



## TOWN OF WAYNESVILLE Planning Board

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Development Services  
Director  
Elizabeth Teague

### Chairman

Patrick McDowell (Chairman)

### Planning Board Members

Anthony Sutton (Vice-Chairman)

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Don McGowan

Ginger Hain

Susan Teas Smith

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Special Called Meeting Town Hall – 9 S Main St., Waynesville, NC 28786 9/5/2019

THE WAYNESVILLE PLANNING BOARD held a special called meeting on September 5, 2019, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

### A. CALL TO ORDER

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

The following members were present:

Patrick McDowell (Chairman)  
Anthony Sutton  
Marty Prevost  
Robert Herrmann  
Ginger Hain  
Susan Teas Smith  
H.P. Dykes, Jr.

The following members were absent:

Jason Rogers  
Don McGowan

The following staff members were present:

Elizabeth Teague, Development Services Director  
Byron Hickox, Land Use Administrator  
Tom Maguire, Senior Code Enforcement Official  
Chelle Baker, Administrative Assistant  
Attorney Ron Sneed

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and asked Ms. Elizabeth Teague if there were any changes to the agenda or announcements on the calendar. There were none.

**B. BUSINESS**

1. Public hearing to consider Special Use Permit Request to locate a school within the Folkmoot Center Hazelwood Urban Residential District (H-UR) at 112 Virginia Avenue, PIN (8605-92-6127)

Chairman McDowell explained that this was a Public Hearing to consider a Special Use Permit Request to locate a school within the Folkmoot Center Hazelwood Urban Residential District. Chairman McDowell advised since this matter was a Special Use Permit request the hearing would be Quasi-Judicial. He explained the protocols of a Quasi-Judicial Hearing and rules of conduct to the Board Members and to the audience.

***A motion was made by Board Member H.P. Dykes, Jr., seconded by Board Member Robert Herrmann, to open the Public Hearing at 5:32 p.m. The motion passed unanimously (7-0).***

Chairman McDowell asked anyone who wished to testify to come forward and be sworn in. After swearing in potential witnesses, Chairman McDowell reviewed further protocols with the Board and asked that the public also follow all rules. He asked anyone who wished to have Standing to come forward. No one came forward.

Chairman McDowell polled the members of the Board to see if there were any procedural matters, ethical considerations or conflicts of interests that should be disclosed prior to beginning the hearing:

- Have any Members of this Board had any conversations concerning this case other than this agenda packet distributed to the Board in anticipation of this meeting?

Board Member Anthony Sutton advised that he had a member of the public call and leave a voicemail message. He stated they had gotten his number from the local media. Board member Sutton advised he did not listen to the voicemail but that he did call the media and request that they not send voicemails to his phone number.

- Any Board Member subject to an impermissible conflict of interest which would make a Member unable to be an impartial decision maker in the matter under consideration?

All Board Member answered no.

Chairman McDowell called upon staff to present the staff report.

Mr. Byron Hickox, Land Use Administrator, presented the background information on the special use permit application explaining that it was to operate a school at The Folkmoot Center located at 112 Virginia Avenue in the Hazelwood Urban Residential zoning district on a 2.07-acre lot. He advised the property currently houses Folkmoot USA and the application was to operate a school in a portion of the building known as B-Wing. The school would be operated by The Academy at SOAR, this is a branch of SOAR (Success Oriented Achievement Realized) Incorporated.

Mr. Hickox informed that the property is located within the Hazelwood Urban Residential District, in which schools are permitted to operate with a SUP. He read the Purpose and intent of the H-UR of the LDS, Section 2.3.4(B).

Mr. Hickox reviewed the surrounding land use and zoning patterns. He described the surrounding property on the North, South, and West which contained a day care, a multi-purpose building, athletic fields, and parking areas as a 9.09-acre lot owned by Haywood County Schools. He also stated that to the east, were several single-family dwellings. He informed that all surrounding properties were located within the same zoning of the Hazelwood Urban Residential District.

Mr. Hickox informed the Board of the school's background. He stated that the Academy at SOAR functions as a hybrid residential boarding school that operates on a four-week cycle. Groups of no more than sixteen students spend two weeks on campus in a traditional classroom setting and then two weeks on expeditions in various outdoor settings. He advised that this arrangement allows SOAR to serve sixteen students on campus during most of the school year. He further advised that The Academy at SOAR is a North Carolina certified non-public co-educational boarding school. It is accredited regionally through AdvancEd (SACS) as a fully accredited secondary school. He stated that the school currently serves a maximum of 32 male and female students, grades 7-12, who are diagnosed with a learning disability and/or ADHD.

