



Planning Board Members

Susan Teas Smith (Chairman)
Gregory Wheeler (Vice Chairman)
Stuart Bass
Robert M Blackburn
H.P. Dykes, Jr.
Ginger Hain
Don McGowan
Marty Prevost
John Thomas

TOWN OF WAYNESVILLE Planning Board

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**Development Services
Director**
Elizabeth Teague

Regular Meeting

**Town Hall – 9 S Main St., Waynesville, NC 28786
Monday, October 19, 5:30 pm**

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting October 19, 2020 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

The following members were present:

Susan Teas Smith (Chairman)
Gregory Wheeler (Vice Chairman)
Stuart Bass
Robert M Blackburn
Don McGowan
John Thomas

The following members were Absent:

H.P. Dykes, Jr.
Ginger Hain
Marty Prevost

The following Attorney were present:

Ron Sneed

The following staff members were present:

Elizabeth Teague, Development Services Director
Bryon Hickox, Land Use Administrator
Esther Coulter, Administrative Assistant

Planning Board Meeting
October 19, 2020

The following speakers were present:

Roy Rodriguez, Owner of Dickey's BBQ (Big Rods Investment, LLC)

Chairman Susan Smith called the meeting to order at 5:31pm.

A. Welcome/Calendar/Announcements

1. Discussion of alternate meeting dates for December 21st, 2020, of Christmas week, and January 18th, 2021, Martin Luther King Day.

Development Services Director Elizabeth Teague talked to the board about upcoming meeting dates. The board confirmed they would hold the regular meeting on December 21, 2020, and meet on January 21, 2021, to avoid conflict with Martin Luther King Day. She talked about doing a training day on one of these days.

Mrs. Teague congratulated Jesse Fowler for becoming the new Assistant Town Manager and informed them that the Town will be hiring someone for the Planning position.

Planning Board Member John Thomas asked if staff could get the agenda packet out sooner so, they have more time to read and better prepare themselves for the meeting.

Vice Chairman Gregory Wheeler asked if there was a time frame to submit items for the agenda. Mrs. Teague said there is on the website, then mentioned that it needs to be restructured because the Mountaineers deadlines have changed.

2. Adoption of Minutes

Chairman Susan Smith asked on the September 21 meeting to enhance the boards conversation on campgrounds and RV Parks So, the adoption of the minutes was tabled until November's meeting.

A motion was made by Board Member Don McGowen, Seconded by Board Member Michael Blackburn to adopt the minutes for August 17, 2020 board meeting. The motion passed unanimously.

B. Business

1. Public hearing for an application for zoning three properties at, and adjacent to, 1778 Dellwood Road, PINs 8617-10-6618, 8617-10-6745, and 8617-10-7527, in conjunction with an annexation request.

Development Services Director Elizabeth Teague stated that the Town has an annexation request to access the Town water and sewer that runs out Dellwood road. She said there are two types of Town zoning in this area. The lots are outside of the Town ETJ, but within

the boundary agreement the Town of Waynesville has with Maggie Valley. Nearby zoning districts are Dellwood residential-medium density and Dellwood Junaluska Regional Center District. The reason people approach the Town for annexation is wanting to hook up to city sewer and water.

Mrs. Teague read through her staff report. The staff recommends that the Planning Board support the request to zone of the property to Dellwood/Junaluska Regional Center District for the two lots that are adjacent to Dellwood Road, and Dellwood medium density residential for the lot that is adjacent to Ivy Hill.

Mrs. Teague read through the Consistency statement information and suggested some applicable goals from the 2035 Plan.

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill, context-sensitive development.

Goal 2: Create opportunities for a sustainable economy

- Promote Waynesville's downtown districts, inns. Restaurants and reputation as the "Gateway to the Smokies."

Mrs. Teague asked the applicant to come to the podium:

Roy Rodriguez, Big Rods Investment, LLC
1778 Dellwood Rd.
Waynesville, NC 28786

Mr. Rodriguez is the owner of one Dickey's BBQ in Canton and two in the Asheville area. He lives in Florida and has a 2nd home in Waynesville. He wants to open Dickey's BBQ in this location. Board Member Don McGowan asked him why annexation? Mr. Rodriguez said for the sewer. The previous owner broke the septic system, and the Health Department shut them down. He needs the property zoned commercial and annexed to hook into sewer for the Health Department to approve project.

Board Member John Thomas asked if site plans have been presented to town yet? Is there any access from the residential side to the property?

