

# TOWN OF WAYNESVILLE

## Planning Board

9 South Main Street  
Waynesville, NC 28786  
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**Chairman**

Patrick McDowell

**Planning Board Members**

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

**Development Services**

**Director**

Elizabeth Teague

### MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

#### Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786

April 18, 2016

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THE WAYNESVILLE PLANNING BOARD held a regular meeting on April 18, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

#### A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate  
Bucky Dykes  
Anthony Sutton  
Phillip Gibbs  
Marty Prevost  
Shell Isenberg  
Robert Herrmann  
Patrick McDowell  
Brooks Hale

The following staff members were present:

Elizabeth Teague, Development Services Director  
Eddie Ward, Deputy Town Clerk  
Tom Maguire, Senior Code Enforcement Official  
Ron Sneed, Attorney to the Planning Board

2. Adoption of Minutes

*A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate, to approve the minutes of the March 21, 2016 regular meeting as presented. The motion passed unanimously.*

**B. OLD BUSINESS**

1. Discussion and feedback on Community Meeting regarding land use along Howell Mill Road Corridor

Ms. Elizabeth Teague, Development Services Director, said several members of the Board had attended the Community Meeting regarding land use along Howell Mill Road Corridor. She wanted to give them an opportunity to discuss and give feedback from that meeting.

Chairman McDowell said he was pleased that there had been a good turnout from the community for the meeting. He said there were strong sentiments from residents about keeping the zoning the same, and concerns about traffic problems. There were also good comments about what they would like to see in the future, and how to maintain the rural feel of the area. Chairman McDowell thanked the staff for a well run meeting.

2. Continuation of Public Hearing to consider zoning map amendment requests for 333 Howell Mill Road, 11 Palmer Hill Road and an unnamed lot on Calhoun Road to be rezoned from Howell Mill Medium Density Residential to Russ Avenue Regional Center Commercial.

Chairman McDowell asked for a motion to resume the Public Hearing from the March 21, 2016 Planning Board meeting.

*A motion was made by Board Member Danny Wingate, seconded by Board Member Robert Herrmann, to resume the Public Hearing from March 21, 2016 concerning consideration of zoning map amendment requests for 333 Howell Mill Road, 11 Palmer Hill Road, and an unnamed lot on Calhoun Road to be rezoned from Howell Mill Medium Density Residential to Russ Avenue Regional Center Commercial. The motion passed unanimously.*

Ms. Teague stated that after the initial Planning Board Meeting on March 21, 2016, the Tim Shook family, the Tom Moody family, and Ms. Roumalda Mcrorie said they would be open to looking towards a more residentially focused zoning, Urban Residential District, rather than the Russ Avenue Regional Center Commercial. The Urban Residential District is primarily residential but allows more dense residential development. Currently there are two designated Urban Residential Districts in The Town of Waynesville, East Waynesville Urban Residential District (EW-UR), and Hazelwood Urban Residential District (H-UR). Urban Residential allows multi-family developments, bed and breakfasts, adult and child day care, professional services, general commercial less than 100,000 square feet (Hazelwood UR only), cultural and community facility, recreation facility, riding stables, and cemetery. She told the Board that the Hazelwood Urban Residential District does allow small retail under a hundred thousand square feet, whereas the East Waynesville Urban Residential District does

not. She asked for the Board's input as to whether retail is something that might be considered as being appropriate for this district.

The area of Howell Mill Road is convenient to Town and to the Town's recreation Center. A zoning designation of Urban Residential would maintain the residential character of the area but would allow for increased density to take advantage of the area's convenience and pedestrian amenities that are now available as part of the corridor. This could help promote residential development which is walkable to shopping and would connect a sidewalk that leads to the Recreation Center. Ms. Teague said staff felt this district would be consistent with the 2020 Land Use Plan. At the community meeting, several citizens pointed out that the rural and residential nature of the area was identified in the Town's Comprehensive Plan. Also it was abundantly clear that while the upgrade of the roadway will promote increased traffic and development pressure, the overall feeling of the citizens is to maintain the residential nature of the area.

The purpose of this request is to allow the property owners to more easily sell their property given the industrial and commercial structures that are next to them on two sides. The proposed area for rezoning is adjacent to the recently expanded Ingles, and across the road is the DC Plus LLC Packaging warehouse. With these properties, Ms. Teague suggested an Urban Residential Zoning to allow professional offices such as healthcare and business services which can be developed at a residential scale style with only 1 – 2 stories. This would allow greater flexibility while maintaining the residential scale and character of the area.

