



# 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  
May 16, 2022**

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THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting May 16, 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:

Susan Teas Smith (Chairman)  
Barbara Christian Thomas  
Michael Blackburn  
Marty Prevost  
Tommy Thomas  
Stuart Bass  
Don McGowan

The following members were absent:

Ginger Hain (Vice Chairman)  
Gregory Wheeler

The following staff members were present:

Elizabeth Teague, Development Services Director  
Byron Hickox, Land Use Administrator  
Olga Grooman, Planner  
Sam Cullen, Code Enforcement  
Kathy Johnson, Deputy Clerk  
Anna Stearns, Attorney

The following Media were present:

Becky Johnson, The Mountaineer

Chairman Susan Teas Smith called the meeting to order at 5:30 pm and welcomed everyone and read through the protocols and rules of conduct for each of the hearings and explained that neither of the types of hearings would require the swearing in of witnesses. She asked for anyone interested in speaking to fill out a public request form.

2. Adoption of Minutes

Chairman Smith explained there were three sets of minutes to adopt and asked Ms. Teague to speak. Ms. Teague announced there would not be a public hearing for 110 Summit Street as the applicant has withdrawn their application for rezoning. Ron Sneed is on vacation and Ms. Stearns is here in his place. Staff has provided a meeting transcript of the meeting on March 21<sup>st</sup> but did not have time to prepare a full set of minutes. She recommended the Board review the transcript and explained the minutes would be available in the next meeting.

***A motion was made by Board member Marty Prevost, seconded by Don McGowan to accept March 21, 2022, Regular Meeting Transcripts as presented. Chairman Susan Teas Smith and Board member Stuart Bass abstained from the vote.***

***A motion was made by Board member Don McGowan, seconded by Barbara Thomas to adopt the record of decision of Planning Board on Preservation Way from March 21, 2022, as presented (or as amended). Chairman Susan Teas Smith and Board member Stuart Bass abstained from the vote.***

***A motion was made by Board Member Don McGowan, seconded by Stuart Bass to approve the April 11, 2022, Special called Meeting minutes as presented (or as amended). Chairman Susan Teas Smith and Board Members Barbara Thomas and Michael Blackburn abstained from the vote.***

**B. BUSINESS**

1. Public Hearing on a zoning map amendment request at 134 Belle Mead Drive (PIN 8605-81-6159).

Chairman Smith invited Sam Cullen, Code Enforcement for Town of Waynesville to come forward to present the staff report. Mr. Cullen read through the staff report and explained that Mr. Travis Dustin Smith has applied to the town to rezone the parcel at 134 Belle Meade Drive from Hazelwood Urban Residential to Hazelwood Business District. Mr. Smith took down one of the two houses that used to occupy the lot, and uses that lot for parking in association with Triangle Automotive which is his business that is across the street in Hazelwood Business District. Mr. Smith appealed the staff decision and went before the Zoning Board where the ZBA upheld the staff decision.

The property is surrounded by single-family dwellings and a small pre-existing produce stand that does not generate noise, odor, or vibration, that might be considered detrimental to a residential setting. The neighborhood was zoned residential going back to the 1977 Hazelwood zoning map

and the intent was for the lot to stay residential. Rezoning would extend Hazelwood Business District in a way that is not contiguous with the H-BD.

Mr. Cullen entered the following attachments on behalf of the Town:

- Map of the parcel and surrounding properties
- Map of parcel and surrounding properties with zoning overlay
- Hazelwood's zoning map of 1977 showing parcel as residential
- Pictures of the property from various angles
- Order of findings of the Zoning Board of Adjustments
- Notice of public hearing
- Application for Land development Standards Map Amendment

There was much discussion between Board members as Mr. Cullen answered questions on the aerial map and clarified that Staff would not recommend the rezoning of this property.

Chairman Smith invited Mr. Smith to speak. Travis Dustin Smith introduced himself and stated his address as 85 Mississippi Avenue and is the owner of Triangle Automotive and owns the lot in question. He said the house that he tore down on the property in 2015 was beyond repair and he bought the property to have a place to park cars for his business and store excess vehicles. He said there is a small section that is residential, and he feels if he parks cars there it would not affect anyone. He explained the building has been there since 1978 it belonged to his grandfather and now belongs to him.

Board Members expressed their concern on rezoning and the problems it could cause in the future. Chairman Smith noted that rezoning the property would allow all of the uses permitted in the central business district.