Mrs. Teague stated the site plan has not been presented to the town. She said there is no access all the way through and it would be very difficult to achieve because of the steepness of the property behind the building.

A motion was made by Board Member Gregory Wheeler, Seconded by Board Member Don McGowan to find the request to zone lot PIN 8617-10-6745 as Dellwood Residential

Medium Density, and to find the request to zone PINs 8617-10-6618 (1778 Dellwood Road) and 8617-10-7527 as Dellwood/Junaluska Regional Center District, as being consistent with the Comprehensive 2035 Plan. The motion passed unanimously.

A motion was made by Chairman Susan Smith, Seconded by Board Member Don McGowen to recommend approval by the Board of Alderman for the application of Residential Medium Density District and Dellwood/Junaluska Regional Center zoning to the lots proposed. The motion passed unanimously.

2. Continuation of Public Hearing on 4.5 Accessory Uses and Structures (legislative proceeding), and report from the subcommittee.

Land Use Administrator Byron Hickox read his staff report and stated on September 21, 2020, the board discussed Accessory Uses and Structures and formed a subcommittee which met on October 12, 2020 and created a table that proposed replacement for the current Tables 4.5.2 and 4.5.3. Mr. Hickox gave the board examples of pictures of different size lots with different numbers of accessory structures as visual examples of the table.

Board Member Don McGowen asked about the language not being consistent on the table with the word total and aggregate. Mr. Hickox told Mr. McGowen when the motion is made to amend the language.

A motion was made by Board Member John Thomas, Seconded by Board Member Don McGowen to find the proposed text amendment to Section 4.5 – Accessory Uses and Structures consistent with the 2035 Comprehensive Land Use Plan. The motion passed unanimously.

A motion was made by Don McGowen, Seconded by Board Member Chairman Susan Smith to recommend the Proposed text amendment to Section 4.5 – Accessory Uses and Structures as attached (or as amended of the language in the table from total to aggregate) to the Board of Aldermen. The motion passed unanimously.

A motion was made by Chairman Susan Smith, Seconded by Board Member Don McGowen that the zoning amendment is reasonable and in the public interest. The motion passed unanimously.

3. Continuation of discussion on definitions and zoning relative to halfway houses and other congregate care facilities.

Land Use Administrator Byron Hickox read the definitions of relevance in the Waynesville Land Development Standards for the following:

Boarding House. Short or long term accommodations that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of

related housing services including, but not limited to housekeeping, meals, and laundry services.

Family Care Home (6 or fewer residents). A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons and is certified by the State of North Carolina.

Halfway Houses. A place where persons are aided in re-adjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment related to a criminal offense.

Residential Care Facilities (More Than 6 Residents). A staffed premise (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

Religious Institution. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

He added that of the categories defined above, four have supplemental standards found in Chapter 3 of the (LDS).

3.3.2 Boarding House.

A. Owner/Manager: The owners or manager of the boarding house shall reside on the premises.

B. Structure/Rooms:

1. A structure used for a boarding house shall appear residential in nature.
2. No cooking facilities shall be provided in the guest rooms.

C. Parking: Parking shall be buffered completely from all adjacent properties and the street as provided in Section 8.6.1.

3.2.2 Family Care Home (6 or fewer residents).

Family Care Homes shall be certified by the State of North Carolina—Division of Health Service Regulation.

3.2.3 Halfway Houses.

No such use may be located within a half mile (2,640 feet) of another such use measured as a straight line on a map.

3.2.7 Residential Care Facilities (More than 6 residents).

A. Buffering: Residential care facilities must be buffered from adjacent residentially zoned property with a Type C buffer in accordance with Section 8.5.2.C.

B. Licensing: Prior to the submission of an application for a certificate of land development standards compliance, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.

C. Number of Units: Unless located and having access on a Main Street or higher order street, no residential care facility shall contain more than fifteen (15) units.

D. Maximum Density: The maximum gross density for shall not exceed the number of units per acre requirement for the district in which the development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, and every four (4) beds in a residential personal care unit and each six (6) beds in a skilled care nursing facility shall constitute one (1) dwelling unit for the purposes of calculating the density.

E. Development Standards.

1. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
2. All utilities shall be placed underground.
3. Where a community adjoins a residential district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the community shall be located adjacent to the residential district, and non-residential uses and signs shall be located and oriented away from the residential district.

F. Accessory Uses: The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks and barber/beauty shops for residents.

Mr. Hickox explained that regarding the districts in which these four above use categories are permitted within the Town of Waynesville.