Ms. Teague brought the Board's attention to a written verification from Mr. Tim Shook and Mr. Thomas Moody that they are agreeable to amending their initial request for consideration to Urban Residential. Also a hand written letter was received from Ms. Mcrorie requesting to amend her request to Urban Residential as well.

Requested Actions:

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential needs of the community and promoting infill and improving an existing neighborhood area.
2. Motion to recommend approval of the applicants' request for rezoning the property at Howell Mill, Calhoun, and Palmer Hill to (Russ Avenue Regional Center District or) to (Urban Residential District).

Chairman McDowell asked if any of the applicants would like to speak.

**Tim Shook**  
**333 Howell Mill Road**  
**Waynesville, NC 28786**

Mr. Shook thanked the Board for the opportunity to be able to speak to them about his property and he gave a brief history of his family and property. He stated the property had been zoned commercial in 1993 when his parents owned the property. After he inherited the property, he tried to sell the property several different times. During this time Mr. Shook only had inquiries about purchasing his property as commercial, not residential. He would like to sell for the best use, and for the highest value of the land. Mr. Shook stated that each realtor he had dealt with had advised him that the property needed to be zoned commercial.

**Thomas Moody**  
**248 Fairway Hills Dr.**  
**Waynesville, NC 28786**

Mr. Moody stated he and Mr. Shook are in a situation where in the past they would not have wanted their property to be zoned commercial any more than anyone else, but things change, and that change has been beyond their control. He said everyone has to adapt to change. Mr. Moody said his property has been on the market as residential for eight years with no success. He asked the Board for their help in granting rezoning of his property so it can be sold.

**Pat Shook**  
**333 Howell Mill Road**  
**Waynesville, NC 28786**

Ms. Shook gave a brief history of living at the address of 333 Howell Mill Road. She stated that when her in-laws owned the property, no one asked them if they objected to Sonoco or Ingles locating their commercial businesses adjacent and across from their property. She gave many examples of how their property could be used for the Town's benefit if the Board approves the request, and the property is sold.

With no further applicants wishing to speak, Chairman McDowell opened the Public hearing to supporting witnesses.

**Karen Hollingsed (Beverly Hanks)**  
**74 North Main Street**  
**Waynesville, NC 28786**

Ms. Hollingsed stated she was the real estate agent working with Mr. and Mrs. Shook. She stated the only call she had received about the Shook property was concerning commercial purposes. Being zoned as residential will be very difficult to find a buyer because there are no buffers between the Shook property and Sonoco, Ingles, or the Town's sub station. Ms. Hollingsed said she also represents Ms. Mcrorie with the exclusive right to sell her property. She encouraged the Board to grant the rezoning request.

**John Keith (Beverly Hanks)**  
**94 North Main Street**  
**Waynesville, NC 28786**

Mr. Keith said he is employed by Beverly Hanks Real Estate, and he is one of two agents in the downtown Waynesville office that is authorized to sell commercial property. Mr. Keith said this wasn't just about someone trying to get the best price for a piece of property and he felt the Shook's had been harmed by not being allowed to rezone their property. Three of the four sides have commercial businesses located on the property. He reminded the Board that being zoned commercial does not mean having a convenience store or drive thru restaurant on the property, it just means that usually it is for multi-family units. Mr. Keith said there had been articles in the newspaper about the Planning Board Minutes  
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severe housing shortage in Haywood County. He explained that most of the rentals in the community are vacation rentals, not something young people or nurses who move here to work would be interested in. Also, there is a need for progressive living arrangements here in the area instead of having to move to Asheville later in life. He asked the Board to consider the rezoning request for Urban Residential. He feels this is the best compromise for these properties.

**Joe Bob Rogers**  
**263 Calhoun Road**  
**Waynesville, NC 28786**

Mr. Rogers said this rezoning will affect about one third or more of Calhoun Road if granted. He said the road would need improvements if there are businesses that are developed along Howell Mill with access to Calhoun. Mr. Rogers said he recognized what a hard job the Planning Board members have making decisions like this one. Chairman McDowell thanked Mr. Rogers for his comment.

