



TOWN OF WAYNESVILLE Planning Board

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Susan Teas Smith (**Chairman**)
Ginger Hain (**Vice**)
Gregory Wheeler
Stuart Bass
Michael Blackburn
Don McGowan
Marty Prevost
Tommy Thomas
Barbara Christian Thomas

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Special Called Meeting

**Town Hall – 9 South Main St., Waynesville, NC 28786
April 11, 2022**

THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting April 11, 2022, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Ginger Hain (Vice Chairman)
Marty Prevost
Tommy Thomas
Stuart Bass
Don McGowan

The following members were absent:

Susan Teas Smith (Chairman)
Barbara Christian Thomas
Gregory Wheeler
Michael Blackburn

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Planner
Esther Coulter, Administrative Assistant
Kathy Johnson, Deputy Clerk

The following Media were present:

Becky Johnson, The Mountaineer

Vice Chairman Ginger Hain called the meeting to order at 5:31 pm and welcomed everyone. She asked Development Services Director Elizabeth Teague if there were any calendar changes. Ms. Teague reminded the Board that the next scheduled meeting would be on Easter week and added that there were no hearings scheduled. She asked if the Board would like to cancel the next meeting. Board discussed and agreed to cancel the April 18th regularly scheduled meeting.

She asked if the Subdivision Subcommittee would like to schedule their next meeting. The Board agreed on April 25, 2022, at 10:30 am for the next Subdivision Subcommittee meeting.

Ms. Teague stated that she had provided the Board with School of Government handouts for the Board to review for information and future reference. The handouts include articles related to Quasi-judicial, legislative, and administrative procedures and the role of the planning board.

She thanked the Planning Board for their work at the last meeting and suggested that in the future, staff would try to limit the number of hearings in one meeting.

B. BUSINESS

Ms. Hain read through the items on the agenda and asked to move item three, “Information and Discussion on Census Data, housing, and growth 2010-2020” to first place on the agenda and item four, “Information and discussion on existing LDS density and dimensional standards and recommendations of the Future Land Use Plan Map” to second on the agenda.

1. Information and Discussion on Census Data, Housing and Growth 2010-20120.

Town Planner Olga Grooman reviewed statistics of the Population & Housing report for Waynesville from 2010-2020. The Town has seen a growth of 354 people from July 2020 to July 2021. The population in 2010 was 9,869 and in 2020 was 10,140 that is a gain of 9.5%. The home sales price is up 14.2% and the Home Inventory has decreased by 37.8%. The average home sale price in 2021 was \$374,476. The Median Household income in Waynesville is \$40,911. She reviewed a map with the Board and explained North Carolina current growth is above average. She said the demand for housing in Haywood County is so high that most houses for sale go under contract within one month. Western North Carolina needs more than 13,400 apartments. According to studies taken nearly half of the households are paying close to half of their income for housing. Nearly sixty percent of regional rental households don't have the minimum of forty thousand dollars annual income needed to afford average monthly rent plus utilities and related expenses without being financially overburdened. Since the recession there has not been as much building, but the population has continued to grow.

2. Information and Discussion on Existing LDS Density and Dimensional Standards and the recommendation s of the Future Land Use Plan Map.

Ms. Teague presented on the zoning ordinance and procedures. She said she wanted to address the statement from citizens that rezoning had been done without notice. She said there has been no

rezoning that has changed the density, and that the current density standards for districts goes back to 2002. She showed information from the 2020 Land Development Plan that was adopted in 2002 and the Land Development Standards adopted in April 2003. It established the “Eagles Nest Rural District at 6 units/acre with a minimum lot size of half acre,” and “Neighborhood Districts of 10units/acre with minimum lot size of seven thousand to eight thousand square feet (0.16-0.18 acres), including Raccoon Creek Neighborhood District at 10 units/acre with an eight thousand square feet minimum lot size. She said the belief that property is getting rezoned without property owner involvement recently is not correct. She went through LDS Section 2.4.1 Dimensional Standard and Density chart with the Board and explained how density and minimum lot size for each district is shown.

Ms. Teague discussed previous items that have come before the Board and explained there are three types of decisions the Board deals with: Administrative, Legislative and Quasi-Judicial. Administrative procedures are work usually associated with staff such as sign permits, notices of violations, and minor site plan review, in which the administrator determines if an application is compliant with the rules. Legislative actions are actions which lead to changes in the regulations such as zoning, map and text amendments, conditional zonings, or the designation of historic districts. Quasi-Judicial procedures are like court cases, and these would include special use permits, variances, or certificates of appropriateness.

With the changes to 160D, the School of Government recommended that applications that comply with the ordinance be administrative procedures. If a developer can meet the standards and is not asking for any special consideration under the existing rules, then the Board should act through an administrative procedure and not a quasi-judicial one. Attorney Anna Sterns clarified that quasi-judicial proceedings introduce opinion-based criteria into the decision-making. She stated that if the applicant meets the standards of the ordinance – then the use of opinions and other information not related to the ordinance is subjective and must be based on evidence. There was discussion by the Board regarding the special use permit process for the apartments at Howell Mill Road which was quasi-judicial, and the challenge the board had in determining the character of the neighborhood in which it was located.

