



# TOWN OF WAYNESVILLE Planning Board

9 South Main Street

Development  
Services Director  
[Name]

**Chairman**  
Patrick McDowell  
**Planning Board Members**  
Anthony Sutton (Vice  
Chair)  
Marty Prevost  
Robert Herrmann  
H.P. Dykes, Jr.  
Pratik Shah  
Cinger Hain

## **Regular Meeting** **Town Hall, 9 South Main Street, Waynesville, NC 28786** **Monday, January 7, 2019, 5:30 PM**

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### **A. CALL TO ORDER**

1. Welcome/Calendar/Announcements
  - Planning Board schedule for the January meeting will be Tuesday, January 29, 2019. The February meeting will be held Monday, February 25, 2019. Both will be at 5:30pm at Town Hall.
2. Adoption of Minutes
  - *Motion:* To approve minutes of December 17, 2018 as presented (or as corrected)

### **B. BUSINESS**

1. Public hearing on text amendment to the Land Development Standards, Section 4.4 Related to Building Height (*Legislative Proceeding*).

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

### **D. ADJOURN**



## TOWN OF WAYNESVILLE Planning Board

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

Patrick McDowell (Chairman)

### Planning Board Members

Anthony Sutton (Vice-Chairman)

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Susan Teas Smith

### Development Services

Director

Elizabeth Teague

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

### Regular Meeting

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

December 17, 2018

THE WAYNESVILLE PLANNING BOARD held its regular meeting on December 17, 2018, 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

Robert Herrmann

Jason Rogers

H. P. Dykes, Jr.

Pratik Shah

Ginger Hain

Susan Teas Smith

The following members were absent:

Marty Prevost

The following staff members were present:

Elizabeth Teague, Development Services Director

Jesse Fowler, Planner

Chelle Baker, Administrative Assistant

Ron Sneed, Attorney to the Board

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and invited Ms. Teague, Director of Development Services to make any announcements and review the calendar. Ms. Teague advised that the notification in the local paper did not run in time to hold tonight's Public Hearing on the text amendment to the Land Development Standards, Section 4.4 related to building height. Therefore, this hearing would need to be re-noticed and held at a different time. However, for tonight the Board could use this time as a work session to further discuss the ordinance.

Ms. Teague told the Board that the next regularly scheduled meeting of the Planning Board would be January 21, 2019 which is the Martin Luther King holiday. After much discussion, it was the consensus of the Board to reschedule that meeting for Tuesday January 29, 2019 and to add a second meeting for Monday January 7, 2019 to hold the hearing on Building Height.

Ms. Teague also informed the Board that the regularly scheduled meeting of the Planning Board on February 18, 2019 is on Presidents Day, which is not a Town holiday, but she asked if the Board had any schedule conflicts. Several Board members indicated that they might have a conflict, and it was the consensus of the Board to reschedule that meeting for Monday February 25, 2019.

2. Adoption of Minutes

***A motion was made by Board Member Susan Smith, seconded by Board Member Bob Herrmann, to approve the minutes of the November 5, 2018 board meeting with the corrections as follows: Page 4, first full paragraph, third sentence after "clarify" should include "standards for", and on Page 8, last paragraph, first sentence, "opposes" should be replaced with "imposes". The motion passed unanimously.***

Chairman McDowell advised we would be switching the Agenda order since there was no public hearing and the building height agenda item would now be a work session.

**B. BUSINESS**

1. Consideration of and possible adoption of a Resolution in support of designating the historic Haywood County Hospital property as a "Redevelopment Area" for the purpose of a grant application for the re-use of the site and buildings for the affordable housing.

Mr. Jesse Fowler, Development Services Planner, presented the staff report to the Board for the North Main and "Old Haywood Hospital" redevelopment plan study. Mr. Fowler advised that the plan put together research and recommendations to encourage redevelopment and growth along the North Main/23 Business corridor and the re-use of the historic Haywood County Hospital for affordable housing. He stated that the area being considered was a half mile radius around the hospital site. The recommended focus areas are the one mile stretch of North Main/23 Business from Walnut Street to Ratcliff Cove Road with the hospital at its center, and the hospital property itself.