He advised that the application for SUP proposes using existing spaces in the B-Wing of the Folkmoot Center in the following ways:

- B-Wing First Floor- Rooms B1, B2, B3, and B4 for resident student dorms, the shower facilities for hygiene for up to 32 students and the multipurpose room for physical education class and after-school recreation seven days a week during the school year.
- B-Wing Second Floor- Academic and school administrative offices for day use Monday through Friday; rooms B5, B7, B9 and B10 for traditional classrooms, B8 for administrative offices and B6 for the infirmary/medical room.
- Dining Facility- The Academy at SOAR employs a qualified chef for student meals. Students would utilize this space seven days a week for up to three meals a day during the school year.

Mr. Hickox reviewed the LDS, Section 3.7.3, wherein it calls for the following supplemental standards to be applied to elementary and secondary schools:

- Buffering: Schools must be buffered from adjacent residentially zoned property with a Type B buffer as set forth in Section 8.4.2.B.
- Site Design/Access:
  1. Parking and active recreation areas shall not be located within the required yards
  2. Primary access shall be provided from thoroughfare and collector streets. Local residential streets shall not be used for primary access.
  3. Connectivity (vehicular and pedestrian) to surrounding residential areas is encouraged.

He explained that it is the consensus of staff that the standards for buffering are not applicable in this scenario for two reasons: 1) the proposed use of a portion of the property as a school will take place within an existing structure that has been at this location since 1923 and was originally built as a school and serve as a school for the majority of the life of the building, and 2) the relevant portion, B-Wing, is surrounded by a day care to the north, a multi-purpose building to the south, and parking and outdoor recreation space to the west, all of which makes little sense to buffer. Additionally, Mr. Hickox stated that the B-Wing is separated from the single-family dwellings to its east by Virginia Avenue, a street with a sidewalk and on-street parking. He advised that the site design and access standards mentioned above will be met by the proposed use.

Mr. Hickox presented as staff consensus the following six findings of fact that the Planning Board could make:

- 1) The proposed special use conforms to the character of the neighborhood, considering the location, type and height of building or structures and the type and extent of landscaping on the site.  
*The building in question was originally constructed as a school and is considered a significant landmark in the neighborhood as referenced earlier in the purpose and statement of the LDS. Neither the building's exterior nor the landscaping will be changed by this use.*
- 2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.  
*The existing parking area in the rear of the building will accommodate staff, faculty, and visitors. Because the school is residential in nature, there will be no daily drop-off or pick-up traffic.*
- 3) Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.  
*Adequate utilities are available for the proposed use.*
- 4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.  
*The proposed use will not be noxious or offensive by any of the above-listed reasons.*
- 5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.

*Because the proposed use will not change the exterior of the building, the landscaping, or the overall site plan, it will not impede the orderly development of surrounding properties within the district.*

- 6) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

*The proposed use will not be detrimental to or endanger the public health, safety, or general welfare.*

Mr. Hickox informed that the purpose and intent statement for the Hazelwood Urban Residential District specifically recognizes the Folkmoot Center as a major public space within the district. He stated that the statement establishes a goal to “encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood,” which would describe the proposed use of operating a small-scale school at this location.

He advised that based on these factors and the staff responses to the required findings above, the staff recommendations are that the Planning Board could approve the application for a Special Use Permit for The Academy at SOAR to operate a school as described in their application at 112 Virginia Avenue.

\*Noted 5:49 p.m. the clerks recorder malfunctioned, and staff asked for a short break to fix the recorder. Noted 5:51 p.m. recorder was fixed, and Chairman McDowell called the meeting back to order.

Chairman McDowell asked any staff and citizens that had arrived later in the meeting that had not been sworn in yet to come forward and be sworn in.

Chairman McDowell asked for the applicant to come forward and speak.

**Mr. David Francis**  
**Waynesville, NC 28786**  
**President of Folkmoot**

Mr. David Francis introduced himself and informed that he had been a part of Folkmoot since the time of its inception. He advised that this year he was serving as President of Folkmoot. He stated that it had been a wonderful experience throughout time to be a part of, including the transition from using the school system and moving into Hazelwood in 2004 and then in 2014 helping Folkmoot acquire the building from the school system. He stated that one of the challenges of that time was that the festival cannot support the building and the building cannot support the festival and so a balance was needed to be found. He explained that with Angie’s leadership they had a great success last year of introducing more music and bringing the building to life with storytellers and now SOAR has come through looking for space bringing the Hazelwood school back for what it was originally built for. Mr. Francis expressed feeling grateful and informed that they had received an endowment of HVAC for Bldg. A and part of their agreement with SOAR included HVAC in Bldg. B, therefore heating and air would now be in both buildings that currently do not have any. He stated that this will help prolong the life of the building. He further explained the way the SOAR program works is on a calendar of August to May; therefore, the festival can still be held there with no overlapping

issues of performers and kids at the same time. SOAR would be out of the building for when Folkmoot festival needs the building. Mr. Francis called this a win-win for Haywood County, Folkmoot, and the Town of Waynesville. He asked the Board if they had any questions.