Ms. Teague and Ms. Starnes answered questions from the Board and went over requirements and types of hearings. Ms. Sterns explained that Chapter 160D has a list of specific items that a subdivision ordinance can regulate, those are related to configuration of lots and lay out of traffic or interchanges, highways and streets, distribution of population of traffic. There are very narrow categories of those contents of regulations.

3. Public Hearing on a draft Text Amendment to the Land Development Standards, Chapter 7 Civic Space.

Ms. Grooman gave the staff report and explained the Board appointed four members of the Planning Board and two Development Services Staff to a Subdivision Subcommittee. The Subcommittee has held five meetings with the main goal is to focus on aligning the LDS with the 2035 Land Use Plan Goals regarding regulations and changes to 160D.

The committee has researched ordinances of municipalities in North Carolina and out of state and has determined Waynesville's current civic space standards needed to be clearer in their application and incorporate more types of parks uses to promote greenways and conservation areas. She went through the proposed draft text amendments.

- Section 7.1 Purpose and Intent amend to state, civic spaces, as defined by this section, are distinct from those areas that are environmentally significant and must be otherwise protected from human transgression as noted in Section 12. Civic space adds to the visual character and uniqueness of each development and is intended for recreational and aesthetic enjoyment by the residents of the development unless designated as public space.”
- Section 7.2 Civic Space Standards to state, all land dedicated to required civic spaces shall meet the criteria below in this section. Stormwater facilities cannot be counted towards civic space. Delineated wetlands and required stream buffers can be counted towards civic space only when adjacent to, or part of, a greenway of designated preserve.
- Section 7.2.1 expands the types of civic spaces and provides definitions to include: Parks; Greens; Preserves of a minimum size is one acre of contiguous area; Square; Playground; Community Garden; and Greenway.

Board member Tommy Thomas asked Ms. Grooman to clarify “transportation” in greenways. It was determined to add non-motorized to the amendment.

- Ms. Grooman continued and described Dog Parks, off-leash dog areas, would also be types of acceptable civic space.

Board member Tommy Thomas asked if a “Sally port’ could be added to the amendment related to dog parks. It was determined to add “like a Sally-Port” to the amendment.

- Lastly, community areas are another type of civic space and are designated indoor or outdoor facilities to support social and recreational activities of the residents such as a pavilion, fire pit, picnic area, grill area, gym, pool, community building, club house, basketball court, tennis court, golf course, or similar amenities.
- Section 7.2.5 (A)Minimum Amenities is amended to, “all civic spaces shall include park furnishings, such as benches, trash receptacles, landscaping, grills, and picnic areas, as appropriate to the size and type of the civic space.”
- Section 7.2.8 Ownership and Maintenance of civic space shall be managed and deeded to either a homeowner's association or a non-profit land trust. The owner or lessee of the property is responsible for its maintenance and all civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans.
- Section 7.3 Civic Space Dedication is amended as follows: Residential Low-Density districts (CC-RL, EN-RL, FC-RL, HT-RL). Residential Medium Density districts (CP-

RM, D-RM, HM-RM, SW-RM). Neighborhood Residential District (AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR). Urban Residential (EW-UR, H-UR). Mixed-Use/Non-Residential District. Neighborhood Center (PS-NC, NM-NC, RC-NC). Regional Center (DJ-RC, NC-RC, RA-RC) Commercial Industrial (CI) to include civic space as follows: 0-14/units/lots- 5%, 15-30 units/lots- 10%, 31-60 units/lots- 13%, 61+ lots/units- 15%. Business Districts (BD) and Commercial Industrial (CI) are exempt from civic space requirements.

- Section 15.4.4 Construction Documents/Preliminary Plat for a subdivision that shall be prepared by a registered surveyor of engineer and shall show the following: (14) Sketch vicinity map showing relationship between subdivision and surrounding area. (15) Current Zoning designation of the development property in the Town of Waynesville.

Attorney Anna Sterns asked Ms. Grooman to clarify if the required percentage of Civic space would be determined by amount of acreage and not the building size. It was determined to add “of the acreage to the amendment.”

A motion was made by Board Member Stuart Bass, seconded by Board Member Don McGowan to open the public hearing at 6:54 pm on a draft Text Amendment to the Land Development Standards, Chapter 7 Civic Space. The motion carried unanimously. (5-0).

Vice Chairman Hain opened the public comment portion of the meeting and invited the first speaker to step forward.

Ms. Sherry Morgan came forward and stated that, “the citizens of the town are not against growth but are concerned over the one thousand new housing units coming into town, which could possibly bring as many as 4000 more residents.” She stated a large group have reviewed the comprehensive plan and land use standards. The comprehensive plan went into vote September 2020 during covid while citizens were sheltering at home and had no idea. We read in the Mountaineer that the density in the neighborhoods were going to be increased to allow infill right through the middle of town. She said this was concerning and asked why a notice could not be sent with electric bills to alert the citizens when something this important was being passed in the Town. She expressed her thanks to Ms. Teague for taking the time to explain what is allowed under the special use permit. To the citizens it looks like we are powerless. She stated that Quasi-Judicial procedures are what citizens want. She stated that some people are being forced to sell their homes and that the hillside community will never be the same with 120 cars on the narrow unlined roads. She said that she will be working on a Land Development Use text amendment.