Chairman Smith asked if there was anyone that would like to make public comment on the rezoning issue. No one came forward.

***A motion was made by Board Member Don McGowan, seconded by Board member Marty Prevost to close the public hearing on a zoning map amendment request at 134 Belle Mead Drive (PIN 8605-81-6159) at 5:56 pm. The motion carried unanimously.***

***A motion was made by Board member Don McGowan, seconded by Board Member Michael Blackburn to reopen the public hearing on a zoning map amendment request at 134 Belle Mead Drive (PIN 8605-81-6159) at 5:56 pm. The motion carried unanimously.***

Wanda Brooks came forward and stated she lives at 63 North Hill Street and would like to speak. She grew up in Hazelwood and owns property there and said Mr. Smith has a fence up and she did not notice the cars because there were so many other bad places in that area. She does not feel it would hurt the neighborhood and she recommended the Board go look at the property.

***A motion was made by Board Member Michael Blackburn, seconded by Board member Tommy Thomas to close the public hearing on a zoning map amendment request at 134 Belle Mead Drive (PIN 8605-81-6159) at 5:57 pm. The motion carried unanimously.***

Chairman Smith thanked Ms. Brooks for coming forward to speak and explained the concerns of the Board on the potential negative impact to the residents.

***A motion was made by Board Member Tommy Thomas, seconded by Board Member Don McGowan to reject the zoning map amendment request at 134 Belle Mead Drive (PIN 8605-81-6159) on the basis it is a single-family residential area, and we believe it is important to maintain that and not do a rezoning of this parcel at this time. The motion carried unanimously.***

2. Public Hearing on a major site amendment for a Special Use Permit for Shining Rock Academy at 2150 Russ Avenue (PIN 8616-48-1211).

***A motion was made by Board member Barbara Thomas, seconded by Board Member Michael Blackburn to open the Public Hearing at 5:59 pm on a major site amendment for a Special Use Permit for Shining Rock Academy at 2150 Russ Avenue (PIN 8616-48-1211). The motion carried unanimously.***

Chairman Smith invited Town Planner Olga Grooman to present the staff report. Ms. Grooman went over the staff report in its entirety and explained this is a hearing to review substantial changes to an already approved plan. Tate Architecture for the Shinning Rock Classical Academy is seeking to increase impervious surface by adding two additional parking lots and expanding one existing parking lot. This would add 112 more parking spaces bringing the total to 167. This number includes three new handicapped parking spots, there would be a total of nine handicapped spots available. Adding 6 new bicycle spots bringing the total to nine. The applicant is also seeking a new vehicular access point to an existing street, road, thoroughfare not previously designated for access by adding a new emergency vehicle access off Jule Noland Drive, as required by Fire Code due to an increased occupancy load. The applicant also proposes a three-story building expansion instead of the originally proposed two story which is not considered a substantial change because schools belong to civic/industrial use type.

Ms. Grooman stated the applicant would need to show that the current stormwater control Measures can handle the increased amount of runoff or provide additional mitigation measures. The new secondary road access will need to be restricted for emergency personnel only and provide an approved Knox box key lock system for this access and provide FDC Knox box caps for the existing FDC connection at Russ Avenue and ensure all keys work.

Ms. Grooman entered the following Attachments:

- Signed Order for Special Use Permit 2020
- Administrative Modifications and Substantial Changes LDS 15.2.5
- Application Materials: memo, Agent Authorization Form, payment
- Phase I site plan
- New Phase II site plan

- Building elevations
- Maps of the property
- Public Notices

Chairman Smith invited the developers to speak. Mr. Neil Tate and Mr. George Genaro came forward and said they were there to answer any questions the Board may have. Board Member Barbara Thomas asked the developer to clarify why the extra parking was needed. The developer clarified the parking would be for student drivers, staff, and special events. The Board stated concerns of the traffic increase to Russ Avenue. Board Members asked if the student population was not increasing why would the parking need to be increased. There was much discussion between Board members, developers, Attorney Stearns, and Staff as they reviewed the maps.

Chairman Smith asked for public comment. Mick Noland explained he had a residence at 29 Russ Avenue that is located approximately two hundred feet from the Shining Rock Academy. He said his driveway entrance has been compromised by traffic on Russ Avenue. He thanked the Board for allowing him to comment on this issue and spoke of previous meetings where he has spoken on the traffic issue. The original traffic study was conducted on 858 students, has the traffic proposal changed because of the new addition? If so, maybe the traffic study needs to be revisited. He expressed his concern of all the traffic the school will create on an already busy major roadway and does affect the livability of the area. He asked the Planning Board and the Town of Waynesville to consider advocating to DOT for the project U-61-59 which is on the books to start construction in 2028 to fix this problem. He asked for verification that student and vehicles was in conformity with the phase 1 traffic study that was done.