Board Member Susan Smith asked if there was any effect on the other things that Folkmoorts been focused on such as the storytellers and the music events?

Mr. Francis advised that most of those happen in Bldg. A, a different building, with exception to the use of the cafeteria, Bldg. B and that is something they would work out when they use the cafeteria for some of those events. He advised they may look at ordering a pizza as an example but things would work out so there wouldn't be any interference or crossover.

Board Member Ginger Hain asked regarding the residential portion if there would be three rooms for dorms?

Mr. Francis directed the answering to Mr. Joseph Geier or Ms. Angie Schwab.

Chairman McDowell clarified that Folkmoot was the applicant and would not be the actual organization utilizing the Bldg. B space. He called upon the organization to come forward.

**Mr. Joseph Geier  
Candler, NC  
Head of School for the Academy of SOAR**

Mr. Geier thanked the Board for the opportunity. He advised that the school started about three years ago working with Folkmoot for some activities for the students and this has developed a very good relationship. He described that the children do community service with Folkmoot as well. He stated that the facility itself provided a lot of opportunities for the students to grow in ways they had not been able to in the past and allow for more creative growth of students. He informed that SOAR's been in existence in North Carolina since 1982. They started as a summer camp focused on working with children with ADHD and learning disabilities and have grown into the school over the years now being a fully accredited, secondary Boarding school. Mr. Geier stated that he felt the staff report did a really good job at describing how they function. He asked the Board if they had any questions for him.

Chairman McDowell advised that he had questions. He asked Planning Board Attorney Ron Sneed for some guidance if what staff presented as evidence was satisfactory or if the applicant needed to re-iterate the whole process.

Attorney Ron Sneed advised that the staff's report was evidence and hearing affirmation of the staff's report should be good so as not to have to hear the same thing presented twice.

Chairman McDowell asked is the Applicant affirming the evidence brought forward by the staff?

Mr. Geier stated yes.



Board Member Susan Smith wanted to clarify if there is a different group of students coming in from the in-classroom curriculum and then transitioning to the out-side curriculum. She asked if the students come back again or if it is a new group of students.

Mr. Geier explained that they serve 32 students per school year. He stated that at the beginning of the school year the students are on campus roughly one week before they start transitions and then 16 students spend 2 weeks out travelling all over the Southeast area doing somewhat of a travel school type program with adventure education incorporated in the schooling as well. He explained further that then the other 16 students are on campus in a more traditional school sense, going to classes, doing core-curriculum. He stated that then as weekends come, those two weeks crisscross and those on campus students leave out.

Board Member Marty Prevost asked to clarify that there will be 16 students in the residential part.

Mr. Geier replied that most of the time there would be 16 students and no more than a max of 32.

Board Member Ginger Hain asked where the adults stay.

Mr. Geier advised that the adults are there as staff with them 24/7 to supervise in the same residential dorm.

Board Member Marty Prevost asked if since they had been in Balsam since the 80's they had just outgrown their space?

Mr. Geier advised that was correct. He stated that their Balsam base was currently their home for their summer camp and has been the home for the school which is undergoing major renovations. He explained this as the reason that caused them to look and given them the opportunity to hopefully partner with Folkmoot.

Chairman McDowell asked if there were any other questions for the applicant. There were none. He thanked the applicant and asked if there anyone else who wished to testify.

Ms. Angie Schwab stood and stated that she wanted to affirm the staff report. Chairman McDowell asked Ms. Schwab to come forward and speak.

**Angie Schwab**  
**Waynesville, NC 28786**  
**Director of Folkmoot**

Ms. Schwab stated that it was nice to work with the town staff and felt they had been very accommodating and helpful, naming Mr. Hickox and Mr. Maguire. She expressed her gratitude and thanks.

Chairman McDowell stated that he would move to the public comment from the sign-up sheet and asked speakers to follow the public comment rules.

**Jean Allard  
Waynesville, NC 28786**

Ms. Allard introduced herself and asked if this school will change the infrastructure of the neighborhood. She further asked if she would have to move or if the Board would be taking away their land.

Chairman McDowell replied no, it is all existing properties that are within that and there is nothing being acquired. Ms. Allard stated good, that was her only questions, and thanked the Board.

