



TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Development Services
Director
Elizabeth Teague

Planning Board Members
Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
R. Michael Blackburn
Tommy Thomas
Barbara Thomas
Peggy Hannah
Jan Grossman
John Baus

Regular Meeting of the Planning Board

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, March 20, 2023, 5:30 PM

A. CALL TO ORDER

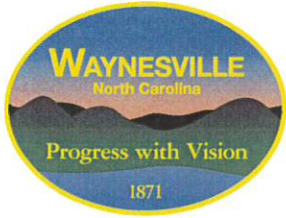
1. Welcome/Calendar/Announcements
2. Approval of Minutes as presented (or amended):
 - December 19th, 2023 Regular Meeting
 - February 20, 2023 Regular Meeting

B. BUSINESS

1. Discussion on development of possible Short Term Rental regulations.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



TOWN OF WAYNESVILLE Planning Board

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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Called Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
Monday December 19th, 2022

THE WAYNESVILLE PLANNING BOARD held a Regular Called Meeting December 19th, 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)
Stuart Bass
Peggy Hannah
Jan Grossman
Barbara Thomas
Tommy Thomas
Michael Blackburn
John Baus

The following members were absent:

Ginger Hain (Vice Chairman)

The following staff members were present:

Byron Hickox, Land Use Administrator
Esther Coulter, Administrative Assistant
Candace Poolton, Town Clerk

Chairman Susan Smith called the meeting to order at 5:31pm and reminded everyone that a Special Called Meeting will be held on January 9th, 5:30pm in the Town Hall Board Room because Town offices will be closed on January 16th due to MLK Day. Chairman Smith also announced that the Town has a new Town Clerk, Candace Poolton.

2. Adoption of Minutes

The October 17th Meeting Minutes are still pending.

A motion was made by Board Member Michael Blackburn, seconded by Board Member Peggy Hannah to approve the November 7th, 2022, Special Called Planning Board meeting minutes as presented or amended. Chairman Susan Smith and Board Member Barbara Thomas abstained from voting because they were not in attendance of the meeting. The motion passed unanimously.

A motion was made by Board Member Barbara Thomas, seconded by Board Member Jan Grossman to approve the November 21st, 2022, Planning Board meeting minutes as presented or amended. The motion passed unanimously

B. BUSINESS

1. Map Amendment (rezoning) request for property 465 Boyd Avenue (PIN 8605-96-8882) from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay (H-UR-MX) District.

Chairman Susan Smith moved to open the Public Hearing at 5:39pm.

Applicant Aaron Crawford was absent, so Chairman Susan Smith suggested the Board continues this business during the January 9th, 2023, Special Called Meeting.

Chairman Susan Smith moved to close the Public Hearing at 5:42pm.

A motion was made by Board Member Barbara Thomas, seconded by Board Member Peggy Hannah, to continue this application to the Special Called Meeting on January 9th, 2023. The motion passed unanimously.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

None.

D. ADJOURN

A motion was made by Board Member Barbara Thomas, seconded by Board Member Peggy Hannah to adjourn the meeting at 5:43pm. The motion carried unanimously.

Susan Smith, Chairman

Esther Coulter, Administrative Assistant



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Scheduled Meeting

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

Monday February 20th, 2023, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Regular Scheduled Meeting February 20th, 2023, 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)
Ginger Hain (Vice Chairman)
John Baus
Stuart Bass
Michael Blackburn
Jan Grossman
Barbara Thomas
Tommy Thomas

The following board member was at the meeting but sat in the audience: Peggy Hannah

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Land Use Administrator
Esther Coulter, Administrative Assistant

Planning Board Attorney, Ron Sneed was present

The following applicant representatives were present:

Kris Boyd, Assistant Haywood County Manager
Frank Queen, Haywood County Attorney

Thomas Manino, P.E., McGill and Associates
Jason Mosely, Architect

Chairman Susan Smith called the meeting to order at 5:32pm and welcomed everyone and asked staff if there were any announcements. Ms. Teague introduced Olga Grooman, Land Use Administrator, to present an update on the Railroad Corridor Sub-committee.

Ms. Grooman stated that the group took a tour along the railroad corridor of Waynesville, including the industrial park, Frog Level and Hazelwood areas. The Committee discussed potential opportunities for new development or redevelopment, and the need to make sure uses are compatible. Ms. Grooman stated that maps, reports, and future meeting information could be found on the Town website under the Development Services page, with a link in the left-hand column entitled, "Special Projects."