Ms. Smith asked staff if there was a possibility of putting signs up stating, “Do not Block Driveway”. Ms. Teague explained that would be an allowable traffic signs for DOT to place on their right-of-way. Since the school has opened DOT has done a study for a traffic light. There was extended discussion between the developer, Board members, and Mr. Noland on the traffic situation.

***A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas to close the public hearing at 6:40 pm on a major site amendment for a Special Use Permit for Shining Rock Academy at 2150 Russ Avenue (PIN 8616-48-1211). The motion carried unanimously.***

***A motion was made by Chairman Susan Teas Smith, seconded by Board member Michael Blackburn to approve the major site amendment for a Special Use Permit for Shining Rock Academy at 2150 Russ Avenue (PIN 8616-48-1211) with the conditions the applicant submit proof that the stormwater control measures can treat the new volume of runoff and that they comply with the requirements of the NC Building and Fire Codes. The motion carried unanimously.***

3. Continuation of Public Hearing from April 11 on draft text amendments related to major subdivision: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions.

***A motion was made by Board Member Don McGowan, seconded by Board Member Stuart Bass to open the Public Hearing at 6:42 pm from April 11, 2022, on draft text amendments related to major subdivisions: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions. The motion carried unanimously.***

Chairman Smith invited Ms. Teague to present the staff report. Ms. Teague read through the staff report and explained this was a continuation of a hearing from April 11, 2022, on a text amendment regarding recommendations to divide major subdivisions into tiers. The revised ordinance proposes additional buffer requirements for larger subdivision and updates references to other relative parts of the LDS. The purpose of the proposed changes is to promote attractive neighborhoods, encourage context-sensitive development and create a range of housing opportunities and choices. The recommended text amendment changes are as follows:

*Buffer yards (8.4). Buffer yards are planting areas located parallel to the side and rear lot lines. The purpose and intent of buffer yard requirements are to preserve landscape and provide a buffer as a mitigation measure for potential development impacts. They are designed to separate incompatible adjacent uses, or to provide privacy and protection against potential adverse impacts of an adjoining use or zoning district.*

Ms. Teague explained this would require subdivisions with thirty lots or more to have buffer yards.

*Required Buffer yards (8.4.1) (B). Additional Buffer Yard Requirements: A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of 31 or more units and special use permits in all districts except where the above table has a stricter requirement or as part of a conservation subdivision.*

*Administrative Modifications and Substantial Changes to (15.2.5) (D). Substantial changes. Any substantial change to a Master plan or Plat (for major site plans and major subdivision) as noted below shall be reviewed by the Planning Board. Any substantial change to a Conditional District as noted below shall be reviewed by the Planning Board; the Planning Board will issue a written recommendation to the Board of Aldermen who will then approve or deny an amended Conditional District.*

- *An increase in impervious surface*
- *A change in land use of development type beyond that permitted by the approved Master Plan or Plat.*
- *The introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.*
- *Change the density: when there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan or Plat.*
- *An increase of the total floor area of a commercial or industrial classification by more than ten percent beyond the total floor area*
- *Any decrease in the setbacks greater than ten percent from the originally approved Master Plan or plat.*

*Major Subdivisions (15.9.2) The major subdivision review process is required for those divisions of land into eight or more lots, or which require dedication of public utilities and/or public streets.*

*There are four tiers of Major Subdivisions. Tier 1, 0-14 lots, administrative process. Tier 2, 15-30 lots, administrative process. Tier 3, 31-60 lots, Special Use Permit. Tier 4, 61 lots or more, Special Use Permit.*

*(A) Process Types: Major Subdivisions are Administrative unless an application is made to acquire additional density which requires a Special Use Permit in accordance with Section 2.4.1 Major Subdivisions which create 31 or more new lots as part of a unified or phased plan shall also require a Special Use Permit.*

*Preliminary Plats for Major Subdivisions (15.9.3) (A) Process Type: Administrative or Special Use Permit (see LDS Section 15.10). (I) Substantial Changes: create reference (see section 15.2.5)*

Ms. Teague went over the text amendment and answered questions from the Board and that explained Special Use Permits would require a Quasi-Judicial Hearing, giving the Board power to put conditions on new development to mitigate some of the impacts. She went over Buffer yard requirements and how the changes may affect Major Subdivisions.