**Ricky Gregory**  
**61 Radio Tower Road**  
**Waynesville, NC 28786**

Mr. Gregory asked the Board what else could go there besides the things that had been discussed. He asked specifically about trailer parks, and also about comments made that the Town was under pressure to rezone Howell Mill Road. Mr. Gregory would like to know where the pressure was coming from.

Chairman McDowell explained that this question came up at the Community Meeting and the word pressure was changed to opportunity. The word pressure was used to describe interest in the rezoning along Howell Mill Road.

Ms. Teague relayed other permitted uses that could be allowed in Chapter 2.5.3 of the Land Use Standards if the Urban Residential District rezoning is approved:

1. Business Support Services
2. Adult and child daycare homes
3. Government Services
4. Personal Services
5. Professional Services

It was noted that manufactured homes and manufactured housing is not allowed in Urban Residential Districts.

**Ginger Hain**  
**267 Calhoun Road**  
**Waynesville, NC 28786**

Ms. Hain said Calhoun Road was a very quiet, pastoral area, and the proposed zoning of Mr. Shook's property would change the nature of the neighborhood. She had a question concerning a Special Use Permit, and how it would help protect the backside of Calhoun Road. Ms. Teague explained that a Special Use Permit (SUP) is a type of permit that is issued by the Planning Board that

will allow the Board to specify special conditions. This could be related to traffic, buffering, additional bicycle and pedestrian facilities, or whatever would create a safer type of development for that particular location. Adjacent property owners would be notified, advertisements would be placed in the newspaper, and the property would be posted so residents would have an opportunity to be present at a Public Hearing. Ms. Hain said she felt that this could be something that could meet the resident's needs.

**John Balentine**  
**274 Calhoun Road**  
**Waynesville, NC 28786**

Mr. Balentine said there were issues on Calhoun Road concerning the ditches and right of ways on the sides of the road. Ms. Teague said that if there were higher density residential, that might prompt an annexation of the area for water and sewer purposes. But that cannot be determined until there is development in the new district.

**Steve Leonard**  
**365 Calhoun Rd**  
**Waynesville, NC 28786**

Mr. Leonard stated he is concerned about the access, right of ways, and the impact of traffic on Calhoun Road. Another concern of Mr. Leonard is the width of the road. He stated that because of the curves in the road, he is worried that Calhoun Road cannot accommodate more traffic.

*A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate to close the Public Hearing. The motion passed unanimously.*

*A motion was made by Board Member Shell Isenberg, seconded by Board Member Bucky Dykes, to approve the applicants' requests for rezoning the property at Howell Mill, Calhoun, and Palmer Road to Urban Residential District. The motion passed unanimously.*

Ms. Teague explained to the Board the process of proceeding to establish the Howell Mill Urban Residential District. She noted that because this would create a new zoning district, "Howell Mill Road Urban Residential District," that ordinance text would have to be developed that reflected the unique nature of the area and specified uses allowed, and incorporated the new District into the Ordinance. She stated that she would bring draft text back to the Planning Board at their next meeting for their review.

3. Public Hearing on a text amendment to Chapter 4.6 of the Town Code of Ordinances Temporary Uses to clarify regulations pertaining to Mobile Food Vendors.

Chairman McDowell asked Ms. Teague to give background on this text amendment. Ms. Teague said the subject of Food Trucks and Vendors and how they are allowed in the Town's jurisdiction has been discussed at the last two Planning Board meetings. These discussions have been Planning Board Minutes  
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in response to several requests recently for permission to operate Food Trucks and Carts inside the Town. Ms. Teague is presenting a text amendment recommendation to the Town's Code of Ordinances based on Planning Board comments and staff's opinion.

Ms. Teague stated that as previously noted, mobile vendors must be in compliance with health department requirements and they must have permission of property owners, or by invitation of nearby businesses who have requested this use in an identified public space. They must be located in a manner that allows workers access to bathrooms and must be in compliance with applicable building and fire codes.

Ms. Teague told the Board that staff felt that the accommodation of mobile food vendors as temporary uses is consistent with the 2020 Plan as long as the Town can manage regulation of how and where food vendors can set up and how the area is maintained as far as litter control, signage, smell, noise, traffic and parking, safety, and look. Mobile food vendors will enhance local business economy and not detract or create a negative impact.

