possibly eliminate mobile home parks over a period of years. There will be other places available to rent with the construction of the new apartments that have already been approved.

Don Stephenson asked if the septic system is sufficient to handle the homes there. Mr. McGovern replied that it is and added that there are other large mobile home parks in that same area as well as mobile homes on individual lots.

Mr. Feichter stated the Town does not wish to eliminate opportunities for affordable housing.

Brooks Hale asked about the significance of the 6 month rule. Mr. Benson said that is a common time frame for grandfathered uses. For example, to continue any non-conforming business use, the new owner must reoccupy the business property within 6 months or conform to the residential regulations. If the grandfathered use is not continued during that 6 month window, the right to continue is surrendered. Mr. Benson said that under current regulations, the property could be used for multi-family housing or be subdivided for single family units.

Lee Bouknight said that the strict rules maintained by the park may be the reason the lots were not rented. A new owner still would not be able to use the property.

Mr. Benson pointed out that if an ordinance is recommended it will deal with all mobile home parks, not just this one.

Mr. McGovern said that when the owners were younger, they probably were more aggressive with renting the sites.

Mr. McDowell pointed out that if we start making concessions with the 6 month window, other businesses might come forward and ask for the same type of treatment.

Don Stephenson questioned the demand for mobile home rental spaces. He felt that it has diminished somewhat.

Lee Bouknight moved, seconded by Gary Sorrells, to table the matter until the next meeting. The motion carried unanimously. This will allow Mr. Benson time to look into the matter further.

Text Amendment - Section 154.112(B)(1), (6) and (8) Hillside Development calculations for conservation development - Sammy Carver

Staff Report:  
Background:

In areas within Waynesville's jurisdiction at elevations of 2900 feet above sea level and higher the Hillside Protection standards apply. These standards essentially reduce residential density in terms of units per acre, and limit the extent of grading to a percentage of the area of the property being developed.

Both the maximum density and the maximum size of the graded area are inversely related to the average slope of the property above 2900'. Typical slopes around Waynesville in the protected hillside areas range from 35% to 50%. (A 50% slope translates into a 5' rise for every 10' of horizontal distance.) At these slopes the hillside protection standards would require a maximum density of 4 acres per unit to 10 acres per unit. The maximum extent of grading at these slopes is 24% to 12% of the site.

Not surprisingly, there has been very little new development in areas above 2900' in Waynesville's jurisdiction. The typical residential density for existing developments above 2900' is approximately 1 to 3 acres per unit as in Laurel Ridge, Smoky Mountain Retreat and Smoky Mountain Sanctuary.

Requested Amendment:

The slope-density approach to limiting hillside development is basically a sliding scale where maximum density goes down as slope goes up.

The essence of the proposed amendment is the approach of mapping property in slope ranges and identifying "building envelopes" on these slope maps. Instead of using the average slope of the entire site, as the ordinance now requires, the amendment proposes using the average slope of only the designated building envelopes for the slope-density calculation.

Assuming the developer picks relatively level spots for these building envelopes this change would permit 2 to 3 times higher density development.

Staff Recommendation:

The proposed amendment has some good points and bad. As follows:

Good points:

1. Requires a slope map of the property showing building envelopes and some other environmental information.
2. By basing slope-density calculations on building sites rather than the entire property, incentive is provided for building on the more level parts of the site.

3. Emphasis on footprint lots with a majority of the property being in common open space provides advantages with control of clearing and grading, and provides more flexibility than conventional single-family subdivisions for locating structures on the best building sites.

Bad points:

1. Does not take into account that roads will be traversing the steeper parts of the site to reach the building pad, and road construction creates the most disturbance on steep hillsides.
2. Allows (and encourages) shared driveways to be used for up to three units. Staff recommends that shared driveways serve no more than 2 units. Since driveways do not need to meet street standards, the proposed change may create an access problem especially for emergency vehicles.
3. Architectural standards are not mandatory.
4. County wide topography maps are really not precise enough to give good results when calculating the slope for small areas like the proposed building envelopes.
5. It will be difficult to enforce the location of building envelopes in the field.