Board Member Michael Blackburn stated he had two concerns that he has also voiced in the Subcommittee meeting on the Board. His concern is that returning to Quasi-Judicial Hearing procedures has not yet been discussed with developers. He is concerned the extra cost will go to the consumer and not the developer.

Board Member Stuart Bass expressed his concern with requiring a Special Use Permit on a Residential Subdivision. He indicated that in other jurisdictions subdivisions are done administratively, and that quasi-judicial proceedings can complicate development which is otherwise compliant with town standards.

Board Member Don McGowan stated the subcommittee has brought forth a host of changes including neighborhood meetings, civic space, and buffers. He stated that updating the ordinances would make growth smarter and better. He feels there what is being proposed is a compromise by requiring Quasi-Judicial Hearings for larger subdivisions. This gives the Board the ability to propose conditions on development.

There was much discussion between Board members and Staff on the proposed changes. Chairman Smith asked for public comment. Mr. Dan Schultz, 256 Woodland drive came forward to speak. Mr. Schultz stated his support of a Buffer zone but does not feel a ten-foot buffer zone is enough. Mr. Schultz spoke favorably regarding the Planning Board's efforts to promote civic space. He said that he is on the Parks and Recreation Commission and wants to work with the Planning Board as part of new development to promote parks and recreation space.

***A motion was made by Chairman Susan Teas Smith, seconded by Board Member Don McGowan to approve the draft text amendments, and find that it is consistent with the Towns 2035 Comprehensive Land Use Plan by creating walkable and attractive neighborhoods. Encourage in-fill, mix use, and context-sensitive development. Promote conservation design to preserve important natural resources. Reinforce the unique character of Waynesville. Creates***

*a range of housing opportunities and choices. Protects and Enhances Waynesville's Natural Resources. (6-1) With Board Member Michael Blackburn in opposition.*

*A motion was made by Board Member Barbara Thomas, seconded by Don McGowan to close the Public Hearing at 7:30 pm from April 11, 2022, on draft text amendments related to major subdivisions: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions. The motion carried unanimously.*

4. Report from the Subdivision Subcommittee on Cottage Development and Conservation Subdivisions.

It was determined to reschedule this topic to the next scheduled meeting.

5. Recommendations from Citizens Groups and discussion.

Chairman Smith indicated that the Planning Board had received a packet of information from a group of citizens that is in the agenda packet. The letter is from "Concerned Citizens of Waynesville" and states that all large-scale projects and subdivisions should be Quasi-Judicial, and that they wanted to reduce density across the board in all zoning districts. Chairman Smith assured the citizens that the Board was working not only in front of them during meetings and public hearings, but for the last six months has been working behind the scenes to update ordinances and improve procedures. She reviewed a list of things the Planning Board has brought forward to the Board of Alderman, and which have been adopted. She also went over the list of projects that are still in process. She thanked Town staff for all the time being spent on these projects and she hopes that everyone appreciates the Planning Board volunteers. She thanked the citizens for their input.

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

Chairman Smith opened the meeting to public comment. Sherri Morgan came forward and expressed appreciation for the time the Board has spent on their suggestions. She recommended using the electric bill to reach citizens to find out the consensus on issues. She said there was a lot of development coming to east street and spoke on the traffic impact. She also spoke on the sewer capacity of the town and expressed concern that new development will have impacts on the older neighborhoods. She feels there are lots of unanswered questions and the citizens were on pins and needles worrying about it.

Mr. Scott Cason, 421 Park Drive spoke about a presentation he had gave to the Board of Alderman and said he would like to point out the TIA does not have anything to do with pedestrian safety. He said one of his biggest objections to the project on Preservation Way is the lack of sidewalks and the impact of increased traffic.

Ms. Wanda Brooks, 63 North Hill Street, asked if there was a possibility of limiting the Preservation Way project to two stories so it would not be so intrusive. She expressed that she



would not want to live beside an apartment building because she wouldn't know who was coming and going.

**D. ADJOURN**

*A motion was made by Don McGowan, seconded by Michael Blackburn to adjourn the meeting at 7:46 pm. The motion carried unanimously.*

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Susan Teas Smith, Chairman

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Kathy Johnson, Deputy Clerk