Chairman Susan Smith asked for review and approval of the January 9 and January 30, 2023 minutes. There was discussion regarding minor corrections and an amendment was added.

A motion was made by Vice Chairman Ginger Hain, seconded by Board Member Barbara Thomas, to approve the presented minutes with corrections and added amendment. The motion passes unanimously.

Chairman Susan Smith read through the procedures for the Public Hearing. Attorney Ron Sneed advised Chairman Smith, Planning Board Members, and the public that the proceeding is an Administrative Hearing.

Chairman Susan Smith opened the Public Hearing at 5:46pm.

B. BUSINESS

1. Public Hearing on to consider a major site plan review for the expansion of the Haywood County Multi-Use Facility and Detention Center at 1620 Brown Avenue, Waynesville, NC 28786 (PIN 8605-70-8724).

Land Use Administrator, Olga Grooman exhibited the site plan and explained the plan to demolish existing buildings and rebuild a new facility that will connect to the existing sheriff's department. She explained the location and improvements to the stormwater area, parking lots, the addition of ADA parking and sidewalks. Ms. Grooman stated that the property's current uses include: the Magistrate, 911 call center, sheriff's detention facility, administrative offices, the building in front of Sheriff's department is the EMS facility, recycling convenience center, County maintenance facilities, storage, impound lot, personnel, and public parking. She stated that this multi-use complex meets the definition of "Government services" under the Waynesville Land Development Standards, and read the definition from the ordinance.

Ms. Grooman informed the Planning Board that per LDS 15.8.2, Site Plan/Design Review (Major) is an administrative procedure since the adoption of 160D-related text amendments. The Planning Board must find that the plan is consistent with the adopted plans and policies of the Town; the

plan complies with applicable ordinance requirements; and that the plan has infrastructure as required by the ordinance to support the plan as proposed. Ms. Grooman demonstrated in the exhibits that the applicant provided the environmental survey with natural resources inventory, existing conditions, demolition plans, landscape plan, utility plan, stormwater plan, and building elevations. She explained that the applicants met with Town staff for review of plans with public safety, zoning, building inspections, and public services prior to submitting an updated set of plans on January 20, 2023. Staff gave a notice of the zoning decision that the property was “government services ” by posting the property at four locations and on the Town Hall’s bulletin board on January 6, 2023. Afterwards, public notices of this hearing were posted on the property (1/30/23), mailed out to adjacent property owners (1/30/23), and published in the newspaper (1/29/23 and 2/5/23). Susan Smith, noted that the matter of the zoning declaration is done and is not before the Board tonight.

Ms. Grooman continued to present the staff report. She indicated that the applicant would be subdividing the property as shown on exhibit, and the site plan review was based on the proposed subdivision line. Ms. Grooman noted that this is typical at this phase of development. For example, Publix, Preservation Way, and Allison Acres were reviewed for compliance based on the proposed property lines, before the new property lines were established. Barbara Thomas clarified that the County would still own everything even after the subdivision, which Ms. Grooman confirmed as correct. Ms. Grooman described adjacent land-use, and the boundary with the railroad. She explained that the neighbors along Hemlock Street expressed concerns about security issues around the current site, and that the County staff met with the neighborhood resident Peggy Hannah on January 17, 2023 to discuss any site improvements with sensitivity to the neighborhood.

She stated that the County had owned and operated this site, including the jail, going back to when the property was a part of the town of Hazelwood. The expansion of the detention portion of the facility was necessary to meet the requirements of the State and allow the County to efficiently continue the use this property to carry out its law enforcement and judicial functions.

Ms. Grooman explained that the property was designated as community facilities and mixed-use facilities on the Future Land Use Map of the Town’s 2035 Comprehensive Plan. The property is zoned Hyatt Creek Regional Center District and government uses are permitted outright in this district. The project meets the goal of the Comprehensive Plan for in-fill development by re-using the existing site and upgrading the facilities. The purpose of the Hyatt Creek Regional Center District is to serve the region and its citizen to accommodate those living in this area. Mixed uses are encouraged there. Therefore, the proposed site plan is consistent with the Comprehensive Plan and the underlying zoning.

Ms. Grooman then went through the details of the plan for its compliance with the LDS standards. The setbacks are compliant. She showed the elevation and pointed out that it is 27’ high and is compliant with building height. After the subdivision, the only property frontage will be Vigoro Lane. The proposed plan will re-use existing driveways off Brown Avenue and Hemlock Street as they are now, and it was approved by fire and building code officials. The design of the building is compliant with the requirements of the State which are stricter than the Town’s and thus supersede the Town’s design guidelines. The plan includes interior sidewalk connections. Because the proposed expansion is at the interior of the lot, it will not have street frontage for sidewalks.