Marty Cocot, a civil engineer with Land Design introduced the proposal of a conservation development amendment based technical information and evaluation with the addition of a hillside conservation district. This would encourage growth within a limited capacity by doing smart development with Best Management Practices (BMP's) to mitigate impacts for erosion control stormwater runoff and encourage low impact design to filter stormwater and green growth. This new program within Waynesville will still be a conditional use which will allow approximately twice the development of current standards in exchange for more stringent environmental standards in design and construction.

List of design and construction standards for potential developers:

1. Preparation of a slope analysis map to indicate where building envelopes are suitable for development, existing roadways (like timber roads) that could be used for access and areas that could not support development.
2. A geotechnical analysis to determine where roads and homes can be safely built.
3. Waters and wetlands investigations to make sure that any streams existing on the site are not impacted and to preserve the property to the maximum amount possible but establish a value in the property by creating a density that is appropriate for elevations above 2900 ft.
4. Prepare a concept plan with Town Staff to indicate where development is possible within the building envelopes. All other areas are common space.
5. Architectural requirements will adhere to standards of natural earth tone colors and tones.
6. Implementation of BMP's and low impact design to preserve the environment such as using logging roads and making large common areas which cannot be disturbed without violating restrictive covenants.

Patrick McDowell stated that he feels this is a much better, more understandable approach to hillside development.

Mr. Benson agreed and proposed the following:

### **Hillside Conservation Cluster Development Conditional Use Amendment – Staff Draft**

**Purpose:** to promote the public health, safety and welfare by requiring new development at elevations above 2900' to be designed to prevent environmental problems, preserve mountain scenery and to provide safe roads and building sites.

These regulations are designed to supplement the existing requirements of the Land Development Standards by allowing greater residential density on hillsides above 2900' while requiring more sensitive development design.

#### **Standards:**

1. New structures shall be located only in designated **building envelopes**. Such building envelopes shall be located to take advantage of suitable building sites while minimizing the need for new road construction.
2. At least **75% of the site shall be in common open space**. Grading and vegetation removal shall not be permitted in the common open space for the minimum necessary for construction of roads, driveways, trails, utilities and recreational facilities. Restrictive covenants shall govern use of the common open space, including specific restrictions on vegetation removal and topping for views, and these covenants shall be submitted and approved by the town prior to issuance of a conditional use permit.
3. A **geotechnical analysis** of the proposed building sites, road and driveways certifying suitability for such development shall be submitted in application for conditional use permit.
4. A **slope map** showing topography in no greater than 5' interval contour lines, color-coded in slope ranges, with such ranges being in uniform intervals at no greater than 10%, and showing building envelopes and other existing and proposed development.
5. An **environmental inventory** map showing perennial and intermittent streams as identified by the Haywood County survey, rock outcrops, wetlands, and historic sites or structures.
6. **Stormwater management** design shall meet the town's "Low Impact Development Standards"
7. **Building design standards** shall blend new structures in with topography and natural vegetation. Roof and exterior wall colors shall be limited to **muted natural landscape colors**, the use of white or off-white shall not be permitted. Materials shall have a **low reflectivity**. Specific standards shall be contained in recorded restrictive covenants, and these covenants shall be submitted and approved by the town prior to issuance of a conditional use permit.
8. **Private driveways** may serve up to 4 housing units, but driveways shall be limited to 400' in length, provided that the Director of Public Works may permit longer driveways due to unique topographic factors.
9. Hillside Conservation Cluster Development shall be entitled to **2 times the density** allowed by the Hillside Protection standards; however **may not exceed 1 unit per 3 acres**.

This plan gives developers more density in exchange for a more site specific plan with protections such as geotechnical analysis and water management. The developers need to present restrictive

covenants that govern colors and building materials. This does not need to be part of the ordinance. A proposed cap on density of 1 unit per 3 acres. Mr. Benson is considering using this as the Town's only hillside ordinance in the future.

Gary Sorrells asked if the geotechnical analysis might help prevent situations which might cause landslides. Mr. Benson replied this is the whole idea of the analysis. Soil samples will be collected to determine stability of the terrain both for roads and building pads.

Dan Wright moved, seconded by Patrick McDowell, to recommend the Hillside Conservation Cluster Development Conditional Use Amendment to the Board of Aldermen. The motion carried unanimously.