There has been much concern that mobile food vendors could set up on a location indefinitely. Mobile vending units are regulated by the North Carolina Administrative Code, with specific requirements for push carts, and mobile food units. Push carts or food truck or trailer are regulated by the health department, and mobile units must have approved commissaries to provide servicing areas and support for that unit. Also, a food truck or trailer is licensed by the NCDMV. A permanently placed food truck or trailer would require that the truck be converted to a permanent structure, abiding by Town development standards such as setbacks, landscaping, signage and would have to be de-licensed from the NCDMV. A mobile food unit must be physically moved periodically, and must be considered a temporary use.

Ms. Teague discussed the amended language in Chapter 4.6 Temporary Uses. Her staff recommendation is that she believes that mobile vending units can enrich the Town of Waynesville, and can be successful in Waynesville by being mobile.

The Board had several questions for Ms. Teague concerning time frames for Temporary Use Permits.

**Requested Actions:**

1. Motion to find/not find the attached text amendment consistent with the 2020 Land Development Plan.
2. Motion to recommend to the Board of Aldermen approval of the draft text amendment as presented (or amended).

*A motion was made by Board Member Marty Prevost, Seconded by Board Member Anthony Sutton to open the Public Hearing. The motion passed unanimously.*

**Glenna Young  
677 Mountain Lake Drive  
Waynesville, NC 28786**

Ms. Young, co-owner of MA's kitchen, thanked the Board Members, and Town staff who have visited her at her business to see what they are trying to accomplish. Ms. Young said she had paid all Planning Board Minutes  
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required fees such as taxes, permit fees and insurance for her trailer and equipment. She gave a brief description of her business and its operations. She asked the Board to consider the amendment because she says her business is unique. Ms. Young spoke to how all businesses do not look alike, and how her business does not fit into Main Street. She said she felt her business was not a detriment to the Town in any way.

**David Young**  
**384 Thomas Park Drive**  
**Waynesville, NC 28786**

Mr. Young thanked everyone for hearing him again. Mr. Young said he had only moved forward with the food truck after conversations with the Development Services office. It was after they had already started with the food truck that the difficulties came up. If he had known he was going to come before the Board three times discussing the same issue, he would not have gone forward with the project. He addressed the definition of mobile food truck in the NC Administrative Code as *A food establishment or push cart designed to be readily moved and vending food.* He said the Code does not say it has to be moved at any time. He said that Branner Avenue where his business is located has many vacant and abandoned houses. He does not consider his food truck a detriment to the area. Mr. Young wants to keep his truck in his parking lot and not move it. He said he is faced with leaving Waynesville to another location where he can make more money.

*A motion was made by Board Member Shell Isenberg, seconded by Board Member Danny Wingate to close the Public Hearing. The motion passed unanimously.*

There was much discussion among the Board about the pros and cons of making the Food Truck at Mad Anthony's becoming permanent and making exceptions for them in the amendment.

**Tom Maguire (Chief Building Inspector)**  
**9 South Main Street**  
**Waynesville, NC 28786**

Mr. Maguire explained some of the Building Code violations that were associated with Mad Anthony's that did not apply to the Food Truck itself.

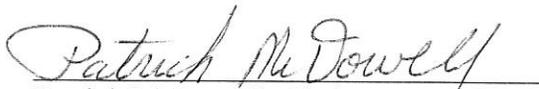
Anthony Sutton asked if the Board would adjust the text to include the provision that food trucks be at least 50' from an existing restaurant during operational hours. Phillip Gibbs added that he thought this was a good idea for the Town's brick and mortar restaurants. Bob Hermann also brought up the time frame of 180 days to ask the Board to consider reducing the requirement for renewing permits for those food trucks on the same property their commissary as in the Mad Anthony request. There was additional discussion among the Board members.

*A motion was made by Anthony Sutton, and seconded by Phillip Gibbs to add the requirement that mobile food vendors be at least 50' away from restaurants in operation. The motion passed unanimously.*

*A motion was made by Bob Hermann, and seconded by Brooks Hale, to eliminate the time limit for mobile vending units on the same lot as their commissary. The motion passed unanimously.*

**D. ADJOURN**

*With no further business, the consensus of the Board was to adjourn at 7:10 p.m.*

  
Patrick McDowell, Chairman

  
Eddie Ward, Deputy Clerk