Staff feels this project is consistent with the **Waynesville: Our Heritage, Our Future 2020 Land Development Plan**. Some of the specific goals are:

- Designate areas for concentrated growth, infill and/or redevelopment. (LDP 4-3)
- Provide an attractive range of housing opportunities and expand affordable housing opportunities. (LDP 4-6)
- Create boulevard entrances into downtown to improve the appearance of Russ, South Main, and North Business 23. (LDP 4—9)
- Preserve and rehabilitate Waynesville's historic resources. (LDP 4-15)

Mr. Fowler stated that designating an area containing the old Haywood Hospital could bolster the application for low income housing tax credits through the North Carolina Housing Finance Agency (NCHFA). He advised that the Historic Haywood County Hospital site meets many of the criteria for NCHFA. He stated that staffs' recommendation was for the Planning Board to pass a resolution supporting the rehabilitation of the old Haywood Hospital for affordable housing recommending that the Board of Aldermen designate the old Haywood Hospital as a redevelopment area and that the Board of Aldermen provide incentives, a few reductions, and other support allowable to reduce the cost of redevelopment.

There was much discussion by the Board in reference to the boundaries of the redevelopment study area and wanting to expand the boundaries to include the triangular piece of property on the corner of Ratcliff Cove and Old Asheville Road that would include the old commercial properties that were the old drive-in, Haywood EMC, Farm Bureau, and Farm Credit. Mr. McDowell indicated that the empty lot on the corner had been used to hold fill as part of the NCDOT roadway improvement project and has been vacant for many years. There was discussion regarding benefits of expanding the area to include other lots which may also have redevelopment potential. Ms. Teague advised that the Planning Board's recommendations regarding the study area would be forwarded onto the Board of Aldermen and the Board could amend the resolution so that it reflects the Planning Board's input.

**John Stiltner**  
**Landmark Development**

Mr. Stiltner spoke about the NCHFA program. He described to the Board that turning the old hospital into affordable housing there would be up to fifty four units. These units would be one to two bedroom units for small families but a large demographic, such as single parents, veterans, and elderly.

Chairman McDowell asked Mr. Stiltner if the school Board occupying the historic part of the old hospital would hinder the grant. Mr. Stiltner advised he did not foresee this being an issue. He advised that the school boards lease runs out in September of 2020 and if this award is received, by the time everything is processed, construction can begin in the back allowing the school board to remain until the lease runs out in September.

Chairman McDowell asked if there was any public comment. There was none.

Ms. Teague said that Mr. Stiltner will work with the county to take the application to NCHFA to rehabilitate the historic Haywood Hospital and hopefully have some success. Ms. Teague advised that the next step in the process will be the Board of Alderman public hearing on January 8 where they will be formally designating the redevelopment area.

Planning Board member Jason Rogers asked about the Statutory requirements for Planning Board findings related to blighted areas. There was Board discussion of the roadway corridor and what was "blighted." Jesse Fowler stated that the Study area was larger than the specific project designated for redevelopment and at this point the historic hospital is the only focus for redevelopment. Ms. Teague added that from the staff's perspective, the hospital and the lot across the street that is the County Annex Building, are properties that are blighted, but that the study planning area covers the entire corridor in order to keep options open, create discussion and possibly new opportunities for consideration of other properties. Board agreed that the County hospital and annex building were of conditions that could be considered blighted and were an appropriate focus area for redevelopment.

***A motion was made by Board Member Anthony Sutton, seconded by Board Member Bob Herrmann, to accept the resolution with the amendment to the map to include the area bounded by North Main Neighborhood Center district, Raccoon Creek Neighborhood Center district, Raccoon Creek Neighborhood Residential mixed use overlay district, parcel, 8615-89-6707, 8615-89-8722, and the section of Old Asheville Highway between parcels 8615-89-5430 and 8615-99-3652 as an area for continued study. The motion passed unanimously.***

## **2. Work Session to the Land Development Standards, Section 4.4 Related to Building Height**

Ms. Teague presented to the Board the staff report and a draft of a longer amended ordinance to section 4.4.1. She stated that the purpose of the text amendment is to eliminate confusion on how the town measures building height.