#### Text Amendment - Clarify Parking Location Requirements

##### Background:

All districts require that "parking and vehicular use areas must be located to the side or rear of the principal structure located on the property."

Recently a situation arose where the effect of this requirement was questioned because this language is not clear about whether parking that is not directly in front of the principal building, but is in front of the front building line of the building is prohibited.

##### Staff Recommendation:

Add the following language in bold to all districts:

"parking and vehicular use areas must be located to the side or rear of the principal structure located on the property, **behind the front line of the principal structure projected to side lot lines.**"

Mr. Benson stated the idea of this amendment is to establish a street line by not having parking in front of the building in all districts.

Patrick McDowell moved, seconded by Gary Sorrells, to recommend the amended language. The motion carried unanimously.

##### Old Business:

Text Amendment - Section 154.306, Table VII-1 - To increase the minimum number of required parking spaces for multi-family dwellings from 0.5 to 2 spaces per unit - Hazelwood Neighborhood District (H-ND)

Back in July the Planning Board considered two amendments to the LDS requested by Kevin Cable: 1) to increase the minimum number of off-street parking spaces for multi-family dwellings from 0.5

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space per unit to 2 spaces per unit; and 2) to lower the maximum residential density in the Hazelwood Neighborhood district from unlimited to 8 units per acre.

The staff recommended the minimum number of off-street parking spaces be increased to 2 spaces per unit for multi-family dwellings, and the maximum residential density for the Hazelwood Neighborhood District be reduced to 16 units per acre.

On the parking issue the Planning Board voted unanimously to recommend increasing the minimum number of parking spaces for multi-family dwellings to 1 per unit, except for elderly or low income developments where the minimum would remain at 0.5 spaces per unit.

On the Hazelwood Neighborhood District residential density issue the Planning Board by a 5-3 split vote recommended that the maximum be set a 16 units per acre. The minority position was in favor of 12 units per acre.

At their August 8 meeting the Board of Aldermen voted to table both of these amendments for further study.

On the parking issue, staff has looked at approaches in other neighboring cities; Asheville, Boone, Hendersonville and Morganton. Following is a summary of their requirements for multi-family dwellings.

**Asheville** has minimum and maximums and is based on the number of bedrooms:

- 2 or less – 1 space per unit minimum, 2 spaces per unit maximum
- 3 or more – 2 minimum, 3 maximum
- Elderly or disabled - .5 minimum, 2 maximum

**Boone** minimums are based on the number of bedrooms and are somewhat high, probably reflecting tight parking in a college town:

- 1 bedroom – 2 spaces per unit
- 2 bedrooms – 3 spaces per unit
- 3 bedrooms – 4 spaces per unit
- Elderly – 1 space per unit

**Hendersonville** has simple requirements:

- 1 space per unit
- Developments over 3 units – 1.5 spaces per unit

**Morganton** also uses bedrooms:

- Elderly - 1 space per 4 units
- 1-2 bedrooms – 1.5 spaces per unit
- 3 or more bedrooms – 2 spaces per unit

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The approach of varying the parking ratio based on the number of bedrooms makes sense. Town Staff recommends the following:

Elderly, disabled, and subsidized - .5 space per unit

1 bedroom – 1 space per unit

2 bedrooms – 1.5 spaces per unit

3 or more bedrooms – 2 spaces per unit

Lee Bouknight moved, seconded by Dan Wright, to approve the staff recommendation as stated above. The motion carried unanimously.

Text Amendment - section 154.113 - To decrease maximum residential density from unlimited to 8 units per acre - Hazelwood Neighborhood District (H-ND).

The staff continues to recommend 16 units per acre for the Hazelwood Neighborhood District, (and the East Waynesville Neighborhood District), allowing for a higher density than currently exists in line with the Land Development Plan's goals to increase density, while providing some protection from overly dense development.

Marty Prevost moved to reduce the density to 12 units per acre in the Hazelwood Neighborhood District. The motion failed due to lack of a second. Therefore, the recommendation to the Board of Aldermen remains at 16 units per acre.

#### Adjournment

With no further business, Brooks Hale moved, seconded by Dan Wright that the meeting be adjourned at 6:50 p.m.

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Rex Feichter  
Chairman

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Freida F. Rhinehart  
Secretary