Boarding Houses	Permitted in 7 residential districts (supplemental standards apply) Permitted in all 9 Neighborhood Center, Business, and Regional Center Districts
Family Care Homes	Permitted in all but 2 districts (supplemental standards apply)
Halfway Houses	Permitted only in the 9 Neighborhood Center, Business, and Regional Center Districts (supplemental standards apply)
Res. Care Facilities	Permitted in all but 2 districts Special Use Permit required in any residential district, use-by-right in all others

The single supplemental standard for Halfway Houses requires a half-mile separation from another such use. None of the other three congregate care facilities require any such separation.

Chairman Susan Smith spoke about Haywood County operating places for victims of domestic violence and that it would not be good if people knew where they are.

Board Member Don McGowen asked if a religious institution owned a piece of property in another place then the main institution, could they put in a soup kitchen? Mrs. Teague re-read the definition of religious institution.

Board Member Michael Blackburn said that he would argue that they would say it's another place for worship and they would call it another campus. That would be permitted.

Planner Jesse Fowler spoke up and said that soup kitchens are not on our table of permitted uses right now. The only place that it's mentioned within the Land Development standards is the definition for religious institution.

Mrs. Teague addressed why this topic was requested. On South Main Street, Bethel Ministries opened a facility that was permitted for professional offices only. However, people are concerned that it is going to become a shelter or soup kitchen.

Board Member John Thomas asked if the definition of halfway houses and homeless shelters could be more defined.

Mr. Hickox spoke up and stated that part of staff's Recommendation is to:

1. Consider whether there is a need to create a category and definition for homeless shelters and, if so, consider in which zoning districts this use might be permitted and what supplemental standards should apply.
2. Consider whether to add a minimum distance separation to the supplemental standards for Boarding Houses, Family Care Homes, and/or Residential Care Facilities, and/or to change the required separation that currently applies to Halfway Houses.
3. Consider whether the Table of Permitted Uses should be amended regarding the districts in which any of the four congregate care facility categories are currently permitted.

Chairman Susan Smith said she pulled the minutes from the Board of Aldermen meeting August 11, 2020 meeting and there are public comments about a shelter for women. Also, a recovery home for men around that same area.

Mrs. Teague confirmed that there is also a different situation on East Street in which someone was looking into establishing a place to help woman with children. This too was concerns for the Board of Aldermen.

Mr. McGowen brought up religious institution again with the word etc... and they discussed what it could mean.

Mr. Blackburn said Waynesville has a big homeless problem. He is passionate about this because of his downtown church. They deal with this daily and how it effects their neighbors. As a community, we are not helping the issue of homelessness adequately. He stated that Pathways has a rigorous process to get housing there, you can't just walk up and stay there. He stated that there is a gap in the types of shelters available, and the Town needs to consider an emergency, or low-barrier shelter.

Mr. McGowen stated that the board needs to protect our neighborhoods and be careful how we place these facilities.

Mr. Blackburn said that just like affordable housing, we want it, but people don't want it in their neighborhoods. At some point the Town must figure this out.

Chairman Susan Smith said one way to deal with that is a distance requirement. In a certain neighborhood you could have one facility within a certain radius.

Mr. McGowen asked if any of these need special use permits?

Mr. Hickox stated that the only one is Residential Care Facilities with more than 6 people.

Mr. McGowen asked if more could have special use permit required and be determine case by case.

Mr. Hickox said we would need to re-look at the special use permits and supplemental standards.


Mr. McGowan stated that they were not going to figure this out tonight. He suggests forming a subcommittee or going through each definition, one by one.

Mrs. Teague offered that it might be a good idea to check in with the Homeless Task Force and organizations like Pathways to get their input. To see where they stand and if they can give us any input.

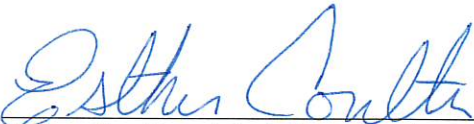
Chairman Susan Smith stated that each Board Member should look very closely at the definitions and come back with additional thoughts for each one of these categories. She directed members to get their thoughts on the issue before going forward to organize a sub-committee.

C. ADJOURN

A motion was made by Board Member Gregory Wheeler, seconded by Board Member Michael Blackburn to adjourn the meeting at 7:11 p.m. The motion passed unanimously.



Susan Teas Smith, Vice Chairman



Esther Coulter, Administrative Assistant