There was discussion between the planning board members and staff regarding what is a habitable story versus what is uninhabitable and how this can be molded and defined into numerous situations. Board Member Jason Rogers stated that he felt there should be a maximum building height in addition to the regulations about the number of stories. He also felt that the ordinance should eliminate the need to define habitable/uninhabitable in an attic/roof space. Chairman McDowell stated that he liked the maximum height number of 60 feet with three stories and that he felt this was an accommodating measurement to apartments with pitched roofs. Board Member Rogers described as an example a three story with a maximum to the peak of the roof with "x" out of Chapter 2 with a height requirement. Ms. Teague talked about adding this height direction from the Board into the Dimensional Requirements Table, Chapter 2.

There was much discussion about overall building height. Ms. Teague advised that staff could do some neighborhood based studies of average heights. It was stated that on average, residentially, a story is approximately 10 feet, giving an estimate maximum height of 35-40 feet. Ms. Teague



advised that in the mixed-use and commercial districts the maximum height would need to be higher.

Architect Odell Thompson was consulted by staff and advised the Planning Board that referring back to Chapter 5 will come in handy during times of questions or confusion. He also stated that Building Code will take precedence, if there is an issue that overlaps.

Mr. Thompson said that in architecture the median point on a pitched roof was used to determine height. The Board discussed the height being measured to the median point of the roof or to the peak of the roof. After much discussion the Planning Board agreed that there should be a maximum stories set, depending on neighborhood district, and a total height requirement, starting with the measurement at the highest adjacent grade with the primary façade to the peak of the roof.

Ms. Teague asked if the board felt there was a need to create a second ordinance for commercial buildings with larger roofs. Chairman McDowell advised that these roofs and buildings will fit within this ordinance ok.

There was a discussion of the current ordinance's allowance of 6' at the front of a structure. Mr. McDowell explained that the proposed ordinance reduces this to four foot but creates an allowance for buildings in the floodplain. There was additional discussion regarding average grade of primary frontage versus highest adjacent grade within the floodplain. Ms. Teague confirmed that the floodplain ordinance is one foot above base flood level. She added that in some areas such as Hazelwood the base flood level could be over 4'. She reminded the Board for reference of the public bathroom recently constructed in the new parking lot in Hazelwood which had to be one foot above the projected flood level for that area. She asked that if there should be an allowance for structures in the floodplain since the first floor would have to be elevated. The Board agreed that the maximum residential height even in the floodplain would be around 42-45 feet, but that a maximum height should still be applied within the floodplain.

There was further discussion regarding scale of buildings. Mr. Thompson pointed out that even now, in the current ordinance, there could be a three story structure nearby a single story structure. There was agreement to keep scale differentiating by districts and neighborhoods which will be done in the Chapter 2 Table of Dimensional standards. Mr. Thompson said that he appreciated the Planning Board's efforts to understand some of the challenges and to care about how things look. He added that he was happy to be asked to be part of the discussion and wanted to encourage the planning board in their efforts.

Ms. Teague added that staff would use the Planning Board's comments to revise the draft and bring it back for further consideration at the hearing on January 7.

**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 Bob Herrmann to adjourn the meeting at 7:24 p.m. The motion passed unanimously.***

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Chelle Baker, Administrative Assistant

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Patrick McDowell, Chairman

DRAFT

## Planning Board Staff Report

Subject: Text Amendment to the Land Development Standards (LDS) regarding the measurement of building height.  
 Ordinance Section: 4.4  
 Applicant: The Planning Department  
 Meeting Date: January 7, 2019

### Background:

At the Planning Board's direction, staff is bringing forward recommendations for a text amendment for the purpose of eliminating confusion in how the Town measures building height. The Board and staff identified several issues related to interpreting the ordinance at the last two meetings and has made several recommendations to change the ordinance. Staff consulted with architect Odell Thompson who also attended the last Planning Board meeting, current and past ordinances, building codes and "as-built" precedent around Town. The goal of this revision is to:

- 1) maintain a certain scale within zoning districts, not changing the table of dimensional standards by district (Table 2.4), and limiting overall building height;
- 2) work with the Town's topography to measure from the highest adjacent grade;
- 3) accommodate both commercial and residential styles of structures, and clarifying interpretation on pitched versus flat-roofed structures;
- 4) give architects and designers some leeway in designing to the guidelines and the context without being too proscriptive.

### Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, one of the stated actions is to "Revise the Zoning Ordinance, other development ordinances and the zoning map to reflect the Land Use Map and concepts contained in the plan." (4-2). Additionally there is an objective to "Work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area." (4-5).

Clarifying the way in which the Town measures building height will re-inforce the goal of keeping new construction within the scale and dimensional requirements of the designated zoning districts.

### Recommended Text Amendment

Staff recommends the Planning Board review the attached text to replace LDS Section 4.4. The current version is also attached for reference along with the Consistency Worksheet. Staff seeks the Planning Board's additional edits and possible recommendation for approval.



Part I: Replacement of Section 4.4 of the Land Development Standards, with the following text and illustrations (*edits on the proposed ordinance from the last meeting are in red italics*):

## 1.4 - Measurement of Building Height.

### 4.4.1 Applicability

Building heights shall be specified in Section 2.4, Dimensional Standards by District and use “stories” as the standard unless otherwise regulated in Chapter 5 Building and Development Design. Where a specific dimension is used in the calculation of maximum height for certain types of buildings in Chapter 5, the height shall be measured from the highest adjacent grade to the highest point of the structure **or** at the structure’s “primary façade.” Wherever one Section of the Town’s Land Development Standards may differ from another, the more restrictive ordinance shall apply. All structures are subject to regulations under the North Carolina State Building Codes in addition to this Section.

### 4.4.2 Measurement of Building Height *by Story*

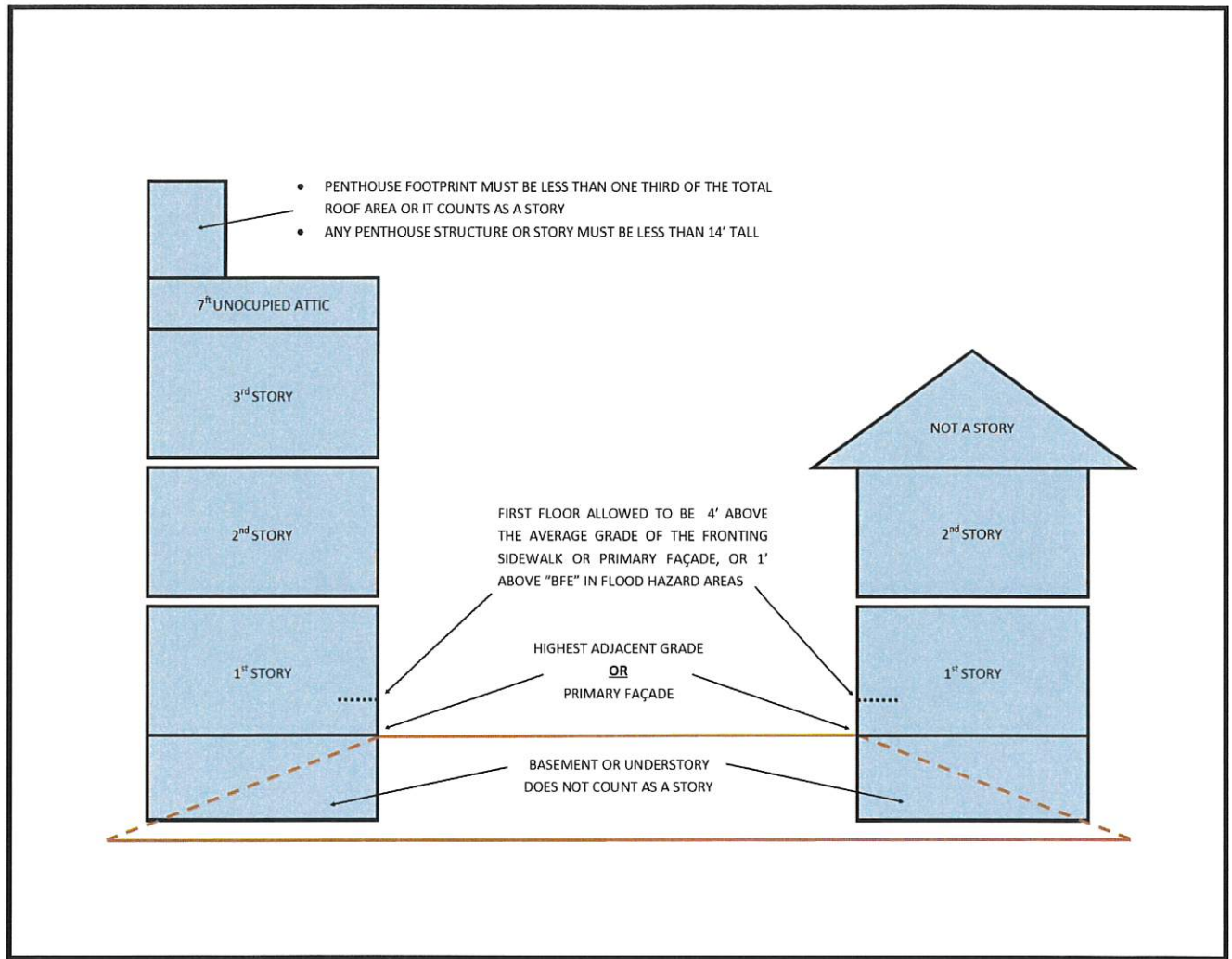
*All structures within residential districts (RL, RM, NR, and UR), including mixed-use overlays (?) shall have a maximum height of 60’ from the highest adjacent grade to the top of a flat roof or the peak of a sloped roof regardless of floodplain elevation and inclusive of the number of stories allowed in Section 2.4.1 Table of Dimensional Standards by Residential District.*