Ms. Grooman stated that the project has existing sewer on site and referred to the documentation provided by Public Services showing adequate water and sewer availability. She noted that the subdivided lot will not have a buffer requirement. However, there are interior landscaping requirements for the parking lots, and the plan is compliant. In addition to new 25 parking spots, there are shared parking spots throughout the property. The proposed ADA parking and bike racks are in compliance.

Ms. Grooman showed a picture of the current condition of the stormwater pond and indicated that improvements would clean up the area and mitigate stormwater runoff. She reviewed other environmental features and noted that existing trees on the western side of the property would not be touched.

Ms. Grooman then summarized that staff recommends approval and the following findings of fact:

1. Proposed plan is consistent with Comprehensive Land Use Plan, goals # 1 to support smart growth principles
2. The site plan complies with all applicable requirements of the Town's Land Development Standards as specified above
3. There is adequate water and sewer to serve the project.

She noted that Peggy Hannah has filed an appeal related to the zoning decision that the use of the property is government services. The Zoning Board of Adjustment will hear that case on March 7, 2023, and approval of the site plan will be contingent on the Zoning Board's decision.

Susan Smith asked if anyone had questions for staff. Jan Grossman asked if the building was just being built as a jail. Ms. Grooman responded that the new portion will be mostly for detention but will be connected to the larger building which also includes the Sheriff's department, 911 center and Magistrates office.

Mr. Baus stated his concerns that the project is a correctional facility and not government services. Mr. Sneed noted that this question has been heard and will be taken up by the Zoning Board of Adjustment. Mr. Baus stated that he did not like how this was being handled and that under the category of institutional uses, a correctional facility is not allowed in this district. There was further discussion among the Board and Ron Sneed. Chairman Susan Smith stated that the guidance from the legal counsel was important, and the purpose of the hearing was to approve or deny the Major Site Plan and if the underlying issue is that someone has appealed because they believe it is zoned inappropriately, then it is for the Zoning Board of Adjustment to determine.

Thomas Mannino from McGill Associates stated that he prepared the site plan for the County and mentioned the architect was present if anyone had questions about the building. Mr. Mannino stated that the plan was to demolish existing buildings in order to construct a new detention facility. Mr. Mannino said that the property line and subdivision plan were for the County to be able to finance the improvements.

Mr. Mannino stated that the plan provides improvements and re-arrangement to the parking lots. He also said the pond was oversized to help with the stormwater to not impact the neighborhood.

The project will tie in to existing water and sewer which comes into the property. The building is designed to match the façade of the existing building. Mr. Mannino stated that they believe this project will be an improvement. Ms. Smith asked if anyone had questions for applicant.

Mr. Grossman asked if EV charging stations were being considered. Mr. Mannino indicated they were not.

Mr. Thomas asked if the stormwater outfall had been evaluated for its impact on the railroad and any concerns about undermining the tracks. Mr. Mannino indicated that they did not look at that specifically, but stormwater conveyed along the track and they analyzed the rates of discharge from the site onto the right-of-way.

Board Member Barbra Thomas asked if someone from the County could discuss the State requirements for detention facilities. She asked if there were other uses than a general judicial function. Assistant County Manager Chris Boyd came to the podium and explained that the court system had new requirements and that misdemeanors needed to be held locally and not held at state and federal facilities. With the changes of that requirement and with the growth of our existing population, the facility has reached its maximum capacity. The County must house them at other facilities at extreme cost. It's not only the cost per day, it's also medical expenses, travel cost, staff time to take inmates back and forth. Some inmates have gone as far as the coast. Our facility cannot handle the population that we have now. Michael Blackburn suggested that the Board pull back from the financial questions.

Board Member Tommy Thomas asked if the project has been reviewed and approved by the construction section of the North Carolina Division of Health and Human Services. Jason Hopkins with Moseley Architects answered that the primary reviewing authority for this project, in addition to the Town of Waynesville, Haywood County, are North Carolina Department of Health and Human Services which writes all the standards for county jails along with the North Carolina Department of Insurance. While these organizations do not expressly approve them until constructed, the teams have met and walked through the plans with them. Both reviewed the plans twice, made comments each time, and then they addressed the comments.

Ms. Smith asked if there was any public comment. There was none.