Ms. Hain asked Ms. Morgan if she would be interested in submitting a draft of the text amendment to Ms. Teague to bring before the Subcommittee at the next meeting. Ms. Morgan said she would send a draft to Ms. Teague.

Mr. Scott Cason said he was at the last meeting, and he wanted to speak on the Board’s authority and zoning. When he moved to Waynesville, he was aware of the density but also thought that the Planning Board was quasi-judicial. He spoke on Preservation Way and said it was originally platted as a multi-family neighborhood in 1920 and re-platted as a single-family neighborhood, in

the 2000s. He stated that the Preservation Way project is surrounded by single family residents. The developer has shown rights-of-ways that aren't accurate. That establishes why there is a need for quasi-judicial review in this type of situation where there is not functional base zoning. He asked the Board to please consider quasi-judicial proceedings on a case-by-case basis. Preservation way is a perfect example as to why it is needed to protect single family residents.

A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas at 7:07 pm to close the public hearing. The motion carried unanimously. (5-0)

A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas to approve the text amendment, and find it is consistent with goal one to promote smart growth principles in land use planning and zoning, goal two to create a range of housing opportunities and choices, and goal three to protect and enhance Waynesville's natural resources. The motion passed unanimously. (5-0)

4. Public Hearing on draft text amendments related to major subdivisions: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions.

Ms. Teague explained the recommendation to divide major subdivisions into tiers so that larger subdivisions with more impact to surrounding neighbors would have to meet additional requirements. Currently the ordinance does not distinguish a small major subdivision from a large major subdivision. The proposed ordinance creates tiers which add additional buffering, neighborhood meetings, and could change the administrative proceedings to a special use permit which will be a quasi-judicial proceeding. The proposed ordinance also includes inclusionary zoning which would require one affordable unit for rent or sale, for every ten units constructed. She referenced Ms. Grooman presentation and said that no more than one third of someone's income should be spent on housing. Town staff was requesting additional Planning Board input.

Ms. Teague went through the list of the requested amended changes as follows:

- Chapter 8 relates to tree protection, landscaping, and screening. (8.4) Buffer yards are designed to separate incompatible uses, or to provide privacy and protection against potential adverse impacts of an adjoining use or zoning. The ordinance proposes a Type B buffer yard be required along the perimeter of new major subdivisions over 30 units and special use permits in all districts, except where there is a stricter requirement or as part of a conservation subdivision.
- Amend Section 15.9.2, to establish four tiers of major subdivisions. Tier one, 0-14 lots administrative process. Tier two, 15-30 lots administrative process with preapplication and neighborhood meeting required. Tier three, 31-60 lots administrative or SUP process with preapplication and neighborhood meeting required. Tier four, 60 lots or more, administrative or SUP process with preapplication and neighborhood meeting required.
- She asked about 15.9.3 Preliminary Plats for Major Subdivision and which process type: Administrative or Special Use permit (see LDS Section 15.10).

- She asked if the criteria for a special Use Permit, Section 15.10 Special Use Permits (7), should have an inclusionary component to require residential development to include affordable housing units at a rate of ten percent (one unit for every ten units constructed, rounded down to the nearest whole unit.)
- Affordable rental units must meet monthly affordability threshold for eighty percent of current median income for Haywood County at the time of application and may be re-adjusted as median income thresholds are adjusted by North Carolina Low Income Housing Agency. Affordable units for conveyance must be sold at affordability threshold of eighty percent of current median income at the time of sale and must be secured for five years.

Ms. Teague answered questions from the Board. As proposed the buffer requirement would only apply to tier 3 and 4 types of subdivisions. The Board discussed inclusionary zoning. Board Member Don McGown expressed concern on the amount the developers were allowed to charge on low-income housing, and he would like to have more information. Ms. Hain stated this is a huge topic and she feels there needs to be comprehensive plan on the Towns approach and recommended getting feedback from the Board of Alderman. Ms. Teague recommended continuing this hearing to next month's meeting so that the subcommittee should discuss it further.

A motion was made by Board Member Don McGowan, seconded by Board Member Marty Prevost to open the public hearing. The motion carried unanimously. (5-0)

Ms. Hain asked anyone that wished to speak to fill out a comment form and come forward.

Ms. Denna Brooks stated she lives on Boundary Street in Waynesville, and she said staff presented very well and she appreciated that. She is concerned with all of the changes and the prices going up. Suddenly everyone is wanting to build in our county. She asked if we were ready for this rate of change. She asked if the school system, septic and water systems will be able to handle it. She expressed her concern over the amount of growth coming to Waynesville.

A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas to continue the hearing to the next meeting. The motion carried unanimously. (5-0)

C. ADJOURN

Vice Chairman Hain adjourned the meeting at 7:46 pm.

Ginger Hain, Vice Chairman

Kathy Johnson, Deputy Clerk

Esther Coulter, Administrative Assistant