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished floor, *not including space above the eaves and within the slope structure of a pitched roof.* The number of stories is measured from the highest adjacent grade **or** at the structure’s “primary façade.” The primary façade is that side of the building that is considered the front of the structure architecturally, and that contains the primary entrance or front door.

For buildings with flat roofs, unoccupied attics or building caps less than 7 feet in height are not considered stories for the purposes of determining building height. A penthouse on top of a flat roof shall be considered as a story only if it is equal to or exceeds one-third of the total roof area. *A penthouse structure that is less than one-third of the total roof area must be less than 14’ in height.*

For buildings with pitched roofs, *uninhabitable lofts*, attic space or cathedral ceilings within the slope of the roof structure, with or without dormers or vents, are not considered stories. *for the purposes of determining building height. Habitable space within the pitched-roof structure with dormers are considered stories.*

For either pitched or flat roofed structures, the first floor may be up to 4’ above the average grade of the fronting sidewalk or primary facade, or be one foot (1’) above base flood elevation for the lot if within a special flood hazard area. Basements or under-stories below the highest adjacent grade or facing away from the structure’s primary façade, do not count as stories for the measurement of building height.



#### 4.4.3 Items Not Included in Height Calculations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Chapter 3 Supplemental Standards related to communication towers and wireless communication facilities.

*Part 2: add footnote to Table 2.4.1 of Dimensional Standards by Residential District stating: a maximum of 60' in Building Height from highest adjacent grade to highest point on a roof.*

*Part 3: amend Chapter 17.4 Definitions to read:*

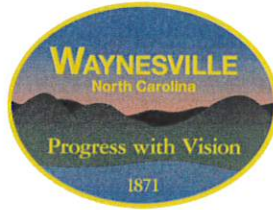
**Basement:** *The lowest level ~~or story~~ of a building which has its floor below the grade of the fronting window.*

**Recommended Motions**

1. To find that updates to LDS Section 4.4 are Consistent with the Comprehensive Plan and are reasonable and in the public interest (per identified findings; see worksheet)
2. To recommend to the Board of Aldermen adopt changes to the Land Development Standards text as provided (or as amended).