Vice Chairman Ginger Hain asked about the subdivision compared to the current subdivision and whether it needed to be a part of motion. Ms. Smith consulted the Board attorney. Mr. Sneed answered yes to including it into the motion due to the requirement to subdivide for financial reasons. This Board can look at it and determine that it is a true subdivision and as a site plan. Ms. Smith noted that we have done this type of approval before. Mr. Sneed confirmed that staff can approve the actual subdivision administratively.

Mr. Baus asked about buffering and sidewalks. Board and staff discussed if additional sidewalks or other regulations were required and if the entire property was considered a part of the site plan, not just the portion that included improvements. Ms. Teague noted that staff struggled with what we would have to require if we looked at the site in its entirety, and not just the proposed area of subdivision where the new building was going in. Initially, staff believed that sidewalk and

additional buffering would be required along Hemlock Street. However, staff also realized closer to the meeting that we would also have to take into consideration the site's pre-existing nonconformities. In nonconformity regulations, sites have to come up to current standards when there is an expansion of over 50%; if we took into consideration the entire site, the proposed changes would be well below 50%, and therefore we wouldn't be able to require the entire site to come up to full compliance. Ms. Teague added that from a practical matter, there also is not room to construct a sidewalk along Hemlock until existing buildings are moved. Ms. Teague continued by saying that the Town looks for any opportunity to install sidewalks with all new development, but this site is tricky because it has been here for so long, and the piece the applicant is adding to is away from the road and by itself does not meet that 50% rule to force the full property into compliance. Mr. Grossman asked if staff was changing their view from the staff report. Ms. Teague stated that she would argue that whether you looked at the site plan within the entire lot or just within the proposed subdivision, that the Town couldn't require sidewalks or buffer along Hemlock because of the existing non-conformity rules.

Chairman Susan Smith Closed the hearing at 6:40 and asked if there was additional discussion. Mr. Grossman noted that it sounds like whether we look at as one whole property or just the subdivision, then we couldn't require sidewalks.

A motion was made by Vice Chairman Ginger Hain, seconded by Board Member Michael Blackburn, to approve the Major Site Plan as presented because 1) it's consistent with 2035 Comprehensive Land Use Plan and meets the goal to promotes smart use principles in land use planning and zoning, 2) it complies with all applicable requirements as detailed in staff report, and 3) it has infrastructure as required by the ordinance to support the plan.

There was additional discussion about contingency of the decision on the outcome of the Board of Adjustment, and Mr. Sneed confirmed that as noted in the record.

The motion passed 7 to 1.

C. ADJOURN

A motion was made by Board Member Michael Blackburn, seconded by Board Member Stuart Bass to adjourn the meeting at 6:53pm. The motion carried unanimously.

Susan Smith, Chairman

Esther Coulter Administrative Assistant

Town of Waynesville Planning Board Staff Report

Subject: Discussion concerning the status of short-term vacation rentals in the Town of Waynesville

Ordinance Section: 2.5. Permitted Uses; 3.3 Supplemental Standards; 17.3 Definitions
Staff initiated Discussion

Meeting Date: March 20, 2023

Background

The Planning Board discussed Short Term Rentals at their October 21, 2019 Meeting, but determined not to pursue any regulation at that time. This past summer, the North Carolina court took up the case of Schroeder vs. the City of Wilmington which created judicial parameters for how local governments could regulate "STRs." As online platforms like VRBO and AirBandB have become popular, the Planning Board asked staff to look at it again this year as a study item.

A search during the week of March 14, 2023, of the VRBO App in Waynesville, NC for 2 adults and without specified dates, brings up 500 listings. A similar search of AirBandB, brings up over 1,000 listings. Many property owners rely on short term rentals for income. However, STRs may not be desirable in some neighborhoods, and they may have negative impacts (parking, noise, trash) if not managed well. There is also thought that STRs contribute to the lack of affordability in housing, as home-buyers of the workforce now have to compete with STR investment interests on the real estate market.

Currently the Town of Waynesville does not have a regulatory policy concerning short-term vacation rentals. Short term rentals are mentioned in section 2.5 of the Land Development Standards but are referred to in the context of traditional lodging, such as inn, bed and breakfasts, boarding houses, and hotel/motels, rather than the context of today's online short-term vacation rental platforms:

2.5 - Use Categories and Interpretation of Uses. modified

2.5.1 Use Categories.

All uses permitted in this Ordinance have been divided into nine general categories and are generally defined as follows:

- A. **Residential:** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
- B. **Lodging:** Premises available for short-term human habitation, including daily and weekly rental.

Staff asked Ron Sneed to help us with a possible draft ordinance as a place to start the discussion. In looking at this topic, we should ask:

- Is there reason to regulate STRs or to limit them in certain areas of Town?
- If so, what is the problem we are trying to solve?
- How would we want to regulate them?

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS
TO DEFINE AND REGULATE HOMESTAYS AND SHORT TERM VACATION RENTALS

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and amend such regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville Planning Board reviewed the proposed text amendments to the Land Development Standards (LDS) designed to define and regulate the use of residential properties as short term vacation rentals and recommends that the proposed ordinance and text amendments be found consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support the following goals as set out in the Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use in planning, particularly to reinforce the unique character of Waynesville by preserving the character of neighborhoods.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen find this Ordinance is consistent with the Town's 2035 Comprehensive Plan as stated above and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with the North Carolina General Statutes" that will help achieve such goals; and

WHEREAS, after notice duly given, a public hearing was held on _____, 2023, at the regularly scheduled meeting of the Waynesville Planning Board, and on _____, 2023, at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____, 2023, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows:

Section 17.4 Definitions, General, is hereby amended to add the following definitions:

Homestay: Homestay means a lodging use that occurs within a resident-occupied single-family dwelling wherein up to two guest rooms in the home is rented to transients for compensation for a period of less than one month, and where the use is incidental and subordinate to the primary

residential use of the property and no meals or other services are provided by the owner or host. A homestay may or may not have a separate kitchen, bathroom and/or entrance.

Bed and Breakfast Inn: Bed and breakfast inn means a private resident-occupied dwelling unit with five to eight guest rooms where overnight lodging accommodations, with or without a morning meal, are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

Lodging: Lodging means a land use that includes the renting of room(s) for transient stays. A single family dwelling, or any portion thereof, rented or leased for intervals of less than one month is considered a "lodging" use.

Short Term Vacation Rental: Short-term vacation rental means a dwelling unit with up to four guest rooms that is used for transient occupancy for a period of less than one month. A short-term vacation rental is considered a "Lodging".

Section 2-5-3 Table of Permitted Uses is amended as follows:

Homestay is hereby added as a use, and the table is amended to show that homestays are allowed in the _____, _____, etc., districts, and to show that homestays are allowed as a special use in the _____, _____, etc., districts.

Short term vacation rental is hereby added as a use, and the table is amended to show that short term vacation rentals are allowed in the _____, _____, etc., districts, and to show that short term vacation rentals are allowed as a special use in the _____, _____, etc., districts.

Section 3.3.4 is added to the Land Development Standards, to read as follows:

3.3.4 Homestays

A. There must be adequate off street parking for homestay guests in addition to the spaces required for the property's use as a residence, unless such homestay is in a neighborhood or on a street where the primary parking is streetside or if shared or rented parking on private property or at a public or private parkin deck or lot is available and used.

B. The permanent and primary resident in the home used as a homestay must reside in the home and be present or readily available at all times the residence is in use as a homestay.

Section 3.3.5 is added to the Land Development Standards, to read as follows:

3.3.5 Short Term Vacation Rentals

A. Parking

1. A minimum of one off-street parking space of an all-weather surface per bedroom shall be required.
2. If off-street parking is not available on-site, shared parking or rented parking spaces in a private or public parking deck or lot may be used to satisfy the parking requirement.

B. Property owner responsibilities: Any property owner operating a whole-house lodging, as well as any host, shall:

1. Be responsible for ensuring compliance with all federal, state, and local laws, including but not limited to, tax code, North Carolina State Building Code, fire code and environmental health regulations for the level of occupancy of the lodging
2. Not allow any party, event, classes, weddings, receptions or other large gatherings on the premises
3. Keep in full force and effect during all times the unit is used as a lodging commercial general liability insurance with a total limit of not less than \$500,000.00 for each occurrence for bodily injury and property damage.
4. Prohibit and ensure that owners or hosts do not prepare and serve food for the guests and do not allow cooking in any individual bedrooms.
5. Ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day(s) and the carts or cans are removed from the street or alley on the scheduled collection day.
6. Post in a conspicuous location inside each lodging unit a notice setting forth the following information:
 - a. The name and telephone number of the operator.
 - b. The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
 - c. The non-emergency phone number of the Town of Waynesville Police Department
 - d. That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.

C. Special Use Permits - where required, the Owner must

1. Meet the requirements of Section 3.1.3

2.-----

3.-----

ADOPTED this ____ day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton , Town Clerk

APPROVED AS TO FORM

Martha Bradley, Town Attorney