Chairman McDowell called on the remaining names from the sign-up sheet:

**Laura Pate  
No Comment**

**John Willson  
No Comment**

**Cole Slates  
No Comment**

**Nick Baker  
No Comment**

Chairman McDowell asked if there was any rebuttal and there was none.

He asked if there were any closing arguments and there were none.

He asked the Board if they had any final questions before they closed the public hearing.

Board Member Anthony Sutton asked Mr. Tom Maguire, Senior Code Enforcement Officer, if the building accommodate the school with all the building codes.

Mr. Maguire replied yes, it will accommodate way more students then they plan to have.

Mr. Sutton asked if all the structures also were in place as well to accommodate. Mr. Maguire advised yes, that the structure was great.

Chairman McDowell asked the Board if there were any further questions for Mr. Maguire and there were none. He asked if there were any other questions before closing the public hearing and going into deliberations. There were none.

***A motion was made by Board Member Robert Herrmann,  
seconded by Board Member Anthony Sutton, to close the  
Public Hearing at 6:00 p.m. The motion passed unanimously  
(7-0).***

Chairman McDowell addressed the Board that they have heard all the testimony and were there any thoughts or comments. He stated that he felt this was a great use and using it for what it was designed for and will generate activity in the area which is a good, positive aspect. The current level of use will be dramatically less than what it was for most of its tenure with 16 students versus two hundred and some when it was built. Board Member Marty Prevost



expressed agreement. Chairman McDowell asked if there was a motion concerning the Special Use Findings from any Board Member.

Attorney Ron Sneed advised the Board that there would be two parts for consideration, the general findings for each special use and then if the Board would have additional findings/conditions they wanted to place.

***A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann to accept the findings of fact as presented by staff. The motion passed unanimously (7-0).***

Chairman McDowell advised that secondarily, the Board has the option of going over the LDS Chapter 3 supplemental standards for special use findings for elementary and secondary schools. He reviewed the following:

#### BUFFERING

- Is the site proposed for elementary or secondary school adjacent to a residentially zoned property? Yes, because this property is across the street.
- Secondly, if it is, will there be a Type B buffering set forth? Advocating No, based on staff and none required due to the reference and staff findings. Board Member Anthony Sutton supported with staff findings: proposed use will not change the exterior of the building, the landscaping or surrounding properties.

#### SITE DESIGN

- Are parking and active recreation areas located outside of yards? Yes, the evidence supporting is the current existence of facilities.

#### STREETS

- Is primary access to the property through a thoroughfare or collector street not from a local residential street? Yes, Virginia Avenue is the primary access and is a major thoroughfare.

#### CONNECTIVITY

- Although not required for issuance of special use permit, is there vehicular and pedestrian connectivity to surrounding residential areas? Board answered yes, it is already in existence with sidewalks and roads present.

***A motion was made by Chairman Patrick McDowell, seconded by Board Member Anthony Sutton for the special use required findings for elementary and secondary schools that buffering section one is adjacent residentially zoned property and the evidence supporting that is the zoning map. The proposed school is adjacent residentially zoned property, and then will there be a type B buffering, No and the evidence is the current existence of no changes to the current existing***

*building. Parking and active recreation areas located outside the setbacks and the answer is yes and the evidence findings the current existence of the facilities. Primary access from thoroughfare, collector streets and not from local resident streets. The answer is yes, Virginia Avenue. Is it pedestrian connected to surrounding areas? It is already in existence with sidewalks present. The motion passed unanimously (7-0).*

2. Continuation of Board Discussion on the Comprehensive Land Use Plan Update Draft, Chapter 4.

Ms. Elizabeth Teague, Director of Development Services began the continuation of the discussion with the Board on the review of the Comprehensive Land Use Plan Update Draft beginning with Chapter 4, Existing Conditions:

- Existing Land Use
- Adopted Policy and Regulations
- Slopes and Floodplain
- Land Suitability
- Infrastructure
- Parks, open space and natural resources
- Historic and cultural resources

Ms. Teague compiled notes from the Boards comments and suggestions on flip chart pages so that the staff could make revisions based on the discussion. Once these suggestions are reviewed, a revised draft will be presented to the Planning Board for additional comments or changes.

Ms. Teague informed the Board that at the September 16<sup>th</sup> meeting they would be hearing a special use permit application for the BI-LO site from Mountain Creek Plaza and a discussion of the Comprehensive Land Use Plan Update Draft on Chapter 5.

C. **PUBLIC COMMENT /CALL ON THE AUDIENCE**

No one spoke

D. **ADJOURN**

*With no further business, a motion was made by Anthony Sutton, seconded by Ginger Hain to adjourn the meeting at 7:11 p.m. The motion passed unanimously (7-0).*

  
Chelle Baker, Administrative Assistant

  
Patrick McDowell, Chairman