**Attachments:**

1. Consistency Worksheet
2. Current Ordinance



To: Town of Waynesville Planning Board  
From: Elizabeth Teague, Planning Director  
Date: January 7, 2019  
Subject: Text Amendment Statement of Consistency  
Description: LDS Section 4.4 Building Height  
Address: Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

☐ The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The zoning amendment and **is reasonable and in the public interest** because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Planning Board Member \_\_\_\_\_, made a motion, seconded by \_\_\_\_\_

The motion passed \_\_\_\_\_. (*unanimously or vote results here*)

\_\_\_\_\_  
Patrick McDowell, Planning Board Chair, Date

\_\_\_\_\_  
Michelle Baker, Clerk, Date

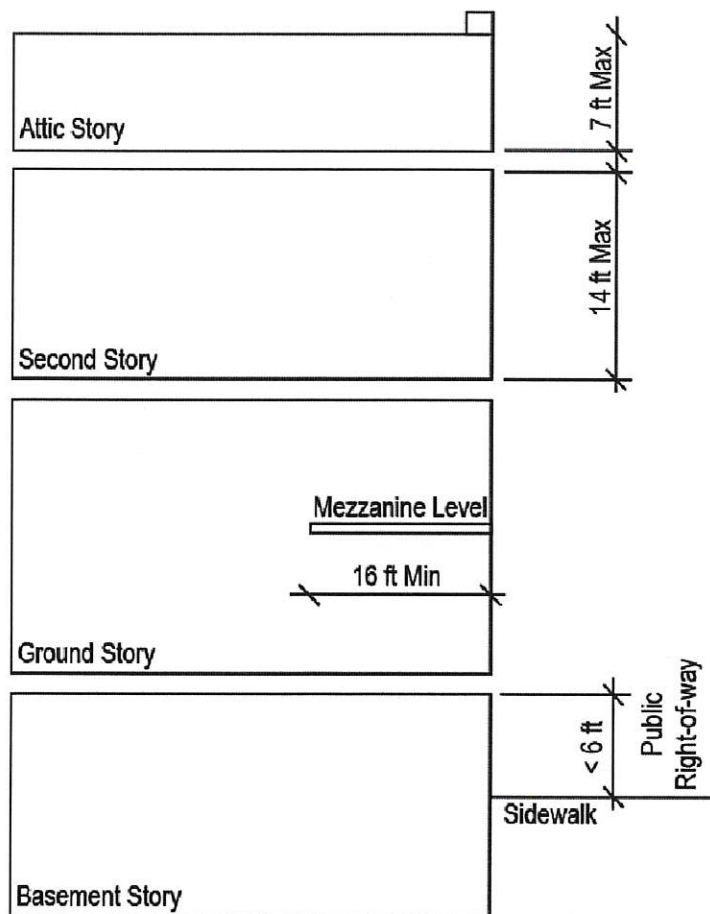


#### 4.4 - Measurement of Height.

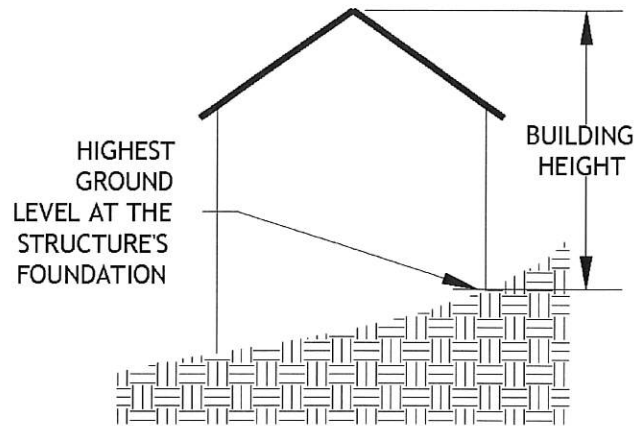
Building heights shall be as specified in [Section 2.4](#) and shall be determined according to the provisions below.

##### 4.4.1 Story.

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Unoccupied attics less than 7 feet in height and raised basements less than 6 feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60% of the building's front façade, is designed to be occupiable, and maintains an average depth of at least 16 feet. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under-roof area with dormers does not count as a story.



#### 4.4.2 Dimensional Height Standards.



Where a specific dimension is used in the calculation of height it shall be measured from the highest ground level at the structure foundation to the highest point of the structure excluding chimneys and antennas.

#### 4.4.3 Items Not Included in Height Calculations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns).